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NATIONALE
DU QUÉBEC**

**Journaux du Conseil législatif de la
Province de Québec
1775-1791**

Sous la direction de Christian Blais

Bibliothèque de l'Assemblée nationale du Québec

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**Journaux du Conseil législatif de la
Province de Québec
1775-1791**

INTRODUCTION HISTORIQUE

Je puise mais n'épuise

La devise de la Bibliothèque de
l'Assemblée nationale du Québec

La retranscription des Journaux du Conseil législatif de la Province de Québec (1775-1791) fait suite à celle des procès-verbaux du Conseil de Québec (1764-1775). L'importance de ce corpus réside dans le fait qu'il couvre une période historique charnière, allant de l'entrée en vigueur de l'Acte de Québec de 1774 jusqu'à l'Acte constitutionnel de 1791. S'y trouve notamment la source de plusieurs pratiques parlementaires qui, en 1792, seront transposées au Parlement du Bas-Canada¹.

Cette publication de la Bibliothèque de l'Assemblée nationale s'inscrit en complémentarité avec la parution – naguère « sous les auspices de la Législature de Québec » – d'une série d'archives liées à l'histoire politique du Régime français. Il y eut entre autres l'édition, de 1885 à 1891, des six volumes des *Jugements et délibérations du Conseil souverain de la Nouvelle-France* de 1663 à 1716. Après quoi, l'archiviste Pierre-Georges Roy réalise, de 1932 à 1935, l'*Inventaire des jugements et délibérations du Conseil supérieur de la Nouvelle-France* de 1717 à 1760. Quant au Régime militaire britannique, la bibliothèque de l'Université de Montréal met en ligne le *Journal de Murray* en 2008; relatif au gouvernement de Québec de 1759 à 1764, ce document avait été retranscrit par Nathalie Villeneuve de Bibliothèque et Archives Canada².

Pour l'époque située entre 1764 et 1791, la plupart des documents administratifs consignés par les autorités coloniales sont longtemps demeurés sous forme manuscrite³. Puis, à compter de 1792, les Journaux du Parlement du Bas-Canada, de l'Union, du Québec et du Canada sont imprimés⁴.

¹ Christian Blais, *Aux sources du parlementarisme dans la Province de Québec, 1764-1791*, Québec, Université Laval (Ph. D. histoire), 2019.

² Université de Montréal, les bibliothèques, « Textes réglementaires du gouvernement Murray », Dans Calypso : collections d'objets numériques : images, audio, vidéo, etc. », [\[https://calypso.bib.umontreal.ca/digital/collection/murray\]](https://calypso.bib.umontreal.ca/digital/collection/murray). Consulté le 14 juillet 2022.

³ Les ordonnances de la période 1764-1791 sont d'abord imprimées dans la *Gazette de Québec*. Un recueil est ensuite mis en forme par les archives canadiennes : Ordonnances édictées pour la province de Québec par le Gouverneur et le Conseil de celle-ci, de 1764 à 1791 formant, suite aux ordonnances publiées dans l'appendice « E » du Rapport des Archives publiques du Canada pour 1913.

⁴ Seule la Chambre d'assemblée du Bas-Canada fait imprimer ses journaux dès la fin de la 1^{re} session de la 1^{re} Législature en 1793. Cette pratique n'est adoptée par la Chambre haute qu'à la suite de la 5^e session de la 7^e Législature en 1814. En 1802, les procès-verbaux du Conseil législatif de la 1^{re} Législature de 1792-1795 sont imprimés *in extenso* et, en 1821, une compilation rétrospective des principales matières des Journaux du Conseil législatif du Bas-Canada est imprimée de 1795-1813. *Journals of the Legislative Council of the province of Lower-Canada, beginning anno tricesimo tertio Georgii Tertii, 1792, first provincial Parliament*, Quebec, J. Neilson, 1802, 543 p.; *Extracts from the Journals of the Legislative Council of the province of*

Grâce à la publication des procès-verbaux du Conseil de Québec (1764-1775) et des Journaux du Conseil législatif (1775-1791), il sera dorénavant possible d'effectuer des recherches, de 1663 à nos jours, sans écarquiller les yeux sur des plumitifs. Surtout, la diffusion de ces archives a pour objet de favoriser l'éclosion de nouvelles études sur l'histoire politique de la Province de Québec. Dans une perspective inscrite dans la longue durée depuis la Conquête de la Nouvelle-France jusqu'à l'instauration d'un Parlement au Bas-Canada, ces sources vont participer à la mise en lumière des points de rupture et des éléments de continuité au sein des pratiques de gouvernance de la seconde moitié du XVIII^e siècle⁵.

Le corpus

Le Journals of the Legislative Council est conservée par Bibliothèque et Archives Canada⁶. Les trois cahiers du « Council Journals » du Conseil législatif (1775-1791) comptent 1178 pages.

Du 17 août 1775 au 30 avril 1791, les conseillers législatifs s'affairent à l'étude et à l'adoption des ordonnances. Durant ces quinze années, une séparation rigide des pouvoirs législatif et exécutif est, en théorie, instituée dans la colonie. Du moins, les Journaux du Conseil législatif de la Province de Québec et les minutes du Conseil exécutif sont enregistrés dans des registres distincts. Par comparaison, entre 1764 et 1775, les affaires législatives et exécutives se trouvent toutes deux dans les procès-verbaux du Conseil de Québec.

La copie originale de Journaux du Conseil législatif a été retrouvée à la fin des années 1910 « dans les bureaux du gouverneur général et transféré aux Archives publiques⁷ ». En 1920, un tapuscrit (qui comporte certaines erreurs et omissions involontaires) a été réalisé sous la supervision de l'archiviste Arthur Doughty, mais n'a jamais été publié par les archives nationales canadiennes. Les originaux ont également été microfilmés en 1951.

En 2006, la Bibliothèque de l'Assemblée nationale du Québec numérise ces microfilms, dans le cadre des recherches menées pour le livre *Québec : quatre siècles d'une capitale*. S'ensuit le projet d'éditer les Journaux du Conseil législatif. La politique éditoriale a été de retranscrire ce corpus en respectant la syntaxe et la mise en pages du manuscrit original.

Lower Canada, from the year 1795 to 1813 inclusive, printed by order of the Legislative Council of the 12th March, 1821, Quebec, J. Neilson, 1821, 191 p.

⁵ Ne manque plus qu'à retranscrire et à publier les minutes du Conseil exécutif de la Province de Québec de 1776 à 1791. Ce projet a été amorcé en 2017 par la Bibliothèque de l'Assemblée nationale.

⁶ Procès-verbaux du Conseil législatif de la Province de Québec, 1775-1791. Bibliothèque et archives nationales du Canada. Journals of the Legislative Council. Journal D, R10808-24-5-E, Journal E, R10808-25-7-E, Journal F, R10808-26-9-E.

⁷ Adam Shortt et Arthur G. Doughty (dir.), *Documents relatifs à l'histoire constitutionnelle du Canada, 1759-1791*, Ottawa, T. Mulvey, 1921, vol. 1, p. xii. Auparavant, les seules copies disponibles de ces procès-verbaux du Conseil se trouvaient dans la série « Q ». Il était indiqué dans les procès-verbaux qu'elles avaient été envoyées en Angleterre et préservées au *Public Record Office*.

Même les fautes d'orthographe et les ratures ont été reproduites. Seules les majuscules des noms propres ont été normalisées.

Mise en contexte : l'Acte de Québec de 1774

L'Acte à l'effet de pourvoir d'une façon plus efficace au gouvernement de la province de Québec dans l'Amérique du Nord est sanctionné à Londres le 22 juin 1774 (14 Geo. III, c. 88)⁸. Cette loi révoque les dispositions de la Proclamation royale de 1763 concernant la Province de Québec. Le roi et son conseil privé (la Couronne) perdent la prérogative d'organiser seuls l'administration de la colonie, sous la surveillance générale du Parlement⁹. Désormais, les trois branches du Parlement britannique (le Roi, la Chambre des lords et les Communes) constitueront, ensemble, l'autorité suprême pour moduler l'administration interne de la province.

Le gouverneur Guy Carleton figure parmi les principaux instigateurs de l'Acte de Québec. Le 1^{er} août 1770, il quitte Québec pour Londres afin de presser l'adoption d'une constitution qui « préserverait la bonne humeur et l'harmonie parfaite » dans la colonie¹⁰.

Si les affaires de la Province de Québec n'ont jamais constitué un sujet de première importance pour les hommes politiques britanniques, l'adoption de la Proclamation royale de 1763 a été suivie néanmoins de diverses études ministérielles quant au règlement définitif des affaires de la Province. Le gouvernement du premier ministre Grenville tendait déjà, en 1765, vers le règlement de ce dossier¹¹. Son successeur, le marquis de Rockingham, désirait également aller de l'avant avec un projet pour régulariser l'administration de la Province de Québec. D'ailleurs, un rapport similaire à ce que sera l'Acte de Québec sera déposé devant le Conseil privé de Londres le 13 mai 1766¹². Puis, jusqu'en 1770, Lord Hillsborough, le secrétaire d'État aux colonies, mène de nouvelles enquêtes sur la forme de gouvernement à donner à la Province de Québec. Cette même période correspond néanmoins à un changement de mentalité au cœur de la classe politique quant aux droits des catholiques au sein de l'Empire britannique.

En 1770, le gouvernement tory de Lord Frederick North prend les choses en main en vue de doter la Province de Québec d'une constitution qui permettrait d'obtenir le « ferme

⁸ François-Joseph Cugnet, secrétaire français du gouverneur et traducteur officiel, a traduit *Act for making more effectual provision for the government of the province of Quebec in North America* par « Acte qui règle plus solidement le Gouvernement de la province de Québec en l'Amérique septentrionale ».

⁹ Or, le *Declaratory Act* de 1766 prévoyait déjà que les colonies étaient subordonnées et en dépendaient « upon the Imperial Crown and Parliament of Great Britain ». Pierre Tousignant, *La genèse et l'avènement de la Constitution de 1791*, (Ph. D.) Université de Montréal, 1971, p. 183.

¹⁰ G. P. Browne, « [Carleton, Guy](#), 1^{er} baron Dorchester », dans *Dictionnaire biographique du Canada (DBC)*, vol. 5, Université Laval/University of Toronto, 2003.

¹¹ L'historien Philip Lawson cite à cet effet « A Memorandum of things necessary for establishing Laws and government in the province of Quebec either by Act of Parliament Order of the king in Council, or by the proposed council at Quebec », datant d'août 1765. Il se trouve dans le fonds d'archives du premier ministre Grenville. La citation se trouve à la page 70 de son ouvrage : Philip Lawson, *The Imperial Challenge Quebec and Britain in the Age of the American Revolution*, Montréal, McGill-Queen's University Press, 1969, 192 p.

¹² Peter Marshall, « The Incorporation of Quebec in the British Empire, 1763-1774 », dans V. B. Platt et D. C. Skaggs (dir.), *Of Mother Country and Plantations : Proceeding of the Twenty-seventh Conference in Early American History*, Bowling Green, Bowling Green State University Press, 1971, p. 52-57.

attachement » des Canadiens¹³. Faisant suite au lobby de Carleton, des recommandations concernant l'Acte de Québec sont mises en place à l'été 1773¹⁴.

Le solliciteur général Alexander Wedderburn rédige les premières ébauches de l'Acte de Québec en février 1774¹⁵. D'autres acteurs jouent un rôle clé dans l'élaboration du « bill » : le secrétaire d'État aux colonies Lord Dartmouth; le gouverneur Carleton; William Hey, juge en chef de la Province de Québec de 1766 à 1776; Lord Hillsborough, ancien secrétaire d'État aux colonies, et Lord Mansfield (*lord chief justice*), de même que le procureur général Edward Thurlow¹⁶. Au terme de quoi, la Chambre haute de Grande-Bretagne crée une chambre haute pour la Province de Québec.

Au Parlement de Westminster, la première lecture du bill est présentée par Lord Dartmouth à la Chambre des lords, le 2 mai 1774. Après quoi, le Bill de Québec est lu une seconde fois le 12 mai 1774. Les lords s'assemblent en comité plénier le lendemain. Le 16 mai 1774, les amendements apportés au projet de loi sont présentés par Lord Boston et lus par le greffier. Les amendements sont lus deux fois, puis le bill amendé est grossoyé.

Le projet de loi est lu une troisième fois le 17 mai 1774, après un débat sur motion pour le modifier de nouveau. Un amendement ayant pour objet de limiter l'Acte de Québec à une durée de sept ans est proposé, mais il n'est pas adopté. Le bill grossoyé est ensuite envoyé à la Chambre des communes.

Le 18 mai, le bill de Québec est lu une première fois aux Communes. Le principe du projet de loi est étudié en deuxième lecture le 26 mai. À cette étape de la procédure parlementaire britannique, il s'agit d'énoncer et de débattre du principe général du projet de loi. Parlant à titre de chef du gouvernement tory, Lord North indique clairement son intention d'établir une véritable législature :

The general purpose is undoubtedly to give a legislature to that country. It was very much, I believe, the desire of every person, if it were possible, to give it the best kind of legislature; but can a better legislature be given than that of a governor and council? The honourable gentleman dislikes the omitting the assembly; but the

¹³ P. Tousignant, *op. cit.*, note 9, p. 165.

¹⁴ P. Lawson, *op. cit.*, note 11, p. 124-125. L'historiographie a longtemps associé le fait qu'au lendemain du Boston Tea Party (décembre 1773), la conjoncture coloniale américaine rendait désormais la métropole plus favorable aux demandes des Canadiens quant à la conservation de leurs lois civiles et de leur religion. Cette assertion est nuancée par les recherches menées par l'historien Philip Lawson. Dès l'été 1773, soit avant les événements de Boston, les recommandations concernant l'Acte de Québec ont été mises en place, législation qui, précise Lawson, était en gestation depuis sept ans.

¹⁵ Ces versions préliminaires du projet de loi ont été reproduites dans A. Shortt (dir.), *op. cit.*, note 7, vol. 2, p. 518-550. Quant aux débats à la Chambre des communes relatifs à l'adoption de l'Acte de Québec, ils sont compilés dans Henry Cavendish, *Government of Canada: Debates of the House of Commons in the year 1774* [...], Londres, 1839, 324 p.

¹⁶ G. P. Browne, *op. cit.*, note 10. Selon cet auteur, le légiste de la Couronne James Marriott participe également à la rédaction du bill de Québec, mais Marriott affirme tout le contraire, le 3 juin, en comité législatif de la Chambre de communes à Londres. De même, certaines opinions de Francis Maseres, ex-procureur général de la Province de Québec de 1766 à 1769, ont été tenues en compte dans l'élaboration de la loi.

assembly cannot be granted, seeing that it must be composed of Canadian Roman Catholic subjects, otherwise it would be oppressive. [...]

Now, Sir, with regard to giving French law—if gentlemen will remember, the most material part of the criminal law is to be according to English law. The civil law of Canada certainly is to be the French law: but, Sir, I understand the establishing of these laws to be given as the basis upon which the governor and legislative council are to set out. [...]

If alteration in those laws and customs should be deemed necessary, there is a legislature established, which will be ready to make those alterations. [...] The present bill will give laws, the principal laws, from which the legislature ought to take their departure—criminal law, civil law, political law. That is the purpose of the bill. [...]

The question of duration is a question that will come on hereafter; it is not a proper one for the present moment. I own I shall not be for a limitation, and I shall be ready to submit my reasons; but if the committee should think proper to alter it, I must acquiesce, rather than leave the Canadians without any legislature at all. Better far to give them some legislature, than leave them for three or four years in their present situation¹⁷.

L'intention du législateur est on ne peut plus claire. Dans le discours du premier ministre, il apparaît que le principe du projet de loi à l'étude est de constituer un Conseil législatif doté du pouvoir de légiférer dans la Province de Québec. Tous les ministériels parleront ensuite à l'unisson.

Le procureur général Edward Thurlow, qui soutient avoir écrit chacune des lignes de cette mesure¹⁸, affirme aussi que le principe de la loi à l'étude est d'établir une véritable législature :

At present, it consists of a governor and council, with authority to make laws, which do not affect the life or limbs of any person; in which every law that has been thought necessary has been brought under a doubt, by the form in which the authority is conveyed ; for if they are enabled to make only such laws as do not affect the life or limbs of any person, what law does not come within one of those bounds? It is meant to give them a more active constitution¹⁹.

¹⁷ H. Cavendish, *op. cit.*, note 15, p. 10-13.

¹⁸ *Ibid.*, p. 24. Le solliciteur général Alexander Wedderburn rédige les premières ébauches de l'Acte de Québec en février 1774. D'autres acteurs jouent un rôle clé dans l'élaboration du bill : le secrétaire d'État aux colonies Lord Dartmouth; le gouverneur Carleton; William Hey, juge en chef de la Province de Québec de 1766 à 1776; Lord Hillsborough, ancien secrétaire d'État aux colonies, et Lord Mansfield (lord chief justice), de même que le procureur général Edward Thurlow. « Acte de Québec (1774) », *Encyclopédie du parlementarisme québécois*.

¹⁹ H. Cavendish, *op. cit.*, note 15, p. 37.

L'établissement, par une loi du Parlement de Westminster, d'une législature monocamérale dotée uniquement d'une chambre haute est une « expérience » sans précédent. Seul le Bengale avait été pourvu, par le Parlement de Londres en 1773, avec le *Regulating Act* piloté par Lord North, d'institutions civiles constituées d'un *Governor-General and Council*. Le gouverneur en conseil du Bengale obtenait ainsi des pouvoirs législatif, exécutif et judiciaire par une loi constitutionnelle. Par comparaison, dix ans auparavant, le Conseil de Québec avait obtenu pareils pouvoirs par le seul fait d'instructions royales²⁰.

Un autre ministériel se prononce sur le principe du projet de loi. Le solliciteur général Alexander Wedderburn – qui rédige les premières ébauches de l'Acte de Québec en février 1774 – admet que l'Empire britannique n'a jamais doté jusqu'ici une colonie royale d'une telle législature : « *Now, Sir, I consider this bill, in its nature, to be temporary. A bill of this kind cannot but be temporary, because it is a bill of experiment. [...] I consider, therefore, this bill essentially a temporary one; but I shall be against any clause to make it so*²¹. »

Toujours en deuxième lecture, des députés de l'opposition, dont Charles Fox, dénoncent les principes despotiques de cette constitution. En vain, l'opposition whig demande que soit donné un caractère temporaire à la nouvelle constitution. D'autres objections concernent la restauration des lois civiles françaises et l'absence de jugements par jury dans les causes civiles. L'opposition critique également l'absence de l'*habeas corpus*, mais c'est surtout la question de la religion catholique qui soulève les passions. Peu importe. La majorité parlementaire appuie le principe du bill de Québec. Le projet de loi est adopté en deuxième lecture par un vote de 105 contre 29²². Après division, il est envoyé en comité plénier.

Francis Maseres, Guy Carleton et William Hey sont convoqués à témoigner devant les députés. Le dépôt de documents (préparés par ces trois témoins) est demandé par des élus, mais la majorité parlementaire refuse de concourir à cette motion. La Chambre accepte toutefois le dépôt de deux documents produits par le *Board of Trade*. Ordre est également donné à l'avocat général James Marriott de se présenter au comité plénier. La Chambre siège ensuite en comité.

²⁰ Vincent T. Harlow, *The Founding of the Second British Empire 1763-1793*, vol. 2, p. 669; Elizabeth, Mancke, « Empire and State », *The British Atlantic World, 1500-1800*, Basingstoke, Palgrave Macmillan, 2002, p. 193.

²¹ H. Cavendish, *op. cit.*, note 15, p. 56-57.

²² Deux pétitions contre l'Acte de Québec sont étudiées à la Chambre des communes le 31 mai 1774.

Les 2 et 3 juin, en comité législatif, les députés entendent les opinions du gouverneur Carleton, de l'ex-procureur général Maseres²³, du juge en chef Hey²⁴, et de James Marriott, avocat général du roi. Aux témoins invités, on ajoute Michel Chartier de Lotbinière à titre de porte-parole des seigneurs canadiens²⁵.

Les témoins répondent à une multitude de questions relatives au bill de Québec. Chacun livre un avis personnel – et parfois divergent – sur l'État, la justice, la religion, le commerce et les Canadiens en général, de même que sur la meilleure forme d'administration à instaurer dans la Province de Québec. L'opposition souhaite également entendre l'opinion de l'ex-gouverneur James Murray, mais les ministériels n'y voient pas la nécessité : une motion convoquant Murray est d'ailleurs rejetée par un vote de 90 contre 36.

En comité plénier, les 6, 7, 8 et 10 juin 1774, les députés étudient le projet de loi article par article. Quelques articles sont amendés par Lord North, mais rien pour modifier les pouvoirs du Conseil législatif. Le 7 juin, il est en outre question de l'article 4 du bill de

²³ « En 1774, [Maseres] fut appelé à comparaître devant le comité de la Chambre des communes qui étudiait le projet de loi qui allait devenir l'Acte de Québec et, à titre de porte-parole des marchands de la colonie en Grande-Bretagne, s'opposa, mais en vain, à nombre des propositions judiciaires et constitutionnelles de Carleton. Toutefois, il précisa aux marchands qu'il ne voulait toujours faire pression ni pour l'assemblée élective qu'ils désiraient ni pour l'élimination immédiate de toutes les lois et coutumes françaises. Il les pressa d'appuyer, du moins pour le moment, la revendication portant sur un conseil législatif élargi, plus indépendant du gouverneur, mais qui ne serait pas encore doté du pouvoir d'imposition. Il semble assez certain qu'à compter de ce moment Maseres put limiter, dans une certaine mesure, les exigences des habitants britanniques. » Elizabeth Arthur, « [Maseres, Francis](#) », dans *DBC*, vol. 6.

²⁴ « Quand, dans la première semaine de juin 1774, et alors qu'elle étudiait le projet de loi qui allait devenir l'Acte de Québec, la Chambre des communes entendit des témoignages, Hey, à la suite de Carleton et de Maseres, comparut devant elle. Le leader du gouvernement, lord North, ayant refusé, aux critiques de l'opposition, des copies des rapports de ces messieurs sur les lois de la province de Québec, sous prétexte que ces documents étaient trop longs pour être reproduits, avait privé ses critiques d'utiles sources de renseignements. Aux questions de l'opposition, qui cherchait, en exagérant la situation, à faire voir à quel point les Canadiens avaient été privés des avantages de la constitution et de la loi anglaise, Hey apporta des réponses modérées et réservées. Il n'acceptait pas les affirmations selon lesquelles la majorité des Canadiens réclamait le jugement par jury et une chambre d'Assemblée. S'il croyait pouvoir, avec le temps, maîtriser le droit français, il ne pouvait néanmoins en être certain. Il croyait encore préférable de concilier les lois civiles anglaises et françaises – point sur lequel il s'était au début dissocié de Carleton – mais il admettait que ce plan paraissait moins réalisable qu'en 1769, les Canadiens étant devenus moins soumis. Ils conservaient encore, cependant, le respect de l'autorité hérité de l'ancien régime, se soumettant naturellement et parfaitement à la couronne, plutôt que de souhaiter avec impatience une chambre d'Assemblée ; c'était leur côté attachant, d'être "en général un peuple très empressé et obéissant". En revanche, ajoutait-il, c'était aussi "un peuple très ignorant – un peuple qui avait de forts préjugés". Peut-être parce qu'il avait exposé ces vues nuancées, Hey n'appuya ni n'attaqua le projet de loi, lequel, en ce qui concernait le système juridique, suivait essentiellement les recommandations faites par Carleton en 1769. » P. Marshall (coll.), « [Hey, William](#) », dans *DBC*, vol. 4.

²⁵ « Invité à exprimer ses idées devant le comité de la chambre des Communes chargé d'étudier l'Acte de Québec, il avait proposé la création d'une chambre d'Assemblée formée de tous les grands propriétaires terriens, nouveaux ou anciens sujets, catholiques comme protestants, afin de rétablir la prédominance de la classe seigneuriale réduite à un rang de subalterne par le gouverneur. Il avait aussi plaidé en faveur du maintien des lois civiles et criminelles françaises et de l'emploi du français dans les affaires publiques. » F. J. Thorpe et Sylvette Nicolini-Maschino, « Chartier de Lotbinière, Michel, marquis de Lotbinière », dans *DBC*.

Québec²⁶. C'est alors que le lord trésorier Charles Wolfran Cornwall confirme l'opinion partagée par les députés ministériels au sujet du Conseil législatif de la Province de Québec :

I now proceed to take notice of the clause which enables his Majesty to appoint a legislative council for the affairs of the province. The first suggestion, I own, that presented itself to my mind was, whether an assembly could or could not, in the present situation of the colony, be established with very few exceptions, Sir, I believe the members of this, or of any other House, would say, that in the present condition of Canada, the establishment of an assembly would be a most unwise measure. The first absurdity that presents itself is, that a portion of such assembly would be English, and a portion Canadian settlers. The great majority would consist of old Canadians. But, having proceeded thus far, having got an assembly, in what language would their proceedings be carried on? When they had assembled, would they understand one another, when they came to debate, as we. Sir, are now doing, upon matters of public concern? And then, with regard to this legislative council, the power of taxing the people is not committed to that body. What they have to do is only to make such laws as will render the people happy²⁷.

Le 10 juin 1774, c'est au tour de l'article 12 concernant le Conseil législatif d'être étudié en comité plénier²⁸. Dans les rangs de l'opposition, le député George Dempster, qui s'était

²⁶ « Et considérant que les dispositions énoncées dans ladite proclamation au sujet du gouvernement civil de ladite province de Québec et que les pouvoirs et autorités déferés au gouverneur et autres officiers civils de ladite province, en vertu de concessions et de commissions à cette fin, ont été trouvés par expérience insuffisants dans l'état et les circonstances où se trouvait ladite province, dont les habitants, à l'époque de la conquête, formaient une population de soixante-cinq mille personnes qui professaient la religion de l'Eglise de Rome et jouissaient d'une forme de constitution stable et d'un système de lois par lesquelles leurs personnes et leurs propriétés avaient été protégées, gouvernées et régies pendant une longue suite d'années, à partir du premier établissement de ladite province du Canada : A ces causes, qu'il soit décrété en vertu de l'autorité susdite, que ladite proclamation en tant qu'elle concerne ladite province de Québec, et la commission sous l'autorité de laquelle est administré présentement le gouvernement de ladite province, ainsi que toutes et chacune des ordonnances rendues par le gouverneur et le Conseil de Québec en exercice, relatives au gouvernement civil et à l'administration de la justice dans ladite province et toutes les commissions de juges et des autres officiers d'icelle, sont par les présentes révoquées, annulées et déclarées de nul effet, depuis et après le premier jour de mai mil sept cent soixante-quinze. » Extrait de « Le bill de Québec tel qu'adopté par les Communes », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 1, p. 542.

²⁷ H. Cavendish, *op. cit.*, note 15, p. 210.

²⁸ « Considérant que pour des motifs qu'il est impossible de prévoir, il peut devenir nécessaire de mettre plusieurs règlements en vigueur pour le bien-être futur et le bon gouvernement de la province de Québec et que pour éviter tout retard et toute difficulté à ce sujet, il faudra accorder à certaines personnes qui y résident, pour un certain temps et avec les restrictions requise, l'autorité à cette fin; et considérant que pour le moment, il n'est pas expédient de convoquer une Assemblée : A ces causes, qu'il soit décrété en vertu de l'autorité susdite, qu'il sera et pourra être loisible à Sa Majesté, ses héritiers et successeurs, par un décret sous son ou leur sceau ou signature, de l'avis du Conseil privé, d'établir et d'instituer un Conseil pour l'administration des affaires de la province de Québec; que ce Conseil se composera de personnes résidant dans ladite province, qu'il plaira à Sa Majesté, ses héritiers et successeurs de nommer, dont le nombre n'excédera pas vingt-trois et ne sera pas moins de dix-sept, et de telles et autant d'autres personnes qu'il sera nécessaire de nommer et de constituer, pour remplir la vacance créée ou les vacances créées par le décès, la destitution ou

préalablement opposé au *Regulating Act* de 1773 sur la question de l'administration du Bengale, réclame l'établissement d'un quorum pour le Conseil législatif de Québec, et ce, dans le texte même de la loi²⁹. Lord North répond :

*As to the last objection, I apprehend there is now a quorum established by the bill, which says, that "the major part shall," &c.; therefore, there must be a majority of seventeen. It is intended that part shall be Canadians, and that the majority shall be Protestants; but it is difficult to know what number of Canadians you can admit. The behaviour of the Canadians has been, hitherto, unexceptionable, and there is no reason to doubt of their fidelity in general; but they are Roman Catholics. They have been old and attached subjects of the Crown of France, and have had some reason to regret the change. It will, therefore, be necessary to be cautious in the choice, that none may be chosen, but those on whose good character and fidelity you can rely. It will be difficult to say how many come within that description*³⁰.

Par voie d'amendement, Lord North ajoute l'article 13 au projet de loi afin de limiter le pouvoir législatif du Conseil législatif de la Province de Québec³¹. Il explique quels sont, en matière de taxation, les pouvoirs du Parlement de Londres sur les législatures coloniales :

*The supreme legislature may communicate to a subordinate legislature a power of making laws without raising taxes; but it is equally certain, that there is no supreme legislature, that has not within itself the power of raising taxes. At the same time, that all legislatures on the other side of the Atlantic ought to have the power of taxation, it does not follow that it would be impossible, inconvenient, or wrong, in any respect, that the supreme legislature should, for purposes respecting the whole empire, exert, even on the other side of the Atlantic, the power of taxation*³².

À Fox qui dénonce encore l'établissement d'un pouvoir arbitraire dans la colonie et qui réclame la création d'une assemblée législative, Lord North rétorque que le temps n'est pas encore venu pour ce faire³³. Plusieurs députés de l'opposition désapprouvent le bill de

l'absence de quelque membre dudit Conseil; que ce Conseil ainsi établi et institué ou la majorité de ces membres, aura plein pouvoir et autorité de rendre des ordonnances pour le bien être, la paix et le bon gouvernement de ladite province, avec le consentement du gouverneur de Sa Majesté, et en son absence, avec celui du lieutenant-gouverneur ou du commandant en chef en exercice. » Extrait de « Le bill de Québec tel qu'adopté par les Communes », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 1, p. 544-545.

²⁹ <https://www.historyofparliamentonline.org/volume/1754-1790/member/dempster-george-1732-1818>.

³⁰ H. Cavendish, *op. cit.*, note 15, p. 241.

³¹ A condition toutefois, que rien de ce qui est contenu dans cet Acte ne s'étendra à autoriser et à donner pouvoir au dit Conseil législatif, d'imposer aucune taxe ou impôt dans la dite province, à l'exception seulement de telles taxes que les habitants d'aucune ville ou district dans la dite province seront autorisés par le dit Conseil de cotiser et lever, applicables à faire les chemins, élever et réparer les bâtiments publics dans les dites villes ou districts, ou à tous autres avantages qui concerneront la commodité locale et l'utilité de telles villes ou de tels districts. « Le bill de Québec tel qu'adopté par les Communes », dans A. SHORTT et A. G. DOUGHTY (dir.), Documents relatifs à l'histoire constitutionnelle du Canada..., vol. 1, p. 545.

³² H. Cavendish, *op. cit.*, note 15 p. 245.

³³ *Ibid.*, p. 248-249.

Québec dans son ensemble. Par motion, l'opposition propose l'ajout de nouveaux articles. Ils sont refusés sauf un seul concernant les frontières des autres colonies³⁴.

La tournure des discussions amène néanmoins Lord North à préciser sa pensée sur qui sera membre ou non du Conseil législatif. D'une part, il annonce : « *the chief justice will be one of the legislative council*³⁵. » D'autre part, le premier ministre avoue candidement qu'il ne sait pas encore si le gouverneur siégera avec les conseillers législatifs de la Province de Québec : « *Whether the assembly should sit with or without the governor, I cannot say; but he is to have the negative.*³⁶ » C'est sur ces derniers mots que le comité plénier termine ses travaux.

Les amendements adoptés en plénière sont lus une deuxième fois à la Chambre des communes le 10 juin 1774. Par motion, l'opposition propose l'ajout de cinq nouveaux articles :

- 1. Un article permettant le jugement des causes civiles devant jury;
- 2. Un article donnant, pour sept années, un caractère temporaire à la loi, visant plus particulièrement le Conseil législatif;
- 3. Un article réglementant l'adoption des ordonnances, lequel donnerait un droit de veto à la Cour suprême de justice;
- 4. Un article pour introduire l'*habeas corpus*;
- 5. Un article pour que les séances du Conseil législatif ne se tiennent pas à huis clos. Tour à tour, ces projets d'amendement sont rejetés par les ministériels.

Le 13 juin 1774, par un vote de 56 contre 20, le projet de loi est adopté en troisième lecture. Cinq jours plus tard, les amendements apportés au bill par les députés de la Chambre des communes sont étudiés à la Chambre des lords pour être adoptés par une majorité de 26 contre 7. La loi est sanctionnée le 22 juin suivant³⁷.

En vertu de l'Acte de Québec, le Parlement de Westminster donne le pouvoir au roi, « de l'avis du Conseil privé », d'établir un Conseil législatif dans la Province de Québec. Le gouvernement britannique – l'Exécutif – obtient ainsi la charge d'instituer ce Conseil, par décret, c'est-à-dire par commission et instructions royales. Le premier ministre Lord Frederick North s'explique, au cours de l'étude du bill de Québec à la Chambre des communes : « *what you have done in this bill has only given a general power to the council. The rest is matter of detail, meant to be formed upon the king's instructions*³⁸ ».

³⁴ Edmund Burke parvient à faire ajouter cette précision : « A condition toutefois, que rien de ce qui est contenu en ceci, concernant les limites de la province de Québec; ne dérangera en aucune façon les bornes d'aucune autre colonie. » Calvin Stebbins, « Edmund Burke: His Services as Agent to the Province of New York », *Proceedings of the American Antiquarian Society*, n° IX, 1893, p. 89.

³⁵ H. Cavendish, *op. cit.*, note 15, p. 291.

³⁶ *Ibid.*, p. 293.

³⁷ Le jour même, la session parlementaire est prorogée et sera dissoute peu après.

³⁸ H. Cavendish, *op. cit.*, note 15, p. 249-250.

L'Acte de Québec

Les premiers articles de l'Acte de Québec concernent l'annexion à la Province de Québec, du nord-ouest du « Territoire des Indiens » créé par la Proclamation royale de 1763. Les nouvelles frontières vont du nord de la rivière Ohio jusqu'au sud du territoire de la Compagnie de la Baie d'Hudson, incluant le Labrador, l'île d'Anticosti et les îles de la Madeleine³⁹. La Grande-Bretagne établit ainsi « un gouvernement civil » sur cette vaste étendue de territoire où se trouvaient encore « des sujets de France qui ont demandé d'y rester ». Notons que l'indépendance des États-Unis, ratifiée par le Traité de Paris de 1783, amputera la Province de Québec des territoires situés au sud des Grands Lacs⁴⁰.

L'Acte de Québec révoque globalement, à compter du 1^{er} mai 1775, chacune des ordonnances rendues par le gouverneur et le Conseil de Québec en exercice depuis 1764. Car, la légalité de ces ordonnances « relatives au gouvernement civil et à l'administration de la justice » avait été mise en doute par certains légistes⁴¹. Aux Communes, les parlementaires britanniques avaient tranché : le Conseil de Québec avait outrepassé son simple pouvoir réglementaire.

En fait, selon la Proclamation royale et selon la commission du gouverneur James Murray, datée du 28 novembre 1763, il était clairement précisé que le pouvoir législatif n'appartenait qu'« au gouverneur, au Conseil et à l'Assemblée seuls⁴² ». Autrement dit, puisqu'aucune assemblée élue n'a été constituée dans la Province de Québec, les autorités coloniales n'ont jamais obtenu légalement le pouvoir de légiférer.

Le même article révoque les commissions de tous les serviteurs de l'État, à compter du 1^{er} mai 1775. Quant au système judiciaire établi dans la Province de Québec en 1764, il est suspendu pour être réformé.

Le libre exercice de la religion catholique romaine est officiellement légalisé. Celle-ci reste toutefois soumise à « la suprématie du roi⁴³ » tel qu'elle l'était déjà selon les traités de capitulation de Québec (1759), de Montréal (1760) et du Traité de Paris (1763). Mais le clergé est légalement autorisé à percevoir la dîme et « *may hold, receive, and enjoy, their accustomed Dues and Rights, with respect to such Persons only as shall profess the said*

³⁹ À l'ouest, à partir de la jonction du fleuve Mississippi et de la rivière Ohio, la frontière suit sur une ligne franc nord qui atteint la Terre de Rupert. Par contre, dans la commission du gouverneur Carleton, cette frontière ouest s'étend jusqu'au Mississippi. Maurice Saint-Yves, *Atlas de géographie historique du Canada*, Boucherville, Les éditions françaises, 1982, p. 14.

⁴⁰ Hilda Neatby, *Quebec: The Revolutionary Age, 1760-1791*, Toronto, McClelland & Stewart, 1966, p. 131.

⁴¹ Voir James Marriott, *Plan of a Code of Laws for the Province of Quebec; reported by the Advocate-General*, Londres, s. n., 1774, p. 48.

⁴² Henri Brun, *La formation des institutions parlementaires québécoises, 1791-1838*, Québec, Presses de l'Université Laval, 1970, p. 75. Jusqu'à ce que d'autres circonstances autorisent le gouverneur Murray à former une assemblée législative, de nouvelles instructions lui avaient donné le pouvoir, « de l'avis et du consentement de [son] conseil, de faire des lois et des règlements qui seront rendus nécessaires pour le maintien de la paix, l'ordre et le bon gouvernement de cette province, prenant soin que rien ne sera fait qui pourra en aucune manière affecter la vie, les membres ou la liberté du sujet, ou à l'imposition d'aucune charge ou taxe ».

⁴³ En vertu de l'« Act of Supremacy », la Grande-Bretagne n'autorisait aucune autorité papale sur son territoire.

*Religion*⁴⁴ ». D'autres mesures sont annoncées pour « l'encouragement de la religion protestante ».

Le serment du test est remplacé par un serment d'allégeance au roi qui permettra aux catholiques d'accéder à des charges publiques sans abjurer leur foi⁴⁵. Notons qu'en Grande-Bretagne, les fonctionnaires prêtent le serment du test de 1673 à 1829. Il appert donc que de l'administration sous la Proclamation royale de 1763 à l'Acte de Québec de 1774, Londres adapte ses politiques coloniales au contexte particulier d'une société où le catholicisme romain demeure une constante⁴⁶.

Londres confirme l'usage des lois civiles françaises dans l'appareil de justice de la colonie. Cette clarification est nécessaire, car des doutes existaient à savoir si « la loi du Canada⁴⁷ » avait été supprimée par la Proclamation royale de 1763 et remplacée par la common law. Selon l'usage préalablement établi déjà par les gouverneurs Murray et Carleton, tous les sujets canadiens – et même les sujets britanniques de la colonie – « pourront conserver la possession et jouir de leurs propriétés et de leurs biens avec les coutumes et usages qui s'y rattachent et de tous leurs autres droits civils », à l'exception des ordres religieux et des communautés⁴⁸. En retour, les lois criminelles anglaises demeurent en usage.

Sans qu'il soit expressément question du régime seigneurial dans l'Acte de Québec, le recours aux « lois du Canada » cautionne, dans les faits, le régime féodal dans la Province de Québec. Sur cet aspect des affaires canadiennes, le gouverneur Carleton avait joué d'influence en faveur des principaux propriétaires terriens de la colonie. Dès le 2 juillet 1771, de nouvelles instructions, adressées par le roi à Carleton permettaient à nouveau l'adjudication des terres de la province en fief et en seigneurie⁴⁹.

Puis, en 1774, Carleton convainc Lord Hillborough de faire disparaître, dans la troisième ébauche du bill de Québec – le futur Acte de Québec –, un article donnant la possibilité aux seigneurs de modifier leur propriété en franc et commun socage⁵⁰. Sur ce point, de

⁴⁴ À noter que la dîme avait toute de même été collectée sans autorisation légale de 1764 à 1774. E. Arthur, « French-Canadian Participation in the Government of Canada, 1775-1785 », *Canadian Historical Review*, vol. XXXII, n° 4, décembre 1951, p. 303. Georges-Étienne Proulx, « Les Canadiens ont-ils payé la dîme entre 1760 et 1775 », *Revue d'histoire de l'Amérique française*, vol. 11, n° 4, 1958, p. 533-562.

⁴⁵ Dans les instructions au gouverneur Carleton (3 janvier 1775), on précise que les protestants devront toujours prêter le serment du test. Seuls les catholiques prêteront le nouveau serment au roi.

⁴⁶ P. Lawson, *op. cit.*, note 11. À cette époque, même l'opinion publique en Grande-Bretagne s'indigne contre les libertés accordées par l'Acte de Québec aux « papistes » de la colonie.

⁴⁷ C'est ce qui est écrit dans le préambule du deuxième projet du bill de Québec. A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 1, p. 523.

⁴⁸ Dans les instructions adressées au gouverneur Carleton, datées du 3 janvier 1775, figurent les premières tentatives pour entraver le rétablissement complet de la loi civile française accordée par l'Acte de Québec. Voir A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 583-584, note 1.

⁴⁹ Ces instructions sont enregistrées au Conseil de Québec le 13 juin 1772.

⁵⁰ A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 531 et 538. « Le franc et commun socage est un type de tenure des terres en ce qui a trait à la propriété et à l'exploitation issu de la tradition anglaise. L'expression fait référence à un mode de propriété libre de la terre (par exemple la location à bail ou fermage) d'après les coutumes de la common law. » Giselle Giral, « *Suppliant très humblement... We Humbly Beg...* » *Les pétitions collectives et le développement de la sphère publique au Québec, 1764-1792*, Québec, (M.A.) Université Laval, 2013, p. 76, note 225.

l'avis de Carleton, la tenure en seigneurie donne à la Couronne un grand pouvoir sur les seigneurs. Finalement, l'Acte de Québec ne fera que protéger les terres qui avaient déjà été concédées en franc et commun socage.

Juste après l'Acte de Québec, le Parlement britannique adopte l'Acte du revenu de Québec (14 Geo. III, c. 83) qui établit « un fonds pour pourvoir aux dépenses de l'administration de la justice et au soutien du gouvernement civil dans la province de Québec ». Cette loi abolit aussi les droits imposés par le précédent régime sur l'importation de vins, de rhum et d'eau-de-vie ainsi qu'un droit de 3 % sur toutes autres marchandises importées et exportées. En lieu et place, à compter du 5 avril 1775, de nouveaux droits seront prélevés sur les mêmes produits de même que sur la mélasse. Le directeur des douanes est chargé de percevoir ces sommes et de les remettre au Receveur général de la province. S'ajoute à cela une licence que toute personne tenant une auberge ou un cabaret public ayant un débit d'alcool devra payer au Receveur général.

Les autres sources de revenus du gouvernement colonial – revenus casuels, domaniaux, amendes, rentes, affermage – ne sont pas affectées par l'Acte du revenu. De par son droit de conquête, la Couronne continue de percevoir ces revenus⁵¹. En 1775, des modifications seront apportées à l'Acte du revenu pour lutter contre la contrebande (15 Geo. III, c. 40).

Le Conseil législatif

La première séance du Conseil législatif se tient au château Saint-Louis le 17 août 1775. Jusqu'au 30 avril 1791, cette législature siège durant 375 séances afin d'adopter les ordonnances qui gouvernent l'administration coloniale.

À la suite de l'Acte de Québec de 1774, le nom des premiers membres du Conseil législatif de la Province de Québec se trouve dans les instructions du gouverneur Carleton, datées du 3 janvier 1775⁵². La Couronne seule – et non plus le gouverneur – a le privilège de nommer les futurs conseillers. Pour mieux dire, en vertu de l'article 5 de ses instructions, le gouverneur doit transmettre au secrétaire d'État aux Colonies et au *Board of Trade* en duplicata, les noms de personnes « les plus aptes à remplir ces vacances ».

⁵¹ Il en sera ainsi jusqu'à l'adoption du *Canadian Revenue Control Act* à Londres, le 22 septembre 1831 (1 & 2 Will. IV, c. 23).

⁵² A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 579.

On dénombre 22 conseillers en 1775⁵³. Il y a quatorze anglophones et huit francophones :

1. Hector Theophilus Cramahé, lieutenant-gouverneur (1775-1782)
2. William Hey⁵⁴, juge en chef (1775-1776)
3. Hugh Finlay, maître général des Postes (1775-1791)
4. Thomas Dunn, receveur général par intérim (1775-1791)
5. James Cuthbert⁵⁵ (1775-1786)
6. Colin Drummond (1775-1776)
7. François Lévesque (1775-1787)
8. Edward Harrison (1775-1791)
9. John Collins, arpenteur général adjoint (1775-1791)
10. Adam Mabane (1775-1791)
11. Claude-Pierre Pécaudy de Contrecoeur * (1775-1775)
12. Pierre-Roch de Saint-Ours d'Eschaillons * (1775-1777)
13. Charles-François Tarieu de Lanaudiere * (1775-1776)
14. George Pownall, secrétaire de la province (1775-1791)
15. George Allsopp (1775-1783⁵⁶)
16. Luc de La Corne Saint-Luc * (1775-1784)
17. Gaspard-Joseph Chaussegros De Léry * (1775-1791)
18. Alexander Johnston (1775-1778)
19. Conrad Gogy (1775-1786)
20. François-Marie Picoté de Belestre* (1775-1791)

Le lieutenant-gouverneur et le juge en chef sont membres *ex officio* du Conseil législatif⁵⁷. Le premier agit à titre de président du Conseil et le second le remplace *in absentia*; si ces deux sont absents, le doyen des conseillers protestants prend le relais. Les autres conseillers siègent par ordre d'ancienneté. Ceux qui ont été membres du Conseil de Québec conservent leur rang. Les autres conseillers siègent selon l'ordre établi dans les instructions royales du gouverneur.

Pour siéger au Conseil, les protestants doivent prêter le serment du test, tandis que les catholiques doivent prêter le nouveau serment au roi inscrit dans l'Acte de Québec. Tout

⁵³ Pécaudy de Contrecoeur meurt en 1776 après n'avoir siégé qu'une seule fois et Rigauville meurt en 1776 après n'avoir siégé qu'à deux reprises.

⁵⁴ Aux élections générales d'octobre 1774, Hey est élu, sans opposition, à la Chambre des communes de Londres dans le comté de Sandwich. Le 20 février 1776, il fait un discours aux Communes en faveur de l'Acte de Québec.

⁵⁵ Il est destitué par Haldimand. Candidat défait aux élections de 1792.

⁵⁶ Il est destitué par Haldimand.

⁵⁷ Selon H. Neatby, *op. cit.*, note 40, p. 143, le receveur général et l'arpenteur général sont également membres *ex officio* du Conseil. Or, il appert que Thomas Mills, receveur général, ne siège pas au Conseil législatif, alors qu'il est à Québec entre 1787 et 1789. Par contre, dans les instructions à Haldimand de 1778, il est indiqué que « George Pownall, Esq., notre secrétaire de notre dite province de Québec ou notre secrétaire de notre dite province en exercice » est appelé à siéger au Conseil législatif, ce qui laisse à penser que le secrétaire de la province devenait alors membre *ex officio*. Il en est de même dans les instructions à Lord Dorchester de 1786.

un chacun doit également « prêter le serment de remplir fidèlement leur charge et leur tâche et d'administrer la justice d'une manière équitable et impartiale⁵⁸ ».

Les conseillers protestants sont en majorité au nombre de quinze. Parmi eux se trouve François Lévesque, francophone et protestant. Les onze personnes dont le nom est souligné avaient précédemment été membres du Conseil de Québec. S'ajoute donc Allsopp – autrefois greffier du Conseil de Québec depuis le 22 avril 1768 – ainsi que Pownall, Johnston, Guky et Fraser. Et sur ce total, huit proviennent de la classe marchande⁵⁹.

Les six conseillers législatifs canadiens et catholiques appartiennent à la classe seigneuriale et sont tous des hommes de confiance de Carleton⁶⁰. De 1766 à 1770, le gouverneur avait su trouver chez ces grands propriétaires terriens, des appuis puissants pour l'Administration gouvernementale⁶¹.

La composition catholique du Conseil législatif est formée exclusivement d'« hommes de distinction⁶² » de la classe seigneuriale (voir * dans la liste). Les conseillers canadiens étaient déjà des hommes de confiance de Carleton. De 1766 à 1770, le gouverneur avait su trouver chez ces grands propriétaires terriens en vue, des appuis puissants dans l'administration gouvernementale. Dès le 15 mars 1769, Carleton adressait une lettre à Lord Hillsborough, secrétaire d'État aux colonies de 1768 à 1772, lettre dans laquelle il proposait, en vain, le nom de douze nobles seigneurs canadiens pour faire partie du Conseil de Québec (1764-1775). Spécifions que parmi les seigneurs nommés en 1775, six faisait partie de cette liste⁶³.

Ces représentants de l'aristocratie coloniale sont d'ailleurs perçus par Carleton comme étant garants de la stabilité politique impériale. En nommant cette élite au Conseil législatif, les autorités britanniques croient également pouvoir favoriser l'attachement des Canadiens à l'égard du gouvernement⁶⁴. Si, plus tard dans l'article 4 de l'Acte constitutionnel de 1791, il est indiqué que le roi « pourra ajouter aux distinctions héréditaires le droit de nomination au Conseil législatif⁶⁵ », *de facto*, le gouverneur Carleton favorise – mais pas systématiquement – ce type de nomination sous la constitution de 1774. Ainsi, Pierre-Roch

⁵⁸ Instructions au gouverneur Carleton, dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 580-581.

⁵⁹ H. Neatby, *op. cit.*, note 40, p. 143.

⁶⁰ P. Tousignant et M. Dionne-Tousignant, « *La Corne, Luc de, dit Chaptas (Chap, Chapt) de La Corne ou La Corne, Luc De...* », dans DBC, vol. 4.

⁶¹ Ces seigneurs avaient tous été décorés de la Croix de Saint-Louis, mais il avait tout de même prêté allégeance au roi d'Angleterre, et ce, à l'encontre de l'engagement que leur imposait l'ordre de Saint-Louis « de ne jamais quitter le service du roi de France pour entrer à celui d'un prince étranger sans la permission et l'agrément écrit de Sa Majesté ». P. Tousignant, *op. cit.*, note 9, p. 86.

⁶² P. Tousignant et M. Dionne-Tousignant, *op. cit.*, note 60.

⁶³ Seul Jean-Baptiste-Marie Blaise Des Bergères de Rigauville n'était pas de cette liste. P. Tousignant, *op. cit.*, note 9, p. 86. Les autres noms étaient les suivants : Louis-Joseph Godefroy de Tonnancourt, Jean-Baptiste Hertel de Rouville, Paul Alexandre d'Ailleboust de Cuisy, Joseph-Michel Le Gardeur de Montesson, Philippe-Ignace Aubert de Gaspé et Jean-Claude Boucher de Niverville.

⁶⁴ Karl D. Milobar, *The constitutional development of Quebec from the time of the French régime to the Canada Act of 1791. A British perspective*, University of London, 1990, p. 106, 139 et 174.

⁶⁵ « L'Acte constitutionnel de 1791 » dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 1015.

de Saint-Ours d'Eschaillons (conseiller de 1775-1777) est remplacé par son fils Paul-Roch de Saint-Ours⁶⁶ (1777-1791); Colin Drummond (1775-1777) est remplacé par son fils John Drummond (1777-1782) – qui lui-même succédera plus tard à son oncle comme député à la Chambre des communes britannique⁶⁷; et Charles-François Tarieu de Lanaudière (1775-1776) est remplacé, dix ans plus tard, par son fils Charles-Louis Tarieu de Lanaudière⁶⁸ (1786-1791)⁶⁹. Pour un membre de la *gentry* britannique comme Carleton, il va de soi que les grands propriétaires que sont les seigneurs canadiens ont le droit de protéger les lois garantissant leurs propriétés terriennes au sein de la Législature. Comme le souligne le constitutionnaliste Jean-Louis Delolme : « Les droits politiques du peuple y sont inséparablement liés avec le droit de propriété⁷⁰. »

Entre 1777 et 1790, afin de remplacer les sept membres décédés en fonction, ainsi que deux autres destitués par le gouverneur Frederick Haldimand, de même que ceux ayant quitté leur fonction d'office, 17 nouvelles personnes sont nommées au Conseil législatif :

⁶⁶ Il prend la place de son père, qui mourra en 1782. « Faveur exceptionnelle. L'influence des Saint-Ours avait triomphé de la répugnance des Lords du Commerce à voir se perpétuer les fonctions publiques dans les mêmes familles. » Claude de Bonnault, « Généalogie de la famille de Saint-Ours Dauphiné et Canada », *Bulletin de recherches historiques*, vol. 56, n° 1, 2, 3, janvier, février, mars 1950, p. 29. Dans la collection Haldimand, on peut lire : « Relativement à la demande de M. St.-Ours que son fils le remplace au conseil législatif les lords du commerce rapportent que tout en ayant le chagrin d'encourager les espérances des membres du conseil de se faire remplacer par leur fils, car ce serait perpétuer la charge dans des familles particulières, cependant à raison de sa [de Carleton] recommandation et de la situation respectable et du caractère de la famille de St.-Ours, il a été recommandé que M. Roque de St.-Ours remplace son père. » Germain à Carleton, 25 juillet 1777, dans *Rapport sur les archives du Canada*, Ottawa, Imprimeur de sa Très-Excellente Majesté la reine, 1891, p. 95.

⁶⁷ Agent de la compagnie Harley and Drummond, de Londres, John est le fils de Colin Drummond. À la mort de son oncle Adam Drummond, il lui succède comme député à la Chambre des communes à Londres, pour le comté de Shaftesbury. « [Drummond, John](#) ».

⁶⁸ C'est grâce à Dorchester que Charles-Louis succède à son père Charles-François

⁶⁹ Jusqu'au XX^e siècle, des dynasties se sont succédé au Conseil législatif. Il y a George Bryson, père et fils, qui furent successivement conseillers législatifs de la division d'Inkerman de 1867 à 1937. Il y a aussi Charles-Eugène Boucher de Boucherville, conseiller législatif de 1867 à 1915, fils de Pierre-Amable Boucher de Boucherville, conseiller législatif de la province du Canada, de 1843 à 1857, et petit-fils de René-Amable Boucher de Boucherville, conseiller législatif de la Province de Québec puis du Bas-Canada, de 1786 à 1792. Le cas d'Alexandre-René Chaussegros de Léry est plus exceptionnel encore. Conseiller législatif de la division de Lauzon du 2 novembre 1867 jusqu'à son décès le 19 décembre 1880, son père, Charles-Étienne Chaussegros de Léry fit partie du Conseil spécial du Bas-Canada du 2 avril 1838 jusqu'à la dissolution de ce conseil, en juin, et de nouveau du 2 novembre 1838 jusqu'à l'entrée en vigueur de l'Acte d'Union, le 10 février 1841; son grand-père paternel, Gaspard-Joseph Chaussegros de Léry, fut conseiller législatif de la Province de Québec du 17 août 1775 au 30 avril 1791 et conseiller législatif du Bas-Canada du 17 décembre 1792 au 11 décembre 1797; son grand-père maternel, John Fraser fut conseiller législatif de la Province de Québec du 17 août 1775 au 30 avril 1791 et conseiller législatif du Bas-Canada du 17 décembre 1792 au 5 décembre 1795; son oncle, Louis-René Chaussegros de Léry fut également conseiller législatif du Bas-Canada du 9 février 1818 au 28 novembre 1832.

⁷⁰ Jean-Louis Delolme, *Constitution de l'Angleterre, ou État du Gouvernement Anglais, comparé avec la forme républicaine et avec les autres monarchies de l'Europe*, par De Lolme [...], Paris, Delarue, 1822, p. 237.

1. Peter Livius, juge en chef ⁷¹	(1777-1786)
2. Henry Caldwell	(1777-1791)
3. John Drummond ⁷²	(1777-1782)
4. William Grant, receveur général adjoint ⁷³	(1777-1791)
5. Paul-Roch de Saint-Ours ⁷⁴	(1777-1791)
6. François Baby	(1778-1791)
7. Joseph-Dominique-Emmanuel Le Moyne de Longueuil	(1778-1791)
8. <u>Samuel Johannes Holland</u> , arpenteur général ⁷⁵	(1779-1791)
9. George Davison	(1783-1791)
10. Henry Hamilton, lieutenant-gouverneur	(1782-1785)
11. Henry Hope, lieutenant-gouverneur	(1785-1789)
12. William Smith, juge en chef	(1786-1791)
13. René-Amable Boucher de Boucherville	(1786-1791)
14. Charles-Louis Tarieu de Lanaudière ⁷⁶	(1786-1791)
15. Jean-Baptiste Le Comte Dupré	(1786-1791)
16. John Johnson	(1786-1791)
17. Alured Clarke, lieutenant-gouverneur	(1790-1791)

De 1775 à 1791, les Canadiens n'ont jamais constitué plus du tiers des conseillers législatifs. Vers 1788, une adresse de citoyens canadiens au roi fait d'ailleurs mention de ce déséquilibre :

S'ensuivoit notre Desir le plus ardent de Voir dans le Conseil Législatif de notre Province un plus grand Nombre de vos nouveaux Sujets Catholiques, proportionnellement à celui qu'ils composent; de Personnes expertes dans nos Coûtumes, qui devant naturellement mieux connoître nos Loix municipales, nous

⁷¹ Destitué par Carleton en 1778. Cette décision est renversée par le Conseil privé de Londres, en 1779, mais Livius ne reviendra pas dans la Province de Québec.

⁷² Agent de la compagnie Harley and Drummond, de Londres, John est le fils de Colin Drummond. À la mort de son oncle Adam Drummond, il lui succède comme député à la Chambre des communes à Londres, pour le comté de Shaftesbury. « [Drummond, John](#) ».

⁷³ Élu député de la Haute-Ville de Québec en 1792. Réélu en 1796. Défait en 1800. Élu dans la Haute-Ville de Québec en 1804.

⁷⁴ Il prend la place de son père, qui mourra en 1782. « Faveur exceptionnelle. L'influence des Saint-Ours avait triomphé de la répugnance des Lords du Commerce à voir se perpétuer les fonctions publiques dans les mêmes familles. » Claude de Bonnault, « Généalogie de la famille de Saint-Ours Dauphiné et Canada », *Bulletin de recherches historiques*, vol. 56, n° 1, 2, 3 (janvier, février mars 1950), p. 29. Dans la collection Haldimand, on peut lire : « Relativement à la demande de M. St.-Ours que son fils le remplace au conseil législatif les lords du commerce rapportent que tout en ayant le chagrin d'encourager les espérances des membres du conseil de se faire remplacer par leur fils, car ce serait perpétuer la charge dans des familles particulières, cependant à raison de sa (de Carleton) recommandation et de la situation respectable et du caractère de la famille de St.-Ours, il a été recommandé que M. Roque de St.-Ours remplace son père. » Germain à Carleton, 25 juillet 1777, dans *Rapport sur les archives du Canada*, Ottawa, Imprimeur de sa Très-Excellente Majesté la reine, 1891, p. 95.

⁷⁵ Samuel Holland avait été membre du Conseil de Québec à compter de 1764.

⁷⁶ Grâce à Dorchester, Charles-Louis succède à son père Charles-François.

*en feroient plus efficacement ressentir les Avantages suivant les Intentions Royales de votre Majesté, qui nous les à Octroyé*⁷⁷.

Le gouverneur en chef et capitaine général de la Province de Québec préside, quant à lui, les travaux du Conseil exécutif de la Province de Québec (1776-1791). Il n'est pas membre du Conseil législatif de la Province de Québec. Il assiste uniquement aux travaux du Conseil législatif lors de l'ouverture et de la prorogation des sessions parlementaires; il est également invité pour sanctionner ou réserver les projets d'ordonnance adoptés par les conseillers législatifs. Autrement dit, pour paraphraser le constitutionnaliste Henri Brun, la « loi locale devait connaître l'assentiment conjoint du gouverneur et du Conseil législatif⁷⁸ ».

Dans le texte de l'Acte de Québec, il n'est pas question de la prérogative du gouverneur de destituer les conseillers législatifs. Cette situation est dénoncée par l'opposition lors de l'adoption du bill de Québec à la Chambre des communes en 1774. Thomas Townshend lance le débat : « *Seventeen or eighteen gentlemen, who may be removed or suspended by the governor; so that if an act of oppression should come from the Crown, these may be a screen for the governor to excuse and justify him.* »; Isaac Barré renchérit : « *The next thing I shall take the liberty to mention is, that this council, chosen by the governor, is to be suspended, and removable by him*⁷⁹. » Les ministériels demeurent muets sur la question, de sorte qu'il est impossible de connaître quelle était l'intention du législateur à cet effet.

En retour, les instructions royales du gouverneur Carleton ne comptent aucun article lui permettant de destituer les conseillers législatifs. Le droit de siéger est donc un privilège parlementaire accordé sans qu'il en soit fait explicitement mention⁸⁰. « Faire sans dire », la devise d'un gentilhomme anglais citée par Delolme dans son ouvrage *la Constitution de l'Angleterre*, s'applique parfaitement à la situation en cours. Siéger est de toute façon une obligation afin d'exercer ses fonctions comme conseiller.

⁷⁷ Adresse des citoyens catholiques romains au roi, dans : A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 750. « Sa Majesté est fortement disposée à témoigner à ses sujets canadiens toutes les marques de sa confiance, et elle prendra bientôt sous sa considération royale votre proposition d'augmenter leur nombre au Conseil législatif, ce dont, en fait, il avait été question avant la réception de votre dépêche relative à cette affaire. » Sydney à Hope, Whitehall, 6 avril 1786. On peut constater que l'Administration considérait déjà cette infériorité numérique des Canadiens, et ce, dès 1785. Or, rien ne sera fait à cet égard par la suite. *Ibid.*, p. 792-793.

⁷⁸ H. Brun, *op. cit.*, note 42, p. 75.

⁷⁹ H. Cavendish, *op. cit.*, note 15, p. 5-6 et 42.

⁸⁰ La pratique est en quelque sorte conforme à un projet d'amendement de l'Acte de Québec en avril 1786 : « Et il est statué, de plus, par l'autorité susdite, que, depuis du Conseil et après ledit premier jour de septembre de la présente année de grâce mil sept cent quatre-vingt-cinq, nul membre dudit Conseil législatif ne sera passible de destitution de son poste et office, ou de suspension dans l'exercice de ses fonctions, pour aucun laps de temps quelque court qu'il soit, par le gouverneur en chef de ladite province ni autrement que par l'arrêté de Sa Majesté en son Conseil privé d'Angleterre ou sous son sceau et seing, contresigné par un de ses principaux secrétaires d'État. « Ébauche d'un projet d'acte du parlement à l'effet de mieux assurer les libertés des sujets de sa majesté dans la province de Québec, Amérique du Nord » dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7 vol. 2, p. 755.

Quant à l'étendue même des privilèges des conseillers dans la Province de Québec, l'article 3 des instructions royales est matière à interprétation : « C'est de plus notre volonté et bon plaisir que les membres de notre dit Conseil jouissent des pouvoirs, privilèges et émoluments accordés aux membres des Conseils de nos autres plantations ». Autrement dit, les privilèges acquis par les autres colonies, incluant le droit de siéger et celui de régir ses affaires internes sans ingérence extérieure, sont transposés au Conseil législatif de la Province de Québec.

De fait, trois conseillers sont démis de leurs fonctions de 1775 à 1791, mais par trois méthodes différentes. Pour suspendre le juge en chef Peter Livius, le 1^{er} mai 1778, et le conseiller James Cuthbert, le 23 août 1786, le gouverneur Carleton – devenu Lord Dorchester le 21 août 1786 – fait indirectement ce qu'il ne veut pas faire directement. D'une part, l'article 17 de ses instructions royales lui donne le pouvoir de suspendre les juges. D'autre part, sans qu'on lui donnât de raisons, Cuthbert apprend qu'il est destitué comme conseiller législatif en voyant son nom rayé de la liste figurant dans les instructions royales de Dorchester, en date du 23 août 1786.

Le gouverneur Frederick Haldimand n'hésite pas, quant à lui, à user de sa propre autorité pour suspendre George Allsopp de ses fonctions, le 8 janvier 1783. L'« esprit séditieux » dont faisait preuve ce conseiller chicanier nourrissait, selon le gouverneur, le mouvement croissant en faveur de l'adoption de réformes au Conseil législatif⁸¹. Bref, les conseillers n'ont jamais l'assurance d'être renvoyés de manière arbitraire⁸².

Dans l'absolu cependant, bien que les conseillers aient pleinement conscience qu'il vaut mieux que leurs intérêts soient plus souvent qu'autrement liés à ceux des gouverneurs, il n'en demeure pas moins que bon nombre d'entre eux a l'intime conviction de représenter les intérêts communs de la population de la Province de Québec. L'exemple le plus connu est l'adresse du 21 avril 1784, rédigée par le conseiller législatif Luc de La Corne Saint-Luc. Afin de conserver l'Acte de Québec « dans toute sa force, ne souhaitant rien avec plus d'ardeur que de pouvoir le transmettre à la postérité comme une Charte précieuse qui assurera la Jouissance des Privileges et de la Religion des peuples de cette province », de La Corne affirme qu'il s'agit-là non seulement des « vrais Sentimens » de la majorité des conseillers législatifs, mais aussi « celui de nos Compatriotes en général ». Cette adresse est adoptée par douze voix contre cinq.

⁸¹ David Roberts, « [Allsopp, George](#) », dans *DBC*, vol. 5.

⁸² Des marchands de Londres engagés dans le commerce avec Québec avaient souhaité que le gouverneur n'ait plus le pouvoir de suspendre les conseillers législatifs : « De la sorte, lesdits conseillers seront en mesure d'agir avec la liberté et l'indépendance que requièrent les hautes fonctions de législateurs de ladite province. Le peuple les saura investis de ces prérogatives et ne pourra les considérer comme les clients et les instruments de la volonté et du bon plaisir du gouverneur en exercice; et c'est, à notre avis, ce que le peuple pensera si ce dernier est investi du pouvoir de les destituer ou de les suspendre de leurs fonctions, à son gré. » « Mémoire des marchands de Londres engagés dans le commerce avec Québec », A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 1, p. 503-504.

Le pouvoir législatif

Par le passé, seules les instructions royales du 7 décembre 1763 avaient permis à Murray d'administrer la colonie à l'aide d'un Conseil, et ce, jusqu'à ce que d'autres circonstances autorisent le gouverneur à établir une assemblée législative. Or, dès 1764, la constitutionnalité même de ce « gouverneur en conseil » a été mise en doute – tout comme la légalité de ses ordonnances.

Autrement dit, avec l'Acte de Québec de 1774, une interprétation plus stricte de la Proclamation royale aura pour effet de rendre inconstitutionnelles les instructions royales concernant les pouvoirs législatifs du Conseil de Québec. C'est du moins l'avis légal qu'en font les parlementaires britanniques en 1774. En effet, dans la Proclamation royale, il était clairement question de la convocation éventuelle d'une assemblée élue « de la manière prescrite et suivie dans les colonies et les provinces d'Amérique⁸³ ».

Puisque la métropole n'entend pas encore convoquer une assemblée législative élue, un conseil législatif nommé est institué avec le pouvoir de légiférer⁸⁴. Cette fois, le pouvoir législatif est clairement défini, sans qu'il soit nécessaire de convoquer une assemblée. L'Acte de Québec édicte que le Conseil législatif se composera de 17 à 23 personnes résidant dans la colonie. Les conseillers législatifs ont officiellement le pouvoir de rendre des ordonnances « pour la paix, le bien-être et le bon gouvernement » avec le consentement du gouverneur. Si celui-ci devait s'absenter de la colonie ou en cas de décès, il serait remplacé par le lieutenant-gouverneur ou, autrement, par le commandant en chef en exercice. Le Parlement impérial conserve, pour sa part, une compétence législative illimitée vis-à-vis de sa colonie et, « par décret de Sa Majesté en son conseil », peut désapprouver toute ordonnance.

En l'absence d'une chambre d'assemblée élue, le Conseil législatif n'a pas le pouvoir d'imposer des taxes ou des impôts. Il peut cependant prélever certaines cotisations pour l'entretien des routes, des bâtiments publics et « d'autres fins d'utilité locale » dans les districts et les bourgs de la province.

Un quorum est fixé pour que puisse être adoptée une ordonnance, c'est-à-dire que « la majorité de tous les membres du Conseil » devront être présents durant une séance. Quant aux sessions parlementaires, elles doivent être tenues « entre le premier jour de janvier et

⁸³ Proclamation royale, 7 octobre 1763, dans *Lois révisées du Canada (1985)*, Ottawa, Imprimeur de la Reine pour le Canada, 1985, appendice II, p. 3. La commission désignant Murray comme capitaine général et gouverneur en chef de la Province de Québec, le 28 novembre 1763, l'autorisait aussi à convoquer « des assemblées générales des francs tenanciers et des colons ». A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 1, p. 148.

⁸⁴ Un premier jet du bill de Québec s'intitulait Acte pour accorder pendant un temps limité, comme indiqué ci-après, des pouvoirs de législation au gouverneur et au Conseil en exercice de la province de Québec de Sa Majesté, *ibid.*, p. 519. H. Brun juge que l'Acte de Québec constitue un recul, comparativement aux intentions de la Proclamation royale : en 1763, il y était fait mention de la convocation éventuelle d'une assemblée générale « de la manière prescrite et suivie dans les colonies et les provinces d'Amérique », alors que, en 1774, on précise que : « il n'est pas expédient de convoquer une assemblée », H. Brun, *op. cit.*, note 42, p. 9.

le premier jour de mai, à moins de nécessité urgente ». De sorte que les sessions se terminent avec l'ouverture de la navigation sur le fleuve Saint-Laurent⁸⁵.

Les attributions du Conseil législatif de la Province de Québec se trouvent dans l'Acte de Québec :

Considérant que pour des motifs qu'il est impossible de prévoir, il peut devenir nécessaire de mettre plusieurs règlements en vigueur pour le bien-être futur et le bon gouvernement de la province de Québec; et que pour éviter tout retard et toute difficulté à ce sujet, il faudra accorder pour un certain temps, et avec les restrictions requises, à certaines personnes qui y résident, l'autorité à cette fin; et considérant que pour le moment, il n'est pas expédient de convoquer une assemblée :

À ces causes, qu'il soit décrété en vertu de l'autorité susdite, qu'il sera et pourra être loisible à Sa Majesté, ses héritiers et successeurs, par un décret sous son ou leur sceau et signature, de l'avis du Conseil privé, d'établir et d'instituer un Conseil pour l'administration des affaires de la province de Québec; que ce Conseil se composera de personne résidant dans ladite province, qu'il plaira à Sa Majesté, ses héritiers et successeurs de nommer, dont le nombre n'excédera pas vingt-trois et ne sera pas moins de dix-sept, et telles et autant d'autres personnes qu'il sera nécessaire de nommer et constituer de la même manière, pour remplir la vacance créée ou les vacances créées par le décès, la destitution ou l'absence de quelques membres dudit Conseil; et que ce Conseil ainsi établi et institué ou la majorité de ses membres, aura pouvoir et autorité de rendre des ordonnances pour la paix, le bien-être et le bon gouvernement de ladite province, avec le consentement du gouverneur de Sa Majesté, et en l'absence de celui-ci avec celui du lieutenant-gouverneur ou du commandant en chef en exercice.

À condition toujours, que rien de contenu dans cet acte n'ait pour effet de donner au dit Conseil législatif, l'autorité ou le pouvoir d'imposer des taxes ou des droits dans ladite province, sauf les contributions et taxes que les habitants de quelque bourg ou district dans ladite province, seront autorisés par ledit Conseil à fixer et lever, pour être appliquées dans ledit bourg ou district, à faire des chemins, à ériger ou réparer des édifices publics, ou pour d'autres fins d'utilité locale ou de bon ordre dans lesdits district ou bourg.

À condition aussi, et qu'il soit décrété à cette fin en vertu de l'Autorité susdite, que toute ordonnance qui sera ainsi rendue, soit transmise dans l'intervalle de six mois, par le gouverneur, et en son absence, par le lieutenant-gouverneur ou le commandant en chef en exercice et soumise à l'approbation de Sa Majesté; et que si Sa Majesté juge à propos de désapprouver ladite ordonnance, celle-ci prenne fin et soit nulle à partir du moment où le décret de Sa Majesté en son conseil sera promulgué à Québec.

À condition aussi, que toute ordonnance concernant la religion ou autre par laquelle pourra être infligée une punition plus sévère qu'une amende ou un

⁸⁵ Alfred LeRoy Burt, *The Old Province of Quebec*, Toronto, Ryerson Press, 1933, p. 173.

emprisonnement de trois mois, n'ait ni force ni effet avant d'avoir reçu l'approbation de Sa Majesté.

À condition aussi, qu'aucune ordonnance ne soit rendue à une séance du Conseil à laquelle n'assisteront pas la majorité de tous les membres du Conseil ou en d'autre temps qu'entre le premier jour de janvier et le premier jour de mai, à moins de nécessité urgente; et en ce cas, que tout membre dudit Conseil résident à Québec ou en deçà de cinquante milles de cette ville, soit personnellement sommé par le gouverneur, et en son absence, par le lieutenant-gouverneur ou le commandant en chef en exercice d'être présent⁸⁶.

L'Acte de Québec donne également le pouvoir au Conseil législatif de modifier les lois criminelles anglaises en vigueur dans la colonie : « que lesdites lois seront cependant sujettes aux modifications et changement que le gouverneur, le lieutenant-gouverneur et le commandant en chef en exercice, de l'avis et du consentement du Conseil législatif de ladite province, [...] croiront devoir faire de temps à autre [...]. »

Le texte même de l'Acte de Québec est formel. Un Conseil législatif est institué pour légiférer dans la Province de Québec, et ce, bien que ce pouvoir soit limité. Tel était l'intention des législateurs britannique, du moins celle de la majorité parlementaire.

La mise en œuvre de l'Acte de Québec se fait par le truchement de la commission et des instructions royales du gouverneur. Le gouvernement britannique entreprend la rédaction de ces documents après la sanction de l'Acte de Québec. À Londres, Lord Dartmouth, secrétaire d'État aux colonies de 1772 à 1776, rédige ensuite plusieurs mémoires contenant des propositions et des ébauches relatives aux instructions royales adressées au gouverneur de Québec. Le 5 décembre 1774, le *Board of Trade* soumet également au roi un projet de nouvelle commission pour le gouverneur. Le gouvernement britannique adopte, le 28 décembre 1774, un décret dans lequel figurent les nouvelles instructions royales pour Carleton. La constitution du Conseil législatif de la Province de Québec est énoncée dans ces instructions, datées du 3 janvier 1775 :

Premièrement, avec les présentes, nos instructions, vous [...] devez rassembler à Québec (que nous désignons par les présentes pour être le lieu de votre résidence habituelle et le siège principal du gouvernement) les personnes suivantes que nous constituons et nommons par les présentes, de l'avis de notre Conseil privé, pour composer notre Conseil en ce qui regarde les affaires de notredite province de Québec et des territoires y annexés savoir : Hector Theophilus Cramahé, Esq., notre lieutenant-gouverneur de notredite province ou notre lieutenant-gouverneur en exercice de notredite province; notre juge en chef en exercice de notredite province; Hugh Finlay, Thomas Dunn, James Cuthbert, Colin Drummond, Francis Les Vesque, Edward Harrison, John Collins, Adam Mabane, – De Léry, – St-Ours, – Pycodyde Contrecoeur, notre secrétaire en exercice de la dite province, George

⁸⁶ A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 1, p. 556-557. À noter que la traduction de François-Joseph Cugnet, secrétaire français du gouverneur et traducteur officiel, et publiée dans la *Gazette de Québec*, est quelque peu différente.

Alsopp⁸⁷, – De La Naudière, de La Corne, Alexandre Johnstone, Conrad Cugy, – Bellestre, – Rigauville et John Fraser, Esq. Toutes et chacune de ces personnes rempliront la charge de conseiller ou leurs charges de conseillers pour notredite province de Québec durant bon plaisir et le temps qu'elle résidera ou qu'elles résideront dans notredite province, et pas autrement. [...]

C'est de plus notre volonté et bon plaisir que les membres de notredit Conseil jouissent des pouvoirs, privilèges et émoluments accordés aux membres des Conseils de nos autres plantations, et ceux qui sont indiqués et prescrits dans notredite commission sous notre grand sceau de la Grande-Bretagne et dans les présentes instructions; et qu'ils se réunissent à telle date ou à telles dates et à tel endroit ou tels endroits que vous jugerez à propos de fixer, excepté pour des fins de législation, alors qu'ils devront se réunir dans la ville de Québec seulement⁸⁸.

Somme toute, en vertu de l'Acte de Québec, de la commission et des instructions royales, la Législature de la Province de Québec est constituée de deux branches : le gouverneur et le Conseil législatif⁸⁹. L'Administration fonctionne selon un système monocaméral dans lequel la chambre basse est inexistante. Il s'agit certes d'une législature pas entièrement constituée, si on la compare au modèle de la constitution de la Grande-Bretagne et des autres provinces britanniques à la même époque. Nul doute qu'il s'agit quand même d'une véritable législature.

Le Conseil législatif de la Province de Québec est, par sa constitution, une véritable législature et ses pouvoirs législatifs sont reconnus de nouveau par le Parlement de Westminster, avec l'Acte constitutionnel de 1791. Cette nouvelle constitution reconnaît la valeur légale des ordonnances adoptées après 1775, et ce, afin qu'elles continuent d'avoir force de loi dans les provinces du Bas-Canada et du Haut-Canada :

Et l'autorité susdite décrète encore comme suit : toutes les lois, statuts ou ordonnances en vigueur le jour qui sera fixé de la manière désignée ci-après pour l'application de cette loi dans lesdites provinces ou dans chacune d'elles ou dans toute partie d'elles, resteront en vigueur et auront la même force et le même effet, dans chacune d'icelles respectivement, que, si cet acte n'avait pas été voté et que si ladite province de Québec n'avait pas été divisée, excepté en tant qu'elles sont expressément abrogées ou changées par cet acte ou en tant que Sa Majesté, ses héritiers ou successeurs, de l'avis et du consentement des conseils législatifs et assemblées desdites provinces respectivement pourront par la suite, les amender ou abroger en vertu et sous l'autorité du présent acte, ou en tant que lesdites lois ou ordonnances temporaires qui seront, adoptées de la manière indiquée ci-après les abrogeront ou modifieront⁹⁰.

⁸⁷ Après la rédaction des instructions royales, Alsopp perd son poste de secrétaire de la province. Le 7 avril 1775, George Pownall lui succède. Christine Veilleux, « [Pownall, sir George](#) », dans DBC, vol. 6.

⁸⁸ A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 578-579.

⁸⁹ Depuis 1968, le Parlement de Québec est également constitué de deux branches : l'Assemblée nationale et le lieutenant-gouverneur.

⁹⁰ « L'Acte constitutionnel de 1791 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 1023-1024.

Sauf à l'égard de la taxation, le Conseil législatif de la Province de Québec est investi de tous les pouvoirs législatifs. En 1784, le conseiller législatif Hugh Finlay mesure lui-même l'étendue de ces pouvoirs :

L'Acte de Québec laisse plein pouvoir et entière autorité au Conseil législatif de Sa Majesté de voter des lois et d'accorder tous les privilèges pour rendre libres et heureux les sujets de la couronne au Canada; et si ceux-ci ne le sont pas actuellement, on doit en blâmer le Conseil législatif seul, et non l'Acte de Québec [...] ⁹¹.

En rétrospective, après 1792, les membres de la Chambre haute du Bas-Canada brossent un portrait sans nuance de leurs travaux législatifs antérieurs⁹². Il faut savoir qu'au Parlement du Bas-Canada, la majeure partie des conseillers législatifs nommés en 1792 avaient siégé précédemment au Conseil législatif de la Province de Québec. Le 1^{er} mai 1794, les conseillers législatifs font un retour sur leur passé :

Parce que cette Maison doit faire attention qu'elle est composée de Membres de l'Ancien Conseil, et qu'ils doivent se ressouvenir qu'ils furent indéfatigables à promouvoir le bien de cette Province, et qu'ils avoient partout les remèdes nécessaires pour la meilleure Administration de la justice, et qu'ils ne firent que sur des représentations et des recherches et rapports de Citoïens éclairés : Que leurs travaux furent couronnés de succès, et que, depuis un nombre d'années, bien loin d'avoir entendu aucune plainte, au contraire elles ont cessé de toute part; preuve évidente qu'il n'en existe plus ⁹³.

Entre 1775 et 1791, le Conseil législatif constitue « un organe législatif collégial à vocation théoriquement représentative » qui, en un certain sens, a « permis à la population coloniale une certaine participation à la législation locale⁹⁴ ». Pour Brun, toutefois, la souveraineté de la collectivité coloniale était mal servie par ce conseil désigné. Il est juste que ce système parlementaire québécois du XVIII^e siècle ne traduit pas toujours les volontés populaires.

L'historien britannique Vincent T. Harlow souligne aussi que le Conseil législatif ne possède pas les privilèges habituellement réclamés par les assemblées législatives, soit de contrôler les actions du gouvernement et de voter les subsides : certes, les conseillers législatifs de Québec « *did not possess the power of the purse and could not bring government to a standstill*⁹⁵ ». Soit. La Chambre d'assemblée du Bas-Canada ne possède pas non plus ces pouvoirs de « *check and balance* ». C'est pourquoi, dans la conclusion de sa thèse, Brun affirme qu'en 1838, « le parlementarisme québécois n'est pas encore parvenu à maturité. Partant du néant, l'évolution accomplie est immense », enchaîne-t-il⁹⁶.

⁹¹ *Ibid.*, « Finlay à Nepean, Québec, 22 octobre 1784 », p. 730.

⁹² H. Brun, *op.cit.*, note 42, p. 151.

⁹³ Séance du 1^{er} mai 1794, *Journaux du Conseil législatif de la province du Bas-Canada*, Québec, P. E. Desbarats, 1802, p. 462-464.

⁹⁴ H. Brun, *op. cit.*, note 42, p. 74 et 147.

⁹⁵ V. T. Harlow, *op. cit.*, note 20, vol. 2, p. 704.

⁹⁶ H. Brun, *op. cit.*, note 42, p. 253.

Pour le constitutionnaliste, le « néant » fait référence à l'Acte constitutionnel, l'an I de notre l'histoire parlementaire québécoise. Pour moi, il faut reculer le point de départ à l'établissement du gouvernement civil en 1764. Pour reprendre l'image de Brun, bien que le parlementarisme ne soit certes pas à maturité en 1838, il est du moins en gestation au Conseil de Québec et déjà dans la prime enfance au Conseil législatif de la Province de Québec.

Des sessions parlementaires

Il est d'abord question de la limitation des sessions dans l'Acte de Québec :

Pourvu encore, qu'il ne sera passé aucune Ordonnance dans aucune assemblée du dit Conseil qui sera composé de moindre nombre que de la majorité des membres de tout le Conseil, et en aucun autre temps qu'entre le premier jour de janvier et le premier jour de mai, à moins que ce ne soit dans quelques cas urgents; auxquels cas tous les membres du dit Conseil qui résideront à Québec, ou dans l'espace de cinquante mile de ladite ville, seront personnellement sommés de s'y trouver, par le Gouverneur, ou en son absence, par le Lieutenant-Gouverneur, ou le Commandant en Chef⁹⁷.

En vertu de l'article 9 des instructions royales de Carleton, les sessions parlementaires sont pareillement limitées⁹⁸ :

[Pourvu] qu'aucune ordonnance ne soit rendue, excepté en cas d'urgence, à d'autres séances du Conseil que celles qui seront tenues entre le premier jour de janvier et le premier jour de mai. Et attendu que l'état et la condition de notredite province exigent des dispositions législatives immédiates au sujet de plusieurs mesures et règlements essentiellement nécessaires au gouvernement d'icelle⁹⁹.

Cette notion de session est formulée autrement dans les instructions royales que lord Dorchester reçoit en 1786 :

[Pourvu] qu'aucune ordonnance ne soit rendue, excepté en cas d'urgence, à d'autres séances du conseil que celles qui seront tenues entre le premier jour de janvier et le premier jour de mai, - vous veillerez avec un soin particulier à ce que les dispositions dudit acte soient entièrement observées et à empêcher qu'aucune ordonnance ne soit adoptée à aucune séance du conseil où n'assisteront pas la majorité des membres ou en d'autre temps qu'entre le premier jour de janvier et le premier jour de mai, comme il est dit plus haut, excepté en cas d'urgence [...]¹⁰⁰.

⁹⁷ « Acte de Québec », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 1, p. 557.

⁹⁸ A. L. Burt, *op. cit.*, note 85, vol. 1, p. 173.

⁹⁹ « Instructions au gouverneur Carleton, 3 janvier 1775 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 581-582.

¹⁰⁰ *Ibid.*, « Instructions à Lord Dorchester, 1786 », p. 804.

De 1775 à 1791, on dénombre 18 sessions parlementaires au Conseil législatif de la Province de Québec. En moyenne, il y a 38 jours entre le début et la fin de la session. L'écart est toutefois énorme entre la plus petite session de 1781 qui ne dure qu'un seul jour, et la plus longue en 1787 qui compte 105 jours¹⁰¹.

Deux sessions se tiennent à l'extérieur du cadre temporel prévu par la loi. La 1^{re} session de 1775 et la 8^e session de 1781. Il faut préciser toutefois qu'en 1775, les instructions royales de Carleton lui donnent la permission de devancer les travaux du Conseil législatif :

*À ces causes c'est notre volonté et bon plaisir que dans un laps de temps raisonnable vous convoquiez en assemblée notredit Conseil comme corps législatif, le premier jour d'avril prochain ou aussitôt qu'il sera possible, afin d'élaborer et de préparer telles ordonnances que requiert l'état des affaires dans notredite province et qui conformément à votre jugement et à celui du Conseil, seront nécessaires et opportunes pour le bien-être de notredite province et des territoires y appartenant*¹⁰².

Le 30 août 1781, le gouverneur Haldimand tient une session d'urgence afin que soit enregistrée, dans les Journaux, l'opinion du secrétaire d'État aux Colonies, procureur général et solliciteur général du roi, Lord George Germain, qui confirme le pouvoir du Conseil législatif de réguler le prix du blé et des farines. Le gouverneur fait également enregistrer les articles 12, 13 et 16 de ses instructions royales (l'article 13 ayant trait à l'*habeas corpus*).

De 1775 à 1781, les sessions sont plutôt courtes (une moyenne de 11 séances), puis le travail législatif s'accélère (une moyenne de 29 séances). Les conseillers législatifs s'en plaignent. Le 21 mars 1785, le lieutenant-gouverneur Hamilton fait mention de l'étude, par le Parlement britannique, des doléances de certains conseillers législatifs qui indiquent que les sessions parlementaires entrent en conflit avec la conduite de leurs affaires personnelles. Mais aucune mesure ne sera adoptée par Londres à cet effet. En 1785, Hamilton presse même les conseillers d'accélérer le travail législatif en certaines matières.

¹⁰¹ Trois sessions ont duré une seule journée au Québec depuis 1867 : 22 octobre 1965, 20 octobre 1967 et 24 octobre 1980. Siegfried Peters (dir.), [La procédure parlementaire du Québec](#), 2021, note 31, p. 22.

¹⁰² « Instructions au gouverneur Carleton, 3 janvier 1775 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 581-582. Ce passage ne se retrouve pas dans les instructions royales d'Haldimand.

Les sessions et séances du Conseil législatif de la Province de Québec, 1775-1791

Session	Ouverture	Prorogation	Nombre de séances	Nombre de jours entre le début et la fin de la session
1	17 août 1775	5 septembre 1775	3	19
2	21 janvier 1777	29 avril 1777	33	98
3	23 mars 1778	25 avril 1778	10	33
4	11 janvier 1779	16 janvier 1779	6	5
5	27 janvier 1780	9 mars 1780	25	76
6	4 avril 1780	12 avril 1780	7	8
7	16 janvier 1781	20 janvier 1781	5	5
8	30 août 1781	30 août 1781	1	1
9	2 février 1782	16 février 1782	12	14
10	17 janvier 1783	5 février 1783	15	19
11	22 mars 1784	29 avril 1784	28	38
12	10 février 1785	30 avril 1785	45	79
13	6 février 1786	20 février 1786	6	14
14	15 janvier 1787	30 avril 1787	55	105
15	20 mars 1788	30 avril 1788	30	41
16	16 mars 1789	30 avril 1789	36	45
17	11 mars 1790	17 avril 1790	27	37
18	14 mars 1791	30 avril 1791	34	47
Total			378	---
Moyenne			20,9	38

La salle du Conseil législatif et ses officiers

Après la proclamation de la constitution de 1774, la salle du château Saint-Louis, utilisé jusqu'alors par les membres du Conseil de Québec, continue de servir d'enceinte à la fois pour les réunions du Conseil exécutif et du Conseil législatif. « *The Council Chamber in the Castle of S.^t Louis in the City of Quebec* » est la formule employée dans les procès-verbaux pour marquer le début d'une séance.

Un changement important survient le 17 janvier 1781. Pour la première fois de son histoire, le Conseil législatif siège au palais épiscopal, bâtiment loué par l'administration coloniale depuis le 1^{er} août 1777¹⁰³.

En 1775, à l'ouverture des travaux du Conseil législatif de la Province de Québec, il n'y a plus de greffier attitré à cette fonction. Le conseiller législatif, secrétaire et registraire de la Province de Québec, George Pownall, agit à titre de greffier du Conseil. Arthur Davidson assiste le greffier dans ses fonctions jusque vers 1779.

¹⁰³ Christian Blais, Gilles Gallichan, Frédéric Lemieux et Jocelyn Saint-Pierre, *Québec : quatre siècles d'une capitale*, Québec, Publications du Québec /Assemblée nationale du Québec, 2008, p. 176.

Le 1^{er} mai 1776, Jenkin Williams reçoit une commission de greffier du Conseil législatif. Il prête serment le 17 février 1777. Le greffier Williams peut compter sur Alexander Gray comme adjoint de 1783 jusqu'à vers 1789¹⁰⁴. De même, le 17 février 1777, François-Joseph Cugnet prête serment et conserve son office de secrétaire français du gouverneur en conseil. Son fils, Jacques-François, est nommé au poste de cosecrétaire et cotraducteur le 29 mai 1788. Il prend la relève de son père lorsque ce dernier meurt le 16 novembre 1789¹⁰⁵. C'est Peter Mills qui occupe la fonction de portier de 1775 à 1791. Il était autrefois le portier du Conseil de Québec depuis 1766. Mills se charge toujours de transmettre les messages qui sont adressés aux conseillers pendant qu'ils siègent.

L'étude des projets d'ordonnance

Un facteur particulier à la Province de Québec va d'ailleurs permettre aux conseillers législatifs de se forger une personnalité propre. Car, dès 1775, Carleton interprète à sa façon l'article 5 relatif au quorum du Conseil ayant trait aux délibérations « sur toutes les affaires au sujet desquelles ils pourront être requis de donner leur avis et leur consentement, excepté seulement lorsqu'il s'agira d'actes législatifs¹⁰⁶ ».

Le gouverneur comprend qu'il peut se constituer un « Conseil privé » pour l'aviser dans la gestion des affaires exécutives de la province. Telle n'était pas la volonté de la Couronne. Ce quorum de cinq personnes ne devait servir qu'à régler les affaires relatives à l'étude des comptes publics et à la distribution des terres de la Couronne¹⁰⁷. En 1775, Hector Theophilus Cramahé, Hugh Finlay, Thomas Dunn, John Collins et Adam Mabane sont choisis par Carleton pour former ce premier « Conseil exécutif ». Les autres conseillers sont confinés aux seules affaires de nature législative.

Le gouverneur Haldimand juge lui aussi que la révolte américaine est un contexte qui ne se prête pas à la création d'un Conseil exécutif élargi. Le 29 mars 1779, par des instructions supplémentaires, le roi demande au gouverneur « de faire cesser toute interprétation fautive de notre volonté royale » quant à la constitution de ce Conseil privé. On exige que le gouverneur le forme avec tous les conseillers législatifs, sans distinction¹⁰⁸.

Sur la question du « Conseil exécutif », Londres insiste année après année pour que le Conseil privé soit constitué de tous les conseillers législatifs. C'est finalement le 15 janvier 1781 que l'ensemble des membres du Conseil législatif est invité à siéger au Conseil exécutif¹⁰⁹. Suivant la pratique des colonies royales de l'époque, le Conseil

¹⁰⁴ Le 29 avril 1784, le nom du greffier adjoint du Conseil législatif Alex Gray apparaît, pour la première fois, dans le Journal du Conseil.

¹⁰⁵ P. Tousignant et M. Dionne-Tousignant, « [Cugnet, François-Joseph](#) », dans *DBD*, vol..

¹⁰⁶ « Instructions au gouverneur Carleton », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 579.

¹⁰⁷ A. L. Burt, *op. cit.*, note 85, vol. 1, p. 228.

¹⁰⁸ « Instruction supplémentaire à Haldimand, 29 mars 1779 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 694.

¹⁰⁹ En 1781, Haldimand confirme au *Board of Trade* qu'il a convoqué le Conseil tout entier pour faire partie de l'Exécutif. « Haldimand aux Lords du commerce britannique, Québec, 20 octobre 1781, Lettres au

législatif devient à la fois le Conseil privé du gouverneur et un organe législatif distinct¹¹⁰. Mais, Haldimand fait ensuite indirectement ce qu'il ne peut faire directement. La seconde séance du Conseil exécutif n'a lieu que le 2 février 1782. S'ensuivent seulement 21 autres séances jusqu'en 1784¹¹¹. La minceur des minutes témoigne de la volonté du gouverneur Haldimand de limiter les activités de l'Exécutif au strict nécessaire. Il faut attendre que le lieutenant-gouverneur Henry Hamilton accède à la présidence du Conseil exécutif pour que les membres du Conseil législatif soient véritablement intégrés aux affaires courantes du gouvernement colonial. Le retour à Québec du gouverneur Carleton, devenu Lord Dorchester, est suivi de nouvelles instructions royales en 1786. Elles font en sorte qu'il ne peut plus modeler le Conseil exécutif à sa guise :

[Vous] ne devrez pas cependant choisir ou désigner nommément cinq membres de notredit conseil que vous croirez aptes à administrer ces affaires, ou donner le titre de conseil privé au groupe de membres ainsi choisis; mais, en toute circonstance ou la présence des conseillers est nécessaire ou requise, vous devrez convoquer tous ceux d'entre eux qui résident dans un rayon raisonnable¹¹².

De 1775 à 1784, la majorité des membres du Conseil législatif – ceux qui ne siègent pas ou peu au Conseil exécutif – a donc le temps de se familiariser exclusivement avec les procédures parlementaires propres à l'adoption des ordonnances et, par le fait même, de maîtriser de mieux en mieux le jargon législatif.

Pendant la première session de 1775, d'une durée de trois séances seulement, la procédure législative employée au Conseil législatif est identique à celle usitée au Conseil de Québec. Les deux seuls projets d'ordonnance étudiés font suite aux instructions royales du gouverneur Carleton. Un comité législatif est alors formé pour rédiger l'ébauche des articles, laquelle est transmise au procureur général. Une seule ordonnance est sanctionnée.

La nouvelle législature continue de faire appel au procureur général afin de rédiger la version définitive de la plupart des projets d'ordonnance. Car, excepté le juge en chef, qui est membre d'office du Conseil législatif de la Province de Québec, il ne s'y trouve pas d'avocat. Pourtant, en 1774, à Londres, l'avocat général Marriott – qui avait témoigné à un comité de la Chambre des communes lors de l'étude de l'Acte de Québec – avait proposé, en vain, que certains membres du Conseil législatif de la Province de Québec soient avocats afin d'être de meilleurs légistes :

Il est aussi judicieusement proposé que les trois juges et les trois procureurs fassent partie du Conseil ex officio, afin qu'ils puissent aider le Conseil à statuer sur les appels; de cette manière, les meilleures autorités en matière légale formeront le

ministère, 1780-1782, volume 2, Collection Haldimand ». Voir aussi : dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 686-696, et particulièrement « Les Lords du Commerce et des plantations à Haldimand, 10 avril 1781 », p. 713.

¹¹⁰ H. Brun, *op. cit.*, note 42, p. 75. William Smith, *History of New-York, From the First Discovery to the Year M.DCC.XXXII*, Ryer Schermerhorn, 1814, p. 364-365.

¹¹¹ Quebec Executive Council, p. 75-113.

¹¹² « Instructions à Lord Dorchester, 1786 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 802.

*tribunal chargé de juger en dernier ressort, ce qui aura pour effet de mettre un frein aux procédés arbitraires d'un gouverneur et d'établir une législation dans la province*¹¹³.

Durant la session de 1777, les conseillers législatifs peaufinent quelque peu leur pratique. Parmi les seize projets de loi présentés en 1777, quinze sont sanctionnées. Comme au Conseil de Québec, c'est encore par un ordre ou une résolution que l'on intime aux conseillers de rédiger une première ébauche des ordonnances. Par contre, c'est désormais le discours du trône qui amorce bon nombre de mesures législatives. Les projets d'ordonnances sont toujours rédigés en comité législatif. Le rapport du comité est déposé en Conseil. Lorsqu'un projet d'ordonnance a des incidences judiciaires, il est envoyé au procureur général; sinon, il est étudié en Conseil uniquement. Toutes les mesures sont lues deux fois avant d'être grossoyées. Or, le parchemin est rare dans la colonie. En 1777, le gouverneur Carleton indique au secrétaire des colonies, Lord George Sackville Germain, qu'une ordonnance « aurait dû être transcrite sur du parchemin, mais, précise-t-il, nous n'en avons pas dans la province¹¹⁴ ». Après avoir été grossoyés (sur papier?), les projets d'ordonnance (sauf deux) sont lus une troisième fois (et même une quatrième fois pour deux autres) avant d'être l'objet d'un vote.

Jusqu'à la fin de la Révolution américaine, le corpus législatif de la Province de Québec est mince. De 1778 à 1783, sur les 36 projets d'ordonnance étudiés au Conseil législatif, 21 sont sanctionnés; sur ce nombre, 16 sont des ordonnances adoptées durant les sessions antérieures (ayant une date d'expiration, elles doivent être adoptées de nouveau pour demeurer en vigueur). Et parmi tous ces projets d'ordonnance, 20 sont rédigés par le procureur général. Rappelons qu'il n'y a pas de juge en chef dans la colonie durant cette période. Livius a été suspendu de ses fonctions en 1778. Il ne sera remplacé qu'en 1786 par le juge Smith. Il n'y a donc pas d'avocat au Conseil législatif.

Ce contexte politique se prête peu aux innovations en matière de procédure législative. Quelques nouveautés à signaler néanmoins. Le discours du trône n'est plus le seul point de départ des projets d'ordonnance. Dès 1778, les conseillers législatifs prennent l'initiative de parrainer des mesures législatives. Par contre, seulement deux projets d'ordonnance présentés par un membre du Conseil législatif sont adoptés avant 1784. Le 9 avril 1780, est sanctionnée l'« Ordonnance qui désigne les personnes qui seront réputées forestalliers ou exacteurs de denrées, regrattiers et monopoleurs, dans cette Province, et qui établit des punitions contre ceux qui seront trouvés tels », déposé par Grant. Le 16 février 1782, est sanctionnée l'« Ordonnance qui change, fixe et établit l'âge de la majorité », inscrit par Mabane¹¹⁵.

¹¹³ *Ibid.*, « Rapport de l'avocat général James Marriott sur un Code de lois pour la Province de Québec, Londres MDCCLXXIV », p. 453. Marriott reprend à son compte les propos que Carleton avait écrits au secrétaire d'État aux colonies Lord Hillsborough en 1767.

¹¹⁴ « Carleton à Germain, Québec, 9 mai 1777 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 664.

¹¹⁵ Cette ordonnance fixe l'âge de la majorité à 21 ans. Il était auparavant de 25 ans. L'âge de la majorité sera abaissé à 18 ans en 1963.

Un autre aspect à signaler. Depuis 1779, tous les projets d'ordonnance sont lus à trois reprises avant d'être sanctionnés. Comme au Parlement de Westminster, un vote a lieu à la suite de la troisième lecture. La question suivante est alors posée : « *Whether the said last mentioned Ordinance should pass into a Law?* » ou « *Whether the said last mentioned Ordinance should be continued for two years longer?* » Il y a encore des exceptions qui confirment cette règle. À la session de 1783, trois projets d'ordonnance sont lus à quatre reprises avant d'être sanctionnés.

Sinon, l'ordre de grossoyer les bills est modifié deux fois. En 1779, on le fait à la suite de la première lecture. Puis de 1780 à 1784, cet ordre est inscrit le plus souvent – mais pas systématiquement, à la suite de l'adoption de la 3^e lecture. Et pour la session de 1781 seulement, une nouvelle procédure est ajoutée : celle de l'examen des bills grossoyés.

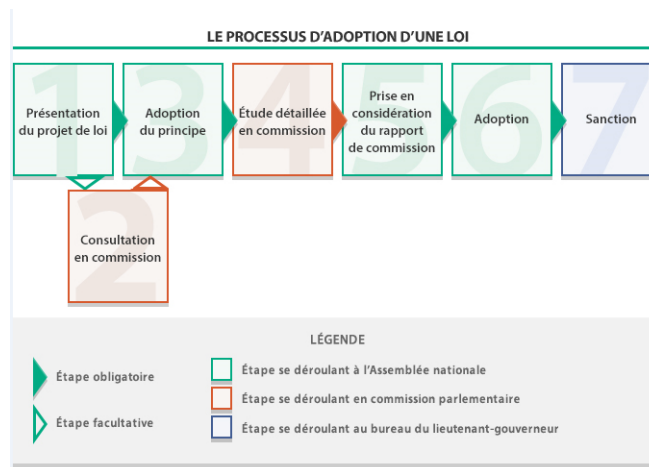
L'adoption d'un règlement permanent à la session de 1784 marque une nouvelle étape dans le développement de la procédure législative au Conseil législatif. Désormais, même les projets d'ordonnance appelés par le discours du trône et ceux présentés par un conseiller doivent être proposés et secondés par un membre du Conseil législatif. L'article 9 du Règlement établit la procédure en huit étapes :

1. Présentation du projet par le président du comité et première lecture (aucun membre ne peut faire de remarques);
2. Étude article par article en comité et prise en considération du rapport¹¹⁶;
3. Deuxième lecture;
4. Étape facultative : envoi au procureur général;
5. Ordre de grossoyer;
6. Troisième lecture (adoption du titre de l'ordonnance);
- 7 Adoption;
8. Sanction.

Ces étapes s'apparentent au processus actuel d'adoption d'une loi à l'Assemblée nationale du Québec¹¹⁷ :

¹¹⁶ Le 26 mars 1784, l'expression « *Committee of the whole House* » est employée pour la première fois au Conseil législatif pour désigner l'étude d'un projet d'ordonnance en comité plénier. Cette formule est usitée par Adam Mabane.

¹¹⁷ Assemblée nationale du Québec, [Projet de loi](#), dans L'ABC de l'Assemblée; *Id.*, [Le processus d'adoption d'une loi](#), dans *Par ici la démocratie*. Consultés le 13 juillet 2022.



Le Conseil législatif est libre ou non de suivre son Règlement. Surtout lorsque la date de la prorogation du 30 avril approche à grands pas. Des projets d'ordonnance sont alors adoptés à toute vitesse. Par exemple, l'« Ordonnance qui règle les formes de procéder dans les Cours civiles de judicature, et qui établit les procès par jury dans les affaires de commerce, et d'injures personnelles qui doivent être compensées en dommages, en la Province de Québec » est adoptée avec une seule lecture, le 27 avril 1785. Des bills sont également « passés à la vapeur » à la fin des sessions parlementaires de 1792 à 1968. Aujourd'hui, par la motion de procédure d'exception, communément appelée le bâillon, l'Assemblée nationale peut aussi presser l'adoption de certaines lois.

Du nouveau en 1786. Le retour de Carleton, devenu Lord Dorchester, est suivi de la création de quatre comités du Conseil privé pour délibérer sur les anciennes lois et coutumes de la province :

1. **Des cours de justice.** Membres : Le juge en chef William Smith (président), Hugh Finlay, Thomas Dunn, Adam Mabane, John Fraser et Paul-Roch de Saint-Ours.
2. **De la milice, des grandes routes et des communications.** Membres : Le lieutenant-gouverneur Henry Hope (président), François-Marie Picoté de Belestre, Henry Caldwell, François Baby, Charles-Louis Tarieu de Lanaudière (*in absentia*) et Jean-Baptiste Le Comte Dupré.
3. **De la population, de l'agriculture et de la colonisation des domaines royaux.** Membres : Gaspard-Joseph Chaussegros de Léry (président), Joseph-Dominique-Emmanuel Le Moyne de Longueuil, Samuel Johannes Holland, George Davison, John Johnson et René-Amable Boucher de Boucherville
4. **Du commerce intérieur et extérieur et des règlements de police.** Membres : François Lévesque (père) (président), Edward Harrison, John Collins, William Grant et George Pownall.

Le 31 mai 1787, un cinquième comité est formé pour enquêter sur l'éducation. Il est présidé par le juge William Smith. Tous les comités sont autorisés à faire comparaître et à interroger des personnes. Certains rapports des comités sont ensuite enregistrés dans les Journaux du Conseil législatif. À partir de cette documentation, les membres du Conseil exécutif – les mêmes que ceux du Conseil législatif – déposeront huit projets d'ordonnance

au Conseil législatif aux sessions de 1788 et de 1789. Quatre d'entre elles seront sanctionnées.

Encore et toujours, les conseillers font appel au procureur général pour la rédaction des projets d'ordonnance ayant des incidences judiciaires. De 1784 à 1786, parmi les 28 projets d'ordonnance étudiés au Conseil législatif, dix sont confiés au procureur général James Monk. Comme auparavant, le projet d'ordonnance est d'abord étudié article par article en comité et envoyé ensuite au procureur. La formule est la suivante : « *Ordered to be delivered the Attorney General to draw out the ordinance.* » Après que le rapport du procureur général est enregistré, les conseillers passent à la troisième lecture¹¹⁸. Cette procédure est respectée jusqu'à ce que les conseillers législatifs se brouillent avec le procureur général.

Puis, le Conseil législatif cesse de faire appel au procureur général après que Monk a confronté la majorité parlementaire – le French Party – le 14 avril 1787. À titre d'avocat, Monk représente les marchands de la colonie devant le Conseil législatif afin de protester contre le projet d'ordonnance « pour régler la forme de procéder dans les Cours civiles de judicature », parrainé par Paul-Roch de Saint-Ours. Lors d'un discours d'une durée de six heures et demie, Monk attaque l'administration de la justice et les juges des Cours des plaids communs. Il les accuse d'incompétence et de favoritisme¹¹⁹.

Le 21 avril 1787, le lieutenant-gouverneur Henry Hope, secondé par Edward Harrison, demande que le procureur général vienne à la barre du Conseil législatif afin de prouver les allégations et les accusations menées contre les cours de justice de la Province de Québec. La motion est adoptée par un vote de quinze contre trois. Monk répond le jour même aux questions des conseillers législatifs. Pour finir, le 27 avril 1787, le gouverneur répond favorablement à une adresse du Conseil législatif proposant la tenue d'une enquête sur l'administration de la justice.

Dans ce contexte, pour effectuer le travail réalisé jusqu'alors par le procureur général, une nouvelle procédure parlementaire fait son apparition au Conseil législatif le 11 avril 1788. Après un vote en troisième lecture, un comité est formé de trois conseillers. Ce comité est mandaté pour examiner la transcription grossoyée avec le Journal du Conseil et le compte rendu des comités. Si des doutes surgissent au sujet de l'exactitude de la transcription, ils doivent en faire part à la présidence du Conseil législatif. Sinon, les membres du comité doivent livrer le projet d'ordonnance au gouverneur et en aviser le Conseil.

La procédure législative atteint sa pleine maturité au tout début de la session de 1789. Grâce au conseiller législatif William Grant, les projets d'ordonnance sont désormais lus deux fois avant d'être étudiés en comité. Une procédure est enfin fixée pour étudier les projets

¹¹⁸ En 1779, le procureur propose même une nouvelle formule pour conclure les ordonnances, mais par un vote de 17 contre 1, le Conseil législatif choisit le *statu quo*.

¹¹⁹ James H. Lambert, « [Monk, sir James](#) », dans *DBC*, vol. 6. Le 30 avril 1787, le Conseil législatif enregistre la réponse écrite de James Monk, à titre d'avocat des marchands-pétitionnaires. La pétition dénonce notamment les délais dans l'administration de la justice. Il reproche aussi aux cours de justice de se référer à la fois aux droits français et anglais, selon l'avantage que ceux-ci procurent aux justiciables.

d'ordonnance ayant une date d'expiration : de 1778 à 1788, chaque bill renouvelé passait par une procédure législative différente; après 1789, tout le travail se fait exclusivement en comité.

C'est aussi au cours de cette période que les premiers projets d'ordonnance privés sont étudiés au Conseil législatif. On en recense deux en tout. Par définition, un « bill privé » concerne des intérêts particuliers ou locaux et est présenté le plus souvent par un parlementaire. Toute procédure relative aux bills privés commence par une pétition, et ce, jusqu'en 1972. Le 12 avril 1790, « L'Acte ou Ordonnance qui assure plus efficacement le droit de pontage du pont sur la rivière Saint-Charles, près de Québec » est le premier bill privé adopté dans la Province de Québec.

À la session de 1791, deux bills privés sont étudiés. Le 21 mars, le Conseil législatif étudie la pétition d'Angus Macdonell, de Sainte-Foy. Ayant expérimenté une nouvelle méthode pour la fabrication de la potasse et de la perlasse, il souhaite obtenir un brevet et des privilèges¹²⁰. Le lendemain, les conseillers législatifs étudient la pétition de Samuel Hopkins, de Philadelphie. Il demande des privilèges pour la fabrication de potasse et de la perlasse dans la Province de Québec¹²¹. Les deux projets d'ordonnance qui s'ensuivent sont étudiés séparément. Une première dans les annales parlementaires québécoises : les deux mesures sont ensuite étudiées lors d'un seul et même comité plénier. À la suite de quoi, les deux projets sont rejetés. Un nouveau projet est présenté et sanctionné le 30 avril 1791 : *Acte. Une Ordonnance pour récompenser Samuel Hopkins et Angus MacDonell et autres pour leur découverte de deux nouvelles méthodes améliorées au sujet de la fabrication de la potasse et de la perlasse.*

Dans sa thèse, Gary O'Brien comprend que si l'apparition des bills privés se fait plus rapidement au Bas-Canada qu'au Haut-Canada – où les premiers bills privés se généralisent surtout dans les années 1830 –, c'est parce que les villes de Québec et de Montréal sont pour lors les principaux centres commerciaux de la colonie. C'est juste. Il faut maintenant ajouter qu'au Québec, la pratique législative concernant l'adoption de lois privées précède l'Acte constitutionnel de 1791¹²².

¹²⁰ Macdonell sera nommé greffier de la Chambre d'assemblée du Haut-Canada, le 12 décembre 1792.

¹²¹ Hopkins obtint le premier brevet américain pour une invention améliorant la fabrication de potasse et de la perlasse, le 31 juillet 1790.

¹²² G. O'Brien, *Pre-confederation parliamentary procedure : the evolution of legislative practice in the Lower Houses of Central Canada, 1792-1866*, p. 170. Il écrit : *Private bill legislation began much earlier in Lower Canada than in the Upper province, an understandable development since Montreal and Quebec City remained the important commercial centres of the central British provinces throughout the nineteenth century. [...] private bills were not presented to any significant degree in Upper Canada until the 1830s*

Ordonnances étudiées au Conseil législatif de la Province de Québec

Session	Ouverture	Prorogation	Nombre de projets d'ordonnance étudiés	Ordonnances sanctionnées
1	17 août 1775	5 septembre 1775	2	1
2	21 janvier 1777	29 avril 1777	16	15
3	23 mars 1778	25 avril 1778	5	0
4	11 janvier 1779	16 janvier 1779	3	3
5	27 janvier 1780	9 mars 1780	5	4
6	4 avril 1780	12 avril 1780	2	1
7	16 janvier 1781	20 janvier 1781	3	3
8	30 août 1781	30 août 1781	0	0
9	2 février 1782	16 février 1782	13	5
10	17 janvier 1783	5 février 1783	5	4
11	22 mars 1784	29 avril 1784	8	3
12	10 février 1785	30 avril 1785	16	8
13	6 février 1786	20 février 1786	4	3
14	15 janvier 1787	30 avril 1787	22	12
15	20 mars 1788	30 avril 1788	12	9
16	16 mars 1789	30 avril 1789	20	7
17	11 mars 1790	17 avril 1790	11	7
18	14 mars 1791	30 avril 1791	19	7
Total			166	92

Un premier règlement parlementaire

C'est le conseiller Hugh Finlay qui, le premier, propose l'adoption de règles permanentes. Le 22 février 1780, il dépose un document intitulé *The manner of debating and passing Bills in Parliament*. Ce document est lu en anglais et en français :

As to the manner of debating and passing bills in PARLIAMENT.

Any member may move to have a bill brought in for any thing, which, upon a question put, being agreed to by the majority, that person with others, are ordered to prepare and bring in the same. When ready, a time is appointed for reading: after reading it by the clerk, the speaker reads abstract thereof, and puts the question, whether or no it shall have a second reading? after a second reading, the question is, whether or no it shall be committed? which is either to a committee of the whole house, if it be of importance; or to a private committee, any member naming the persons. See COMMITTEE.

The committee appointed, and a chairman chosen, the chairman reads the bill, paragraph by paragraph, puts every clause to the question, fills up blanks, and makes amendments, according to the opinion of the majority. The bill thus gone through, the chairman makes his report at the side-bar of the house, reads all the additions and amendments, &c. and moves for leave to bring up the report to the table; which granted, he delivers it to the clerk, who reads the amendments, &c.

The speaker then puts the question, whether they shall be read a second time; and, if agreed to, reads them himself. To so many as the house acquiesces in, the question is now put, whether the bill, thus amended, shall be engrossed and writ fair in parchment, and read a third time? the bill engrossed, the speaker holds it in his hand, and asks if it shall pass? if the majority be for it, the clerk writes on it, soit baille aux seigneurs. Or, in the house of lords, soit baille aux communes. -If a Bill be rejected, it cannot be any more proposed during that session. See BILL.

Forty members constitute a house of commons, and eight a committee. A member of the commons, to peak, stands up uncover 'd, and directs his speech to the speaker only. If what he says be answered by another, he is not allowed to reply the same day, unless personally reflected on. Nor may any person speak more than once to the same bill in the same day. In the lords house they vote, beginning at the puisne or lowest baron, and so up orderly to the highest, every one answering apart, content or not content. In the house of commons, they vote by yea's and nay's; and, if it be dubious which is the greater number, the house divides. If the question be about bringing any thing into the house, the ay's go out; if it be about any thing he house already has, the no's go out. In all divisions, the speaker appoints four tellers, two of each opinion. In a committee of the whole house, they divide by changing sides, the ay's taking the right, the no's the left of the chair, and then there are but two tellers.

If a bill pass one house, and the other demur to it, a conference is demanded in the painted chamber, where certain members are deputed from each house; and here

the lords sitting covered, the commons standing bare, the case is debated. If they disagree, the affair is null; if they agree, this, with the other bills that have passed both houses, is brought down to the king, in the house of lords, who comes thither clothed in the royal robes and with the crown on, before whom the clerk of the parliament reads the title of each bill, and as he reads, the clerk of the crown pronounces the royal assent or dissent.

If t be a publick bill, the royal assent is given by these words, le roy le veut. If a private one, by soit fait comme il est desire. If the king refuse the bill, the answer is, le roy s'avisera. If it be a money bill, the answer is, le roy remercie ses loyaux sujets, accepte leur benevolence & aussi le veut.

The bill for the king's general pardon has but one reading. The number of members in the house of lords is uncertain, as increasing at the king's pleasure. The members of the house of commons, when full, are 553, viz. 92 knights of shires; 52 deputies for the 25 cities, London having 4; 16 for the 8 cinque ports; 2 for each university; and, finally, 332 for 180 boroughs, besides 12 boroughs for Wales, and 45 members for Scotland¹²³.

Le 25 février 1780, sur la proposition du président et lieutenant-gouverneur Cramahé, un comité spécial est formé d'Hugh Finlay, Edward Harrison, Adam Mabane, George Pownall, Henry Caldwell, Pierre-Roch de Saint-Ours d'Eschaillons et Joseph-Dominique-Emmanuel Le Moyne de Longueuil. Ce *Committee for framing Rules and Orders* a pour objet de rédiger des règlements afin que les affaires du Conseil puissent être menées avec plus de régularité. Il est aussi question d'encadrer la présence du procureur général¹²⁴. Or, le comité ne parvient pas à mener ses travaux à terme.

Le 22 janvier 1783, au début de la session parlementaire, Caldwell propose la mise en place d'un comité de rédaction d'un règlement permanent du Conseil législatif : « *That a Committee may be appointed to take into consideration such rules and regulations as it may be judged necessary to adopt in this council, to promote order, and the greater expedition of business.* » Une motion appuyée à l'unanimité. Le comité est composé du nouveau lieutenant-gouverneur Henry Hamilton, de Hugh Finlay, d'Adam Mabane, d'Henry Caldwell et de François Baby.

Le comité dépose son rapport le 1^{er} février 1783. Les règles ayant pour objet de « promouvoir l'ordre et la plus grande expédition des affaires » sont lus. Ordre est ensuite donné de traduire le rapport et d'en transmettre un exemplaire à chaque conseiller. Ce rapport « *touching the Rules to be observed in the proceedings of the Council* » est lu une seconde fois, en anglais et en français, à la deuxième séance de la session suivante, le 23 mars 1784 : *Ordered from the Chair, that the Question be put « Whether the Rules and Regulations contained in the said Report shall stand as the Rules and Regulations of the*

¹²³ *Cyclopædia: or, An Universal Dictionary of Arts and Sciences* [...], 5^e éd., London, D. Midminter [...], 1752, vol. II.

¹²⁴ *Committee for framing Rules and Orders to conduct the business of the Council with more Regularity in time to come. And to consider of the Attorney General's Attendance thereupon.*

Legislative Council in their proceedings »? Par un vote unanime, le Conseil se dote d'un premier Règlement permanent de onze articles¹²⁵ :

Règlements adoptés en Conseil (1784)

1. *Les membres s'assembleront à l'heure indiquée, et procéderont aux affaires aussitôt qu'il y en aura un nombre suffisant arrivé, qui ne pourra être moindre que de neuf en toute occasion.*
2. *Chaque membre siégeant en conseil pendant un débat, donnera sa voix lorsqu'elle lui sera demandée, et il pourra entrer sa désapprobation dans les minutes, qui y sera premièrement lue par le greffier.*
3. *Aucune voix ne sera donnée sur une proposition, à moins qu'elle ne soit secondée, et au préalable débattue.*
4. *Dans les affaires de très grande importance, tout le Conseil formera un Comité, alors le Président quittera sa place.*
5. *Un comité ne pourra être moindre que de cinq membres, le Président avec deux autres membres du Comité procéderont aux affaires.*
6. *Tout membre pourra proposer un Bill; s'il est secondé et agréé par la majorité, il sera mis en Comité, dont le membre qui l'aura proposé sera le Président.*
7. *Chaque membre qui parlera se lèvera de sa place en s'adressant au Président, et continuera de se tenir debout pendant son discours.*
8. *Si deux membres se lèvent pour parler dans le même temps, le Président dira qui des deux parlera le premier, et dans tous points relatifs à l'ordre, l'opinion du Président les décidera.*
9. *Lorsque le Bill sera préparé, le Président du Comité le présentera. Tous bills, avant qu'ils soient passés, seront lus trois fois. Aucun membre ne fera de remarques à la première lecture. À la seconde lecture, article par article, tout membre pourra proposer des corrections ou augmentations. Chaque proposition à cet égard sera soumise aux voix, et si la majorité l'emporte, les corrections ou augmentations seront faites. Après la seconde lecture, il sera ordonné de la mettre au net. Et il sera lu une troisième fois et passé avec aucunes corrections qui, à cette lecture pourront être proposées & arrêtées. Alors le titre en sera établi.*
10. *Toutes lois qui auront été débattues en Conseil & rejetées ne pourront être reproposées pendant cette séance [session].*
11. *L'avocat [procureur] général se rendra au Conseil, lorsqu'il en sera requis.*

¹²⁵ Civil Secretary's correspondence: A 1 - S Series: Quebec and Lower Canada: C-3005, image 789.

La procédure prévue pour l'étude des projets d'ordonnance est contestée trois ans plus tard lorsque, le 26 mars 1787, une réponse tardive à un protêt du juge en chef William Smith est enregistrée au Conseil législatif. Celui-ci et huit autres conseillers s'offusquent qu'à la séance du 22 mars, le *Bill for the better Administration of Justice, and to regulate the practice of the law*, n'ait pas été envoyé en comité après la première lecture¹²⁶ :

Because the refusal to commit the Bill, implies a disapprobation of every part of it as incapable of being to altered as to retain a single Clause, and amounts as clearly to a rejection of every paragraph of it, as if each had been separately Voted to be struck out; and it was so explained and understood, and that intention avowed, by every Speaker against the Commitment. [...] Because thro' the whole debate for the noncommitment of the Bill, which has had but a singly reading (it being the course of this Council contrary to Parliamentary usage to commit it before a second reading) [...].

Le 19 mars 1789, le Conseil législatif corrige cette situation. Le contexte spécifique à l'adoption d'une nouvelle règle fait suite à l'étude d'un projet d'ordonnance relatif à l'administration de la justice, parrainé par le juge en chef Smith¹²⁷. Ce sujet est alors objet de discord. William Grant, appuyé par John Johnson, propose : « *That it be a standing Rule of the Council, in their proceedings, that no Bill pass to Commitment, until it has had two Readings.* » La motion est adoptée à l'unanimité, preuve que la majorité des conseillers législatifs sont maintenant conscients qu'il faut, à cet égard, calquer les règles qui ont cours au Parlement de Westminster¹²⁸.

Des séances à huis clos

À quatre reprises, des citoyens demandent la permission d'assister aux débats du Conseil législatif. Chaque fois, la majorité des conseillers votent contre tout changement à la règle établie, alléguant que leur serment d'office les oblige à garder le secret sur ce qui se discute au Conseil.

Le 7 avril 1784, le portier transmet au Conseil législatif une première requête de citoyens demandant la permission d'entendre les débats. Après discussion, par un vote de quinze voix contre et une abstention (William Grant), le Conseil poursuit ses travaux à huis clos. William Grant fait ensuite enregistrer un protêt dans lequel il se prononce en faveur de l'admission du public aux travaux du Conseil législatif¹²⁹.

¹²⁶ En l'occurrence, contrairement au Parlement de Grande-Bretagne, le renvoi des bills en comité pour examen a lieu après la première lecture et non après la deuxième lecture.

¹²⁷ *An Act or Ordinance to continue the Ordinance regulating the practise of the Law, and to provide more effectually for the dispensation of Justice, and especially in the New Districts.*

¹²⁸ Cette règle n'apparaîtra qu'en 1802 dans le Règlement de la Chambre d'assemblée du Haut-Canada. O'Brien ajoute: « *Throughout the history of Upper Canada to 1840, the Assembly never adopted more than five rules relating to the legislative process. Such procedural simplicity did not encourage effective legislation.* », dans *op. cit.*, note 122, p. 114 et 136.

¹²⁹ Adam Mabane demande au portier de donner les noms des citoyens ayant demandé la permission d'entendre les débats du Conseil législatif. Le portier répond qu'il s'agit de MM. Cochrane, Shoolbred, Adam Lymburner et Charles Grant.

Une seconde requête, datée du 9 avril 1784, de onze citoyens demandant la permission d'entendre les débats est transmise par le portier au Conseil législatif. Leur admission est refusée par un vote de treize contre quatre.

Le portier transmet une troisième requête, datée du 10 avril 1784, des mêmes onze citoyens demandant la permission d'entendre les débats. Ceux-ci écrivent qu'ils sont désolés de ne pas être admis aux travaux du Conseil législatif et demandent s'ils pourront l'être à une séance ultérieure. Sur une motion de John Fraser, adoptée par une majorité de onze contre quatre, il est résolu que ce message leur soit transmis : « Le Conseil a voté que les Messieurs qui ont demandé l'admission pour entendre les Débats aujourd'hui ne peuvent être admis. Ceci pour servir de réponse à toute future demande¹³⁰. » Le lieutenant-gouverneur Hamilton fait ensuite enregistrer un protêt, lequel indique qu'il est en faveur de l'ouverture des portes de la Chambre du Conseil législatif au public, « parce que nos débats ont pour objet le bénéfice de la province ». Hugh Finlay fait de même.

Pour une quatrième fois, le 22 janvier 1787, seize hommes demandent par écrit la permission d'assister aux travaux du Conseil législatif. Henry Caldwell, secondé par William Grant, propose : « Que chaque membre du Conseil ait la permission de présenter des messieurs pour entendre les débats, à tout moment, sauf lorsque la Chambre a reçu l'ordre d'être vidée¹³¹. » La motion est rejetée par un vote de dix contre huit. Il est résolu que cette demande est contraire au Règlement.

Trois jours plus tard, dans un protêt, George Pownall explique pourquoi il est en faveur de l'admission des étrangers pour assister aux travaux du Conseil législatif¹³². Il allègue que tous les sujets britanniques ont le droit, après une demande régulière, d'assister aux délibérations du corps qui, dit-il, vote les lois auxquelles ils sont assujettis. Il ajoute que l'opinion généralement acceptée voulant que les conseillers soient obligés, en vertu de leur serment, de délibérer à huis clos n'est plus valable et qu'il s'avère impératif d'éliminer les soupçons que le secret nourrit au sein de la population.

Ainsi, les séances du Conseil législatif se déroulent à huis clos jusqu'en 1791; mais à Londres comme à Québec, des citoyens s'opposent à cette coutume parlementaire. Si cette pratique s'inscrit dans la longue tradition parlementaire britannique, elle s'inscrit cependant en faux avec ce qui se fait en Amérique. Car les autorités métropolitaines laissent la plupart des assemblées législatives des colonies décider de cette question¹³³. Il en sera de même à la Chambre d'assemblée du Bas-Canada en 1792¹³⁴. Aujourd'hui encore, bien

¹³⁰ A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 764, note 1.

¹³¹ Traduction libre.

¹³² Christine Veilleux, « [Pownall, sir George](#) », dans *DBC*, vol. 6.

¹³³ Jack P. Greene, *The Quest for Power. The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776*, New York, The Norton Library, 1972, p. 212.

¹³⁴ « Dundas à Dorchester, 16 septembre 1791 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 1011.

que les séances soient publiques à l'Assemblée nationale du Québec, « celle-ci peut exceptionnellement décider de siéger à huis clos¹³⁵ ».

Des partis politiques en gestation

En vertu de la constitution de 1774, le Conseil législatif constitue la seule « législature » où s'affrontent les forces politiques de la colonie¹³⁶. À l'origine, Carleton y fait nommer dix de ses proches collaborateurs qui, auparavant, siégeaient au Conseil de Québec. Mabane, qu'il avait jadis suspendu, fait partie du nombre.

Sept conseillers canadiens, représentants de la noblesse seigneuriale, font leur entrée au Conseil législatif en 1775. Tous sont des hommes de confiance du gouverneur¹³⁷. Ces membres de la petite noblesse d'épée, la plupart Croix de Saint-Louis¹³⁸, ont en commun d'être fortunés, ce qui ajoute à leur prestige aux yeux des autorités britanniques coloniales. Selon Carleton, l'« intermédiaire » de ces « grands propriétaires et hommes de distinction », de ces « gentilshommes », est nécessaire pour « exercer une plus grande influence sur le bas peuple¹³⁹ ».

Sur les 22 conseillers nommés en 1775, une nette majorité appartient au French Party. De tendance aristocratique, ces conseillers ont en commun de favoriser une politique libérale envers les Canadiens, de résister au changement et de se mettre au diapason des intérêts de la Couronne britannique. Le noyau dirigeant cette majorité est constitué de Mabane, de Cramahé et de John Fraser, auxquels se joignent tous les Canadiens¹⁴⁰. La force numérique de ce « parti » s'explique, d'une part, par la mixité de sa composition ethnique et, d'autre part, par son hétérogénéité socioprofessionnelle¹⁴¹.

Le French Party conserve une majorité écrasante au Conseil de 1775 jusqu'en 1784. Durant cette période, qualifiée de « système des généraux » par l'historiographie, le gouverneur Carleton et son successeur Haldimand jouent un rôle prépondérant dans la conduite de

¹³⁵ S. Peters (dir.), « L'ordre et le décorum », dans *op. cit.*, note 101, chap. 11. Il en est de même à Ottawa ou la Chambre des communes « peut à tout moment tenir une séance à huis clos ». A. Beauchesne, A. Fraser, W. F. Dawson et J. A. Holtby, *Jurisprudence parlementaire de Beuchésne...*, p. 103.

¹³⁶ Stuart R. J. Sutherland, P. Tousignant et M. Dionne-Tousignant, « [Haldimand, sir Frederick](#) », dans *DBD*, vol. 5.

¹³⁷ Carleton avait su trouver chez ces grands propriétaires terriens des appuis puissants dans l'administration gouvernementale, entre 1766 et 1770. À un point tel que, dès le 15 mars 1769, Carleton adressait une lettre à Lord Hillsborough, secrétaire d'État aux Colonies de 1768 à 1772, lettre dans laquelle il proposait, en vain, le nom de douze seigneurs canadiens pour faire partie du Conseil de Québec (1764-1775). Précisons que parmi les sept seigneurs nommés en 1775, six faisaient partie de cette liste sélecte. Seul Jean-Baptiste-Marie Blaise Des Bergères de Rigauville n'était pas de cette liste. P. Tousignant, *op. cit.*, note 9, p. 86.

¹³⁸ Seul Jean-Baptiste-Marie Bergère de Rigauville n'a pas obtenu la croix de Saint-Louis. P. Tousignant, « Le conservatisme de la petite noblesse seigneuriale au Canada », dans *Annales historiques de la Révolution française*, vol. 45, 1973, p. 326.

¹³⁹ Sophie Imbeault, *Les Tarieu de Lanaudière : une famille noble après la Conquête, 1760-1791*, Québec, Septentrion, 2004, p. 87 et 229.

¹⁴⁰ H. Neatby, *op. cit.*, note 40, p. 160-161. Selon Marjolaine Saint-Pierre, Lacorne Saint-Luc fut rapidement reconnu comme « chef de la minorité française au sein du Conseil ». Marjolaine Saint-Pierre, *Lacorne Saint-Luc : l'Odyssée d'un noble, 1711-1784*, Québec, Septentrion, 2013, p. 304.

¹⁴¹ S. R. J. Sutherland, P. Tousignant et M. Dionne-Tousignant, *op. cit.*, note 136.

l'Administration. Dans le contexte de la guerre d'indépendance américaine, les mesures de guerre sont appuyées par le French Party, comme en témoigne notamment l'adoption d'une ordonnance sur la milice qui rétablit la corvée.

En homme habile, Haldimand avait ancré une idée phare au sein du French Party : « le temps n'est pas propice aux innovations et l'on ne saurait trop graver dans l'esprit du gouvernement que l'Acte de Québec est une charte sacrée concédée par le roi en son Parlement aux Canadiens et qui garantit à ces derniers la jouissance de leur religion, de leurs lois et de leurs propriétés¹⁴². » Chose certaine, le French Party se définit par cette volonté de favoriser les lois civiles françaises; ce qui n'empêche pas l'émergence d'une tradition légale mixte avec la common law dès 1764¹⁴³. Ce conservatisme inhérent est d'ailleurs défini par ce « parti », en 1780, dans une adresse en réponse au discours du gouverneur Haldimand : « *We are sensible that some alterations may, and ought to be made in the laws and customs of Canada, but we apprehend that those should be made with moderation, and be more the effects of experience, than of any preconceived theory or opinion*¹⁴⁴ ».

Le paysage politique se transforme à la suite du traité de Paris qui met fin, en 1783, à la guerre entre la Grande-Bretagne et les États-Unis. L'arrivée des loyalistes vient renforcer les appuis de ceux qui réclament une assemblée législative¹⁴⁵. George Allsopp, Hugh Finlay, Henry Caldwell et William Grant, appartenant à la classe marchande, sont les principales têtes pensantes de cette force d'opposition qui émerge progressivement au Conseil à compter de 1775. Après la destitution d'Allsopp en 1783, c'est Grant qui s'illustre dans « l'opposition » menée contre la politique de Haldimand au Conseil. En 1786, Grant laissera cette politique d'opposition à William Smith. L'historiographie désigne ce groupe comme étant le British Party ou l'English Party.

En 1784, le lieutenant-gouverneur Henry Hamilton prend la tête du gouvernement à titre intérimaire. Lui et les conseillers législatifs du British Party représentent l'élément commercial et réformiste de la colonie¹⁴⁶. Tous sont partisans de la création d'une Chambre d'assemblée, du jugement par jury dans les causes civiles et de l'introduction des lois commerciales britanniques. Hamilton croit, en somme, que l'Acte de Québec devrait faire l'objet de plusieurs modifications.

La session de 1784 est animée. Et, bien qu'ils soient toujours majoritaires, les conseillers législatifs du French Party acceptent néanmoins d'accorder quelques concessions

¹⁴² « Haldimand à Germain, Québec, 25 octobre 1780, » dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 710.

¹⁴³ Philip Girard, Jim Phillips et R. Blake Brown, *A History of Law in Canada. Volume one. Beginnings to 1866*, Toronto, University of Toronto Press, 2018, p. 324-337.

¹⁴⁴ *Procès-verbaux du Conseil législatif de la Province de Québec*, séance du 2 mars 1780; A. LeRoy Burt, *op. cit.*, note 85, vol. 2, p. 44.

¹⁴⁵ « Dorchester à Sydney, Québec, 13 juin 1787 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 926-927. Les conseillers Hugh Finlay, François Lévesque et William Grant évoquent même, dans leur réplique au Conseil, la question d'instituer une Chambre d'assemblée. Voir P. Tousignant, *op. cit.*, note 9, p. 296-301.

¹⁴⁶ *Ibid.*, p. 242, note 32.

favorables à la classe marchande ainsi qu'aux loyalistes¹⁴⁷. Mais sans plus. Traditionaliste, le French Party retardera, par exemple, toute modification à la loi sur la milice jusqu'en 1787.

En trame de fond, les conseillers canadiens estiment, à titre de « grands propriétaires de notre nation » et de « protecteurs de la nation »¹⁴⁸, représenter les intérêts supérieurs des Canadiens, croyant que la création d'une assemblée élue jouerait ultimement en la défaveur des lois civiles et du clergé catholique¹⁴⁹.

En vain, Hamilton cherche à mettre en œuvre d'autres réformes réclamées par le British Party, « soit d'introduire dans une plus large mesure les institutions anglaises dans la province¹⁵⁰ ». Mais dans la mêlée, en août 1785, le nouveau lieutenant-gouverneur Henry Hope, lié d'amitié avec le French Party, succède à Hamilton avec pour mandat d'apaiser les luttes partisans soulevées au Conseil législatif¹⁵¹. S'ensuit un bref interlude avant le retour du gouverneur Carleton, devenu Lord Dorchester en 1786.

Ayant la totale confiance de Dorchester, le nouveau juge en chef William Smith tente d'imposer nombre de réformes à titre de président du Conseil législatif et de président de plusieurs comités du Conseil, car le galant lieutenant-gouverneur Hope, rongé de plus en plus par une maladie vénérienne entre 1787 et 1789, laisse la présidence à Smith¹⁵²... Les chocs sont fréquents entre les partisans du juge Smith et le French Party. De 1786 à 1791, Dorchester note une « vive effervescence et de nombreuses altercations » au Conseil législatif¹⁵³. En 1787, le gouverneur brosse un portrait des partis en présence :

¹⁴⁷ H. Neatby, *op. cit.*, note 40, p. 210. Sur les concessions aux loyalistes, voir A. L. Burt, *op. cit.*, note 85, vol. 2, p. 103.

¹⁴⁸ « La Très Humble Adresse des Citoyens et Habitants Sujets Canadiens de différents État dans la Province de Québec en Canada », 13 octobre 1788, citée par P. Tousignant, « Le conservatisme... », *op. cit.*, note 138, p. 334.

¹⁴⁹ Hugh Finlay caricature en ces termes le French Party : « Les seigneurs, je suppose, s'opposent toujours aux projets qui tiendraient à modifier le régime actuel, car ils s'imaginent, je crois, que leur importance dépend du maintien de ce système, mais de quelle importance peut être un seigneur canadien dans une province commerciale anglaise? [...] Un seigneur canadien parle comme suit : "Les lois, les anciens usages et coutume de notre province seraient bientôt abolis si les sujets naturels du roi réussissaient à obtenir comme ils le demandent, une chambre d'assemblée. Nous désirons conserver nos lois intégralement en vigueur jusqu'à la fin des temps..." ». « Finlay à Nepean, Québec, 9 février 1789 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 942-943. Selon Dorchester, les nobles ne veulent pas d'une assemblée parce qu'« ils ne veulent pas de l'introduction d'un code de nouvelles lois dont ils ne connaissent ni la portée ni les tendances; ils expriment la crainte que l'organisation d'une Chambre causera beaucoup de malaise et d'anxiété parmi le peuple, et pensent que le niveau inférieur de l'instruction dans ce pays exposerait celui-ci à adopter et à prendre de mauvaises mesures et à des dangers qui ne menaceraient pas un peuple plus éclairé ». Dorchester à Sydney, Québec, 8 novembre 1788, dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2., cité par S. Imbeault, *op. cit.*, note 139, p. 127.

¹⁵⁰ E. Arthur, « [Hamilton, Henry](#) », dans *DBC*, vol. 4.

¹⁵¹ A. J. H. Richardson, « [Hope, Henry](#) », dans *DBC*, vol. 4.

¹⁵² *Ibid.*

¹⁵³ « Dorchester à Sydney, Québec, 13 juin 1787 », dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 7, vol. 2, p. 853.

Le volume extraordinaire des Journaux du Conseil législatif est dû au fait d'une vive effervescence et de nombreuses altercations entre les membres à partir du commencement jusqu'à la fin de la session; ils devinrent alors plus calmes et se séparèrent d'assez bonne humeur, en apparence du moins.

Deux partis ont toujours existé, dans cette province, depuis l'introduction au pays en [1774] des lois civiles, l'un partisan zélé des lois anglaises et d'une assemblée, l'autre non moins ambitieux de conserver la forme actuelle de gouvernement ainsi que les lois, les usages et coutumes traditionnels de cette contrée¹⁵⁴.

Or, les éléments réformistes du British Party ne parviennent pas à modifier la législation de la colonie à leur gré. Sans relâche toutefois, Smith et Grant, les plus radicaux du British Party, continuent de relayer les plaintes des marchands concernant l'appareil judiciaire. Ils réclament, de plus, l'introduction systématique du droit anglais. Comme toujours, sur la question de la conservation des lois civiles et commerciales canadiennes, la mince, mais rigide majorité du French Party fait valoir son opposition. Sauf que le British Party parvient, en 1787, à ouvrir une brèche dans l'administration de la justice, le juge en chef Smith étant d'opinion que les lois civiles françaises ne s'appliquent pas aux Britanniques; à terme, le juge en chef parvient notamment à ce que le Conseil législatif accepte d'ériger de nouveaux districts judiciaires pour les loyalistes¹⁵⁵.

La division des votes n'est pas systématiquement dictée par l'appartenance à un « parti » au Conseil législatif. À de multiples reprises, le travail des conseillers se fait dans la collégialité. D'autres conseillers sont plutôt neutres : Thomas Dunn et George Davison, par exemple, votent sans distinction de parti. D'autres encore changent de convictions durant leur mandat : Samuel Holland et Cramahé, qui appuyaient d'abord le French Party, vont finir par se solidariser avec le British Party. Même le Canadien Charles-Louis Tarieu de Lanaudière se rapproche idéologiquement de Smith et de Grant¹⁵⁶.

Après 1788 surtout, Smith parvient à faire vaciller les vieilles alliances autour de Mabane. Selon la question débattue en Chambre, Edward Harrison, John Pownall, John Collins et même Henry Caldwell s'éloignent du French Party. À tel point que le British Party se trouve le plus souvent en majorité lors des votes des dernières sessions du Conseil législatif¹⁵⁷.

¹⁵⁴ *Ibid.*, vol. 2, p. 853.

¹⁵⁵ A. L. Burt, *op. cit.*, note 85, vol. 2, p. 148-153. En résumé, Smith tente de traduire son opinion par un projet de loi au Conseil législatif. En contre-attaque, le conseiller Paul Roch de Saint-Ours, du French Party présente alors un autre projet de loi pour abolir le droit de choisir un procès avec ou sans jury, de même que la loi anglaise des preuves, en vigueur depuis 1777 dans les causes relatives au commerce. Ce projet est adopté par une majorité d'une seule voix. Smith obtient, en retour, de faire étudier son projet de loi en comité. Et lors de l'audition du comité, le procureur général James Monk, en qualité d'avocat des marchands de la colonie, livre pendant 6 heures et demie, un plaidoyer qui, à terme, convainc le Conseil législatif de demander au gouverneur Dorchester d'entreprendre une enquête sur l'administration de la justice dans la province. C'est par la suite aussi que le projet de loi de Smith est adopté par le Conseil législatif.

¹⁵⁶ S. Imbeault, *op.cit.*, note 139, p. 114.

¹⁵⁷ Alexander M. C. Wright, *The Executive Council of Lower Canada, 1791-1805*, Montréal, (M.A. en histoire), Université McGill, 1982, p. 25.

Le bref récit présenté relativement à l'histoire du French Party et de l'English Party au Conseil de Québec et au Conseil législatif s'inscrit encore en faux avec l'analyse de l'historien Peverill Squire, qui relate l'évolution des législatures américaines depuis 1619. Squire montre qu'une unanimité règne parmi les premiers parlementaires. Dans les Treize colonies, de session en session, des règles parlementaires sont davantage conçues pour des raisons fonctionnelles que pour des raisons politiques. Il en vient à prouver que les modifications de l'environnement organisationnel, telles que la charge de travail, sont à l'origine de l'évolution de la législation. Il en arrive à cette conclusion parce qu'à l'origine, les députés ne sont pas organisés en partis ou en factions durables¹⁵⁸.

Dans la Province de Québec, l'explication partisane est l'un des éléments qui expliquent le développement des corps législatifs de la colonie. Les débats parlementaires qui s'y déroulent ouvrent la voie à la dissidence. Présente, mais faiblement représentée au Conseil de Québec, cette dissidence se renforce au Conseil législatif. Le vote enregistré permet, en plus, de distinguer la voie de la « majorité parlementaire » de celle de « l'opposition ».

Et surtout, le fait que des francophones catholiques et des anglophones protestants doivent participer ensemble à la conduite des travaux du Conseil législatif est un élément sans pareil dans les autres colonies royales britanniques. Cette spécificité est à la source même des factions. Ce sont les luttes partisans, jumelées à la charge de travail en croissance qui, on le verra au chapitre 3, concourent à l'évolution de la procédure législative.

La suite du régime constitutionnel, 1775-1791

Dans la Province de Québec, l'Acte de Québec, qui entre en vigueur le 1^{er} mai 1775, est d'abord accueilli favorablement par les Canadiens. Carleton affirme que « les sujets canadiens de Sa Majesté sont profondément touchés de la grande bonté que le roi leur a témoignée à l'occasion du dernier acte voté pour régler le gouvernement de la province¹⁵⁹ ».

Les clauses de l'Acte de Québec touchant le retour des lois civiles françaises et l'officialisation de la religion catholique romaine satisfont les Canadiens. L'élite seigneuriale canadienne se réjouit plus encore puisque c'est dans ses rangs seulement que sont nommés les conseillers législatifs catholiques. Comme le souligne l'historien Pierre Tousignant, l'Acte de Québec confirme et renforce le sentiment des grands seigneurs qu'ils sont les seuls véritables porte-parole attitrés de la collectivité canadienne-française.

Or, la guerre de l'Indépendance américaine (1776-1783) perturbe les activités du Conseil législatif et du Conseil exécutif. Les conseillers législatifs ne se réunissent qu'à trois reprises en 1775. La première séance du Conseil exécutif de la Province de Québec se déroule seulement le 8 août 1776. Les lois martiales en vigueur font en sorte que les affaires militaires prennent le pas sur les affaires civiles.

¹⁵⁸ P. Squire, *The evolution of American legislatures: Colonies, territories and States, 1619-2009*, University of Michigan Press, 2012, p. 6.

¹⁵⁹ Carleton à Dartmouth, A. Shortt et A. G. Doughty, *op. cit.*, note 7, vol. 2, p. 565.

Dès 1775, lorsque fut connue la composition du Conseil législatif, certains Canadiens ne cachèrent ni leur déception ni leur mécontentement¹⁶⁰. Mais ce n'est que plus tard, entre 1780 et 1784, qu'un mouvement réformiste canadien se forme véritablement, et ce, dans le giron des démêlés judiciaires qui opposent alors Pierre Du Calvet au gouverneur Haldimand¹⁶¹.

Du côté des marchands britanniques, la réaction à l'endroit de l'Acte de Québec est immédiate. Dès 1774, ils font parvenir des pétitions à Londres pour obtenir son abrogation. Ils plaident en faveur de l'instauration d'une assemblée législative élue et demandent la protection de l'*habeas corpus*.

En 1775, le débat est relancé aux Communes britanniques, quand l'opposition whig demande le rappel de l'Acte de Québec¹⁶². William Hey, juge en chef de la Province de Québec et membre *ex officio* du Conseil législatif, siège alors à la Chambre des communes, ayant été élu député de Sandwich en 1774. De retour à Québec en 1775, Hey démissionne cependant, peu après, comme juge en chef de la colonie pour revenir siéger aux Communes. Le 20 février 1776, son seul discours enregistré à la Chambre – avant de laisser son siège la même année – est un plaidoyer défendant l'Acte de Québec¹⁶³.

Ailleurs, dans les Treize colonies américaines, l'Acte de Québec constitue l'une des « *Coercive Acts* » jugés intolérables, au même titre que le *Massachusetts Act*. S'ensuit la guerre d'Indépendance américaine (1776-1783) qui, dans la Province de Québec, perturbe les activités du Conseil législatif. Les lois martiales en vigueur à partir du 21 juin 1775 font en sorte que les conseillers législatifs ne se réunissent qu'à trois reprises cette année-là, avant que Québec soit assiégé par les Américains durant l'hiver 1775-1776. Les membres du Conseil ne se réuniront qu'en 1777¹⁶⁴.

À partir de 1784, Canadiens et Britanniques de la Province de Québec forment des comités afin de demander la création d'une Chambre d'assemblée. Des pétitions datées du 24 novembre 1784, en anglais et en français, demandent notamment la création d'une chambre d'assemblée « indistinctement composée d'anciens et de nouveaux sujets de Sa Majesté, librement élus par les habitants¹⁶⁵ ». Un total de 2 373 personnes, dont 1 518 Canadiens, signent ces pétitions.

¹⁶⁰ P. Tousignant, *op. cit.*, note 9, p. 218 et 230.

¹⁶¹ *L'Appel à la justice de l'État*, publié en 1784, « exerça une grande influence sur les compatriotes de Du Calvet. Il fut un de ceux qui contribuèrent le plus à les sensibiliser à la nécessité et à l'urgence de réformes constitutionnelles et à les inciter à s'allier aux colons anglais pour obtenir gain de cause. Il polarisa les courants d'opinion tant et si bien que les réformistes canadiens virent en lui un inspirateur ». P. Tousignant et M. Dionne-Tousignant, « [Du Calvet, Pierre](#) », dans *DBC*, vol. 4.

¹⁶² En outre, Sir George Savile demandera le rappel de l'Acte de Québec le 18 mai 1775 et le 14 avril 1778. [The history of Parliament : british political, social & local history](#), 1754-1790. Consulté le 14 juillet 2022. Voir aussi les débats de 1788 dans A. Shortt et A. G. Doughty (dir.), *op. cit.*, note 2 vol. 2, p. 935-936.

¹⁶³ *The history of Parliament...*, *op. cit.* Notons aussi, dans l'opposition whig, la présence du colonel Thomas Pownall, l'oncle de George Pownall, alors conseiller législatif à Québec. Christine Veilleux, « [Pownall, sir George](#) », dans *DBC* vol. 6.

¹⁶⁴ S. Peters (dir.), *op. cit.*, chap 1.

¹⁶⁵ John Hare, *Aux origines du parlementarisme québécois, 1791-1793*, Sillery, Septentrion, 1993, p. 20.

À la même époque, l'arrivée de loyalistes change la donne politique et, ultimement, oblige la Grande-Bretagne et le gouvernement de William Pitt (1783-1801) à repenser l'organisation de son empire colonial nord-américain. En 1789, le nouveau secrétaire d'État aux colonies, William Wyndham Grenville, envisage un projet de nouvelle constitution pour le Canada.

La loi constitutionnelle de 1774 est modifiée le 10 juin 1791. L'Acte constitutionnel de 1791 divisera la Province de Québec en deux entités politiques distinctes, le Haut et le Bas-Canada, et créera, pour chacune, une chambre d'assemblée élue¹⁶⁶.

Lexique

&c. : Etc.

Viz.[†] : Videlicet

Note

La pagination du manuscrit original est située en haut de page.

¹⁶⁶ Le nom exact de cette loi est « Acte abrogeant certaines parties d'une loi votée la quatorzième année du règne de Sa Majesté », intitulée « Acte à l'effet de pourvoir d'une façon plus efficace au gouvernement de la province de Québec dans l'Amérique du Nord et arrêtant de nouvelles dispositions pour le gouvernement de ladite province ».

Les membres du Conseil législatif de la Province de Québec, 1775-1791

- **Les gouverneurs :**

1. Guy Carleton (1775-1778)
2. Frederick Haldimand (1778-1786)
3. Guy Carleton, Lord Dorchester (1786-1791)

- **Les conseillers :**

1. Hector Theophilus Cramahé (1775-1782)
2. William Hey (1775-1776)
3. Hugh Finlay (1775-1791)
4. Thomas Dunn (1775-1791)
5. James Cuthbert (1775-1786)
6. Colin Drummond (1775-1776)
7. François Lévesque (1775-1787)
8. Edward Harrison (1775-1791)
9. John Collins (1775-1791)
10. Adam Mabane (1775-1791)
11. Claude-Pierre Pécaudy de Contrecoeur (1775-1775)
12. Pierre-Roch de Saint-Ours d'Eschaillons (1775-1777)
13. Charles-François Tarieu de Lanaudière (1775-1776)
14. George Pownall (1775-1791)
15. George Allsopp (1775-1783)
16. Luc de La Corne de Saint-Luc (1775-1784)
17. Gaspard-Joseph Chaussegros De Léry (1775-1791)
18. Alexander Johnston (1775-1778)
19. Conrad Guty (1775-1786)
20. François-Marie Picoté de Belestre (1775-1791)
21. Jean-Baptiste-Marie Blaise Des Bergères de Rigauville (1775-1776)
22. John Fraser (1775-1791)
23. Peter Livius (1777-1786)
24. Henry Caldwell (1777-1791)
25. John Drummond (1777-1782)
26. William Grant (1777-1791)
27. Paul-Roch de Saint-Ours (1777-1791)
28. François Baby (1778-1791)
29. Joseph-Dominique-Emmanuel Le Moyne de Longueuil (1778-1791)
30. Samuel Johannes Holland (1779-1791)
31. George Davison (1783-1791)
32. Henry Hamilton, lieutenant-gouverneur (1782-1785)
33. Henry Hope, lieutenant-gouverneur (1785-1789)
34. William Smith, juge en chef (1786-1791)
35. René-Amable de Boucherville (1786-1791)
36. Charles-Louis Tarieu de Lanaudière (1786-1791)

37. Jean-Baptiste Le Compte Dupré	(1786-1791)
38. John Johnson	(1786-1791)
39. Alured Clarke	(1790-1791)
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- **Les greffiers :**

1. George Pownall (conseiller législatif)	(1775-1777)
2. Jenkin Williams	(1777-1791)

 - **Les sous-greffiers :**

1. Arthur Davidson	(1775- 1779?)
2. Alexander Gray	(1783? ¹⁶⁷ -1789?)

 - **Les traducteurs officiels et secrétaires français**

1. François-Joseph Cugnet	(1775-1789)
2. Jacques-François Cugnet	(1788-1791)

 - **Le portier :**

1. Peter Mills	(1775-1791)

¹⁶⁷ Douglas Brymner, [*Report on canadian archives 1888*](#), Printer for the Queen's Printer, Ottawa , 19891, 52 p.

CHRONOLOGIE

1775

1^{er} mai 1775

Entrée en vigueur de l'Acte de Québec. En vertu de la nouvelle constitution, chacune des ordonnances rendues par le gouverneur et le Conseil de Québec en exercice depuis 1764 est révoquée.

21 juin 1775

Le gouverneur Carleton impose les lois martiales afin de faire face à la Révolution américaine.

17 juillet 1775

William Hey est renouvelé, par commission, dans ses fonctions de juge en chef de la Province de Québec.

17 août 1775

Première séance du Conseil législatif de la Province de Québec, au château Saint-Louis. Il s'agit de la première session parlementaire.

Le lieutenant-gouverneur Hector Theophilus Cramahé, le juge en chef William Hey, George Allsopp, Jean-Baptiste-Marie Blaise des Bergères de Rigauville, Gaspard-Joseph Chaussegros de Léry, John Collins, James Cuthbert (père), Colin Drummond, Thomas Dunn, Hugh Finlay, John Fraser, Conrad Gogy, Edward Harrison, Alexander Johnston, Luc de La Corne, François Lévesque (père), Adam Mabane, Claude-Pierre Pécaudy de Contrecoeur, François-Marie Picoté de Belestre, George Pownall, Pierre-Roch de Saint-Ours d'Eschaillons et Charles-François Tarieu de Lanaudière prêtent les serments d'office pour siéger au Conseil législatif.

Lecture des commissions royales de Guy Carleton le nommant capitaine général et gouverneur en chef de la Province de Québec et vice-amiral.

Lecture de l'Acte de Québec.

Lecture de la commission royale d'Hector Theophilus Cramahé le nommant lieutenant-gouverneur de la Province de Québec.

Claude-Pierre Pécaudy de Contrecoeur siège pour la première et pour la dernière fois au Conseil.

À noter que le juge en chef William Hey est également député de Sandwich à la Chambre des communes britannique, depuis octobre 1774.

Le conseiller George Pownall, secrétaire et registraire de la Province de Québec, agit à titre de greffier du Conseil législatif. Arthur Davidson l'assiste dans ses fonctions.

2 septembre 1775

Jean-Baptiste-Marie Blaise des Bergères de Rigauville et Colin Drummond siègent pour la dernière fois au Conseil.

5 septembre 1775

William Hey, Pierre-Roch de Saint-Ours d'Eschaillons et Charles-François Tarieu de Lanaudière siègent pour la dernière fois au Conseil.

16 septembre 1775

Le Comité des comptes publics s'assemble. Enregistrement du rapport du Comité des comptes publics, présidé par le lieutenant-gouverneur Hector Theophilus Cramahé, couvrant la période du 25 décembre 1774 au 30 avril 1775.

Novembre 1775

Retour du juge en chef William Hey en Grande-Bretagne.

3 novembre 1775

Jean-Baptiste-Marie Blaise des Bergères de Rigauville, officier de milice lors de l'invasion américaine, est fait prisonnier à Verchères.

13 décembre 1775

Claude-Pierre Pécaudy de Contrecoeur meurt en fonction à Montréal, à l'âge de 69 ans et 11 mois.

27 juin 1775

Le deuxième Congrès continental américain décide d'envahir la Province de Québec.

13 novembre 1775

Capitulation de Montréal. Le brigadier général américain Richard Montgomery installe son quartier général de campagne au château Ramesay.

9 décembre 1775

Les troupes américaines entreprennent le siège de Québec.

31 décembre 1775

Les hommes du brigadier général Richard Montgomery général et du brigadier général Benedict Arnold sont défaits en tentant de s'emparer de Québec.

1776

Le Conseil législatif de la Province de Québec ne siège pas en 1776, en raison de la révolution américaine.

1^{er} février 1776

Charles-François Tarieu de Lanaudière meurt en fonction, à Québec, à l'âge de 75 ans et 2 mois.

1^{er} mai 1776

Jenkin Williams reçoit une commission pour agir à titre de greffier du Conseil législatif.

6 juillet 1776

Le gouverneur Guy Carleton reçoit le titre de chevalier (sir).

8 août 1776

Première séance du Conseil exécutif de la Province de Québec. Le gouverneur Carleton invite Hector Theophilus Cramahé, Hugh Finlay, Thomas Dunn, John Collins et Adam Mabane à siéger à son « conseil privé ».

Été de 1776

Démission du juge en chef William Hey.

15 juin 1776

L'approche des forces britanniques oblige Benedict Arnold et l'Armée continentale à abandonner Montréal. Le gouverneur Carleton reprend la ville sous son contrôle.

30 octobre 1776

Jean-Baptiste-Marie Blaise des Bergères de Rigauville meurt en fonction, en captivité à Bristol (Pennsylvanie), à l'âge de 55 ans.

1777

21 janvier 1777

Le gouverneur Guy Carleton inaugure les travaux du Conseil législatif au château Saint-Louis. À la manière d'un discours du trône, Carleton adresse plusieurs recommandations aux conseillers législatifs afin qu'ils adoptent une série d'ordonnances. Il s'agit de la seconde session parlementaire.

23 janvier 1777

Le Conseil législatif ajourne dorénavant ses séances en fixant la date de la prochaine réunion.

Par résolution, il est établi que les conseillers doivent présenter leurs motions par écrit, en comité.

17 février 1777

Jenkin Williams prête serment comme greffier du Conseil législatif.

François-Joseph Cugnet prête serment comme secrétaire français du gouverneur en conseil.

Le procureur général William Grant prête le serment de garder secrète les informations du Conseil législatif qui pourraient lui être confiées.

22 février 1777

Lors de la 4^e lecture du projet d'ordonnance « qui règle les formes de procéder dans les Cours civiles de judicature établies dans la Province de Québec », un amendement proposé par le conseiller Edward Harrison est défait par un vote de sept contre cinq. Il s'agit du premier vote enregistré dans les annales du Conseil législatif.

25 février 1777

Le gouverneur Carleton sanctionne deux ordonnances dans la salle du Conseil législatif :

- *Ordonnance qui établit les Cours civiles de judicature en la Province de Québec.*
- *Ordonnance qui règle les formes de procéder dans les Cours civiles de judicature établies dans la Province de Québec.*

Carleton y appose sa signature sous le Grand Sceau de la Province de Québec. Ordre est donné de publier ces ordonnances dans la *Gazette de Québec*. Il en sera toujours ainsi par la suite.

La première de ces ordonnances a été réalisée par un comité de la Chambre en 1775.

Par un ordre du Conseil législatif, un comité formé de Finlay, Dunn, Lévesque, Harrison, Allsopp et Johnston, ou trois d'entre eux, est chargé de préparer un projet de règles et de règlements pour la création d'une chambre de commerce. À cette fin, ils doivent se concerter avec des marchands britanniques et canadiens de leur choix. Le projet devra être soumis au gouverneur en conseil.

4 mars 1777

Le gouverneur Carleton sanctionne quatre ordonnances dans la salle du Conseil législatif :

- *Ordonnance qui fixe les dommages sur les lettres de change protestées, et le prix des intérêts dans la Province de Québec.*
- *Ordonnance portant règlement pour les marchés dans les villes de Québec et de Montréal, en la Province de Québec.*
- *Ordonnance qui établit les Cours de juridiction criminelle en la Province de Québec.*

- *Ordonnance qui déclare comment seront dument publiées les ordonnances dans cette Province de Québec.*

7 mars 1777

Le conseiller James Cuthbert dépose un mémoire dans lequel il est proposé de limiter le prix du blé vendu dans la Province de Québec.

29 mars 1777

Le gouverneur Carleton sanctionne sept ordonnances dans la salle du Conseil législatif :

- *Ordonnance qui défend de vendre des liqueurs fortes aux Sauvages de la Province de Québec, qui empêche aussi d'acheter leurs armes et leurs habillements, et pour autres objets concernant la traite et le commerce avec lesdits Sauvages.*
- *Ordonnance qui règle les milices dans la Province de Québec et qui les rend d'une plus grande utilité pour la conservation et la sûreté d'icelle.*
- *Ordonnance qui établit le cours de la monnaie en la Province de Québec.*
- *Ordonnance qui concerne les boulangers dans la ville de Québec et de Montréal en la Province de Québec.*
- *Ordonnance pour réparer, réformer et entretenir les grands chemins publics et les ponts dans la Province de Québec.*
- *Ordonnance qui autorise les commissaires de la paix à régler le pris des charriages des marchandises, et du passage des bacs en la Province de Québec.*
- *Ordonnance pour prévenir les accidents du feu en la Province de Québec.*

Lecture du rapport concernant l'établissement d'une chambre de commerce.

Lecture du rapport de l'arpenteur général adjoint contenant une estimation pour la construction d'un abattoir.

29 avril 1777

Le gouverneur Carleton sanctionne trois ordonnances dans la salle du Conseil législatif :

- *Ordonnance pour empêcher qui que ce soit de quitter la Province sans un passeport.*
- *Ordonnance qui autorise les commissaires de la paix à régler la police dans les villes de Québec et de Montréal pour un temps limité.*
- *Ordonnance concernant la distribution des biens et effets des particuliers qui partent de la Province sans payer leurs dettes.*

Les deux premières ordonnances sont sanctionnées après avoir été adoptées en seconde lecture seulement.

Le gouverneur Guy Carleton proroge la session.

Alexander Johnston siège pour la dernière fois au Conseil, possiblement pour des raisons de santé.

31 mai 1777

Peter Livius est nommé juge en chef de la Province de Québec.

27 juin 1777

Le gouverneur Guy Carleton présente sa démission aux autorités métropolitaines.

18 septembre 1777

Frederic Haldimand obtient une commission de gouverneur en chef et capitaine général de la Province de Québec. Carleton demeure en fonction jusqu'à l'arrivée de son successeur en 1778.

1778

23 mars 1778

Le gouverneur Guy Carleton inaugure la nouvelle session parlementaire. À la manière d'un discours du trône, Carleton adresse plusieurs recommandations aux conseillers législatifs afin qu'ils adoptent une série d'ordonnances. Il s'agit de la troisième session parlementaire.

Henry Caldwell, John Drummond (qui succède à son père Colin Drummond), Peter Livius, William Grant prêtent les serments d'office pour siéger au Conseil législatif. Paul-Roch de Saint-Ours prête le serment d'office, requis par les catholiques romains, pour siéger à la place de son père.

24 mars 1778

Le Conseil législatif siège en deux comités distincts afin d'établir les honoraires des fonctionnaires civils de la Province de Québec.

4 avril 1778

Par motion, Henry Caldwell propose l'adoption de trois ordonnances. Il suggère aussi que ces ordonnances soient préalablement étudiées par un comité qui, en plus, est mandaté pour examiner les causes de mécontentement de la population. C'est la première fois dans les annales qu'un conseiller parraine ainsi un projet législatif.

C'est également la première fois, dans les Journaux du Conseil législatif que l'on précise qu'une motion est présentée par écrit lors des travaux du Conseil législatif.

6 avril 1778

Par résolution, on donne l'ordre au portier de laisser le procureur général James Monk assister aux travaux du Conseil législatif, bien qu'il n'en soit pas membre.

Hugh Finlay, conseiller législatif et maître des Postes, dépose des documents concernant la poste. Il s'agit à la fois des premiers documents déposés et de la première pétition enregistrée dans le Journal du Conseil législatif. Finlay présente aussi les articles d'une ordonnance pour l'établissement de bureaux de poste.

Par motion, Henry Caldwell souhaite qu'un comité soit nommé pour examiner « les voies et moyens » afin de lever une taxe pour paver et éclairer les rues de la ville de Québec. Des articles d'ordonnance sont lus à cet effet à la séance suivante.

8 avril 1778

Une première demande d'inscription d'un protêt est accordée à Peter Livius et à Hugh Finlay, à la suite du vote ayant rejeté l'étude, en comité, d'une ordonnance pour l'établissement de bureaux de poste. Le greffier note toutefois que les deux conseillers ne lui transmettent pas le texte de leur protêt afin de l'inscrire dans les Journaux du Conseil législatif.

William Grant, conseiller législatif et receveur général adjoint, propose des articles d'ordonnance « pour le recouvrement plus rapide et efficace des casuels et les revenus domaniaux de Sa Majesté dans cette Province du Québec, et les arriérés de celle-ci ».

Peter Livius, conseiller législatif et juge en chef, présente une motion pour qu'une demande dépôt de document soit adressée au gouverneur. Il demande à Carleton de déposer les instructions royales ayant trait à la législation de cette province, « pour que ce Conseil législatif puisse consciencieusement s'efforcer de se conformer aux intentions de Sa Majesté, et que, dans toute la mesure du possible, il accomplisse les plus nobles desseins de Sa Majesté pour le bon gouvernement de ses sujets dans cette province ».

11 avril 1778

La motion de dépôt de document adressée au gouverneur de Peter Livius est rejetée par un vote de cinq contre onze.

Par motion, Gaspard-Joseph Chaussegros de Léry propose qu'une place sécuritaire soit trouvée pour archiver les documents publics de la Province de Québec.

23 avril 1778

Par motion, Peter Livius présente un projet d'adresse au gouverneur. Il dénonce la formation d'un Conseil privé constitué de cinq conseillers, excluant ainsi les autres conseillers législatifs. Il dénonce le fait que ces seuls conseillers ont pu vérifier les comptes publics de la Province de Québec. Il ajoute que « ces procédures sont irrégulières et illégales, tendent à introduire confusion, incertitude et mécontentement [...] et impunité pour la future spéculation, et perversion de l'argent public ». Il termine en priant humblement le gouverneur de remédier convenablement à cette situation.

25 avril 1778

Le lieutenant-gouverneur Hector Theophilus Cramahé par ordre du gouverneur Guy Carleton proroge la session.

Peter Livius siège pour la dernière fois au Conseil.

1^{er} mai 1778

Le juge en chef Peter Livius est destitué par le gouverneur Guy Carleton.

26 juin 1778

Le gouverneur Frederick Haldimand arrive dans la colonie. Il entre en fonction le lendemain.

30 juillet 1778

Le gouverneur Guy Carleton, qui avait annoncé sa démission le 27 juin 1777, quitte la Province de Québec.

31 juillet 1778

Le juge en chef Peter Livius quitte la colonie pour Londres afin de contester sa destitution.

26 octobre 1778

Alexander Johnston meurt en fonction.

16 novembre 1778

Arthur Davidson reçoit une commission pour agir à titre de greffier du Conseil législatif.

1779

11 janvier 1779

Le gouverneur Frederick Haldimand inaugure la nouvelle session parlementaire. Il prononce un discours du trône qui est enregistré en français et en anglais dans le Journal. Il s'agit de la quatrième session parlementaire.

François Baby et Joseph-Dominique-Emmanuel Le Moyne de Longueuil prêtent les serments d'office pour siéger au Conseil législatif.

12 janvier 1779

Henry Caldwell présente une adresse au gouverneur Haldimand afin que le Conseil législatif puisse enregistrer officiellement son discours dans le Journal en français, puis en anglais. Il propose ensuite qu'une adresse en réponse au discours du trône soit rédigée. Il s'agit d'une première dans nos annales parlementaires.

14 janvier 1779

Adoption de l'adresse en réponse au discours du trône, en anglais et en français. Le gouverneur répond à cette adresse de remerciement par d'autres remerciements qui sont également enregistrés dans le Journal.

16 janvier 1779

Le gouverneur Frederick Haldimand sanctionne trois ordonnances dans la salle du Conseil législatif :

- *Ordonnance qui continue une Ordonnance passée le vingt-cinquième jour de février, dans la dix-septième année du règne de Sa Majesté, intitulée « Ordonnance qui règle les formes de procéder dans les Cours civiles de judicature établies dans la Province de Québec ».*
- *Ordonnance qui continue une Ordonnance passée le vingt-neuvième jour de mars, dans la dix-septième année du règne de Sa Majesté, intitulée « Ordonnance qui règle les milices dans la Province de Québec et qui les rend d'une plus grande utilité pour la conservation et la sûreté d'icelle ».*
- *Ordonnance qui continue une Ordonnance passée le vingt-troisième jour d'avril, dans la dix-septième année du règne de Sa Majesté, intitulée « Ordonnance qui autorise les commissaires de la paix à régler la police dans les villes de Québec et de Montréal pour un temps limité ».*

Ces trois ordonnances, adoptées une première fois en 1777, sont ainsi prolongées jusqu'au 30 avril 1781.

Le gouverneur Frederick Haldimand proroge la session.

29 mars 1779

Peter Livius est réintégré dans son poste de juge en chef par un comité du Conseil privé. Cependant, il ne revient pas dans la Province de Québec.

1780

27 janvier 1780

Le gouverneur Frederick Haldimand inaugure la nouvelle session parlementaire par un discours du trône, dont il dépose une copie écrite au Conseil législatif. Il s'agit de la cinquième session parlementaire.

Samuel Johannes Holland, nommé conseiller législatif en 1779, siège pour la première fois au Conseil.

11 février 1780

Par motion, George Allsopp propose que le gouverneur « soit prié de déposer devant ce Conseil toutes les instructions de Sa Majesté relatives à l'adoption des lois pour le bon gouvernement de cette province afin que ce Conseil puisse dûment contempler les plus aimables intentions de Sa Majesté envers tous ses sujets de cette province, et se préparer humblement et consciencieusement à rencontrer ces intentions ». Après un vote de quatorze contre trois en défaveur de cette motion, le vote est suspendu, attendu que William Grant et Hugh Finlay ne sont pas en mesure de se positionner.

14 février 1780

La motion d'Allsopp est battue par un vote de seize contre trois. Des protêts sont enregistrés en bonne et due forme dans le Journal du Conseil.

Un premier règlement est adopté par un vote de 17 contre 2. Il est résolu : « Qu'un membre du Conseil agissant en sa qualité de législateur puisse prendre des notes ou des extraits des documents déposés devant le Conseil par le gouverneur ou toute autre personne. »

18 février 1780

Un second règlement est adopté par un vote de 18 contre 2. Il est résolu : « Qu'un Comité a le pouvoir de modifier, aux fins d'examen par le Conseil, les lois de l'Angleterre, dans la mesure où la localité et les circonstances différentes de cette province peuvent l'exiger. »

21 février 1780

Le procureur général, James Monk, s'adresse au président du Conseil législatif, bien qu'il ne soit pas conseiller législatif. Henry Caldwell intervient en soulevant une question de règlement : « Que le Conseil prenne avis à savoir si le procureur général a ou n'a pas le privilège de s'adresser au président de ce conseil par motion, ou de donner son avis non sollicité par rapport à l'objet de tout débat ou procédure agitée ici. » Il est résolu de répondre à cette question à une séance ultérieure. Sur quoi, Caldwell soulève (pour ainsi dire) une question de règlement : il souhaite que le Conseil prenne avis à l'effet de savoir si le procureur général a ou n'a pas le privilège de s'adresser au président, et s'il peut donner un avis non sollicité durant les débats. Il est résolu de répondre à cette question à une séance ultérieure. Sur quoi, Caldwell présente une nouvelle motion afin de demander au Conseil assemblé s'il accepte, pour cette fois, d'entendre le procureur général. Par résolution, la parole est donnée à Monk.

22 février 1780

Par motion, Hugh Finlay propose: « Que la manière de débattre et d'adopter des projets de loi au Parlement puisse être considérée, et adoptée par ce Conseil autant que possible, qu'elle puisse procéder ainsi régulièrement dans les affaires devant elle et dans toutes les affaires ultérieures. » Finlay fait référence au document intitulé *The manner of debating and passing Bills in Parliament*. Le document est lu en anglais et en français.

[**Note:** Une rubrique intitulée “As to the manner of debating and passing bills in Parliament” apparaît dans *Cyclopædia: or, An Universal Dictionary of Arts and Sciences*, publié une première fois à Londres, par Ephraïm Chambers, en 1728. D'autres éditions suivront aux XVIII^e et XIX^e siècles. Pareil texte sera également publié dans le *Guy's Pocket Cyclopaedia* et dans *The pocket cyclopaedia*.]

24 février 1780

Il est résolu à l'unanimité que le procureur général n'ait pas le privilège de s'adresser au président du Conseil législatif par motion, ou de donner son avis non sollicité, relativement à l'objet de tout débat ou de toute procédure.

George Allsopp propose : « Que dans les affaires concernant les affaires du roi, le procureur général peut s'adresser verbalement au président pour qu'il prenne la parole dans une mesure dans laquelle la Couronne pourrait être intéressée, sans une pétition? » La question proposée est rejetée par un vote de 20 contre 1.

25 février 1780

Sur la proposition du lieutenant-gouverneur Hector Theophilus Camahé, et en réponse à la motion du 22 mars de Finlay, un comité est formé de Hugh Finlay, Edward Harrison, Adam Mabane, George Pownall, Henry Caldwell, Pierre-Roch de Saint-Ours d'Eschaillons et Joseph-Dominique-Emmanuel Le Moyne de Longueuil pour encadrer les règles et les ordres, « pour mener les affaires du Conseil avec plus de régularité dans le temps à venir. Et d'envisager la présence du procureur général à ce sujet ».

6 mars 1780

Gaspard-Joseph Chaussegros de Léry propose qu'une adresse soit envoyée au gouverneur afin qu'il fasse requête au roi d'établir une école de droit et une école d'arpentage à Québec.

9 mars 1780

Le lieutenant-gouverneur Hector Theophilus Cramahé informe le Conseil législatif que le gouverneur Frederick Haldimand leur signifie que, « comme les lectures devenaient mauvaises et que le service de Sa Majesté exigeait qu'une fin soit donnée à cette session », Son Excellence désire leur présence au château à 13 heures.

Le gouverneur Haldimand sanctionne quatre ordonnances dans la salle du Conseil législatif :

- *Ordonnance qui défend pour un temps limité l'exportation des blés, pois, avoines, biscuits, fleurs et farines quelconques, ainsi que des bêtes à cornes, et par ce moyen réduit le haut prix actuel du blé et des farines.*
- *Ordonnance qui désigne les personnes qui seront réputées forestalliers ou exacteurs de denrées, regrattiers et monopoleurs, dans cette Province, et qui établit des punitions contre ceux qui seront trouvés tels.*
- *Ordonnance qui établit les honoraires.*
- *Ordonnance qui règle des particuliers qui tiendront des chevaux et voiture de louage, pour la commodité des voyageurs, vulgairement appelés et connus sous le nom de maître de poste.*

Le gouverneur proroge la session. La seconde ordonnance sera révoquée par proclamation le 3 octobre 1782. Il s'agit de la seule ordonnance révoquée sous la constitution de 1774.

4 avril 1780

Le gouverneur Frederick Haldimand inaugure une nouvelle session parlementaire. Dans son discours, il indique qu'il a rappelé l'Ordonnance qui désigne les personnes qui seront réputées *forestalliers* ou exacteurs de denrées, regrattiers et monopoleurs, dans cette Province, et qui établit des punitions contre ceux qui seront trouvés tels. Il invite les conseillers à corriger les erreurs contenues dans celle-ci. Il s'agit de la sixième session parlementaire.

12 avril 1780

Le gouverneur Haldimand sanctionne une ordonnance dans la salle du Conseil législatif :

- *Ordonnance qui désigne les personnes qui seront réputées forestalliers ou exacteurs de denrées, regrattiers et monopoleurs, dans cette Province, et qui établit des punitions contre ceux qui seront trouvés tels.*

Le gouverneur proroge la session.

1781

15 janvier 1781

Tous les membres du Conseil législatif sont invités à siéger au Conseil exécutif.

16 janvier 1781

Le gouverneur Frederick Haldimand inaugure la nouvelle session parlementaire au château Saint-Louis par un discours du trône. Il s'agit de la septième session parlementaire.

17 janvier 1781

Pour la première fois de son histoire, le Conseil législatif siège au palais épiscopal.

Comme il l'avait fait une première fois en 1779, Henry Caldwell propose qu'une adresse en réponse au discours du trône soit rédigée. Cet usage aura cours jusqu'à la fin du régime.

20 janvier 1781

Le gouverneur Frederick Haldimand sanctionne trois ordonnances au château Saint-Louis :

- *Ordonnance pour continuer davantage une ordonnance rendue le vingt-cinquième jour de février, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui règle les formes de procéder dans les Cours civiles de judicature établies dans la Province de Québec ».*
- *Ordonnance pour continuer davantage une ordonnance rendue le vingt-neuvième jour de mars, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui règle les milices dans la Province de Québec et qui les rend d'une plus grande utilité pour la conservation et la sûreté d'icelle ».*
- *Ordonnance pour continuer davantage une ordonnance rendue le vingt-troisième jour d'avril, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui autorise les commissaires de la paix à régler la police dans les villes de Québec et de Montréal pour un temps limité ».*

Ces trois ordonnances, adoptées une première fois en 1777 et en 1779, sont ainsi prolongées jusqu'au 30 avril 1783.

Le gouverneur proroge la session.

30 août 1781

Le gouverneur Frederick Haldimand assemble le Conseil législatif en séance extraordinaire afin d'enregistrer, dans le Journal, l'opinion du secrétaire d'État aux colonies, procureur général et solliciteur général du roi, Lord George Germain, qui confirme le pouvoir du

Conseil législatif de réguler le prix du blé et des farines. Il s'agit néanmoins de la huitième session parlementaire.

Le gouverneur fait enregistrer les articles 12, 13 et 16 de ses instructions royales dans le Journal du Conseil législatif. L'article 13 a trait à l'*habeas corpus*.

Hector Theophilus Cramahé préside pour la dernière fois les travaux du Conseil législatif.

15 janvier 1781

Hector Theophilus Cramahé démissionne de son poste de secrétaire civil le 5 janvier 1781, alléguant des raisons de santé.

1782

2 février 1782

Le gouverneur Frederick Haldimand inaugure la nouvelle session parlementaire au château Saint-Louis par un discours du trône. Il s'agit de la neuvième session parlementaire.

Thomas Dunn agit à titre de président du Conseil législatif. Les travaux du Conseil se poursuivent au palais épiscopal.

2 février 1782

Le gouverneur Frederick Haldimand invite, pour une seconde fois, l'ensemble des membres du Conseil législatif à siéger au Conseil exécutif. Aucune séance du Conseil exécutif ne s'était tenue depuis le 15 janvier 1781. Jusqu'à son départ, le gouverneur ne convoquera ensuite les conseillers exécutifs qu'à six autres reprises (24 juin 1782, 12 décembre 1782, 19 décembre 1782, 17 janvier 1783, 14 avril 1783 et 16 avril 1783).

7 février 1782

Le gouverneur Frederick Haldimand répond par écrit, en français, à l'adresse en réponse au discours du trône.

Un troisième règlement est adopté par un vote de seize contre un. M. Grant propose qu'à l'avenir, chaque membre du Conseil donne sa voix sur chaque motion, au lieu de s'abstenir de voter.

11 février 1782

Le gouverneur Frederick Haldimand sanctionne quatre ordonnances au château Saint-Louis :

- *Ordonnance qui continue une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui défend pour un temps limité l'exportation des blés, pois, avoines, biscuits, fleurs et farines quelconques, ainsi que des bêtes à corne, et par ce moyen réduit le haut prix actuel du blé et des farines ».*
- *Ordonnance qui continue une Ordonnance passée le douzième jour d'avril, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance*

qui désigne les personnes qui seront réputées forestalliers ou exacteurs de denrées, regrattiers et monopoleurs, dans cette Province, et qui établit des punitions contre ceux qui seront trouvés tels ».

- *Ordonnance qui continue une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui établit les honoraires ».*
- *Ordonnance qui continue une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui règle des particuliers qui tiendront des chevaux et voiture de louage, pour la commodité des voyageurs, vulgairement appelés et connus sous le nom de maître de poste ».*

Ces quatre ordonnances, adoptées une première fois en 1780, sont ainsi prolongées jusqu'au 30 avril 1784.

Pour la première fois, une motion en français est enregistrée dans le Journal du Conseil législatif.

Pour la première fois, le résultat d'un vote par appel nominal est enregistré dans le Journal du Conseil législatif.

Trois projets d'ordonnance, proposés par George Allsoop, et rédigés en conformité aux articles 12, 13 et 16 des instructions royales du gouverneur, sont renvoyés pour étude à la session suivante. Par conséquent, le Conseil législatif, par un vote de neuf contre huit, refuse de considérer l'adoption d'une ordonnance concernant l'*habeas corpus*.

14 février 1782

Le Journal du Conseil législatif rapporte que François-Joseph Cugnet, secrétaire français du gouverneur en conseil, prend la parole pour lire la traduction, en français, des raisons émises par John Drummond pour appuyer une motion.

16 février 1782

Le gouverneur Frederick Haldimand sanctionne une ordonnance au château Saint-Louis :

- *Ordonnance qui change, fixe et établit l'âge de la majorité.*
[**Note :** Cette ordonnance, qui fixe l'âge de la majorité à 21 ans, a été parrainée par Adam Mabane. Il était auparavant de 25 ans. L'âge de la majorité sera abaissé à 18 ans en 1963.]

Le gouverneur réserve la sanction d'une ordonnance concernant l'abandon du bétail. C'est la première fois que le droit de réserve est appliqué sous la constitution de 1774.

Le gouverneur proroge la session.

George Allsopp et John Drummond siègent pour la dernière fois. Drummond retourne vivre définitivement en Grande-Bretagne.

14 mars 1782

Par commission, John Johnson est nommé surintendant général et inspecteur général des Indiens des Six Nations et de ceux de la Province de Québec.

23 avril 1782

Par commission, Henry Hamilton est nommé lieutenant-gouverneur de la Province de Québec.

1783

8 janvier 1783

George Allsopp est suspendu de ses fonctions de conseiller législatif par le gouverneur Frederick Haldimand.

17 janvier 1783

Le gouverneur Frederick Haldimand inaugure la nouvelle session parlementaire par un discours du trône. Il s'agit de la dixième session parlementaire.

Le lieutenant-gouverneur Henry Hamilton préside pour la première fois les travaux du Conseil législatif.

22 janvier 1783

Par motion, Henry Caldwell propose qu'un comité soit nommé « pour prendre en considération les règles et règlements qu'il jugera nécessaires à adopter dans ce Conseil, pour promouvoir l'ordre et la plus grande expédition des affaires ». Il est résolu à l'unanimité que le lieutenant-gouverneur Henry Hamilton, ainsi que Hugh Finlay, Adam Mabane, Henry Caldwell et François Baby soient nommés membres de ce comité.

28 janvier 1783

Le Conseil législatif étudie un document du Grand Jury de Montréal qui prône l'adoption d'une ordonnance afin d'établir une loterie pour financer la construction d'une prison dans le district judiciaire de Montréal.

Par motion, Henry Caldwell propose, en vertu de l'article 13 des instructions royales du gouverneur, que les juges de la Province de Québec soient autorisés à appliquer l'*habeas corpus*. Après quoi, par un vote de onze contre sept, Samuel Holland fait adopter que cette motion soit prise en considération à la session suivante.

29 janvier 1783

Par un vote de douze contre six sur une motion présentée la veille, le Conseil législatif est d'opinion que le grand voyer doit son rapport et ses demandes relatives à la construction de ponts au gouverneur en conseil et non aux conseillers législatifs.

31 janvier 1783

Un comité est formé afin de prendre des mesures pour éradiquer les infections qui se propagent au sein de la population de Baie-Saint-Paul. [Le 5 septembre 1783, à la suite d'une requête du Grand Jury, George Selby signe avec ses confrères Charles Blake, Jean-Baptiste Jobert et Robert Sym un rapport sur la maladie de Baie-Saint-Paul. Les auteurs croient qu'il s'agit de la syphilis. Ils recommandent qu'un comité de médecins fasse une étude sur les moyens d'enrayer cette maladie.]

Pour la première fois, un conseiller législatif francophone parraine un projet d'ordonnance. Gaspard-Joseph Chaussegros de Léry propose l'adoption d'une mesure qui obligerait les villes, à l'avenir, de loger ses cimetières à l'extérieur des murs, et ce, afin de prévenir les maladies et les odeurs putrides. La motion est battue par un vote de neuf contre huit.

1^{er} février 1783

Le comité chargé de rédiger les règles et règlements du Conseil législatif dépose son rapport. Ordre est donné de traduire le document et de le distribuer à tous les membres du Conseil législatif.

4 février 1783

Une motion est adoptée à l'unanimité : les membres du Conseil législatif s'engagent à souscrire volontairement « les sommes que chacun d'eux peut commodément épargner » pour soulager les personnes infectées par la maladie de Baie-Saint-Paul.

5 février 1783

Une adresse est grossoyée afin de demander l'aide du gouverneur concernant la maladie de Baie-Saint-Paul.

Le gouverneur Frederick Haldimand sanctionne quatre ordonnances au château Saint-Louis :

- *Ordonnance pour continuer encore une ordonnance passée le vingt-cinquième jour de février, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui règle les formes de procéder dans les Cours civiles de judicature établies dans la Province de Québec ». Et la correction d'icelle.*
- *Ordonnance pour continuer encore une ordonnance passée le vingt-neuvième jour de mars, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui règle les milices dans la Province de Québec et qui les rend d'une plus grande utilité pour la conservation et la sûreté d'icelle ».*
- *Ordonnance pour continuer encore une ordonnance passée le vingt-troisième jour d'avril, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui autorise les commissaires de la paix à régler la police dans les villes de Québec et de Montréal pour un temps limité ».*
- *Ordonnance pour lever une somme d'argent par loterie pour bâtir des prisons dans la ville de Montréal.*

Les trois premières ordonnances, adoptées une première fois en 1777, puis de nouveau en 1779, en 1781 sont ainsi prolongées jusqu'au 30 avril 1785.

Le gouverneur proroge la session.

3 septembre 1783

Signature du Traité de Paris mettant fin à la guerre entre la Grande-Bretagne et les États-Unis. La Province de Québec est amputée des territoires situés au sud des Grands Lacs.

6 novembre 1783

Dans une lettre adressée au secrétaire d'État aux colonies, Lord Frederick North, le gouverneur Frederick Haldimand annonce son intention de recommander, au Conseil législatif, la promulgation d'une ordonnance décrétant l'introduction de l'Acte de l'*habeas corpus*.

1784

22 mars 1784

Le gouverneur Frederick Haldimand inaugure la onzième session parlementaire par un discours du trône. Il recommande la promulgation d'une ordonnance décrétant l'introduction de l'*habeas corpus*. Enfin, il mentionne que le gouvernement colonial est venu en aide aux personnes atteintes de la maladie de Baie-Saint-Paul et que la situation s'améliore.

George Davison, nommé au Conseil législatif en 1783, siège pour la première fois.

23 mars 1784

Le Conseil législatif lit le rapport du 1^{er} février 1783 du comité chargé de rédiger les règles et règlements du Conseil législatif. Par un vote unanime, les conseillers législatifs adoptent ces règles et règlements pour régir leurs travaux. Le Règlement est constitué de onze articles.

24 mars 1784

Le mot « bill » est employé pour la première fois au Conseil législatif pour désigner un projet d'ordonnance. Cette formule est usitée par le lieutenant-gouverneur Henry Hamilton.

26 mars 1784

L'expression « Committee of the whole House » est employée pour la première fois au Conseil législatif pour désigner l'étude d'un projet d'ordonnance en comité plénier. Cette formule est usitée par Adam Mabane.

29 mars 1784

À la demande de John Fraser, un premier règlement temporaire est adopté à l'unanimité au Conseil législatif. Il s'agit d'étudier en priorité, « avant que toute nouvelle motion ne soit

proposée », quatre projets d’ordonnance recommandés par le gouverneur dans son discours du trône.

3 avril 1784

Le Journal fait état d’une réunion du « Committee business of the House » (Comité des affaires de la Chambre) chargé de l’organisation des travaux du Conseil législatif.

7 avril 1784

Lors de l’étude des articles du projet d’ordonnance concernant l’*habeas corpus*, William Grant présente une motion pour faire ajouter un article : le libellé précise que la common law et les lois de l’Angleterre protègent la liberté et la sécurité individuelles, « comme elle est et a été comprise, reçue et exécutée depuis la Révolution de 1688 ». Il ajoute qu’il s’agit de droits inhérents à tous les fidèles sujets de Majesté dans la Province de Québec. L’article fait également référence à la « Pétition du droit » de 1628.

Le portier transmet au Conseil législatif la requête de citoyens qui demandent la permission d’entendre les débats. Après discussion, par un vote de quinze voix contre et une abstention (William Grant), le Conseil poursuit ses travaux à huis clos.

8 avril 1784

Le lieutenant-gouverneur Henry Hamilton propose l’adoption de règle concernant l’admission du public aux travaux du Conseil législatif :

1. Que les portes soient ouvertes lorsque le président prend son siège.
2. Qu’en tenant compte de la petitesse de la pièce, chaque membre sera autorisé à admettre deux personnes, et pas plus.
3. Qu’une partie de la pièce soit aménagée pour ces personnes.
4. Que la Chambre soit vidée à tout moment, sur requête d’un membre.

La motion est déposée sur la Table. Elle ne sera pas adoptée.

William Grant fait enregistrer un protêt dans lequel il se prononce en faveur de l’admission du public aux travaux du Conseil législatif.

Adam Mabane demande au portier de donner les noms des citoyens ayant demandé la permission d’entendre les débats du Conseil législatif. Le portier répond qu’il s’agit de MM. Cochrane, Shoolbred, Adam Lymburner et Charles Grant.

Le portier transmet au Conseil législatif une nouvelle requête, datée du 9 avril 1784, de onze citoyens qui demandent la permission d’entendre les débats. Leur admission est refusée par un vote de treize contre quatre.

Le portier transmet au Conseil législatif une nouvelle requête, datée du 10 avril 1784, des mêmes onze citoyens demandant la permission d’entendre les débats. Ils écrivent qu’ils sont désolés de ne pas pouvoir être admis aux travaux du Conseil législatif et demandent s’ils pourront être admis à une séance ultérieure. Par un vote de onze contre quatre sur une motion de John Fraser, il est résolu que ce message leur soit transmis : « Le

Conseil a voté que les Messieurs qui ont demandé l'admission pour entendre les débats aujourd'hui ne peuvent être admis. Ceci pour servir de réponse à toute future demande. »

Le lieutenant-gouverneur Henry Hamilton fait enregistrer un protêt, lequel indique qu'il est en faveur de l'ouverture des portes de la Chambre du Conseil législatif au public parce que, dit-il, « nos débats ont pour objet le bénéfice de la province ». Hugh Finlay fait de même.

10 avril 1784

William Grant, dans un protêt, est le premier à employer le mot « speaker » pour désigner le président du Conseil législatif.

16 avril 1784

Lors de l'étude des articles du projet d'ordonnance concernant l'*habeas corpus*, William Grant présente une motion pour faire ajouter un article : « Et il sera clairement entendu désormais que tout loyal sujet de Sa Majesté dans cette province pourra avoir recours au droit coutumier et à la loi écrite d'Angleterre en tant qu'ils favorisent et protègent la liberté et la sécurité individuelles; et comme tels, ils serviront de règle pour décider toute cause ou affaire non prévue par la présente ordonnance. » La motion est rejetée par un vote de neuf contre sept.

17 avril 1784

Par motion, Hugh Finlay demande l'avis du Conseil législatif sur l'ordonnance concernant l'*habeas corpus* afin de déclarer que, tel qu'adoptée en 2^e lecture, elle ne remplit pas les conditions de l'article 13 des instructions royales du gouverneur. La motion est adoptée par un vote de neuf contre sept.

21 avril 1784

Luc de La Corne propose un projet d'adresse au gouverneur en faveur de la conservation de l'Acte de Québec, laquelle expose : « Nous prions très humblement Votre Excellence de vouloir bien représenter à Sa Majesté le désir sincère que nous avons que cet Acte soit continué dans toute sa force, ne souhaitant rien avec plus d'ardeur que de pouvoir le transmettre à la postérité comme une Charte précieuse qui assurera la jouissance des privilèges et de la religion des peuples de cette province. Convaincus par l'expérience et les changements qui y sont arrivés depuis la Conquête que les Canadiens vivront heureux à la faveur de cet Acte, et seront en peu de temps indissolublement interposés dans la nation Britannique. »

22 avril 1784

William Grant propose, par motion, de nommer un comité pour prendre en considération et rédiger une humble adresse au roi et au Parlement britannique pour que soit instituée une assemblée législative « investie des pouvoirs ordinaires attachés à la législature d'un gouvernement coloni[al] anglais ». Dans la même adresse, il souhaite que le procès par jurés soit établi dans « les procès personnels et de nature mercantile et dommages en compensation » et dans les causes civiles, quand une des parties le requiert. Il dénonce

aussi le fait que plusieurs membres du Conseil législatif occupent des « places de confiance publique et d'émoluments » au sein du gouvernement colonial.

23 avril 1784

Luc de La Corne propose, par motion, qu'une adresse soit envoyée au gouverneur en faveur de la conservation de l'Acte de Québec. Selon lui, la « continuation de cette loi, étant le résultat du sentiment de tolérance et de générosité qui distingue la nation britannique, sera le moyen de rendre le peuple de cette province indissolublement attaché à la mère patrie, et de les rendre heureux en jouissant de leur religion, des lois et de la liberté ».

26 avril 1784

L'adresse de Luc de La Corne est adoptée par un vote de douze contre cinq.

27 avril 1784

Le lieutenant-gouverneur Henry Hamilton fait enregistrer un protêt pour expliquer son vote contre l'adresse proposée par Luc de La Corne. Hugh Finlay fait de même en indiquant que des pétitions ont été signées à Québec et à Montréal en faveur de l'instauration d'une Chambre d'assemblée. Il ajoute des propositions afin de modifier certains articles de l'Acte de Québec. Avec son protêt, François Lévesque considère qu'une « Chambre des représentants du peuple nous serait bien nécessaire ». Gaspard-Joseph Chaussegros de Léry enregistre également un protêt.

La motion concernant l'adresse de William Grant du 22 avril 1784 est rejetée par un vote de seize contre un.

Henry Hamilton, à titre de président du Conseil législatif, recommande aux membres de délibérer entre cette session et les prochaines sessions sur les règles supplémentaires qu'ils pourraient juger approprié d'adopter dans leurs délibérations.

Une lettre de l'évêque Jean-Olivier Briand est enregistrée dans le Journal, laquelle appuie les religieuses au sujet du retrait d'un article du projet d'ordonnance concernant l'*habeas corpus*.

29 avril 1784

William Grant fait enregistrer un protêt pour expliquer son vote contre l'adresse proposée par Luc de La Corne et pour appuyer son propre projet d'adresse en faveur d'une Chambre d'assemblée et d'établir les jugements par jurés pour les causes civiles. Selon lui, le Conseil législatif est inadéquat pour adopter des lois efficaces pour le commerce et le bon gouvernement de la Province de Québec. Pour appuyer son propos, en français, il paraphrase, sans le nommer, *De l'homme et le bonheur* de Claude Adrien Helvétius (1715-1771): « Pour établir solidement le bonheur d'un peuple, il faut fonder ce bonheur sur une dépendance réciproque entre tous les ordres des citoyens. C'est l'équilibre des forces qui produit le repos. »

[Note : L'adresse de Luc de La Corne, de même que le projet d'adresse et le protêt de William Grant sont traduits et publiés intégralement dans Pierre Du Calvet,

Appel à la justice de l'État, ou recueil de lettres au roi, au prince de Galles, et aux ministres; avec une lettre à messieurs les Canadiens, Londres, juillet 1784, p. 284-295.]

Le gouverneur Frederick Haldimand sanctionne trois ordonnances au château Saint-Louis :

- *Ordonnance pour continuer une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui règle des particuliers qui tiendront des chevaux et voiture de louage, pour la commodité des voyageurs, vulgairement appelés et connus sous le nom de maître de poste ».*
- *Ordonnance pour continuer une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui établit les honoraires ».*
- *Ordonnance pour la sûreté de la liberté du sujet dans la Province de Québec, et pour empêcher les emprisonnements hors de cette province.*

Les deux premières ordonnances, adoptées une première fois en 1780, et en 1782, sont ainsi prolongées respectivement jusqu'au 30 avril 1786 et jusqu'au 30 avril 1785. La troisième ordonnance concerne l'*habeas corpus*.

Le gouverneur proroge la session.

Luc de La Corne siège pour la dernière fois au Conseil.

Le Journal du Conseil indique le nom du greffier adjoint du Conseil législatif : Alex Gray.

21 juin 1784

William Smith est nommé juge en chef de la Province de Québec.

16 août 1784

Fondation de la province du Nouveau-Brunswick par le gouverneur Thomas Carleton. Le 18 juin 1784, le roi George III divise la Nouvelle-Écosse pour créer la province du Nouveau-Brunswick.

1^{er} octobre 1784

Luc de La Corne meurt en fonction.

16 novembre 1784

Frederick Haldimand quitte la colonie. Son mandat de gouverneur prendra fin le 22 avril 1786. Le lieutenant-gouverneur Henry Hamilton administre la Province de Québec et cesse pour lors de siéger au Conseil législatif.

24 novembre 1784

Des pétitions, en anglais et en français, demandent la création d'une chambre d'assemblée « indistinctement composée d'anciens et de nouveaux sujets de Sa Majesté, librement élus par les habitants ».

1784

Début de la construction du château Haldimand, qui sera inauguré en 1787.

1785

10 février 1785

Le lieutenant-gouverneur Henry Hamilton inaugure la nouvelle session parlementaire, au palais épiscopal, par un discours du trône. Avant cette date, l'inauguration se tenait au château Saint-Louis. Il s'agit de la douzième session parlementaire.

Hugh Finlay agit à titre de président du Conseil législatif.

11 février 1785

Le comité chargé de rédiger l'adresse en réponse au discours du trône est désormais formé de tous les conseillers. Henry Caldwell agit à titre de président de ce comité plénier.

16 février 1785

Le Journal du Conseil législatif fait mention, pour la première fois, de l'utilisation d'un ordre du jour pour orchestrer les travaux de la Chambre.

17 février 1785

À la suite d'une motion d'Henry Caldwell, le Conseil législatif se prononce sur l'interprétation du 11^e article du Règlement : « L'avocat général se rendra au Conseil, lorsqu'il en sera requis. » Par un vote de dix contre sept, la Chambre refuse au procureur général d'assister aux débats, et ce, bien qu'il soit responsable de la rédaction des ordonnances.

28 février 1785

Dans leur protêt respectif, François Lévesque et Henry Caldwell expliquent pourquoi ils s'opposent au renouvellement de l'ordonnance qui règle les milices dans la Province de Québec.

3 mars 1785

Le lieutenant-gouverneur Henry Hamilton communique avec le Conseil législatif à l'aide d'une adresse, une première dans les annales parlementaires. Il attire l'attention des conseillers législatifs sur les demandes des loyalistes en matière de justice.

7 mars 1785

Les travaux du Conseil législatif sont ajournés pour laisser ses membres assister à une réunion du Conseil exécutif au château Saint-Louis.

À la suite d'une motion du président Hugh Finlay, François-Joseph Cugnet, secrétaire français du gouverneur en conseil, dépose le document intitulé *Droits domaniaux seigneuriaux & casuels dus à Sa Majesté*.

9 mars 1785

Les travaux du Conseil législatif sont ajournés pour laisser ses membres assister à une réunion du Conseil exécutif au château Saint-Louis.

14 mars 1785

Pour la première fois, un conseiller législatif français, Gaspard-Joseph Chaussegros de Léry, agit à titre de président d'un comité législatif.

Dans un protêt, le président Hugh Finlay explique pourquoi il s'oppose au renouvellement de l'ordonnance qui règle les milices dans la Province de Québec. Il dénonce surtout les corvées comme étant un fardeau inégal et, qui plus est, décrié dans la Province de Québec.

21 mars 1785

Une pétition, signée par des citoyens de la ville de Québec, contre l'adoption de l'ordonnance concernant la milice et contre l'ordonnance concernant le registre des titres et hypothèques sur les maisons, les terres et les héritages est lue au Conseil législatif.

Le lieutenant-gouverneur Henry Hamilton communique avec le Conseil législatif à l'aide d'une adresse. Il fait mention de l'étude, par le Parlement britannique, des doléances de certains conseillers législatifs qui indiquent que les sessions parlementaires entrent en conflit avec la conduite de leurs affaires personnelles. Sur quoi, il ajoute que l'arrivée des loyalistes allait probablement être suivie d'une augmentation des demandes déposées au Conseil législatif. Hamilton attire également l'attention de la Chambre afin de presser le travail législatif en certaines matières.

26 mars 1785

Le Journal rapporte que Thomas Dunn, Edward Harrison, John Collins et Conrad Gugsy sont absents, certains étant indisposés et d'autres invoquant les fêtes de Pâques.

1^{er} avril 1785

Une pétition de citoyens, présentés par ordre du lieutenant-gouverneur Henry Hamilton, contre l'ordonnance concernant le registre des titres et hypothèque sur les maisons, les terres et les héritages est lue au Conseil législatif.

Paul-Roch de Saint-Ours demande que la commission de François-Joseph Cugnet, secrétaire français du gouverneur en conseil, soit lue en Chambre dans les deux langues.

4 avril 1785

James Shepherd, shérif du district de Québec, répond aux questions des conseillers législatifs sur le nombre et la qualité des jurés.

5 avril 1785

L'interrogatoire de James Shepherd, shérif du district de Québec, est lu en français au Conseil législatif. Après quoi, dans une motion, le président Hugh Finlay note que, compte tenu du petit nombre de personnes considérées comme compétentes pour agir comme jurés,

« ce mode de procès dans les causes civiles deviendrait un fardeau insupportable pour le peuple ».

6 avril 1785

Durant l'étude du projet d'ordonnance qui règle les formes de procéder dans les cours civiles de judicature, la majorité du Conseil adopte, par un vote de douze contre cinq, un article permettant les procès par jury dans les causes civiles, dans certains cas, au gré des parties.

13 avril 1785

Adam Mabane fait enregistrer un protêt dans lequel il explique pourquoi il s'oppose à l'introduction des procès par jury dans les causes civiles et commerciales.

14 avril 1785

Les travaux du Conseil législatif sont ajournés pour laisser ses membres assister à une réunion du Conseil exécutif au château Saint-Louis.

15 avril 1785

Les travaux du Conseil législatif sont ajournés pour laisser ses membres assister à une réunion du Conseil exécutif au château Saint-Louis.

21 avril 1785

Le lieutenant-gouverneur Henry Hamilton sanctionne deux ordonnances au château Saint-Louis :

- *Ordonnance qui règle les formes de procéder dans les Cours civiles de judicature, et qui établit les procès par jury dans les affaires de commerce, et d'injures personnelles qui doivent être compensées en dommages, en la Province de Québec.*
- *Ordonnance pour continuer encore une ordonnance passée le vingt-neuvième jour de mars, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui règle les milices dans la Province de Québec et qui les rend d'une plus grande utilité pour la conservation et la sûreté d'icelle ».*

La première ordonnance modifie en profondeur, et sans indication de renouvellement, l'ordonnance qui règle les formes de procéder dans les Cours civiles de judicature établies dans la Province de Québec, adoptée les années suivantes : 1777, 1779, 1781 et 1783. La seconde ordonnance, adoptée une première fois en 1777 – et de nouveau en 1779, en 1781 et en 1783 –, est prolongée jusqu'au 30 avril 1786.

29 avril 1785

Adam Mabane annonce son intention de présenter divers projets d'ordonnance lors de la session de 1786. Parmi le nombre figure une ordonnance pour empêcher l'importation d'esclaves dans la province et pour affranchir ceux de la colonie, après un terme de sept années. Il ajoute : « il est permis de douter à quel point la loi le permet [l'esclavage], le

gouvernement français n'ayant jamais introduit le Code Noir au Canada, et l'achat et la vente d'esclaves n'étant autorisés que par l'ordonnance émise par un intendant sous le bon plaisir de sa Majesté ».

[**Note :** L'arrivée des loyalistes a eu pour effet d'augmenter le nombre d'esclaves noirs dans la Province de Québec.]

30 avril 1785

François-Marie Picoté de Belestre, Paul-Roch de Saint-Ours, Joseph-Dominique-Emmanuel Le Moyne de Longueuil et François Baby signent un protêt commun à l'encontre de l'adoption de l'Ordonnance qui établit une nouvelle juridiction dans les établissements dans lesquels les loyalistes se sont établis. Ils écrivent : « C'est avec regret que nous voyons adopter des mesures qui tendent à faire des distinctions entre les anciens colons du pays et les autres sujets du roi qui viennent s'y établir. C'est pourquoi nous, qui avons l'honneur d'être comme Canadiens membres du Conseil législatif, croyons qu'il est de notre devoir de témoigner notre opposition pour tout ce qui peut contribuer à cette fin. »

George Davison fait enregistrer un protêt dans lequel il explique pourquoi il s'oppose à l'introduction des procès par jury dans les causes civiles et commerciales, et ce, bien qu'il soit en accord avec le principe même de cette loi. Il se dit contre les changements apportés aux lois ou coutumes du pays. Il appréhende le mécontentement que cela pourra créer dans les esprits des Canadiens.

Le président Hugh Finlay fait enregistrer un protêt pour dénoncer le fait que les articles 9, 11 et 12 de l'ordonnance limitent trop l'introduction des procès par jury. Il fait aussi un plaidoyer en faveur des lois commerciales britanniques.

Le lieutenant-gouverneur Henry Hamilton sanctionne six ordonnances au château Saint-Louis :

- *Ordonnance concernant les arpenteurs, et la mesure des terres.*
- *Ordonnance qui concerne les avocats, procureurs, solliciteurs et les notaires, et qui rend plus aisé le recouvrement des revenus de Sa Majesté.*
- *Ordonnance qui accorde un pouvoir et juridiction civils limités, aux juges à paix de Sa Majesté dans les parties éloignées de cette province.*
- *Ordonnance qui défend l'exportation de farine non marchande, ainsi que le faux tare sur les quarts de farine et de biscuit.*
- *Ordonnance qui continue une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui établit les honoraires ».*
- *Ordonnance qui continue une Ordonnance passée le vingt-troisième jour d'avril, dans la dix-septième année du règne de Sa Majesté, intitulée « Ordonnance qui autorise les commissaires de paix à régler la police dans les villes de Québec et de Montréal pour un temps limité ».*

L'avant-dernière ordonnance, adoptée une première fois en 1780, en 1782 et en 1785, est ainsi prolongée jusqu'en 1786. La dernière ordonnance adoptée une

première fois en 1777 – et de nouveau en 1779, en 1781 et en 1783 –, est prolongée jusqu'en 1787.

Le lieutenant-gouverneur Hamilton proroge la session.

13 août 1785

Par commission, Henry Hope est nommé lieutenant-gouverneur de la Province de Québec.

2 novembre 1785

Le lieutenant-gouverneur Henry Hamilton retourne en Grande-Bretagne.

Henry Hope prête serment comme lieutenant-gouverneur de la Province de Québec.

1786

3 janvier 1786

Ouverture de la 1^{re} Législature du Parlement du Nouveau-Brunswick.

6 février 1786

Le lieutenant-gouverneur Henry Hope inaugure la nouvelle session parlementaire, au château Saint-Louis, par un discours du trône, en anglais et en français. À cette occasion, il dépose une instruction royale additionnelle afin qu'elle soit enregistrée et étudiée par le Conseil législatif. Il s'agit de la treizième session parlementaire.

Le mot « harangue » est introduit dans le Journal du Conseil législatif pour traduire le mot « speech ». Le jour même, le Conseil législatif poursuit ses travaux au château Saint-Louis. La suite de la session se déroulera au Palais épiscopal.

16 février 1786

Adam Mabane annonce qu'il a toujours l'intention de présenter deux projets d'ordonnance, dont l'une concerne l'esclavage. Les circonstances l'amènent à repousser ses intentions à la session de 1787.

20 février 1786

Le lieutenant-gouverneur Henry Hope sanctionne trois ordonnances au château Saint-Louis :

- *Ordonnance pour continuer encore une ordonnance passée le vingt-neuvième jour de mars, dans la dix-septième année du règne de Sa Majesté, intitulée « Une ordonnance qui règle les milices dans la Province de Québec, et qui les rend d'une plus grande utilité pour la conservation et la sûreté d'icelle ».*
- *Ordonnance qui continue une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui établit les honoraires ».*

- *Ordonnance qui continue une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui règle des particuliers qui tiendront des chevaux et voiture de louage, pour la commodité des voyageurs, vulgairement appelés et connus sous le nom de maître de poste ».*

La première ordonnance adoptée une première fois en 1777, en 1779, en 1781 et en 1783 et en 1785, est prolongée jusqu'au 30 avril 1787. La seconde ordonnance, adoptée une première fois en 1780, en 1782 et en 1785, est prolongée jusqu'au 30 avril 1787. La troisième ordonnance adoptée une première fois en 1780, en 1782 et en 1784 est prolongée jusqu'au 30 avril 1787.

Le lieutenant-gouverneur dépose les pétitions de David Ross et de Pierre-Stanislas Bédard, qui réclament une commission d'avocat. À la suite de quoi, Hope recommande-t-il d'apporter des amendements à l'ordonnance qui concerne les avocats, les procureurs, les solliciteurs et les notaires, et qui rend plus aisé le recouvrement des revenus de Sa Majesté. Le tout est déposé sur la Table du Conseil législatif pour être étudié à la session de 1787.

Le lieutenant-gouverneur proroge la session.

James Cuthbert (père) est destitué comme conseiller législatif et démis de son poste de juge de paix, sans qu'on lui donnât de raisons. [Note : Le nom de Cuthbert n'apparaît pas dans la liste des conseillers législatifs figurant les instructions royales de Dorchester, en date du 23 août 1786.]

James Cuthbert (père), Conrad Gugsy, François Lévesque (père) siègent pour la dernière fois au Conseil.

10 avril 1786

Conrad Gugsy meurt en fonction à Montréal, à l'âge de 52 ans.

22 avril 1786

Guy Carleton obtient une commission de gouverneur en chef et capitaine général de la Province de Québec. Le mandat du gouverneur Frederick Haldimand prend fin.

17 juin 1786

John Drummond, conseiller législatif de 1777 à 1782, est élu député de Shaftesbury à la Chambre des communes britannique, succédant ainsi à son oncle Adam Drummond. Il sera défait aux élections du 17 juillet 1790.

21 juin 1786

William Smith obtient une commission de juge en chef de la Province de Québec. Le mandat de Peter Livius prend fin.

21 août 1786

Guy Carleton est élevé au titre de baron Dorchester.

23 octobre 1786

Lord Dorchester arrive dans la colonie et entre en fonction.

Thomas Aston Coffin agit à titre de secrétaire civil du gouverneur et de contrôleur des comptes publics de la Province de Québec.

2 novembre 1786

Au Conseil exécutif, le juge en chef William Smith prête serment.

6 novembre 1786

Au Conseil exécutif, John Johnson, René-Amable Boucher de Boucherville et Jean-Baptiste Le Comte Dupré prêtent serment comme conseillers.

Dorchester forme quatre comités du Conseil privé pour délibérer sur les anciennes lois et coutumes de la province :

1. *Des cours de justice*. Membres : Le juge en chef William Smith (président), Hugh Finlay, Thomas Dunn, Adam Mabane, John Fraser et Paul-Roch de Saint-Ours.
2. *De la milice, des grandes routes et des communications*. Membres : Le lieutenant-gouverneur Henry Hope (président), François-Marie Picoté de Belestre, Henry Caldwell, François Baby, Charles-Louis Tarieu de Lanaudière (*in absentia*) et Jean-Baptiste Le Comte Dupré.
3. *De la population, de l'agriculture et de la colonisation des domaines royaux*. Membres : Gaspard-Joseph Chaussegros de Léry (président), Joseph-Dominique-Emmanuel Le Moyne de Longueuil, Samuel Johannes Holland, George Davison, John Johnson et René-Amable Boucher de Boucherville
4. *Du commerce intérieur et extérieur et des règlements de police*. Membres : François Lévesque (père) (président), Edward Harrison, John Collins, William Grant et George Pownall.

Les comités sont autorisés à faire comparaître et à interroger des personnes.

1787

15 janvier 1787

Au château Saint-Louis, le gouverneur Dorchester inaugure la nouvelle session parlementaire par un discours du trône, en anglais et en français. Il s'agit de la quatorzième session. La qualification de « très honorable » est employée pour nommer le gouverneur. « Son honneur » est réservé désormais au lieutenant-gouverneur.

Le lieutenant-gouverneur Henry Hope agit à titre de président du Conseil législatif.

Le juge en chef William Smith, John Johnson, René-Amable Boucher de Boucherville et Jean-Baptiste Le Comte Dupré siègent pour la première fois au Conseil législatif.

François Lévesque (père) meurt en fonction, à l'âge de 54 ans et 6 mois.

22 janvier 1787

Le lieutenant-gouverneur Henry Hope dépose au Conseil législatif la traduction des rapports du comité des cours de justice et du comité de la milice, des grandes routes et des communications.

Par écrit, seize hommes demandent la permission d'assister aux travaux du Conseil législatif. Henry Caldwell, secondé par William Grant, propose : « Que chaque membre du Conseil ait la permission de présenter des messieurs pour entendre les débats, à tout moment, sauf lorsque la Chambre a reçu l'ordre d'être vidée. » La motion est rejetée par un vote de dix contre huit. Il est résolu que cette demande est contraire au Règlement.

23 janvier 1787

Edward Harrison, secondé par Adam Mabane, propose : « Que le mot Chambre ne soit pas utilisé dans le Journal, mais Conseil législatif, conformément à l'Acte du Parlement [l'Acte de Québec]. » La motion est appuyée par un vote de treize contre cinq.

Adam Mabane, secondé par Edward Harrison, présente un projet d'ordonnance pour abolir l'esclavage.

25 janvier 1787

Dans un protêt, George Pownall explique pourquoi il est en faveur de l'admission des étrangers pour assister aux travaux du Conseil législatif.

29 janvier 1787

En l'absence du lieutenant-gouverneur Hope, le juge en chef William Smith préside les travaux du Conseil législatif.

1^{er} février 1787

Le lieutenant-gouverneur Henry Hope dépose au Conseil législatif le rapport du comité du Conseil privé concernant le commerce intérieur et extérieur et des règlements de police. Il dépose aussi une pétition, adressée au gouverneur Dorchester le 19 janvier 1787, et signée par 345 « citoyens canadiens de Québec ». Ceux-ci réclament « une juste et précise exécution de nos lois civiles » et y dénoncent les altérations apportées par le Conseil législatif. Ils demandent au gouverneur Dorchester de refuser de sanctionner ce type d'ordonnance.

12 février 1787

Le lieutenant-gouverneur Henry Hope dépose au Conseil législatif une pétition, adressée au gouverneur Dorchester le 3 février 1787, et signée par 283 citoyens canadiens de Montréal. Ils se prononcent notamment en faveur de la conservation des lois civiles et contre l'établissement d'une Chambre d'assemblée.

21 février 1787

Pour la première fois, le Conseil législatif enregistre dans le Journal un rapport détaillé d'un comité plénier formé pour étudier un projet d'ordonnance. Cette pratique est introduite par le juge en chef William Smith.

27 février 1787

Le gouverneur Dorchester sanctionne une ordonnance au château Saint-Louis :

- *Ordonnance qui règle les formes de procéder, dans certains cas, en la Cour du Banc du roi, et qui donne au sujet le bénéfice d'appel de fortes amendes.*

2 mars 1787

Par résolution, le rapport du comité du Conseil privé concernant les cours de justice et le rapport du comité du Conseil privé concernant la population, de l'agriculture et de la colonisation des domaines royaux sont enregistrés dans le Journal du Conseil législatif.

14 mars 1787

Henry Caldwell, secondé par Paul-Roch de Saint-Ours, propose d'ajouter un nouveau règlement au Conseil législatif : « Aucune demande à ce Conseil ne sera admise à l'avenir, sauf par pétition, et que par l'intermédiaire de l'un de ses membres. » La motion est adoptée par un vote de 17 contre 1. Seul William Grant s'oppose à cette nouvelle règle.

[**Note :** Le 13 mars 1787, des marchands de Montréal envoient leur pétition au greffier du Conseil législatif afin qu'il la remette lui-même au président Henry Hope. La pétition est lue séance tenante, par ordre du président.]

22 mars 1787

La majorité des conseillers, par un vote de dix contre neuf, refuse d'étudier en comité plénier le bill « à l'effet d'assurer une meilleure administration de la justice et de régler la pratique du droit », présenté le 16 mars 1787 par le juge en chef William Smith. Cette mesure avait notamment comme objet d'accommoder les loyalistes. En contrepartie, Paul-Roch de Saint-Ours, le 19 mars 1787, avait également présenté un bill « pour régler la forme de procéder dans les Cours civiles de judicature ».

26 mars 1787

Dans un protêt, le juge en chef William Smith dénonce qu'il est « d'usage, à ce Conseil, contrairement à la coutume parlementaire, de renvoyer le bill à l'examen du comité avant la seconde lecture ».

31 mars 1787

Le Journal du Conseil législatif enregistre désormais les rapports des comités législatifs chargés d'étudier les projets d'ordonnance.

14 avril 1787

Le procureur général James Monk représente, à titre d'avocat, les marchands de la colonie devant le Conseil législatif afin de protester contre le projet d'ordonnance « pour régler la forme de procéder dans les Cours civiles de judicature », parrainé par Paul-Roch de Saint-

Ours. Lors d'un discours d'une durée de six heures et demie, Monk attaque l'administration de la justice et les juges des Cours des plaids communs, qu'il accuse d'incompétence et de favoritisme.

Cette attitude du procureur général a pour effet de modifier la pratique parlementaire dans le processus d'adoption des ordonnances. À l'avenir, le Conseil législatif cesse de faire appel au procureur général afin de rédiger une version achevée des projets d'ordonnance.

16 avril 1787

Dans un protêt, Adam Mabane dénonce le fait que la majorité des conseillers législatifs, en comité plénier, n'ont pas voulu adopter son projet d'ordonnance pour abolir l'esclavage. Pour lui : « L'esclavage est tellement répugnant à l'humanité qu'il ne sera jamais trop tôt pour l'abolir par une loi, dans les pays où il a été établi ou toléré. » Les votes enregistrés montrent que Gaspard-Joseph Chaussegros de Léry et Paul-Roch de Saint-Ours figurent parmi les abolitionnistes. À tout le moins, John Johnson, secondé par le lieutenant-gouverneur Henry Hope, propose d'étudier la question de l'abolition de l'esclavage à la session de 1788. La motion est adoptée par un vote de seize contre un.

21 avril 1787

Le lieutenant-gouverneur Henry Hope, secondé par Edward Harrison, demande que le procureur général James Monk vienne à la barre du Conseil législatif pour prouver les allégations et les accusations menées contre les cours de justice de la Province de Québec. La motion est adoptée par un vote de quinze contre trois. Monk est amené à la barre du Conseil législatif le jour même pour répondre aux questions des conseillers législatifs. Monk demande de produire une réponse écrite.

Le lieutenant-gouverneur Henry Hope, secondé par Edward Harrison, propose qu'une adresse soit transmise au gouverneur Dorchester afin qu'on institue la tenue d'une enquête sur l'administration de la justice.

23 avril 1787

Le lieutenant-gouverneur Henry Hope, secondé par François Baby, propose de dissoudre le comité plénier chargé d'étudier le projet d'ordonnance « pour régler la forme de procéder dans les Cours civiles de judicature » que parraine Paul-Roch de Saint-Ours. Sur quoi, il soumet un projet d'ordonnance pour renouveler et amender l'ordonnance de 1785, qui règle les formes de procéder dans les Cours civiles de judicature, et qui établit les procès par jury dans les affaires de commerce, et d'injures personnelles qui doivent être compensées en dommages, en la Province de Québec.

Le gouverneur Dorchester sanctionne deux ordonnances au château Saint-Louis :

- *Ordonnance qui règle plus solidement les milices de cette province, et qui les rend d'une plus grande utilité pour la conservation et sûreté d'icelle.*
- *Ordonnance pour loger les troupes dans certaines occasions chez les habitants des campagnes et qui pourvoit aux transports des effets du gouvernement.*

27 avril 1787

Le gouverneur répond favorablement à l'adresse du Conseil législatif proposant la tenue d'une enquête sur l'administration de la justice.

30 avril 1787

Le Conseil législatif enregistre la réponse écrite de James Monk, à titre d'avocat des marchands-pétitionnaires, laquelle dénonce notamment les délais dans l'administration de la justice. Il reproche aussi aux cours de justice de se référer à la fois aux droits français et anglais, selon l'avantage que celles-ci procurent aux justiciables.

Le gouverneur Dorchester sanctionne neuf ordonnances au château Saint-Louis :

- *Ordonnance qui continue pour un temps limité une ordonnance passée dans la vingt-cinquième année du règne de Sa Majesté, intitulée « Ordonnance qui règle les formes de procéder dans les Cours civiles de judicature, et qui établit les procès par jury dans les affaires de commerce, et d'injures personnelles qui doivent être compensées en dommages »; avec tels autres règlements qui sont convenables et nécessaires.*
- *Ordonnance qui continue une Ordonnance passée le vingt-troisième jour d'avril, dans la dix-septième année du règne de Sa Majesté, intitulée « Ordonnance qui autorise les commissaires de paix à régler la police dans les villes de Québec et de Montréal pour un temps limité ».*
- *Ordonnance qui explique et corrige « une Ordonnance qui établit les Cours de juridiction criminelle en la Province de Québec ».*
- *Ordonnance qui continue encore, pour un temps limité, une ordonnance intitulée « Ordonnance qui établit les honoraires ».*
- *Ordonnance pour l'importation du tabac, et des potasses clarifiées et non-clarifiées dans cette province par l'interne communication du lac Champlain et de Sorel.*
- *Ordonnance qui explique et corrige une ordonnance, intitulée, « Ordonnance pour réparer, réformer et entretenir les grands chemins publics et les ponts dans la Province de Québec ».*
- *Ordonnance qui continue une Ordonnance passée le neuvième jour de mars, dans la vingtième année du règne de Sa Majesté, intitulée « Ordonnance qui règle des particuliers qui tiendront des chevaux et voiture de louage, pour la commodité des voyageurs, vulgairement appelés et connus sous le nom de maître de poste ».*
- *Ordonnance qui corrige une ordonnance, intitulée, « Ordonnance qui concerne les avocats, procureurs, sollicitateurs et les notaires, et qui rend plus aisé le recouvrement des revenus de Sa Majesté ».*
- *Ordonnance pour l'édification des salles d'audience, et de prison pour la sûreté des créanciers, et la sauvegarde des criminels.*

La première ordonnance renouvelle et modifie une ordonnance adoptée en 1785; les amendements auront force de loi jusqu'à la fin de la session de 1789. La deuxième ordonnance adoptée une première fois en 1777, en 1779, en 1781, en 1783 et en 1785, est prolongée jusqu'en 1789. La quatrième ordonnance,

adoptée une première fois en 1780, en 1782, en 1785 et en 1786, est prolongée jusqu'à la fin de la session de 1788. La septième ordonnance adoptée une première fois en 1780, en 1782, en 1784 et en 1786, est prolongée jusqu'à la fin de la session de 1788.

Le gouverneur Dorchester proroge la session.

31 mai 1787

Un cinquième comité est formé pour enquêter sur l'éducation. Il est présidé par le juge William Smith.

20 septembre 1787

Dans une lettre confidentielle au gouverneur Dorchester, le secrétaire d'État aux colonies, Thomas Townshend, Lord Sydney, écrit : « Les protêts ont été en usage depuis longtemps dans la Chambre des lords, mais je ne vois pas l'opportunité de les introduire au Conseil législatif. » Les conseillers législatifs continueront néanmoins d'enregistrer des protêts.

26 octobre 1787

Une nouvelle instruction royale permet au gouverneur Dorchester de concéder des terres en franc et commun socage.

Au Conseil exécutif, Charles-Louis Tarieu de Lanaudière prête serment comme conseiller.

1788

20 mars 1788

Au château Saint-Louis, le gouverneur Dorchester inaugure la nouvelle session parlementaire par un discours du trône, en anglais. Le jour même, le Conseil législatif poursuit ses travaux dans la même salle. La suite de la session se déroulera au palais épiscopal. Il s'agit de la quinzième session parlementaire.

Charles-Louis Tarieu de Lanaudière nommé conseiller législatif en 1786, dans les instructions royales du gouverneur Dorchester, siége pour la première fois au Conseil.

Le greffier ajoute, mais pas systématiquement, des notes *infra* marginales dans le Journal du Conseil législatif.

1^{er} avril 1788

Par ordre du gouverneur, un rapport du comité du Conseil privé concernant le commerce dans les pays d'en haut est déposé au Conseil législatif.

Du 9 avril au 19 avril 1788

Le lieutenant-gouverneur Henry Hope étant indisposé, le juge en chef William Smith préside les travaux du Conseil législatif.

10 avril 1788

Par ordre du gouverneur, un rapport du comité du Conseil privé concernant les pêcheries et le pilotage sur le fleuve Saint-Laurent est déposé au Conseil législatif.

11 avril 1788

Une nouvelle procédure parlementaire fait son apparition au Conseil législatif. Après un vote en 3^e lecture pour l'adoption d'un projet d'ordonnance, un comité est formé de trois conseillers. Ce comité est mandaté pour examiner la transcription grossoyée avec le Journal du Conseil et le compte rendu des comités. Si des doutes surgissent au sujet de l'exactitude de la transcription, ils doivent en faire part à la présidence du Conseil législatif. Sinon, les membres du comité doivent livrer le projet d'ordonnance au gouverneur et aviser le Conseil à cet effet. Cette nouvelle pratique est, selon toute vraisemblance, liée au fait que le Conseil législatif a coupé les ponts avec le procureur général James Monk. Dorénavant, on ne fera plus appel aux services du procureur général pour rédiger la version définitive de certains projets d'ordonnance.

14 avril 1788

Le gouverneur Dorchester sanctionne deux ordonnances :

- *Acte ou Ordonnance qui règle plus amplement, et étend davantage le commerce intérieur de cette province.*
- *Acte ou Ordonnance pour l'arrangement facile ou le recouvrement des dettes à la Couronne provenant du transport des effets de commerces sur les lacs intérieurs.*

À compter de cette sanction, il est à noter désormais que les lois sont indistinctement nommées « acte » ou « ordonnance ».

19 avril 1788 et 22 avril 1788

Le lieutenant-gouverneur Henry Hope et le juge en chef William Smith étant indisposés, Hugh Finlay préside les travaux du Conseil législatif.

30 avril 1788

Le gouverneur Dorchester sanctionne sept ordonnances :

- *Acte ou Ordonnance qui étend la navigation intérieure.*
- *Acte ou Ordonnance qui assure d'avantage les revenus provenant du détail des vins, eau-de-vie, rhum et autres liqueurs fortes.*
- *Acte ou Ordonnance qui règle le pilotage dans le fleuve Saint-Laurent et qui empêche les abus dans le port de Québec.*
- *Acte ou Ordonnance qui règle les pêches dans le fleuve Saint-Laurent, les baies de Gaspé et des Chaleurs, à l'île de Bonaventure Est sur le rivage vis-à-vis Percé.*
- *Acte ou Ordonnance qui corrige une ordonnance ci-après mentionnée.*
[Ordonnance qui continue pour un temps limité une ordonnance passée dans la vingt-cinquième année du règne de Sa Majesté, intitulée « Ordonnance qui règle les formes de procéder dans les Cours civiles de judicature, et qui établit les procès par jury dans les affaires de commerce, et d'injures

personnelles qui doivent être compensées en dommages »; avec tels autres règlements qui sont convenables et nécessaires.]

- *Acte ou Ordonnance qui défend à qui que ce soit de pratiquer la médecine et la chirurgie dans la Province de Québec, ou la profession d'accoucheur dans la ville de Québec ou Montréal, sans une permission.*
- *Acte ou Ordonnance qui change la présente méthode de fixer les menoires aux traînes et carrioles, pour remédier aux inconvénients qui résultent des cahots ou bancs de neige, qui se forment sur les chemins d'hiver, et pour les améliorer.*

Le gouverneur proroge la session.

16 mai 1788

Adam Lymburner, marchand de Québec, est entendu à la barre de la Chambre de communes britannique pour soutenir les pétitions du 24 novembre 1784 en faveur de l'instauration d'une assemblée législative.

29 mai 1788

Jacques-François Cugnet, le fils du secrétaire français du gouverneur en conseil François-Joseph Cugnet est nommé cosecrétaire.

14 juillet 1788

Par proclamation, le gouverneur Dorchester ajoute cinq nouveaux districts judiciaires à la Province de Québec. En plus de Québec et de Montréal, on comptera Hesse, Nassau, Mecklenburg, Lunenburg (dans ce qui formera l'Ontario) et Gaspé.

13 octobre 1788

Des seigneurs canadiens adressent au roi « La Très Humble Adresse des Citoyens et Habitants Sujets Canadiens de différents État dans la Province de Québec en Canada ». À titre de « grands propriétaires de notre nation » et de « protecteurs de la nation », ces seigneurs croient que la création d'une assemblée élue jouerait ultimement en la défaveur des lois civiles et du clergé catholique.

1789

16 mars 1789

Le gouverneur Dorchester inaugure la nouvelle session parlementaire par un discours du trône au château Saint-Louis. Il s'agit de la seizième session parlementaire. Le jour même, le Conseil législatif poursuit ses travaux dans la même salle. La suite de la session se déroulera au palais épiscopal.

Le lieutenant-gouverneur Henry Hope étant mourant, le juge en chef William Smith agit à titre de président du Conseil législatif.

En dépit de la motion adoptée le 23 janvier 1787 qui proscrivait l'utilisation du mot « Chambre » au profit du mot « Conseil législatif » dans le Journal, le terme est à nouveau en usage dans les procès-verbaux.

17 mars 1789

Pour l'adresse en réponse au discours du trône, le Conseil législatif adopte la procédure voulant que chacun des paragraphes de cette motion constitue, globalement, une réponse directe à chacun des paragraphes du texte prononcé par le gouverneur. Il en sera ainsi jusqu'en 1895.

19 mars 1789

Le juge en chef William Smith étant indisposé, Hugh Finlay préside les travaux du Conseil législatif.

Le Conseil législatif adopte deux nouveaux règlements permanents pour régir ses travaux :

- William Grant, appuyé par John Johnson, propose « que ce soit une règle permanente du Conseil, dans leurs procédures, qu'aucun bill ne soit référé en comité avant d'avoir été lu deux fois ». La motion est adoptée à l'unanimité.
- Edward Harrison, appuyé par John Collins, propose « que le Conseil adopte la pratique de la Chambre des lords, respectant la liberté de la présidence de raisonner et de discuter sur toutes les questions agitées au Conseil, et que le président puisse avoir une voix, sauf s'il crée une égalité, et empêcherait ainsi une résolution et une décision ». La motion est adoptée par un vote de sept contre six.

7 avril 1789

George Davison siège pour la dernière fois au Conseil législatif.

11 avril 1789

Le gouverneur Dorchester sanctionne deux ordonnances au château Saint-Louis :

- *Acte ou Ordonnance qui aide le pauvre dans le prêt des semences de blé et autres grains nécessaires.*
- *Acte ou Ordonnance pour valider certains actes et contrats dans le district de Hesse.*

13 avril 1789

Mort du lieutenant-gouverneur Henry Hope, à Québec.

15 avril 1789

Un premier « point d'ordre » est relevé par William Smith, à titre de président du Conseil législatif. Il demande si quelconque amendement peut être fait sur un projet d'ordonnance grossoyé lors de la 3^e lecture, et ce, sans qu'il soit question d'ajouter un article additionnel (*ryder*). Les conseillers législatifs se prononcent en faveur des amendements en 3^e lecture par un vote de quatorze contre quatre.

29 avril 1789

John Fraser siège pour la dernière fois au Conseil.

30 avril 1789

Le gouverneur Dorchester sanctionne cinq ordonnances au château Saint-Louis :

- *Acte qui continue les ordonnances qui règlent les formes de procéder, et qui pourvoit plus efficacement à l'administration de la justice, et spécialement dans les nouveaux districts.*
- *Acte ou Ordonnance qui explique ou amende un Acte intitulé « Acte ou Ordonnance qui règle plus efficacement la milice de cette Province et qui la rend d'une utilité plus générale pour la sûreté d'icelle ».*
- *Ordonnance qui continue l'Ordonnance qui autorise les commissaires de paix à régler la police des villes de Québec et de Montréal, pour un temps limité.*
- *Ordonnance qui continue l'ordonnance passé le treizième jour d'avril, dans la vingt-septième année du règne de Sa Majesté qui règle les maîtres de poste.*
- *Acte qui rappelle partie d'un Acte y mentionné, quant aux voitures d'hiver.*

La troisième ordonnance adoptée une première fois en 1777, et de nouveau en 1779, en 1781, en 1783, en 1785 et en 1787 –, est prolongée jusqu'à la fin de la session de 1791. La quatrième ordonnance adoptée une première fois en 1780 – et de nouveau en 1782, en 1784, en 1786 et en 1787 (qui était échu depuis 1788) –, est prolongée jusqu'à la fin de la session de 1791. À noter que trois projets d'ordonnance, adoptés en 3^e lecture au Conseil législatif et transmis préalablement au gouverneur, ne seront pas présentés pour être sanctionnés : 1. *Acte ou ordonnance interdisant l'usage de petites distilleries*; 2. *Acte ou Ordonnance qui explique et amende un Acte intitulé Acte ou Ordonnance qui étend la navigation intérieure*; 3. *Acte ou Ordonnance concernant les routes et les ponts dans les districts centraux de Québec et de Montréal, et qui amende les lois actuellement en vigueur concernant icelles.*

Le gouverneur Dorchester proroge la session.

21 mai 1789

Alexander Gray reçoit une commission royale pour agir à titre de procureur général de la Province de Québec. Il succède à James Monk qui, à la fin de l'année 1789, se rend en Angleterre pour tenter de réintégrer son poste. Monk deviendra de nouveau procureur général le 6 août 1792.

20 octobre 1789

William Wyndham Grenville, secrétaire d'État aux colonies depuis juin 1789, adresse une lettre personnelle et secrète au gouverneur Dorchester. Il lui fait part des volontés du gouvernement britannique de modifier la constitution du Canada. Puis, dans une dépêche officielle, Lord Grenville fait parvenir au gouverneur l'ébauche de la nouvelle loi constitutionnelle projetée pour la Province de Québec.

16 novembre 1789

Mort de François-Joseph Cugnet, secrétaire français du gouverneur en conseil.

21 décembre 1789

Jacques-François Cugnet est nommé secrétaire français du gouverneur en conseil.

1790

5 février 1790

Dans une lettre adressée au gouverneur Dorchester, le juge William Smith propose de placer, sous une direction générale, toutes les provinces britanniques de l'Amérique du Nord.

8 février 1790

Le gouverneur Dorchester répond à William Wyndham Grenville, secrétaire d'État aux colonies, à propos de l'ébauche de la nouvelle loi constitutionnelle. En outre, il propose un tracé pour la frontière qui séparera le Bas-Canada et le Haut-Canada. Il recommande de ne pas annexer le district de Gaspé au Nouveau-Brunswick. À brève échéance, il se prononce contre l'établissement d'un Conseil législatif héréditaire. Il suggère que le nouveau parlement du Bas-Canada soit formé d'un Conseil législatif d'au moins 15 membres et d'une Chambre d'assemblée composée d'au moins 30 députés. Il indique que la qualité d'électeur et l'éligibilité doivent être accordées aux Canadiens. Il propose enfin la création d'un gouvernement général pour toutes les provinces britanniques de l'Amérique du Nord. En annexe, Dorchester transmet à Grenville une version amendée (avec l'aide du juge en chef William Smith) de son ébauche de la nouvelle loi constitutionnelle.

11 mars 1790

Le gouverneur Dorchester inaugure la nouvelle session parlementaire par un discours du trône, en anglais, au château Saint-Louis. Évoquant l'Acte constitutionnel, il affirme que « nous avons des raisons de nous attendre à ce que des changements importants soient apportés à la forme de notre gouvernement provincial ». Il s'agit de la dix-septième session parlementaire. Le jour même, le Conseil législatif poursuit ses travaux dans la même salle. La suite de la session se déroulera au Palais épiscopal.

En l'absence du juge en chef William Smith, Hugh Finlay préside les travaux du Conseil législatif jusqu'au 13 mars 1790 inclusivement.

Dans le Journal, la qualification « honorable » est désormais accolée à tous les conseillers législatifs qui, en plus, conservent la qualité « d'écuyers ». Précédemment, cet honneur était réservé au président du Conseil seul.

Le greffier Jenkin Williams appose dorénavant ses initiales sur chacune des pages du Journal du Conseil législatif afin de l'authentifier.

12 mars 1790

L'adresse en réponse au discours du trône est grossoyée avant d'être présentée au gouverneur.

17 mars 1790

Des marchands sont appelés à répondre à des questions lors des travaux du comité législatif chargé d'étudier un projet d'ordonnance qui défend, pour un temps limité, l'exportation du biscuit, fleur ou farine d'aucune espèce, comme aussi celle du blé, pois, orge, seigle et avoine. Le Conseil législatif n'avait pas siégé en comité avec des témoins depuis le 25 février 1777.

19 mars 1790

Par commission, Alured Clarke est nommé lieutenant-gouverneur de la Province de Québec.

20 mars 1790

Par résolutions, de nouvelles règles de procédure sont adoptées pour examiner des documents relatifs à des projets d'ordonnance présentés lors de la session de 1789 et diverses pétitions réclamant de nouvelles ordonnances. Ces documents avaient été déposés au Conseil législatif, le 18 mars 1790, sur ordre du gouverneur.

30 mars 1790

Henry Caldwell, Adam Mabane et Thomas Dunn font enregistrer deux protêts pour dénoncer le projet d'ordonnance « qui ajoute à l'Acte intitulé “Acte ou Ordonnance qui règle plus amplement le commerce intérieur de cette province et qui l'étend” passé dans la vingt-huitième année du Règne de Sa Majesté ». Ils doutent que le Conseil législatif ait le pouvoir de faire des lois pour réglementer la navigation et le commerce avec les États-Unis.

3 avril 1790

Le Conseil législatif prend en considération un message du gouverneur Dorchester, lequel document fait état de l'opinion générale d'un comité du Roi en conseil de 1787 au sujet du pouvoir législatif de la Province de Québec en matière de commerce avec les États-Unis. Les observations du président William Smith à cet effet sont ensuite enregistrées dans le Journal, à la demande d'Adam Mabane. Un vif débat sur le pouvoir, ou non, du Conseil législatif de légiférer en matière de navigation et de commerce avec les États-Unis donne lieu à des interprétations divergentes. Les résolutions adoptées en faveur de ce pouvoir ne font pas l'unanimité.

6 avril 1790

Adam Mabane et Henry Caldwell font enregistrer leur protêt, lequel dénonce les résolutions du Conseil législatif faisant suite aux observations du président William Smith. Ils réfutent l'autorité de la législation provinciale de faire des lois pour réglementer la navigation et le commerce avec les États-Unis.

9 avril 1790

John Johnson siège pour la dernière fois au Conseil. Il part ensuite à Londres avec sa famille et ne reviendra s'installer à Montréal qu'à l'automne de 1796.

12 avril 1790

Le gouverneur Dorchester sanctionne sept ordonnances au château Saint-Louis :

- *Acte ou Ordonnance qui amende l'Ordonnance intitulée « Ordonnance qui règle le pilotage dans le fleuve Saint-Laurent et qui empêche les abus dans le port de Québec ».*
- *Acte ou Ordonnance qui ajoute à l'Acte intitulé « Acte ou Ordonnance qui règle plus amplement le commerce intérieur de cette province et qui l'étend » passé dans la vingt-huitième année du Règne de Sa Majesté.*
- *Acte ou Ordonnance qui assure plus efficacement le droit de pontage du pont sur la rivière Saint-Charles, près Québec.*
- *Acte ou Ordonnance qui empêche les bestiaux d'errer, ou l'abandon des animaux.*
- *Acte ou Ordonnance qui érige un nouveau district entre les districts de Québec et de Montréal, et qui règle lesdits districts.*
- *Acte ou Ordonnance qui empêche la désertion des matelots du service marchand.*
- *Acte ou Ordonnance qui amende « un Acte ou Ordonnance qui prévient les accidents du feu » passé dans la dix-septième année du règne de Sa Majesté.*

L'Acte ou Ordonnance qui assure plus efficacement le droit de pontage du pont sur la rivière Saint-Charles, près Québec est le premier « bill privé » adopté dans la Province de Québec.

Le gouverneur réserve l'*Acte ou Ordonnance qui défend pour un temps limité, l'exportation de blé, pois, avoine, biscuits, de farine ou de farines de toute nature.* C'est la seconde fois que le droit de réserve est appliqué sous la constitution de 1774. Les conseillers législatifs vont par la suite corriger ce projet d'ordonnance dès la séance suivante.

13 avril 1790

Dans le Journal du Conseil, le greffier note systématiquement le moment où des conseillers quittent la salle durant les travaux. Le 13 avril, pour le départ des conseillers Thomas Dunn et Edward Harrison, il est précisé de plus que ces conseillers ont quitté leur siège « avec permission ».

14 avril 1790

En comité plénier, William Grant propose de modifier le préambule du projet d'ordonnance défendant l'exportation de produits agricoles pour un temps limité. Le nouveau libellé est formulé de manière à critiquer indirectement les institutions en place, disant que les pouvoirs accordés par cette ordonnance « peuvent être exercés en toute sécurité, selon les exigences du moment, par le gouverneur en Conseil, d'autant plus que les pouvoirs législatif et exécutif de la Province sont dévolus aux mêmes personnes ». Cet amendement, appuyé par le juge William Smith et par William Grant, est battu par les onze autres conseillers législatifs présents.

15 avril 1790

En 3^e lecture du projet d'ordonnance défendant l'exportation de produits agricoles pour un temps limité, William Grant fait adopter une série de cinq résolutions :

- *Qu'il semble y avoir lieu d'appréhender qu'il sera nécessaire au cours de l'été prochain d'interdire l'exportation de la farine de céréales et de pain.*
- *Que, comme une telle retenue sur la principale denrée du pays sera un sacrifice dans les intérêts de tous les hommes concernés par l'agriculture pour la sécurité commune, il ne devrait pas avoir lieu, sinon sous de grandes mises en garde, et être relâché ou enlevé dès l'instant que les appels de nécessité cessent.*
- *Que la diversité des sentiments du Conseil législatif sur les mesures touchant un tel embargo démontre la pertinence de poursuivre la délibération sur cette importante préoccupation.*
- *Qu'il semble sage et sûr d'imprimer les procédures relatives à ce sujet.*
- *Qu'une copie de ces résolutions soit communiquée au gouverneur par un comité nommé pour attendre Sa Seigneurie et prier son ordre pour une telle impression et publication, et qu'il soit également prié de donner des vacances parlementaires au Conseil législatif afin de permettre à ses membres de faire des recherches qui pourraient leur permettre de mieux prendre des décisions concernant les intérêts de l'agriculture et du commerce et l'importance considérable que cette affaire peut exiger.*

17 avril 1790

Le gouverneur Dorchester sanctionne sept ordonnances au château Saint-Louis :

- *Acte ou Ordonnance qui conserve plus efficacement les anciennes archives françaises et qui ordonne une distribution convenable.*
- *Acte ou Ordonnance qui défend pour un temps limité, l'exportation du biscuit, fleur ou farine d'aucune espèce, comme aussi celle du blé, pois, orge, seigle et avoine.*

Le gouverneur Dorchester proroge la session.

5 juin 1790

Dans une lettre adressée au gouverneur Dorchester, William Wyndham Grenville, secrétaire d'État aux colonies, rapporte que le Parlement britannique n'a pas jugé à propos de présenter le bill relatif au gouvernement de Québec durant la session parlementaire de 1790. Le ministre note aussi que le projet d'un « gouvernement législatif général » pour toutes les provinces britanniques de l'Amérique du Nord a soulevé plusieurs objections.

7 octobre 1790

Le lieutenant-gouverneur Alured Clarke arrive à Québec.

8 octobre 1790

Assermentation du lieutenant-gouverneur Alured Clarke.

23 octobre 1790

Jonathan Sewell reçoit une commission pour agir, par intérim, à titre de procureur général de la Province de Québec. Il succède à Alexander Gray, décédé en fonction.

26 novembre 1790

Au Parlement de Westminster, dans son discours du trône, le roi George III recommande la modification de la constitution de la Province de Québec.

1791

25 février 1791

Le premier ministre William Pitt (1783-1801) dépose à la Chambre des communes un nouveau message du roi relatif à la constitution de la Province de Québec.

14 mars 1791

Le gouverneur Dorchester inaugure la nouvelle session parlementaire par un discours du trône, en anglais, au château Saint-Louis. Il s'agit de la dix-huitième et dernière session du Conseil législatif de la Province de Québec.

Le lieutenant-gouverneur Alured Clarke préside les travaux du Conseil législatif. Le jour même, le Conseil législatif poursuit ses travaux à cet endroit. La suite de la session se déroulera au Palais épiscopal.

Après quatre ans d'absence, faisant suite à un congé en Grande-Bretagne en 1788-1789 et en raison d'une grave maladie en 1789-1790, Samuel Holland revient siéger au Conseil législatif.

16 mars 1791

Pour la première fois dans les annales parlementaires du Conseil législatif, l'adresse en réponse au discours du trône ne fait pas l'unanimité. D'abord, le rapport du comité chargé de la rédaction de cette adresse n'est pas endossé par Paul-Roch de Saint-Ours. Un débat sur l'adresse est ensuite recensé dans le Journal. La motion proposant l'adoption du texte de l'adresse est l'objet d'un vote enregistré. Les remerciements adressés au gouverneur Dorchester sont adoptés par un vote de huit contre six.

21 mars 1791

Le Conseil législatif étudie la pétition d'Angus Macdonell de Sainte-Foy. Ayant expérimenté une nouvelle méthode pour la fabrication de la potasse et de la perlasse, il souhaite obtenir un brevet et des privilèges. À noter que Macdonell sera nommé greffier de la Chambre d'assemblée du Haut-Canada, le 12 décembre 1792.

22 mars 1791

Le Conseil législatif étudie la pétition de Samuel Hopkins de Philadelphie. Il demande des privilèges dans la Province de Québec pour la fabrication de potasse et de la perlasse. À

noter que Hopkins obtint le premier brevet américain pour une invention améliorant la fabrication de potasse et de la perlasse, le 31 juillet 1790.

29 mars 1791

L'inventeur américain Samuel Hopkins écrit au Conseil législatif de la Province de Québec. Il fait valoir qu'il a obtenu, aux États-Unis, l'exclusivité de son invention améliorant la fabrication de potasse pour une période de quatorze ans.

5 avril 1791

Henry Caldwell, secondé par Thomas Dunn, propose que les officiers de justice du roi soient approchés pour qu'ils donnent leur avis sur les pouvoirs, ou non, du Conseil législatif d'accorder des privilèges par des lois.

6 avril 1791

Par un vote de 13 contre 4, le Conseil législatif refuse d'entériner la motion d'Henry Caldwell, afin que les officiers de justice du roi soient approchés pour qu'ils donnent leur avis sur les pouvoirs, ou non, du Conseil législatif d'accorder des privilèges par des lois.

En comité législatif, Samuel Hopkins répond aux questions des conseillers législatifs.

11 avril 1791

Le gouverneur Dorchester sanctionne trois ordonnances au château Saint-Louis :

- *Acte qui explique et amende l'Acte intitulé « Acte ou Ordonnance qui encourage la navigation intérieure et le commerce dans le pays du Ouest [sic].*
- *Acte qui continue et amende les Actes ou Ordonnances qui sont mentionnés concernant la pratique de la loi dans les causes civiles.*
- *Acte qui continue et amende un Acte passé dans la dix-septième année du règne de Sa Majesté, intitulée « Ordonnance qui autorise les commissaires de paix à régler la police dans les villes de Québec et de Montréal pour un temps limité ».*

26 et 27 avril 1791

Pour la première fois dans les annales parlementaires, un comité plénier du Conseil législatif étudie simultanément deux projets d'ordonnance. Pour la première fois aussi, le 26 avril, des témoins sont questionnés par les conseillers législatifs en comité plénier. À terme, les deux projets d'ordonnance sont fusionnés et réécrits pour en former un seul.

30 avril 1791

Le gouverneur Dorchester sanctionne quatre ordonnances au château Saint-Louis :

- *Acte qui continue un Acte intitulé « Ordonnance qui règle toutes et telles personnes qui tiennent des chevaux et voiture à louer, pour la facilité des voyageurs, communément connus sous le nom de maître de poste ».*
- *Acte qui lève les obstacles dans le commerce intérieur dans le cas de mort d'un surintendant.*

- *Acte ou Ordonnance qui concerne la construction et la réparation des églises, presbytères, et cimetières.*
- *Acte. Une Ordonnance pour récompenser Samuel Hopkins et Angus MacDonell et autres pour leur découverte de deux nouvelles méthodes améliorées au sujet de la fabrication de la potasse et de la perlasse.*

La première ordonnance, adoptée une première fois en 1780 – et de nouveau, en 1782, en 1784, en 1786, en 1787 et en 1789 –, est prolongée jusqu’au 1^{er} mai 1793.

Le gouverneur réserve cinq projets d’ordonnance : 1. Acte pour amender un Acte intitulé « *Acte ou Ordonnance qui règle les pêches dans le fleuve Saint-Laurent, les baies de Gaspé et des Chaleurs, à l’île de Bonaventure Est sur le rivage vis-à-vis Percé* »; 2. *Acte concernant les tuteurs aux mineurs et les curateurs*; 3. *Acte pour régler les honoraires à prendre sur les voitures terrestres au port de Saint-Jean*; 4. Acte qui explique et corrige une ordonnance, intitulée, « *Ordonnance pour réparer, réformer et entretenir les grands chemins publics et les ponts dans la Province de Québec* » passé dans la dix-septième année du règne de Sa Majesté; 5. Acte qui rappelle certains articles d’une Ordonnance intitulée, « *Ordonnance qui concerne les avocats, procureurs, sollicitants et les notaires, et qui rend plus aisé le recouvrement des revenus de Sa Majesté* », passé la vingt-cinquième année du règne de Sa Majesté et aussi une Ordonnance passée dans la vingt-septième année du règne de Sa Majesté qui amende icelle. Au total, sous la constitution de 1774, le droit de réserve aura été appliqué à sept reprises.

Le gouverneur Dorchester proroge la session.

François Baby, René-Amable Boucher de Boucherville, Henry Caldwell, Gaspard-Joseph Chaussegros de Léry, John Collins, Thomas Dunn, Hugh Finlay, William Grant, Edward Harrison, Samuel Johannes Holland, Jean-Baptiste Le Comte Dupré, Joseph-Dominique-Emmanuel Le Moyne de Longueuil, Adam Mabane, François-Marie Picoté de Belestre, George Pownall, Paul-Roch de Saint-Ours, William Smith, Charles-Louis Tarieu de Lanaudière siègent pour la dernière fois au Conseil législatif de la Province de Québec.

8 juin 1791

Henry Dundas succède à William Wyndham Grenville à titre de secrétaire d’État aux colonies.

10 juin 1791

Le roi George III sanctionne l’Acte constitutionnel.

17 août 1791

Départ du gouverneur Guy Carleton, 1^{er} baron Dorchester, pour l’Angleterre. Il sera de retour en 1793.

19 août 1791

Arrêté du Conseil privé divisant la Province de Québec en provinces du Bas-Canada et du Haut-Canada.

25 août 1791

Prestation de serment d'Alured Clarke comme administrateur du Bas-Canada.

12 septembre 1791

Nomination d'Alured Clarke comme lieutenant-gouverneur de la nouvelle province du Bas-Canada.

16 septembre 1791

Instructions royales données à Lord Dorchester d'appeler au Conseil législatif : William Smith, juge en chef, Gaspard-Joseph Chaussegros de Léry, Hugh Finlay, François-Marie Picoté de Belestre, Thomas Dunn, Paul-Roch de Saint-Ours, Edward Harrison, François Baby, John Collins, Joseph-Dominique-Emmanuel Le Moyne de Longueuil, Adam Mabane, Charles-Louis Tarieu de Lanaudière, George Pownall, René-Amable Boucher de Boucherville et John Fraser. Ils faisaient tous partie du Conseil sous le régime antérieur.

[**Note** : Adam Mabane, Samuel Johannes Holland et Jean-Baptiste Le Comte Dupré ne feront pas partie du Conseil législatif du Bas-Canada.]

Instructions royales à Lord Dorchester annonçant la nomination des membres du Conseil exécutif : William Smith, Paul-Roch de Saint-Ours, Hugh Finlay, François Baby, Thomas Dunn, Joseph de Longueuil, Adam Mabane, Pierre Panet et Adam Lymburner.

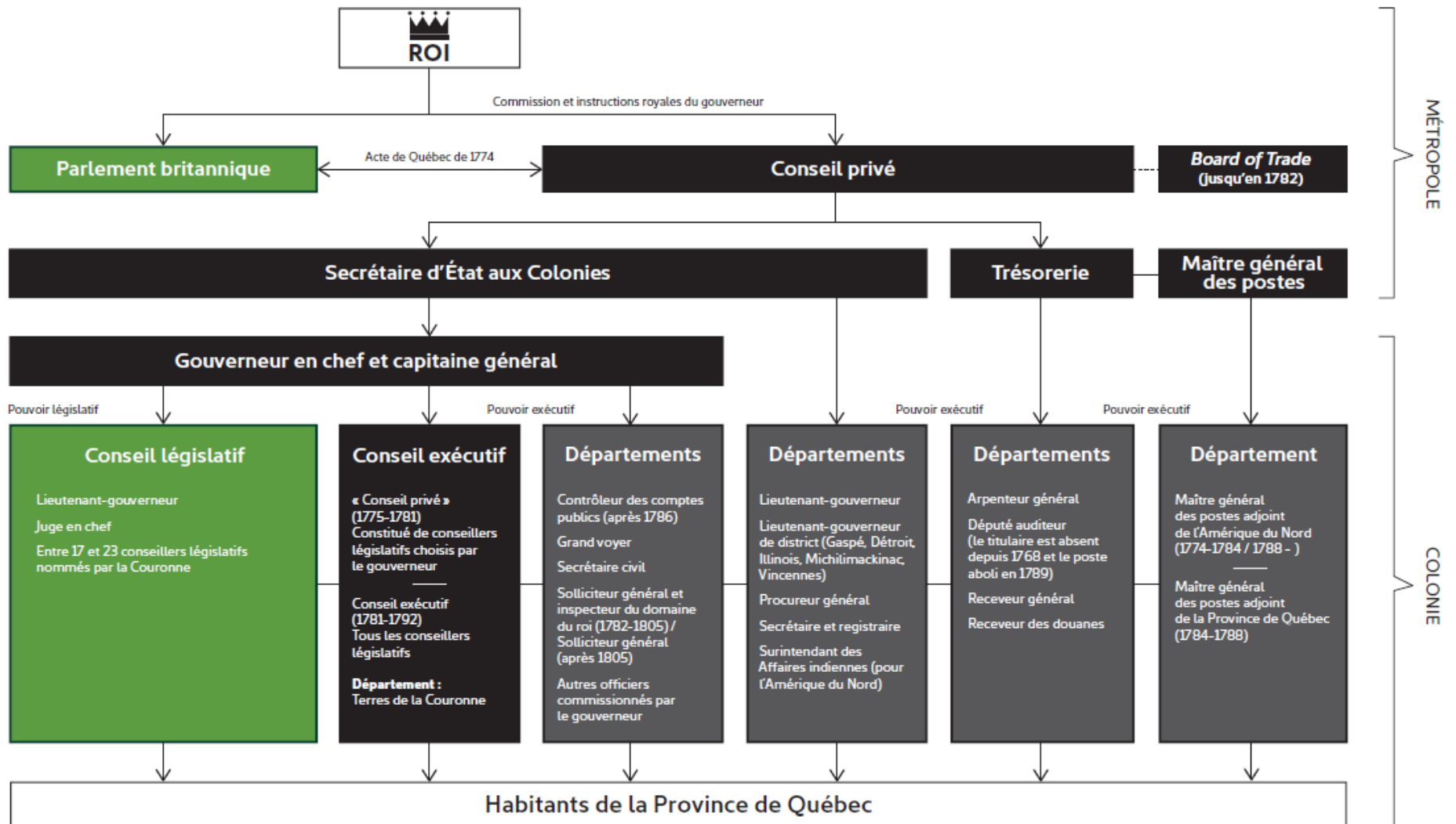
18 novembre 1791

Proclamation du lieutenant-gouverneur Alured Clarke en vertu de laquelle la nouvelle constitution doit entrer en vigueur le 26 décembre.

26 décembre 1791

Entrée en vigueur de la nouvelle constitution. Prestation de serment de Lord Dorchester comme gouverneur du Bas-Canada.

Le pouvoir politique dans la Province de Québec (1775-1792)



Produit par Christian Blais, historien à l'Assemblée nationale du Québec

Présence des membres du Conseil législatif de la Province de Québec (première partie)

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
1	1775	8	17	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
2	1775	9	2		1	1	1	1	1	1	1	1	1	1		1	1	1	1	1	1	1	1	1
3	1775	9	5		1	1	1	1	1			1	1	1		1	1	1	1	1	1	1	1	1
4	1777	1	21	1	1		1	1	1		1	1	1	1					1		1	1	1	
5	1777	1	23		1		1	1	1		1	1	1	1					1		1	1	1	
6	1777	1	27		1		1	1	1		1	1	1	1					1		1	1	1	
7	1777	1	31		1		1	1	1		1	1	1	1					1		1	1	1	
8	1777	2	4		1		1	1	1		1	1	1	1					1		1	1	1	
9	1777	2	8		1		1	1	1		1	1	1	1					1		1	1	1	
10	1777	2	14		1		1	1	1		1	1	1	1					1		1	1	1	
11	1777	2	15		1		1	1	1		1	1	1	1					1		1	1	1	
12	1777	2	17		1		1	1	1		1	1	1	1					1		1	1	1	
13	1777	2	18		1		1	1	1		1	1	1	1					1		1	1	1	
14	1777	2	20		1		1	1	1		1	1	1	1					1		1	1	1	
15	1777	2	22		1		1	1	1		1	1	1	1					1		1	1	1	
16	1777	2	25	1	1		1	1	1		1	1	1	1					1		1	1	1	
17	1777	2	27		1		1	1	1		1	1	1	1					1		1	1	1	
18	1777	3	1		1		1	1	1		1	1	1	1					1		1	1	1	

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
19	1777	3	3		1		1	1	1		1	1	1	1					1		1	1	1	
20	1777	3	4		1		1	1	1		1	1	1	1					1		1	1	1	
21	1777	3	4	1	1		1	1	1		1	1	1	1					1		1	1	1	
22	1777	3	6		1		1	1	1		1	1	1	1					1		1	1	1	
23	1777	3	7		1		1	1	1		1	1	1	1					1		1	1	1	
24	1777	3	8		1		1	1	1		1	1	1	1					1		1	1	1	
25	1777	3	11		1		1	1			1	1	1	1					1		1	1		
26	1777	3	13		1		1	1			1	1	1	1					1		1	1		
27	1777	3	15		1		1	1			1	1	1	1					1		1	1		
28	1777	3	17		1		1	1			1	1	1	1					1		1	1		
29	1777	3	19		1		1	1			1	1	1	1					1		1	1		
30	1777	3	22		1		1	1			1	1	1	1					1		1	1		
31	1777	3	25		1		1	1			1	1	1	1					1		1	1		
32	1777	3	29	1	1		1	1			1	1	1	1					1		1	1		
33	1777	4	15		1			1			1	1	1	1					1		1	1		
34	1777	4	21		1		1	1			1	1	1	1					1		1	1		
35	1777	4	22		1		1	1			1	1	1	1					1		1	1		
36	1777	4	29	1	1		1	1			1	1	1	1					1		1	1		
37	1778	3	23	1	1		1	1			1	1	1	1				1	1		1		1	1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
38	1778	3	24		1		1	1			1	1	1	1				1	1		1		1	1
39	1778	3	31		1		1	1			1	1	1	1				1	1		1		1	1
40	1778	4	4		1		1	1			1	1	1	1				1	1		1		1	1
41	1778	4	6		1		1	1			1	1	1	1				1	1		1			1
42	1778	4	8		1		1	1			1	1	1	1				1	1		1			
43	1778	4	11		1		1	1			1	1	1	1				1	1		1			1
44	1778	4	22		1		1	1			1	1	1	1				1	1		1			1
45	1778	4	23		1		1	1			1		1	1				1	1		1			1
46	1778	4	25		1		1	1				1	1					1	1					1
47	1779	1	11		1			1	1		1		1	1				1	1	1	1		1	1
48	1779	1	12		1			1	1		1		1	1				1	1	1	1		1	1
49	1779	1	13		1			1	1		1		1	1				1	1	1	1		1	1
50	1779	1	14		1			1	1		1		1	1				1	1	1	1		1	1
51	1779	1	15		1			1	1		1		1	1				1	1	1	1		1	1
52	1779	1	16		1			1	1		1		1	1				1	1	1	1		1	1
53	1780	1	27		1		1	1	1			1	1	1				1	1	1	1		1	1
54	1780	1	28		1		1	1	1			1	1	1				1	1	1	1		1	1
55	1780	2	3		1		1	1	1			1	1	1				1	1	1	1			1
56	1780	2	7		1		1	1	1			1	1	1				1	1	1	1		1	1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
57	1780	2	10		1		1	1	1			1	1	1				1	1	1	1		1	1
58	1780	2	11		1		1	1	1			1	1	1				1	1	1	1		1	1
59	1780	2	14		1		1	1	1			1	1	1				1	1	1	1		1	1
60	1780	2	15		1		1	1	1			1	1	1				1	1	1	1		1	1
61	1780	2	18		1		1	1	1		1	1	1	1				1	1	1	1		1	1
62	1780	2	21		1		1	1	1		1	1	1	1				1	1	1	1		1	1
63	1780	2	22		1		1	1	1			1	1	1				1	1	1	1		1	1
64	1780	2	24		1		1	1	1		1	1	1	1				1	1	1	1		1	1
65	1780	2	25		1		1	1	1		1	1	1	1				1	1	1	1		1	1
66	1780	2	26		1		1	1	1		1	1	1	1				1	1	1	1		1	1
67	1780	2	28		1		1		1		1	1	1	1				1	1	1	1		1	1
68	1780	2	29		1		1	1	1			1	1	1				1	1	1	1		1	1
69	1780	3	1		1		1	1	1			1	1	1				1	1	1	1		1	1
70	1780	3	2		1		1		1		1	1	1	1				1	1	1	1		1	1
71	1780	3	3		1		1		1		1	1	1					1	1	1	1			1
72	1780	3	4		1		1				1	1	1					1	1	1	1			1
73	1780	3	6		1		1					1	1					1	1	1	1			1
74	1780	3	7		1		1					1	1					1	1	1	1			1
75	1780	3	8		1		1					1	1					1	1	1	1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
76	1780	3	9		1		1					1	1					1	1	1	1			1
77	1780	3	9		1		1					1	1					1	1	1	1			1
78	1780	4	4		1		1	1			1	1	1	1				1	1		1			
79	1780	4	5		1		1	1			1	1	1	1					1		1			
80	1780	4	6		1		1	1			1	1	1	1				1	1		1			
81	1780	4	7		1		1	1			1	1	1	1				1	1		1			
82	1780	4	8		1		1	1			1	1	1	1				1	1		1			
83	1780	4	10		1		1	1			1	1	1	1				1	1		1			
84	1780	4	12		1			1			1	1	1	1				1	1		1			
85	1781	1	16		1		1	1	1		1	1		1				1	1	1	1		1	1
86	1781	1	17		1		1	1	1		1	1		1				1	1	1	1		1	1
87	1781	1	19		1		1	1	1		1	1		1				1	1	1	1		1	1
88	1781	1	20		1		1	1	1		1	1		1				1	1	1	1		1	1
89	1781	1	20		1		1	1	1		1	1		1				1	1	1	1		1	1
90	1781	8	30		1		1		1		1	1	1	1				1	1					
91	1782	2	2					1			1	1	1	1				1	1	1	1			1
92	1782	2	4					1			1	1	1	1				1	1	1	1			1
93	1782	2	5					1			1	1	1	1				1	1	1	1			1
94	1782	2	6					1			1	1	1	1				1	1	1	1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
95	1782	2	7					1			1	1	1	1				1	1	1	1			1
96	1782	2	8					1			1	1	1	1				1	1	1	1			1
97	1782	2	11					1			1	1	1	1				1	1	1	1			1
98	1782	2	11					1			1	1	1	1				1	1	1	1			1
99	1782	2	12					1				1	1	1				1	1	1	1			1
100	1782	2	14					1			1	1	1	1				1	1	1	1			1
101	1782	2	15					1			1	1	1	1				1	1	1	1			1
102	1782	2	16					1			1	1	1	1				1	1	1	1			1
103	1783	1	17				1	1			1	1	1	1				1		1	1		1	1
104	1783	1	20				1	1			1	1	1	1				1		1	1		1	1
105	1783	1	22				1	1			1	1	1	1				1		1	1		1	1
106	1783	1	23				1	1			1	1	1	1				1		1	1		1	1
107	1783	1	24				1	1			1	1	1	1				1		1	1		1	1
108	1783	1	25				1	1			1	1	1	1				1		1	1		1	1
109	1783	1	28				1				1	1	1	1				1		1	1		1	1
110	1783	1	29				1				1	1	1	1				1		1	1		1	1
111	1783	1	30				1				1	1	1	1				1		1	1		1	1
112	1783	1	31				1				1	1	1	1				1		1	1		1	1
113	1783	2	1				1				1	1	1	1				1		1	1		1	1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
114	1783	2	3				1				1	1	1	1				1		1	1		1	1
115	1783	2	4				1				1	1	1	1				1		1	1			1
116	1783	2	5				1					1	1	1				1		1	1		1	1
117	1783	2	5				1					1	1	1				1		1	1		1	1
118	1784	3	22				1	1			1	1	1	1						1	1			1
119	1784	3	23				1	1			1	1	1	1						1	1			1
120	1784	3	24				1	1			1	1	1	1						1	1			1
121	1784	3	25				1	1			1	1	1	1						1	1			1
122	1784	3	26				1	1			1	1	1	1						1	1			1
123	1784	3	29				1	1				1	1	1						1	1			1
124	1784	3	30				1	1				1	1	1						1	1			1
125	1784	3	31				1	1				1	1	1						1	1			1
126	1784	4	1				1	1			1	1	1	1						1	1			1
127	1784	4	2				1	1			1	1	1	1						1	1			1
128	1784	4	3				1	1			1	1	1	1						1	1			1
129	1784	4	5				1	1			1	1	1	1							1			1
130	1784	4	6				1	1			1	1	1	1							1			1
131	1784	4	7				1	1			1	1	1	1						1	1			1
132	1784	4	10				1	1			1	1	1	1						1	1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
133	1784	4	14				1	1			1	1	1	1						1	1			1
134	1784	4	15				1	1			1	1	1	1						1	1			1
135	1784	4	16				1	1			1	1	1	1						1	1			1
136	1784	4	17				1	1			1	1	1	1						1	1			1
137	1784	4	19				1	1			1	1	1	1						1	1			1
137	1784	4	21				1	1			1	1	1	1						1	1			1
139	1784	4	22				1	1			1	1	1	1						1	1			1
140	1784	4	23				1	1			1	1	1	1						1	1			1
141	1784	4	24				1	1			1	1	1	1						1	1			1
142	1784	4	26				1	1			1	1	1	1						1	1			1
143	1784	4	27				1	1			1	1	1	1						1	1			1
144	1784	4	29				1	1			1	1	1	1						1	1			1
145	1784	4	29				1	1			1	1	1	1						1	1			1
146	1785	2	10				1	1			1	1	1	1				1			1		1	1
147	1785	2	11				1	1				1	1	1				1			1		1	1
148	1785	2	14				1	1			1	1	1	1				1			1		1	1
149	1785	2	16				1	1				1	1	1				1			1		1	1
150	1785	2	17				1	1			1	1	1	1				1			1		1	1
151	1785	2	18				1	1			1	1	1	1				1			1		1	1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
152	1785	2	21				1	1			1	1	1	1				1			1			1
153	1785	2	23				1	1			1	1	1	1				1			1		1	1
154	1785	2	24				1	1			1	1	1	1				1			1		1	1
155	1785	2	28				1	1			1	1	1	1				1			1		1	1
156	1785	3	2				1	1			1	1	1	1				1			1		1	1
157	1785	3	3				1					1	1					1			1			1
158	1785	3	4				1				1	1	1					1			1			1
159	1785	3	7				1	1			1	1	1	1				1			1		1	1
160	1785	3	9				1				1	1	1					1			1			1
161	1785	3	14				1						1					1			1			1
162	1785	3	21				1				1		1					1			1			1
163	1785	3	22				1				1		1	1				1			1			1
164	1785	3	26				1				1			1				1			1			1
165	1785	3	30				1	1			1	1	1	1				1			1		1	1
166	1785	3	31				1	1			1	1	1	1				1			1		1	1
167	1785	4	1				1	1			1	1	1	1				1			1		1	1
168	1785	4	4				1	1			1	1	1	1				1			1		1	1
169	1785	4	5				1				1	1	1	1				1			1		1	1
170	1785	4	6				1	1			1	1	1	1				1			1		1	1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
171	1785	4	7				1	1			1	1	1	1				1			1		1	1
172	1785	4	8				1	1			1	1	1	1				1			1		1	1
173	1785	4	9				1	1			1	1	1	1				1			1		1	1
174	1785	4	11				1	1			1	1	1	1				1			1		1	1
175	1785	4	13				1	1			1	1	1	1				1			1			1
176	1785	4	14				1	1			1	1	1	1				1			1			1
177	1785	4	15				1	1			1	1	1	1				1			1			1
178	1785	4	18				1	1				1		1				1			1			1
179	1785	4	20				1	1				1	1	1				1			1			1
180	1785	4	21				1	1				1	1	1				1			1			1
181	1785	4	21				1	1				1	1	1				1			1			1
182	1785	4	22				1	1				1	1	1				1			1			1
183	1785	4	23				1					1	1					1			1			1
184	1785	4	25				1	1				1	1	1				1			1			1
185	1785	4	26				1	1				1	1	1				1			1			1
186	1785	4	27				1	1				1	1	1				1			1			1
187	1785	4	28				1	1				1	1	1				1			1			1
188	1785	4	29				1	1					1	1				1			1			1
189	1785	4	30				1					1	1	1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
190	1785	4	30				1					1	1	1				1			1			1
191	1786	2	6				1		1		1	1	1	1				1			1			
192	1786	2	7				1		1		1	1	1	1				1			1			1
193	1786	2	10				1		1		1	1	1	1				1			1		1	1
194	1786	2	13				1		1		1	1	1	1				1			1		1	1
195	1786	2	16				1		1		1	1	1	1							1		1	1
196	1786	2	20				1		1		1	1	1	1				1			1		1	1
197	1787	1	15	1			1					1	1	1				1			1			
198	1787	1	22				1					1	1	1				1			1			1
199	1787	1	23				1					1	1	1				1			1			1
200	1787	1	25				1					1	1	1				1			1			1
201	1787	1	29				1					1	1	1				1			1			1
202	1787	2	1				1					1	1	1				1			1			1
203	1787	2	3				1					1	1					1			1			
204	1787	2	5																					
205	1787	2	6				1					1	1	1				1			1			
206	1787	2	7	Les présences ne sont pas relevées																				
207	1787	2	12				1					1	1					1			1			1
208	1787	2	13				1					1	1	1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHAUSSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
209	1787	2	16				1					1	1	1				1			1			1
210	1787	2	19				1					1	1	1				1			1			1
211	1787	2	21				1					1	1	1				1			1			1
212	1787	2	22				1					1	1	1				1			1			1
213	1787	2	23				1					1	1	1				1			1			1
214	1787	2	26				1					1	1	1				1			1			1
215	1787	2	27				1					1	1	1				1			1			1
216	1787	2	27	1			1					1	1	1				1			1			1
217	1787	3	2				1					1	1	1				1			1			1
218	1787	3	3				1					1	1	1				1			1			1
219	1787	3	5				1					1	1	1				1			1			1
220	1787	3	9				1					1	1	1				1			1			1
221	1787	3	13				1					1	1	1				1			1			1
222	1787	3	14				1					1	1	1				1			1			1
223	1787	3	16				1					1		1				1			1			1
224	1787	3	21				1					1		1				1			1			1
225	1787	3	22				1					1	1	1				1			1			1
226	1787	3	26				1					1	1	1				1			1			1
227	1787	3	28				1					1	1	1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
228	1787	3	29				1					1	1	1				1			1			1
229	1787	3	30				1					1	1	1				1			1			1
230	1787	3	31				1					1	1	1				1			1			1
231	1787	4	4				1					1	1	1				1			1			1
232	1787	4	7				1					1	1	1				1			1			1
233	1787	4	10				1					1	1	1				1			1			1
234	1787	4	11				1					1	1	1				1			1			1
235	1787	4	12									1	1	1				1			1			1
236	1787	4	13				1					1	1	1				1			1			1
237	1787	4	14				1					1	1	1				1			1			1
238	1787	4	16				1					1	1	1				1			1			1
239	1787	4	17				1					1	1	1				1			1			1
240	1787	4	18				1					1	1	1				1			1			1
241	1787	4	19				1					1	1	1				1			1			1
242	1787	4	20				1					1	1	1				1			1			1
243	1787	4	21				1					1	1	1				1			1			1
244	1787	4	23				1					1	1	1				1			1			1
245	1787	4	23	1			1					1	1	1				1			1			1
246	1787	4	24				1					1	1	1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
247	1787	4	26				1					1	1	1				1			1			1
248	1787	4	27				1					1	1	1				1			1			1
249	1787	4	28				1					1	1	1				1			1			1
250	1787	4	30				1					1	1	1				1			1			1
251	1787	4	30	1			1					1	1	1				1			1			1
252	1788	3	20	1			1	1				1	1	1				1			1			1
253	1788	3	20				1	1				1	1	1				1			1			1
254	1788	3	24				1	1				1	1					1			1			1
255	1788	3	25					1				1	1					1			1			1
256	1788	3	26				1					1	1					1			1			1
257	1788	3	27									1	1					1			1			1
258	1788	3	28				1					1	1					1			1			1
259	1788	3	29				1					1	1					1			1			1
260	1788	3	31				1					1	1					1			1			1
261	1788	4	1				1					1	1	1				1			1			1
262	1788	4	2				1					1	1	1				1			1			1
263	1788	4	3				1					1	1	1				1			1			1
264	1788	4	4				1					1	1	1				1			1			1
265	1788	4	9				1					1		1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
266	1788	4	10				1					1		1				1			1			1
267	1788	4	11				1					1		1				1			1			1
268	1788	4	14	1			1	1				1	1	1				1			1			1
269	1788	4	15				1					1	1	1				1						1
270	1788	4	16				1					1	1	1				1						
271	1788	4	17					1				1		1				1			1			1
272	1788	4	19				1	1				1	1					1			1			1
273	1788	4	21				1	1				1	1	1				1			1			1
274	1788	4	22				1	1				1	1	1				1			1			1
275	1788	4	23				1	1				1	1	1				1			1			1
276	1788	4	24				1	1				1	1	1				1			1			1
277	1788	4	25				1	1				1	1	1				1			1			1
278	1788	4	26					1				1	1	1				1			1			1
279	1788	4	28				1	1				1	1	1				1			1			1
280	1788	4	29				1	1				1	1	1				1			1			1
281	1788	4	30	1			1	1				1	1	1				1			1			1
282	1789	3	16	1			1	1				1	1	1				1			1			1
283	1789	3	16				1	1				1	1	1				1			1			1
284	1789	3	17				1	1				1	1	1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSESGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
285	1789	3	18				1	1				1	1					1			1			1
286	1789	3	19				1					1	1					1			1			1
287	1789	3	20				1					1	1					1			1			1
288	1789	3	23				1					1	1					1			1			1
289	1789	3	24				1	1				1	1	1				1			1			1
290	1789	3	26				1					1	1					1			1			1
291	1789	3	27				1					1	1					1			1			1
292	1789	3	30				1					1	1								1			1
293	1789	3	31									1	1								1			1
294	1789	4	2				1	1				1	1	1							1			1
295	1789	4	3				1	1				1	1					1			1			1
296	1789	4	4					1				1	1	1				1			1			1
297	1789	4	7				1	1				1	1	1							1			1
298	1789	4	8				1	1				1	1	1				1			1			1
299	1789	4	9				1	1				1	1	1				1			1			1
300	1789	4	11				1	1				1	1					1			1			1
301	1789	4	11	1			1	1				1	1	1				1			1			1
302	1789	4	13				1	1				1						1			1			1
303	1789	4	14				1	1				1	1	1							1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
304	1789	4	15				1	1				1	1	1				1			1			1
305	1789	4	16				1	1				1	1	1				1			1			1
306	1789	4	17				1	1				1	1					1			1			1
307	1789	4	18				1	1				1	1	1				1			1			1
308	1789	4	20				1	1				1	1	1				1			1			1
309	1789	4	21				1	1				1	1	1				1			1			1
310	1789	4	22					1				1	1	1				1			1			1
311	1789	4	23				1	1				1		1				1			1			1
312	1789	4	24				1	1				1	1	1				1			1			1
313	1789	4	25				1	1				1	1	1				1			1			1
314	1789	4	27				1	1				1	1	1				1			1			1
315	1789	4	28				1	1				1	1	1				1			1			1
316	1789	4	29				1	1				1	1	1							1			1
317	1789	4	30	1			1	1				1	1					1			1			1
318	1790	3	11	1			1					1		1				1			1			1
319	1790	3	11				1					1	1	1				1			1			1
320	1790	3	12				1					1	1	1				1			1			1
321	1790	3	13				1					1	1					1			1			1
322	1790	3	15				1					1	1					1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
323	1790	3	16				1	1				1	1	1				1			1			1
324	1790	3	18				1	1				1	1	1				1			1			1
325	1790	3	19				1	1				1	1	1				1			1			1
326	1790	3	20					1				1	1	1				1			1			1
327	1790	3	22				1					1	1					1			1			1
328	1790	3	23				1					1	1					1			1			1
329	1790	3	24				1	1				1	1	1				1			1			1
330	1790	3	26				1	1				1	1	1				1			1			1
331	1790	3	29				1	1				1	1	1				1			1			1
332	1790	3	30				1	1				1	1	1				1			1			1
333	1790	3	31				1					1	1					1			1			1
334	1790	4	3				1	1				1	1	1				1			1			
335	1790	4	6				1	1				1	1	1				1			1			1
336	1790	4	7				1	1				1	1	1				1			1			
337	1790	4	9				1	1				1	1	1				1			1			
338	1790	4	10				1						1					1			1			1
339	1790	4	12				1	1				1	1	1				1			1			1
340	1790	4	13				1	1				1	1	1				1			1			1
341	1790	4	14				1	1				1	1	1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
324	1790	4	15				1	1				1	1	1				1			1			1
343	1790	4	16				1	1				1	1	1							1			1
344	1790	4	17	1			1	1				1	1	1				1			1			1
345	1791	3	14	1				1				1	1	1							1			
346	1791	3	14					1				1	1	1							1			
347	1791	3	16					1				1	1	1							1			1
348	1791	3	17					1				1	1	1							1			1
349	1791	3	21					1				1	1	1							1			1
350	1791	3	22					1				1	1	1				1			1			1
351	1791	3	23				1	1				1	1	1				1			1			1
352	1791	3	25					1				1	1	1							1			1
353	1791	3	26				1	1				1	1	1				1			1			1
354	1791	3	28				1					1	1					1			1			1
355	1791	3	29				1					1	1					1			1			1
356	1791	3	30				1					1	1					1			1			1
357	1791	3	31				1					1	1								1			1
358	1791	4	2				1	1				1	1	1				1			1			1
359	1791	4	5					1				1	1	1				1			1			1
360	1791	4	6				1	1				1		1				1			1			1

	Année	mois	jour	CARLETON	CRAMAHÉ	HEY	FINLAY	DUNN	CUTHBERT (PÈRE)	DRUMMOND (PÈRE)	LEVESQUE (PÈRE)	HARRISON	COLLINS	MABANE	P. DE CONTRECOEUR	SAINT-OURS (PÈRE)	DE LA NAUDIERE (PÈRE)	POWNALL	ALLSOPP	LUC DE LA CORNE	CHASSEGROS DE LERY	JOHNSTON	GUGY	PICOTÉ DE BELLESTRE
361	1791	4	8				1	1				1		1				1			1			1
362	1791	4	11				1	1				1		1				1			1			1
363	1791	4	12				1	1				1		1							1			1
364	1791	4	13				1	1				1		1				1			1			1
365	1791	4	14				1	1				1		1				1			1			1
366	1791	4	15					1				1		1				1			1			1
367	1791	4	16					1				1		1				1			1			1
368	1791	4	18				1	1				1	1	1				1			1			1
369	1791	4	19				1	1				1	1	1				1			1			1
370	1791	4	21				1	1				1	1	1				1			1			1
371	1791	4	23				1	1				1	1	1				1			1			1
372	1791	4	25				1	1				1	1	1				1			1			1
373	1791	4	26				1	1				1	1	1				1			1			1
374	1791	4	27				1	1				1	1	1				1			1			1
375	1791	4	28				1	1				1	1	1				1			1			1
376	1791	4	29				1	1				1	1	1				1			1			1
377	1791	4	30				1	1				1	1	1				1			1			1
378	1791	4	30	1			1	1				1	1	1				1			1			1
TOTAL					21	90	2	337	253	61	2	155	363	352	329	1	3	3	298	102	92	372	36	95

Présence des membres du Conseil législatif de la Province de Québec (deuxième partie)

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
1	1775	8	17	1	1																			22
2	1775	9	2	1	1																			21
3	1775	9	5		1																			18
4	1777	1	21																					13
5	1777	1	23																					12
6	1777	1	27																					12
7	1777	1	31																					12
8	1777	2	4																					12
9	1777	2	8																					12
10	1777	2	14																					12
11	1777	2	15																					12
12	1777	2	17																					12
13	1777	2	18																					12
14	1777	2	20																					12
15	1777	2	22																					12
16	1777	2	25																					13

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
17	1777	2	27																					12
18	1777	3	1																					12
19	1777	3	3																					12
20	1777	3	4																					12
21	1777	3	4																					13
22	1777	3	6																					12
23	1777	3	7																					12
24	1777	3	8																					12
25	1777	3	11																					10
26	1777	3	13																					10
27	1777	3	15																					10
28	1777	3	17																					10
29	1777	3	19																					10
30	1777	3	22																					10
31	1777	3	25																					10
32	1777	3	29																					11
33	1777	4	15																					9
34	1777	4	21																					10

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
35	1777	4	22																					10
36	1777	4	29																					11
37	1778	3	23			1	1	1	1	1														18
38	1778	3	24			1	1	1		1														16
39	1778	3	31			1	1	1	1	1														17
40	1778	4	4			1	1	1	1	1														17
41	1778	4	6			1	1	1	1	1														16
42	1778	4	8			1	1	1		1														14
43	1778	4	11			1	1	1	1	1														16
44	1778	4	22			1	1	1	1	1														
45	1778	4	23			1	1	1	1	1														15
46	1778	4	25			1	1	1	1															12
47	1779	1	11				1	1	1	1	1	1	1											19
48	1779	1	12				1	1	1	1		1	1											18
49	1779	1	13				1	1	1	1		1	1											18
50	1779	1	14				1	1	1	1			1											17
51	1779	1	15				1	1	1	1		1	1											18
52	1779	1	16				1	1	1	1	1	1	1											19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
53	1780	1	27		1			1	1	1	1	1	1	1										21
54	1780	1	28		1			1	1	1		1	1	1										20
55	1780	2	3		1			1	1	1			1	1										18
56	1780	2	7		1			1	1	1			1	1										19
57	1780	2	10					1	1	1			1	1										18
58	1780	2	11		1			1	1	1			1	1										19
59	1780	2	14		1			1	1	1			1	1										19
60	1780	2	15		1			1	1	1			1	1										19
61	1780	2	18		1			1	1	1			1	1										20
62	1780	2	21		1			1	1	1			1	1										20
63	1780	2	22		1			1	1	1			1	1										19
64	1780	2	24		1			1	1	1		1	1	1										21
65	1780	2	25		1			1	1	1		1	1	1										21
66	1780	2	26		1			1	1	1			1	1										20
67	1780	2	28		1			1	1	1		1	1	1										20
68	1780	2	29		1			1	1	1		1	1	1										20
69	1780	3	1		1			1	1	1		1	1	1										20
70	1780	3	2		1			1	1	1			1	1										19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
71	1780	3	3		1			1	1	1		1	1	1										18
72	1780	3	4		1			1	1	1		1	1	1										17
73	1780	3	6		1			1	1	1			1	1										15
74	1780	3	7		1			1	1	1			1	1										15
75	1780	3	8		1			1	1	1			1	1										15
76	1780	3	9		1			1	1	1			1	1										15
77	1780	3	9		1			1	1		1		1	1										15
78	1780	4	4					1			1	1		1										14
79	1780	4	5					1				1		1										12
80	1780	4	6					1				1		1										13
81	1780	4	7					1				1		1										13
82	1780	4	8					1				1		1										13
83	1780	4	10					1				1		1										13
84	1780	4	12					1			1	1		1										13
85	1781	1	16		1			1	1	1	1	1	1	1										21
86	1781	1	17		1			1	1	1		1	1	1										20
87	1781	1	19		1			1	1	1		1	1	1										20
88	1781	1	20		1			1	1	1		1	1	1										20

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
89	1781	1	20		1			1	1	1	1	1	1	1										21
90	1781	8	30				1		1		1	1		1										14
91	1782	2	2				1	1	1	1	1	1	1	1										18
92	1782	2	4				1	1	1	1		1	1	1										17
93	1782	2	5				1	1	1	1		1	1	1										17
94	1782	2	6				1	1	1	1		1	1	1										17
95	1782	2	7				1	1	1	1		1	1	1										17
96	1782	2	8				1	1	1	1		1	1	1										17
97	1782	2	11				1	1		1	1	1	1	1										17
98	1782	2	11				1	1	1	1		1	1	1										17
99	1782	2	12				1	1	1	1		1	1	1										16
100	1782	2	14				1	1	1	1		1	1	1										17
101	1782	2	15				1	1	1	1		1	1	1										17
102	1782	2	16				1	1	1	1	1	1	1	1										18
103	1783	1	17		1			1	1	1	1	1	1	1	1									20
104	1783	1	20		1			1	1	1		1	1	1	1									19
105	1783	1	22		1				1	1		1	1	1	1									18
106	1783	1	23		1			1	1	1		1	1	1	1									19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
107	1783	1	24		1			1	1	1		1	1	1	1									19
108	1783	1	25		1			1	1	1		1	1	1	1									19
109	1783	1	28		1			1	1	1		1	1	1	1									18
110	1783	1	29		1			1	1	1		1	1	1	1									18
111	1783	1	30		1			1	1	1		1	1	1	1									18
112	1783	1	31		1			1	1	1		1		1	1									17
113	1783	2	1		1			1	1	1		1		1	1									17
114	1783	2	3		1			1	1	1		1		1	1									17
115	1783	2	4		1			1	1	1		1		1	1									16
116	1783	2	5		1			1	1	1		1		1	1									16
117	1783	2	5		1			1	1	1	1	1		1	1									17
118	1784	3	22		1			1		1	1	1	1	1	1	1								18
119	1784	3	23		1			1		1		1	1	1	1	1								17
120	1784	3	24		1			1		1		1	1	1	1	1								17
121	1784	3	25		1			1		1		1	1	1	1	1								17
122	1784	3	26		1			1		1		1	1	1	1	1								17
123	1784	3	29		1			1		1		1	1	1	1	1								16
124	1784	3	30		1			1		1		1	1	1	1	1								16

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
125	1784	3	31		1			1		1		1	1	1	1	1								16
126	1784	4	1		1			1		1		1	1	1	1	1								17
127	1784	4	2		1			1		1		1	1	1	1	1								17
128	1784	4	3		1			1		1		1	1	1	1	1								17
129	1784	4	5		1			1		1		1	1	1	1	1								16
130	1784	4	6		1			1		1		1	1	1	1	1								16
131	1784	4	7					1		1		1	1	1	1	1								16
132	1784	4	10		1			1		1		1	1	1	1	1								17
133	1784	4	14		1			1		1		1		1	1	1								16
134	1784	4	15		1			1		1		1		1	1	1								16
135	1784	4	16		1			1		1		1		1	1	1								16
136	1784	4	17		1			1		1		1		1	1	1								16
137	1784	4	19		1			1		1		1		1	1	1								16
137	1784	4	21		1			1		1		1		1	1	1								16
139	1784	4	22		1			1		1		1	1	1	1	1								17
140	1784	4	23		1			1		1		1	1	1	1	1								17
141	1784	4	24		1			1		1		1	1	1	1	1								17
142	1784	4	26		1			1		1		1	1	1	1	1								17

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
143	1784	4	27		1			1		1		1	1	1	1	1								17
144	1784	4	29		1			1		1		1	1	1	1	1								17
145	1784	4	29		1			1		1	1	1	1	1	1	1								18
146	1785	2	10		1				1	1		1	1	1	1	1								18
147	1785	2	11		1				1	1		1	1	1		1								16
148	1785	2	14		1				1	1		1	1	1		1								17
149	1785	2	16		1				1	1		1	1	1		1								16
150	1785	2	17		1				1	1		1	1	1		1								17
151	1785	2	18		1				1	1		1	1	1		1								17
152	1785	2	21		1				1	1		1	1	1		1								16
153	1785	2	23		1				1	1		1	1	1		1								17
154	1785	2	24		1				1	1		1	1	1										16
155	1785	2	28		1				1	1		1	1	1		1								17
156	1785	3	2		1				1	1		1	1	1		1								17
157	1785	3	3		1				1			1	1	1		1								12
158	1785	3	4		1				1			1	1	1										12
159	1785	3	7		1				1	1		1	1	1		1								17
160	1785	3	9										1	1										9

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
161	1785	3	14		1							1	1	1		1								10
162	1785	3	21						1			1	1	1										10
163	1785	3	22		1				1	1		1	1	1		1								14
164	1785	3	26		1				1	1		1	1	1		1								13
165	1785	3	30		1				1	1		1	1	1		1								17
166	1785	3	31		1				1	1		1	1	1		1								17
167	1785	4	1		1				1	1		1	1	1		1								17
168	1785	4	4		1				1	1		1	1	1		1								17
169	1785	4	5		1				1	1		1	1	1		1								16
170	1785	4	6		1				1	1		1	1	1		1								17
171	1785	4	7		1				1	1		1	1	1		1								17
172	1785	4	8		1				1	1		1	1	1		1								17
173	1785	4	9		1				1	1		1	1	1		1								17
174	1785	4	11		1				1	1		1	1	1		1								17
175	1785	4	13		1				1	1		1	1	1		1								16
176	1785	4	14		1				1	1		1	1	1		1								16
177	1785	4	15		1				1	1		1	1	1		1								16
178	1785	4	18		1				1	1		1	1	1		1								14

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
179	1785	4	20		1					1		1	1	1		1								14
180	1785	4	21		1				1	1		1	1	1		1								15
181	1785	4	21		1				1	1		1	1	1	1	1								16
182	1785	4	22		1				1	1		1	1	1		1								15
183	1785	4	23		1				1	1		1	1	1		1								13
184	1785	4	25		1				1	1		1	1	1		1								15
185	1785	4	26		1				1	1		1	1	1		1								15
186	1785	4	27		1				1	1		1	1	1		1								15
187	1785	4	28		1				1	1		1	1	1		1								15
188	1785	4	29		1					1		1	1	1		1								13
189	1785	4	30		1					1		1		1		1								12
190	1785	4	30		1					1		1		1	1	1								13
191	1786	2	6		1				1			1	1				1							13
192	1786	2	7		1							1	1	1										13
193	1786	2	10		1				1			1	1	1										15
194	1786	2	13		1				1	1		1	1	1										16
195	1786	2	16		1							1	1	1										13
196	1786	2	20		1					1		1	1	1			1							16

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
197	1787	1	15					1	1	1		1		1			1	1	1	1	1			17
198	1787	1	22					1	1	1		1	1	1			1	1	1	1	1			18
199	1787	1	23					1	1	1		1	1	1			1	1	1	1	1			18
200	1787	1	25					1	1	1		1	1	1			1	1	1	1	1			18
201	1787	1	29		1			1	1	1		1	1	1				1	1	1	1			18
202	1787	2	1		1			1	1	1		1	1	1			1	1	1	1	1			19
203	1787	2	3		1			1	1	1		1	1	1			1		1	1	1			16
204	1787	2	5		1								1				1		1	1	1			6
205	1787	2	6		1			1	1	1		1	1	1			1	1	1	1	1			18
206	1787	2	7	Les présences ne sont pas relevées																				
207	1787	2	12		1			1	1	1		1	1	1			1		1	1	1			17
208	1787	2	13		1			1	1	1		1	1	1			1		1	1	1			18
209	1787	2	16		1			1	1	1		1	1	1			1	1	1	1	1			19
210	1787	2	19		1			1	1	1		1	1	1			1	1	1	1	1			19
211	1787	2	21		1			1	1	1		1	1	1			1	1	1	1	1			19
212	1787	2	22		1			1	1	1		1	1	1			1		1	1	1			18
213	1787	2	23		1			1	1	1		1	1	1			1		1	1	1			18
214	1787	2	26		1			1	1	1		1	1	1			1		1	1	1			18

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
215	1787	2	27		1			1	1	1		1	1	1					1	1	1			17
216	1787	2	27		1			1	1	1		1	1	1					1	1	1			18
217	1787	3	2		1			1	1	1		1	1	1					1	1	1			17
218	1787	3	3		1			1	1	1		1	1	1					1	1	1			17
219	1787	3	5		1			1	1	1		1	1	1			1		1	1	1			18
220	1787	3	9					1	1	1		1	1	1			1		1	1	1			17
221	1787	3	13		1			1	1	1		1	1	1			1		1	1	1			18
222	1787	3	14		1			1	1	1		1	1	1			1		1	1	1			18
223	1787	3	16		1			1	1	1		1	1	1			1		1	1	1			17
224	1787	3	21		1			1	1	1		1	1	1			1	1	1	1	1			18
225	1787	3	22		1			1	1	1		1	1	1			1	1	1	1	1			19
226	1787	3	26		1			1	1	1		1	1	1			1	1	1	1	1			19
227	1787	3	28		1			1	1	1		1	1	1			1	1	1	1	1			19
228	1787	3	29		1			1		1		1	1	1			1	1	1	1	1			18
229	1787	3	30		1			1	1	1		1	1	1			1	1	1	1	1			19
230	1787	3	31		1			1	1	1		1	1	1			1	1	1	1	1			19
231	1787	4	4		1			1	1	1		1	1	1			1	1	1	1	1			19
232	1787	4	7		1			1	1	1		1	1	1			1	1	1	1	1			19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
233	1787	4	10		1			1	1	1		1	1	1			1	1	1	1	1			19
234	1787	4	11		1			1	1	1		1	1	1			1	1	1	1	1			19
235	1787	4	12		1			1	1	1		1	1	1			1		1	1	1			17
236	1787	4	13		1			1		1		1	1	1			1	1	1	1	1			18
237	1787	4	14		1			1		1		1	1	1			1	1	1	1	1			18
238	1787	4	16		1			1	1	1		1	1	1			1		1	1	1			18
239	1787	4	17		1			1	1	1		1	1	1			1		1	1	1			18
240	1787	4	18		1			1	1	1		1	1	1			1	1	1	1	1			19
241	1787	4	19		1			1	1	1		1	1	1			1	1	1	1	1			19
242	1787	4	20		1			1	1	1		1	1	1			1	1	1	1	1			19
243	1787	4	21		1			1	1	1		1	1	1			1	1	1	1	1			19
244	1787	4	23		1			1	1	1		1	1	1			1		1	1	1			18
245	1787	4	23		1			1	1	1		1	1	1			1		1	1	1			19
246	1787	4	24		1			1	1	1		1	1	1			1	1	1	1	1			19
247	1787	4	26		1			1	1	1		1	1	1			1	1	1	1	1			19
248	1787	4	27		1			1	1	1		1	1	1			1	1	1	1	1			19
249	1787	4	28		1			1	1	1		1	1	1			1		1	1	1			18
250	1787	4	30		1			1	1	1		1	1	1			1	1	1	1	1			19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
251	1787	4	30		1			1	1	1		1	1	1			1	1	1	1	1			20
252	1788	3	20		1			1	1	1		1	1				1	1	1	1	1	1		21
253	1788	3	20		1			1	1	1		1	1				1	1	1	1	1	1		20
254	1788	3	24					1		1		1	1				1	1	1	1	1	1		17
255	1788	3	25					1	1	1		1	1			1	1	1	1	1	1	1		18
256	1788	3	26		1			1	1	1		1	1			1	1	1	1	1	1	1		19
257	1788	3	27		1			1	1	1		1	1			1	1		1	1	1	1		17
258	1788	3	28		1			1	1	1		1	1			1	1	1	1	1	1	1		19
259	1788	3	29		1			1	1	1		1	1			1	1	1	1	1	1	1		19
260	1788	3	31		1			1	1	1		1	1			1	1	1	1	1	1	1		19
261	1788	4	1		1			1	1	1		1	1			1	1	1	1	1	1	1		20
262	1788	4	2		1			1	1	1		1	1			1	1	1	1	1	1	1		20
263	1788	4	3		1			1	1	1		1	1			1	1	1	1	1	1	1		20
264	1788	4	4		1			1	1	1		1	1			1	1	1	1	1	1	1		20
265	1788	4	9		1			1	1	1		1	1					1	1	1	1	1		17
266	1788	4	10		1			1	1	1		1	1					1	1	1	1	1		17
267	1788	4	11		1			1	1	1		1	1					1	1	1	1	1		17
268	1788	4	14		1			1	1	1		1	1					1	1	1	1	1		20

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
269	1788	4	15		1			1	1	1			1					1	1	1	1	1		16
270	1788	4	16		1			1	1	1		1	1					1	1		1	1		15
271	1788	4	17		1			1		1		1	1					1	1	1	1	1		16
272	1788	4	19					1		1									1	1	1	1		13
273	1788	4	21		1			1	1	1		1	1				1		1	1	1	1		19
274	1788	4	22		1			1	1	1		1	1						1	1	1	1		18
275	1788	4	23		1			1	1	1		1	1			1	1		1	1	1	1		20
276	1788	4	24		1			1	1	1		1	1			1	1		1	1	1	1		20
277	1788	4	25		1			1	1	1		1	1			1	1		1	1	1	1		20
278	1788	4	26		1			1	1	1		1	1			1	1	1	1	1	1	1		20
279	1788	4	28		1			1	1	1		1	1			1	1	1	1	1	1	1		21
280	1788	4	29		1			1	1	1			1			1	1	1	1	1	1	1		20
281	1788	4	30		1			1	1	1		1	1			1	1	1	1	1	1	1		22
282	1789	3	16					1		1		1	1			1		1		1	1	1		18
283	1789	3	16					1		1		1	1			1		1		1	1	1		17
284	1789	3	17					1		1		1	1			1		1	1	1	1	1		18
285	1789	3	18					1		1		1	1			1		1	1	1	1	1		17
286	1789	3	19					1		1		1	1						1	1	1	1		14

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
287	1789	3	20					1	1	1		1	1			1		1	1	1	1	1		17
288	1789	3	23					1	1	1		1	1			1		1	1	1	1	1		17
289	1789	3	24					1	1	1		1	1			1		1	1	1	1	1		19
290	1789	3	26					1	1	1		1	1			1		1	1	1	1	1		17
291	1789	3	27					1		1		1	1			1		1	1	1	1	1		16
292	1789	3	30					1		1		1	1			1		1	1	1	1	1		15
293	1789	3	31					1		1		1	1					1	1	1	1			12
294	1789	4	2					1	1	1		1	1			1			1	1	1	1		17
295	1789	4	3					1	1	1		1	1			1			1	1	1	1		17
296	1789	4	4					1		1			1						1	1	1	1		14
297	1789	4	7		1			1		1		1	1			1		1	1	1	1	1		18
298	1789	4	8		1			1		1		1	1					1	1		1	1		17
299	1789	4	9		1			1	1	1			1					1	1	1	1			17
300	1789	4	11		1			1	1	1		1	1					1		1	1			16
301	1789	4	11		1			1	1	1		1	1					1	1	1	1	1		20
302	1789	4	13		1			1		1		1	1					1		1	1			14
303	1789	4	14		1			1	1	1		1	1					1	1	1	1			17
304	1789	4	15		1			1	1	1		1	1					1	1	1	1	1		19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
305	1789	4	16		1			1	1	1		1	1					1	1	1	1	1		19
306	1789	4	17		1			1	1	1		1	1					1	1	1	1	1		18
307	1789	4	18		1			1	1	1		1	1					1	1	1	1	1		19
308	1789	4	20		1			1	1	1		1	1					1	1	1	1	1		19
309	1789	4	21		1			1	1	1		1	1					1	1	1	1	1		19
310	1789	4	22		1			1	1	1		1	1					1	1	1	1	1		18
311	1789	4	23		1			1	1	1		1	1					1	1	1	1	1		18
312	1789	4	24		1			1	1	1		1	1					1	1	1	1	1		19
313	1789	4	25		1			1	1	1		1	1					1	1	1	1	1		19
314	1789	4	27		1			1	1	1		1	1					1	1	1	1	1		19
315	1789	4	28		1			1	1	1		1	1					1	1	1	1	1		19
316	1789	4	29		1			1	1	1		1	1					1	1	1	1	1		18
317	1789	4	30					1	1	1		1	1					1	1	1	1	1		18
318	1790	3	11						1			1	1						1	1	1			13
319	1790	3	11						1			1	1						1	1	1			13
320	1790	3	12						1			1	1						1	1	1			13
321	1790	3	13						1	1			1						1	1	1	1		13
322	1790	3	15					1	1	1			1					1	1	1	1	1		15

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVUIS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
323	1790	3	16					1	1	1			1					1	1	1	1	1		17
324	1790	3	18					1	1	1			1					1	1	1	1	1		17
325	1790	3	19					1	1	1		1	1					1	1	1	1	1		18
326	1790	3	20					1		1		1	1					1	1	1				14
327	1790	3	22					1	1			1	1					1	1		1	1		14
328	1790	3	23					1	1			1	1					1	1	1	1	1		15
329	1790	3	24					1	1	1		1	1					1	1	1	1	1		18
330	1790	3	26					1	1	1		1	1					1	1	1	1	1		18
331	1790	3	29					1	1	1		1	1					1	1	1	1	1		18
332	1790	3	30					1	1	1		1	1					1	1	1	1	1		18
333	1790	3	31					1	1	1		1	1					1	1	1	1	1		16
334	1790	4	3					1	1	1		1	1					1	1	1	1	1		17
335	1790	4	6					1	1	1		1	1					1	1	1	1	1		18
336	1790	4	7					1	1	1		1	1					1	1	1	1	1		17
337	1790	4	9					1	1	1		1	1					1	1	1	1	1		17
338	1790	4	10					1	1			1	1					1		1	1	1		13
339	1790	4	12					1	1			1	1					1		1	1	1		16
340	1790	4	13					1	1			1	1					1		1	1	1		16

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVUIS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
341	1790	4	14					1	1			1						1			1	1		14
324	1790	4	15					1	1			1						1			1	1		14
343	1790	4	16					1	1			1						1			1	1		13
344	1790	4	17					1	1			1						1			1	1		15
345	1791	3	14					1	1	1		1		1						1	1		1	14
346	1791	3	14					1	1	1		1		1						1	1		1	13
347	1791	3	16					1	1	1		1	1	1						1	1		1	15
348	1791	3	17					1	1			1	1	1						1	1		1	14
349	1791	3	21					1	1	1		1	1	1						1	1	1	1	16
350	1791	3	22					1	1	1		1	1	1				1		1	1	1	1	18
351	1791	3	23					1	1	1			1	1				1		1	1	1	1	18
352	1791	3	25					1	1			1	1	1				1		1	1	1	1	16
353	1791	3	26					1	1	1		1	1	1				1		1	1	1	1	19
354	1791	3	28					1	1	1		1	1	1				1		1	1	1	1	17
355	1791	3	29					1	1	1		1	1	1				1		1		1	1	16
356	1791	3	30					1	1	1		1	1	1				1		1		1	1	16
357	1791	3	31					1	1	1		1	1	1				1		1		1	1	15
358	1791	4	2					1	1	1		1	1	1				1		1	1	1	1	19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVUIS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
359	1791	4	5					1	1	1		1	1	1				1		1	1	1	1	18
360	1791	4	6					1	1	1		1	1	1				1		1	1	1	1	18
361	1791	4	8					1	1	1		1	1	1				1		1	1	1	1	18
362	1791	4	11					1	1	1		1	1	1				1		1	1	1	1	18
363	1791	4	12					1	1	1		1	1	1				1		1	1	1	1	17
364	1791	4	13					1	1	1		1	1	1				1		1	1	1	1	18
365	1791	4	14					1	1	1		1	1	1				1		1	1	1	1	18
366	1791	4	15					1	1	1		1	1	1				1		1	1	1	1	17
367	1791	4	16					1	1	1		1	1	1				1		1	1	1	1	17
368	1791	4	18					1	1	1		1	1	1				1		1	1	1	1	19
369	1791	4	19					1	1	1		1	1	1				1		1	1	1	1	19
370	1791	4	21					1	1	1		1	1	1				1		1	1	1	1	19
371	1791	4	23					1	1	1		1	1	1				1		1	1	1	1	19
372	1791	4	25					1	1	1		1	1	1						1	1	1	1	18
373	1791	4	26					1	1	1		1						1		1	1	1	1	17
374	1791	4	27					1	1	1		1	1	1				1		1	1	1	1	19
375	1791	4	28					1	1	1		1	1	1				1		1	1	1	1	19
376	1791	4	29					1	1	1		1	1	1				1		1	1	1	1	19

	Année	mois	jour	BERGERES DE RIGAUVILLE	FRASER	LIVIOUS	DRUMMOND (FILS)	GRANT	CALDWELL	SAINT-OURS (FILS)	HALDIMAND	BABY	LE MOYNE DE LONGUEUIL	HOLLAND	HAMILTON	DAVISON	HOPE	SMITH	JOHNSON	BOUCHER DE BOUCHERVILLE	LE COMTE DUPRÉ	DE LANAUDIÈRE (FILS)	CLARKE	Nombre de conseillers
377	1791	4	30					1	1	1		1	1	1				1		1	1	1	1	19
378	1791	4	30					1	1	1		1	1	1				1		1	1	1	1	20
TOTAL				324	2	219	10	29	283	274	307	16	302	300	229	46	99	72	138	136	174	177	114	

**PROCÈS-VERBAUX DU CONSEIL LÉGISLATIF DE LA PROVINCE DE QUÉBEC
(1775-1791)**

Cahier D (VOLUME 1)

Du 17 août 1775
au
20 février 1786

On Thursday
the 17.th day of August 1775.

1

at the Council Chamber in the Castle of S.^t Louis in
the City of Quebec.

Present
His Excellency Guy Carleton Governor.

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

“ William Hey, chief Justice
“ Hugh Finlay
“ Thomas Dunn
“ James Cuthbert
“ Colin Drummond
“ Francis Levesque
“ Edward Harrison
“ John Collins
“ Adam Mabane
“ Pecaudy de Contrecoeur
“ Rock S.^t Ours
“ Charles François La Naudiere
“ George Pownall, Secretary,
“ George Allsopp
“ La Corne S.^t Luc
“ Joseph Gaspard Chaussegros De Lery
“ Alexander Johnston
“ Conrad Gugy
“ Picottée de Bellestre
“ Jean Baptiste Bergeres de Rigauville
“ John Fraser

Esquires

The Oath of Office of Councillor was administered in his
Excellency's presence to, and taken and subscribed by the Hon^{ble} Members
above named, and they took their respective seats at the board in the
order they were called.

Then the state oaths, mentioned in the first of King George the first were administered in his Excellency's presence to, and were taken and subscribed by The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

William Hey, chief Justice

Hugh Finlay

Thomas Dunn

James Cuthbert

Colin Drummond

Edward Harrison

John Collins

Adam Mabane

George Pownall

George Allsopp

Alexander Johnston

Conrad Gudy

and

John Fraser ----- Esquires: Who also made and subscribed the Declaration mentioned in the Statute of the twenty fifth of King Charles the second.

Then the Oath mentioned in an act of parliament passed in the fourteenth year of the Reign of his present majesty intituled "An Act for making more effectual provision for the Government of the "province of Quebec in North America" was administered in his ~ Excellency's presence to, and taken and subscribed by

The Hon^{ble} Pecaudy de Contrecoeur

Rock S.^t Ours

Charles François La Naudiere

La Corne S.^t Luc

Joseph Gaspard Chaussegros De Lery

Picottée de Bellestre

and

Jean Baptiste Bergeres de Rigauville

Esquires, who profess the Religion of the church of Rome.

Read His Majesty's Commission, appointing His Excellency Guy Carleton to be Captain General and Governor in chief of the Province.

Read His Majesty's Commission, appointing His Excellency to be Vice Admiral of the province, and the Territories thereon depending.

Read the said Act of Parliament passed in the said~
fourteenth year of his present Majesty's reign, intituled, "An Act
"for making more effectual provision for the Government of the
"Province of Quebec in North America."

Read His Majesty's Commission, appointing the
Hon~ble Hector Theophilus Cramahé Esquire to be Lieutenant Governor of
the province.

It was then ordered by His Excellency That The Hon~ble
the Lieutenant Governor, the Chief Justice, Thomas Dunn, Adam Mabane,
Rock S^t. Ours, Charles François La Naudiere, La Corne S.^t Luc, Alexander
Johnston, Picottée de Bellestre and John Fraser Esquires be a Committee
to prepare heads for the Draught of an Ordinance to establish Courts of
Justice in this province, with power to send for such persons and papers
as they may think necessary. A Copy of the heads when framed to be
delivered to the Attorney General, in order to prepare a Draught of the
Ordinance, to be laid before the Council with all convenient expedition.

It was also ordered by His Excellency that the same Members
be a Committee to prepare heads for the Draught of an Ordinance to
prevent the selling of Rum and other strong Liquors to the Indians,
with power to send for such persons and papers as they may find necessary.
A Copy of the heads to be given the Attorney General, in order to prepare
a Draught of the Ordinance, to be laid before the Council as soon as possible.

On Friday
the 2.nd day of September 1775.
at the Council Chamber in the Castle of S.^t Louis in the
City of Quebec.

Present

The Hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor

Will. ^m Hey, C. J.	Cha. ^s Fr. ^s La Naudiere
Hugh Finlay	George Pownall
Thomas Dunn	George Allsopp
James Cuthbert	La Corne S. ^t Luc
Colin Drummond	J. G. C. De Lery
Francis Levesque	Alexander Johnston
Edward Harrison	Conrad Gugy
John Collins	Picottée de Bellestre
Adam Mabane	J. B. B. de Rigauville
Rock S. ^t Ours	John Fraser.
	Esquires

Read the Report of the Committee appointed to prepare heads for the draught of an ordinance to prevent the selling of rum and other strong Liquors to the Indians. Read also the Draught of that ordinance, and M.^r Cugnet read a translation of it.

Ordered that the report be fyled, and entered in this book, omitting only the draught of the Ordinance, which is to lie on the table. Two english, and two french Copies to be made, and handed to the Members.

The Report

On Monday the 21.st and by Adjournments on Friday the 25.th
and Tuesday the 29.th of August 1775.

At a Committee

Present

The Hon^{ble} Hector Theophilus Cramahé L.^t Gov.^r President

Will. ^m Hey, C. J.	Ch. ^s Fr. ^s La Naudiere
Thomas Dunn	La Corne S. ^t Luc
Adam Mabane	Picottée de Bellestre
Rock S. ^t Ours	Alexander Johnston
	John Fraser

Esquires

In obedience to an order of His Excellency in Council
bearing

bearing date the 17.th instant, referring to this committee to prepare heads for the draught of an ordinance to prevent the selling of rum or other strong liquors to the indians, and requiring the Attorney General to prepare a draught conformable to such heads. The committee humbly report that they have duly considered that Subject, and have prepared the following heads.
viz.

- Preamble—“Reciting the mischiefs frequently happening from the selling of
“rum and other strong liquors to the Savages.
- Clause— “Forbidding all persons whatsoever from selling, or giving away,
“any rum or other strong liquors to any savage or savages within
“the limits of this province, or to any person or persons for their
“use, without a licence, to be obtained as herein after is mentioned.
- Penalty— “To forfeit and pay for the 1st offence 16 spanish dollars, whereof one
“moiety to go to his Majesty’s use, and the other moiety to the Informer;
“and to be imprisoned for any time not exceeding one month. _ For
“the 2.nd offence to forfeit and pay 2.^{ble} the sum, and be imprisoned
“for any time not exceeding two months _ And if a publican or
“innkeeper be at all convicted, he shall, over and above the penalty
“and imprisonment, be rendered incapable of selling any liquor,
“after conviction, in virtue of his licence, which is thenceforth to _
“become void _ Conviction to be on the testimony of one credible
“witness, other than the informer, before any one of the conservators
“of the peace, for the time being, or of the magistrates hereafter to be
“appointed, of the district in which the offence shall be committed _
“To sue by information or complaint within months.
- Proviso— “That the Governor, and in his absence the Lieutenant Governor and
“Commander in chief, the agents for indian affairs, and the command
“=ants of the different forts in this province, be empowered to grant
“licences to such persons as they shall think proper, to sell rum and
“other strong liquors to the savages, or to other persons for their use,
“in such quantities as they in their discretion shall think proper
“to ascertain and limit.”

That the committee being informed that great mischiefs frequently happen from the manner in which the Trade is now carried on with the savages in different parts of the upper countrys, have thought it proper to take the same into their consideration; and with a view to lessen those mischiefs and to regulate in some degree that trade, they have to the foregoing subjoined the following heads for a clause to be incerted in the same ordinance, viz.

- Clause— “After reciting the mischiefs arising from the present
“method of trading with the indians in the upper countries,
“to ordain that no person whatsoever shall carry up any goods
“wares of merchandizes after the publication of this ordinance
“in the Quebec Gazette, above the lake of the two mountains on
“one side and the cedars on the other, without a permit or licence
“from the Governor, Lieutenant Governor or Commander in chief
“of the province for that purpose.

Penalty

Penalty—“Forfeiture of the goods carried up, and of the canoes, battoes &c
 “in which they shall be carried – And also a fine of 200 spanish
 “dollars; whereof, and of the proceeds of the goods &c, a moiety is to
 “be paid into the hands of the receiver general of the province for
 “his majesty’s use, and the other moiety to the informer. _
 “Conviction, to be on the oath of one credible witness, other than
 “the informer, before any of the conservators of the peace for the
 “time being, or of the magistrates hereafter to be appointed _
 “of the district in which the offence shall be committed, who are
 “to be authorized expressly. Subject to an appeal to the
 “Governor and Council, which is to be established a court of
 “appeals; any five of the council, with the Governor, Lieuten.^t
 “Governor, or in their absence the chief Justice, shall constitute
 “a court, and their judgment to be conclusive.”

And the said committee further report that a draught of the s.^d
 ordinance prepared by his majesty’s attorney general of the province
 conformable to those heads, is, together with a translation thereof into
 the french language, hereunto annexed, and submitted to the legislative
 council.

On Tuesday
 the 5.th of September 1775

at the council chamber in the castle of S.^t Louis in the city of
 Quebec.

Present

The Hon^{ble}, Hector Theophilus Cramahé, Lieutenant-Governor.

William Hey, C. J.

George Pownal

Hugh Finlay

George Allsopp

Thomas Dunn

La Corne S.^t Luc

James Cuthbert

J. G. C. De Lery

Edward Harrison

Alex.^r Johnston

John Collins

Conrad Guty

Adam Mabane

Picottée de Bellestre

Rock S.^t Ours

John Fraser

Ch.^s Fr.^s La Naudiere

Esquires

Read, for the second time, the draught of the ordinance to
 prevent the selling of rum, or other strong liquors to the indians, in
 english and french.

Approved and ordered that an english and french
 copy be fairly ingrossed, to be presented to His Excellency
 the Governor, by M.^r Finlay, M.^r Dunn, M.^r S.^t Ours
 and M.^r La Naudiere.

On Tuesday
the 21.th day of January 1777.
at the council chamber in the castle of S.^t Louis in the city
of Quebec

Present
His excellency
Sir Guy Carleton

Knight of the most honourable order of the Bath
Governor.

The Hon^{ble}., Hector Theophilus Cramahé Lieu.^t Governor

Hugh Finlay	}	Esquires
Thomas Dunn		
James Cuthbert		
Francis Levesque		
Edward Harrison		
John Collins		
Adam Mabane		
George Allsopp		
J. G. C. De Lery		
Alex. ^t Johnston		
Conrad Guty		

His Excellency, after observing upon the interruption of all public business since the invasion of the province; the neighbouring colonies being in actual rebellion, and every where in arms; the necessity of establishing courts of justice, to keep peace and good order in the province; the propriety of putting the militia upon a proper footing; &c, &c , and the uncertainty of his stay at Quebec; was pleased to recommend to legislative council to take into their immediate consideration the establishment of courts of justice; the regulation of the militia throughout the province; the preservation of the towns against fire; the putting a stop to the practice of clipping the current coin; the establishment of a currency; the ascertaining of damages upon protested bills of exchange; and fixing the rate of interest. These in particular: And all other matters which may occur to them, concerning the peace, good order, and police of the province.

On Thursday
the 23.rd day of January 1777.
at the council chamber in the castle of S.^t Louis in the city
of Quebec

Present

The Hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor

Hugh Finlay	
Thomas Dunn	Adam Mabane
James Cuthbert	George Allsopp
Francis Levesque	Jos. G. C. De Lery
Edward Harrison	Alexander Johnston
John Collins	Conrad Guky

Esquires

Resolved, That copies of the heads of an ordinance for the regulation of the courts of Justice be delivered to every member present. And as the importance of this business requires the most serious attention, accompanied with all possible dispatch, that the members who were appointed by his Excellency to prepare those heads, do assemble to reconsider them; and that the other members furnish their observations in writing upon every separate paragraph contained in those heads.

Resolved, That the regulation of the province militia be taken into consideration; and that the Lieutenant Governor, M.^r Cuthbert, M.^r Mabane, M.^r De Lery, and M.^r Guky, be a committee to frame the heads of an ordinance for that purpose. That notice be given to every member of the time and place of sitting of the committee, in order that they may attend, and present their observations in writing, if they think proper.

Resolved, That M.^r Finlay, M.^r Dunn, M.^r Levesque, M.^r Harrison and M.^r Collins, be a committee to prepare the heads of an ordinance to prevent the clipping of the coin. That notice be given the other members &c, as above.

Resolved, That the same committee take into consideration the damages proper to be ascertained upon protested bills of exchange and prepare the heads of an ordinance accordingly. That notice be given the other members, as above.

Resolved, That M.^r Finlay, M.^r Harrison, M.^r Collins, M.^r Allsopp and M.^r Johnston, be a committee to look into the old ordinances made to prevent accidents by fire, and against forestalling the markets; and there =upon to prepare heads of two new separate ordinances for those purposes.

Adjourned to Monday the 27.th at 10.

On Monday
the 27.th day of January 1777.
at the council chamber in the castle of S.^t Louis, by adjournment.
Present
The Lieutenant Governor
and
The other Members, as before.

Read the heads of the ordinance for establishing courts of Justice, in english and french.

Resolved, That the members should communicate their observations upon those heads, in writing, at their next sitting; and also their observations upon the subject matter of the several other ordinances, under the consideration of the several committees.

Adjourned to Friday the 31.st at 10.

On Friday
the 31.st day of January 1777.
at the council chamber in the castle of S.^t Louis, by adjournment.
Present
The Lieutenant Governor
and
The other members, as before.

Read the heads of the ordinance for establishing courts of Justice, in english and french. _ Upon reading the paragraph wherein it is mentioned that the Judges are to be authorised to make their circuits, the hon^{ble} James Cuthbert Esquire moved, That a certain paper writing, which he then presented, should be read, It was ordered accordingly, and it was read in these words, viz. “The act of the 14.th of his present Majesty, under which we have “the honor to sit as the legislative council of this province, declares that all his “majesty’s canadian subjects, except the religious orders and communities, shall “hold and enjoy their property and possessions, together with all customs and usages “relative thereto, and all other their civil rights, in as large and ample manner as “may consist with their allegiance to his Majesty, and subjection to the Crown and “Parliament of Great Britain.

“I therefore move that the intended clause to establish circuits in the “several districts of Quebec and Montreal, be followed by another clause, declaring that “those circuits are only appointed for one of two years, and only untill the seigniors, “who have the right of holding civil courts of Justice in their several seigniories, “shall establish Judges there, with the approbation of the Governor, Lieutenant

Governor

“Governor, or Commander in chief, for the time being.

“Appeal to lie from their judgments to the inferior court of justice for
 “the district wherein the seigniories are situated, in matters of the value of two shillings and up
 “wards, between habitant and habitant; and to the Governor and Council in all cases wherein
 “the seignior is party, touching his rights, tho’ the matter be less than two shillings Sterling
 “Quebec 31.th January 1777.”

And upon reading the paragraph wherein it is mentioned that the courts of civil jurisdiction are to be empowered to hear and determine all matters of controversy relative to property and civil rights agreeable to the Laws and Customs of Canada. The Hon^{ble} Conrad Guty Esq.^r moved that the following question be proposed, viz. ” Whether it would not be proper, in order to conform with the antient customs and usages of this province, that all matters
 “which concern seigniors, as well those between habitant and habitant, as between seignior and
 “seignior, should be heard and determined sommarily, and without any charges, by the Governor
 “Lieutenant Governor, Chief Justice, or some other person appointed for that purpose.”

Ordered, That these motions be entered in the Minutes, and that they stand ever.

Ordered, That the attorney General draw out new heads of an Ordinance for establishing the courts of Justice, and in more form.
 Adjourned to Tuesday the 4th. of February---at 10.

On Tuesday

the 4.th day of February 1777.
 at the council chamber &c.

Present

The Lieutenant Governor

and

The other members – as before

Read – the new heads of an ordinance for establishing courts of Justice, in english only.

Read – the heads of an ordinance for regulating the proceedings in the courts of civil judicature, in english only.

The Hon^{ble} James Cuthbert Esq.^r moved to have the opinion of the council regarding his motion made at the last sitting.

Ordered, to lie on the Table.

adjourned to Saturday the 8.th instant, at 10.

On Saturday
the 8.th day of February 1777.
at the council chamber &c
Present
The Lieutenant Governor
and
The other members – as before

Read – the draught of an ordinance for establishing courts of civil judicature in the provinces; - in english and french - first reading.

Read – the draught of an ordinance for regulating the proceedings in the courts of civil judicature in the province; -in english and french- first reading.

Adjourned to Thursday the 13.th instant – at 10. – postponed
by Letter from the Lieutenant Governor to Friday the 14.th at 10.

On Friday
the 14.th day of February 1777
at the council – chamber &c.

Present
The Lieutenant Governor
and
The other members – as before.

Read – the draught of an ordinance for establishing courts of civil judicature in the province, - in 15nglish and french – second reading.

Read – the draught of an ordinance for regulating the proceedings in the courts of civil judicature in the province; - in 15nglish and french – second reading.

Ordered, That these two ordinances be ingrossed.
Adjourned to Saturday the 15.th instant - at 10.

—

On Saturday
the 15.th day of Ferbruary 1777.
at the council chamber &c.

Present
The Lieutenant Governor
and
The other Members – as before.

Read – the engrossed copy of the ordinance for establishing
courts of civil judicature in the province; -in english and french.
third reading. –Passed the legislative council.
adjourned to Monday the 17.th instant – at 10.

On Monday
the 17.th day of February 1777
at the council chamber &c.

Present
The Lieutenant Governor
and
The other Members – as before.

Read – the report of the committee named to prepare the heads
of an ordinance to prevent clipping the coin.

Read – the report of the committee named to prepare the heads
of an ordinance to ascertain damages on protested bills of exchange.

Ordered, that those reports be delivered the Attorney general
to draw out the ordinances conformable thereto.

Jenkin Williams Esq.^r Clerk of the council, took the oath of
Office.

François Joseph Cugnet Esq.^r french secretary to the Governor and
council, took his oath of Office.

William Grant Esq.^r Attorney general, took an oath to keep the
secrets of the council, with which he
might be entrusted.

adjourned to Tuesday the 18.th instant – at 10.

On Tuesday
the 18.th day of February 1777.
at the council chamber &c.
Present
The Lieutenant Governor
and
The other members –as before.

Read – The report of the committee named to prepare the heads of an ordinance against forestalling the markets.

Read – The report of the committee named to prepare the heads of an ordinance to prevent accidents by fire.

Ordered, that those reports be delivered the Attorney General to draw out the ordinances.

adjourned to Thursday the 20.th instant – at 10.

On Thursday
the 20.th day of February 1777.
at the council chamber &c
Present
The Lieutenant Governor
and
The other members –as before.

Read – the draught of an ordinance against forestalling intituled “An ordinance for regulating the markets &c.” – first reading- in english & french.

Resolved, that M.^r Finlay, M.^r Cutbert, M.^r Collins, M.^r De Lery & M.^r Guky, and any other member who may chuse to attend, be a committee to prepare the heads of an ordinance for repairing the High~roads & Bridges.

Resolved, that M.^r Levesque, M.^r Harrison, M.^r Mabane, M.^r Allsopp & M.^r Johnston, and any other member who may chuse to assist, be a committee to prepare the heads of an ordinance to regulate the assize of bread, &c.

adjourned to Saturday the 22.nd instant. –at 10.

On Saturday
the 22.nd day of February 1777
at the council chamber &c.
Present

The Lieutenant Governor – and the other members – as before.

Read – the engrossed copy of an ordinance for regulating the proceedings of the courts of civil judicature &c. And upon reading the seventh article. The hon^{ble} Edward Harrison Esq.^r moved to amend it by adding this paragraph, viz, “And the judges are hereby directed to determine upon the evidence, both as to the Law and the Fact, agreeable to the Laws and Customs of England ; and that
“ in all actions above the value of £10 sterling, Juries shall be allowed, at the option of either of the
“ parties” And upon the question being put 5 Ayes and 7 No’s, the article to stand without the
“ amendment. --- passed the Legislative council.

Read- the draught of an ordinance for ascertaining damages on protested bills of exchange and fixing the rate of interest. –in english and french- first reading.

Read- the draught of an ordinance concerning the clipping of the coin, intituled “An ordinance for regulating the currency – in english & french – first reading.

adjourned to Tuesday the 25.th instant __ at 10

On Tuesday

the 25.th day of February 1777.

at the council chamber in the castle of Saint Lewis in the city of Quebec.

Present

His Excellency Sir Guy Carleton K. B.
Governor

The Hon^{ble} Hector Theophilus Cramahé, Lieu.^t Governor.

Hugh Finlay

Thomas Dunn

James Cuthbert

François Levesque

Edward Harrison

John Collins

Adam Mabane

George Allsopp

J. G. C. De Lery

Alexander Johnston

Conrad Gogy.

Esquires

Read - the ordinance, intituled “An ordinance for establishing courts of
“of civil judicature in the province of Quebec”

His Excellency signed this ordinance, and passed it under the
Great Seal of the province.

Read - the ordinance, intituled “an ordinance to regulate the proceedings
in the courts of civil judicature in the province of Quebec”.

His Excellency signed this ordinance, and passed it under the Great
Seal.

Ordered, that those ordinances be entered in a book, to be for
that purpose kept in the council=office ; and published in the Quebec
Gazette.

Ordered, that M.^r Finlay, M.^r Dunn, M.^r Levesque, M.^r Harrison, M.^r -
Allsopp and M.^r Johnston, or any three of them, with any of the other members –
who may chuse to assist, be a committee to prepare a scheme or plan of such
rules and regulations as may be proper for an establishment of a chamber
of commerce, to be laid before his Excellency in council; and that, for that
purpose, they meet and confer with such of the english and canadian
merchants of the province, as they shall think proper.

On Thursday
the 27.th day of February 1777.
at the council chamber &c.

Present

The hon ^{ble} Hector Theophilus Cramahé, Lieu. ^t Governor		
Hugh Finlay	Adam Mabane	} Esquires
Thomas Dunn	George Allsopp	
James Cuthbert	J. G. C. De Lery	
François Levesque	Alexander Johnston	
Edward Harrison	Conrad Guky	
John Collins		

Read – the draught of the ordinance for ascertaining damages on protested bills of exchange, and fixing this rate of interest – in english & french – second reading.

Read – the draught of the ordinance for regulating the currency – in english and french – second reading.

Read – the draught of the ordinance for regulating the markets – in english and french – second reading.

Ordered, that those three ordinances be engrossed.
adjourned to saturday the 1.st of March at 10.

On Saturday
the 1.st day of March 1777.
at the council chamber &c

Present

The Lieutenant Governor
and
The other Members – as above.

Read ____ the draught of an ordinance for establishing courts of criminal jurisdiction in the province – in english and french – first reading. } ordered to be ingrossed

Read ____ the same draught –in english & french – second reading _____

Read ____ the draught of an ordinance to prevent accidents by fire –in english and french ____ first reading.

Read ____ the report of the committee named to prepare heads of an ordinance for repairing the high roads and bridges.

Ordered to be delivered the Attorney General to draw out the ordinance.

Read ____ the ingrossed copy of the ordinance for ascertaining damages on protested bills, and fixing the rate of interest. – in english and french – third reading.

Read ____ the ingrossed copy of the ordinance for regulating the markets – in english and french ____ third reading.

These two ordinances passed the legislature council.
adjourned to Monday the 3.rd instant – at 10.

On Monday
The 3.rd day of March 1777.
at the council chamber &c.
Present
The Lieutenant Governor
and
The other members - as before.

Read ____ the ingrossed copy of the ordinance for establishing courts of criminal jurisdiction in the province ____ in english and french ____ third reading.
passed the legislature council.

Read ____ the draught of an ordinance declaring what shall be deemed a due publication of the ordinances of the province ____ in english and french ____ first ____ reading.

Read ____ the same draught – in english and french ____ second reading.

Ordered, to be ingrossed.
adjourned to Tuesday the 4.th instant ____ at 10.

On Tuesday
The 4.th day of March 1777.
at the council chamber &c
Present
The Lieutenant Governor
and
The other Members - as before.

Read ____ the draught of an ordinance for regulating the militia of the province ____ in english and french ____ first reading.

Read ____ the ingrossed copy of the ordinance for establishing ____ courts of criminal jurisdiction in the province _ in english and french third reading.
passed the legislative council.

Read ____ the report of the committee named to prepare heads of an ordinance for repairing the highways and bridges ____

Ordered, to be delivered the Attorney General to draw out the ordinance.

On Tuesday

The 4.th day of March 1777.

at the council chamber in the castle of S.^t Lewis

Present

His excellency Sir Guy Carleton K. B.

Governor

The Hon^{ble} Hector Thophilus Cramahé Lieu.^t Governor

Hugh Finlay

Thomas Dunn

James Cuthbert

Francis Levesque

Edward Harrison

John Collins

Adam Mabane

George Allsopp

J. G. C. De Lery

Alexander Johnston

Conrad Guty

Esquires

Read __ the ordinance, intituled “An ordinance for ascertaining damages
“on protested bills of exchange, and fixing the rate of interest in
“the province of Quebec.”

Read __ the ordinance, intituled “An ordinance for regulating the markets
“of the towns of Quebec and Montreal”.

Read __ the ordinance, intituled “An ordinance for establishing courts
“of criminal jurisdiction in the province of Quebec”.

Read __ the ordinance intituled “An ordinance declaring what shall
“be deemed a due publication of the ordinances of the province”.

His Excellency signed the four foregoing ordinances and passed them
under the Great Seal.

Ordered, that they be entered in the Book, and sent to be
published in the Quebec Gazette.

On Thursday
the 6.th day of March 1777.
at the council chamber &c.

Present

The Hon ^{ble} Hector Theophilus Cramahé, Lieutenant Governor		
Hugh Finlay	Adam Mabane	}
Thomas Dunn	George Allsopp	
James Cuthbert	L. G. C. De Lery	
François Levesque	Alexander Johnston	
Edward Harrison	Conrad Guky	
John Collins		

Esquires

Read ___ the draught of the ordinance for regulating the militia ___ in english
and french ___ second reading ___ But upon reading the tenth article, the Hon^{ble}
Hugh Finlay Esquire moved that the following paragraph be added to it, viz. ___
“ All persons actually in the service of the post-office by commission under the post=
“ master for the time being, in the real and necessary service of the post=office by commission,
“ as aforesaid, are and shall be exempted for serving in the militia, excepting in the
“ times of invasion or rebellion, when the course of the post shall thereby be stopped in
“ the province”

Ordered that this motion be entered in the minutes
adjourned to Friday the 7.th instant ___ at 10.

On Friday
the 7.th day of March 1777.
at the council chamber &c.

Present

The Lieutenant Governor
and
The other Members – as before.

Read ___ the draught of the ordinance to prevent accidents by fire ___
in english and french – second reading. ___ Ordered to be engrossed.

Read ___ the ingrossed copy of the ordinance for regulating the ___
currency ___ in english and french ___ third reading. ___ passed the legislative
council.

Read ___ the draught of an ordinance concerning the bakers ___ in ___
english and french ___ first reading.

Read ___ a memorial of the hon^{ble} James Cuthbert, proposing a ___
limitation of the price wheat hereafter to be sold in the province.

Ordered to be delivered M.^r Cugnet, to be translated into
french.

adjourned to saturday the 8.th instant ___ at 11.

On Saturday
the 8.th day of March 1777.
at the council chamber &c.

Present
The Lieutenant Governor
and
The other Members – as before.

Read _____ the ingrossed copy of the ordinance to prevent accidents by fire
in english and french __ third reading _____ passed the legislative council.

Read- the draught of the ordinance for regulating the militia __ in __
english and french __ second reading _____ proposed to be amended.

Resolved that M.^r Finlay, M.^r Levesque, M.^r Harrison, M.^r Collins, M.^r
Mabane and M.^r Johnston be a committee with any other member who may choose
to attend to prepare heads of

An ordinance for preventing the sale of strong liquors to the savages,
the purchasing of their arms and cloathes, and the selling of any
white person amongst them, without the Governor's permission.
adjourned to Tuesday the 11.th instant – at ½ past 10.

On Tuesday
the 11.th day of March 1777
at the council chamber &c.

Present
The hon^{ble} The Lieutenant Governor.

“	Hugh Finlay	Adam Mabane	} Esquires
“	Thomas Dunn	George Allsopp	
“	François Levesque	J. G. C. De Lery	
“	Edward Harrison	Alexander Johnston	
“	John Collins		

Read __ the draught of the ordinance concerning the bakers, in english
and french __ second reading. __ Ordered to be ingrossed.

Read __ the draught of an ordinance for repairing the highroads and ____
bridges – in english and french __ first reading.
adjourned to Thursday the 13.th instant __ at 11.

On Thursday
the 13.th day of March 1777.
at the council chamber &c

Present

The Lieutenant Governor
and

The other 9 members – as before.

Read ____ The ingrossed copy of the ordinance concerning the bakers, in english and french ____ third reading ____ passed the legislative council.

Read ____ the draught of an ordinance concerning the carters & ferryman, in english and french ____ first reading.

Read ____ the report of the committee named to prepare the heads of an ordinance concerning the selling of strong liquors to the savages, and buying ____ their cloaths, and settling amongst them ____ Ordered to be delivered the Attorney general to draw out the ordinance.

adjourned to saturday the 15.th instant – at 10.

On Saturday
the 15.th day of March 1777
at the council chamber &c

Present

The Lieutenant Governor
and

The other 9 members – as before.

Read ____ the draught of an ordinance concerning the Savages, in english and french ____ first reading.

Read ____ the draught of the ordinance concerning the Carters & Ferryman in english and french ____ second reading ____ Ordered to be ingrossed.

Read ____ the draught of the ordinance for repairing the Highways ____ and bridges, in english and french ____ second reading ____ Ordered to be ingrossed.

adjourned to Monday the 17.th instant ____ at 10.

On Monday
the 17.th day of March 1777.

Present

The Lieutenant Governor, and the other 9 members, as before

Read ____ The ingrossed copy of the ordinance for repairing the Highways & Bridges, in english and french ____ third reading ____ passed the legislative council.

Read ____ The ingrossed copy of the ordinance concerning the Carters & Ferryman in english and french – third reading ____ passed the legislative council.

Read ____ The draught of the ordinance concerning the savages, in english and french ____ second reading ____ ordered to be engrossed.

adjourned to Wednesday the 19.th instant – 10 o'clock.

On Wednesday
the 19.th day of March 1777

Present

The Lieutenant Governor, and the other 9 members, as before

Read ____ The Militia ordinance, with the amendments, in english and french __ first reading after the amendments. ____ Ordered to be ingrossed.

Read ____ a memorial from some of the merchants of Quebec relative to the ordinance for regulating the currency; And thereupon

Resolved, that M.^r Finlay, M.^r Dunn, M.^r Levesque, M.^r Allsopp and M.^r ____ Johnston be a committee to assemble so many of the merchants ____ of this city as they shall think fit, to confer with them relative to the weights it will be proper to fix upon the gold coins, intended to pass current in this province, and to report thereupon by Saturday next. adjourned to Saturday the 22.nd instant __ at 10.

On Saturday
the 22.nd day of March 1777.

Present

The Lieutenant Governor, and the other 9 members as before.

Read ____ The ingrossed copy of the ordinance concerning the savages in english and french __ third reading ____ passed the legislative council.

Read ____ and amended the fair copy of the ordinance for regulating the currency, in english and french ____ fourth reading ____ approved and repassed. adjourned to Tuesday the 25.th instant __ at 10.

On Tuesday
the 25.th day of March 1777.

Present

The Lieutenant Governor, and the other 9 members, as before

Read __ the ingrossed copy of the ordinance for regulating the militia, in english & french ____ second reading after the ____ amendments.

Read ____ the same ordinance, in english and french _ third reading. adjourned to saturday the 29.th instant ____ at 11.

On Saturday
the 29.th day of March 1777.
at the council chamber in the castle of S.^t Lewis

Present
His Excellency Sir Guy Carleton
K. B. Governor

The hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor

Hugh Finlay	}	Esquires
Thomas Dunn		
François Levesque		
Edward Harrison		
John Collins		
Adam Mabane		
George Allsopp		
J. G. C. De Lery		
Alexander Johnston		

Read ___ the ordinance intituled “An ordinance to prevent the selling
“of strong liquors to the Indians in the province of Quebec, as
“also to deter persons from buying their arms or cloathing, and
“for other purposes relative to the trade and intercourse with
“the said Indians”.

Read ___ the ordinance intituled “An ordinance for regulating the militia of
“the province of Quebec, and rendering it of more general utility
“towards the preservation and security thereof.”

Read ___ the ordinance intituled, “An ordinance for regulating the ___
“currency of the province”

Read ___ the ordinance intituled, “An ordinance concerning bakers of
“bread in the towns of Quebec and Montreal.”

Read ___ the ordinance intituled “An ordinance for repairing and amending
“the public highways and bridges in the province of Quebec”.

Read ___ the ordinance intituled “An ordinance empowering the-
“commissioners of the peace to regulate the prices to be paid for
“the carriage of goods, and the passage of ferrys in the province
“of Quebec”.

Read ___ the ordinance intituled “An ordinance for preventing accidents
“by fire”.

His Excellency signed those ordinances, and passed them under the
Great Seal ____ And ordered that they be entered in the book
and sent to be published in the Quebec Gazette.

Read ___ The report of the committee named to prepare a plan for esta-
=blishing a chamber of commerce; together with the plan.

Ordered, that copys be made out for his Excellency and the
members.

Read ___ the deputy surveyor general’s report, containing an estima-
=tion of the expence of building a slaughter house without
palace gate.

On Tuesday
the 15.th day of April 1777
at the council chamber &c.

Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor.

Thomas Dunn	Adam Mabane	} Esquires
François Levesque	George Allsopp	
Edward Harrison	J. G. C. De Lery	
John Collins	Alexander Johnston	

Read The draught of an ordinance concerning the estate and effects of absentees, in english and french ____ first reading.

Resolved That M.^r Dunn, M.^r Levesque, M.^r Harrison and M.^r Mabane, assisted by any of the other ____ Members who may chuse to attend, be a committee upon the said ordinance.

Resolved That the same members be a committee to frame an ordinance to empower the Commis=
=sioners of the peace to regulate the police of the towns of Quebec and Montreal.

Resolved also, That the same members be a committee to frame an ordinance to prevent ____ persons leaving the province without a pass. &c.

Adjourned to Monday 21.st Instant ____ at 10.

On Monday
the 21.st day of April 1777
at the council chamber &c

Present

The Hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor

Hugh Finlay	Adam Mabane	} Esquires
Thomas Dunn	George Allsopp	
François Levesque	J. G. C. De Lery	
Edward Harrison	Alex. ^r Johnston	
John Collins		

Read The draught of the ordinance concerning the estate and effects of absentees, with the amendmets of the committee, in english and french ____ second reading ____ ordered to be ingrossed.

Read – The draught of an ordinance concerning persons leaving the province without a pass, in english and french ____ first reading.

Read The draught of an ordinance empowering the Comm.^{rs} of the peace to regulate the police of the Towns of Quebec and Montreal, in english and french ____ — first reading.

Adjourned to Tuesday the 22.nd Instant, at 10.

On Tuesday
the 22.nd day of April 1777; at the council=chamber &c.

Present

The Lieutenant Governor

and

The other 9 members ____ as before

Read The ingrossed copy of the ordinance concerning the estates and effects of ____ absentees, in english and french ____ third reading ____ passed the legislative council.

Read The draught of the ordinance concerning persons leaving the province without a pass, in english and french ____ second reading ____ Ordered to be ingrossed.

Read The Draught of the ordinance empowering the Comm.^{rs} of the peace to regulate the police of the towns of Quebec and Montreal ____ in english and french ____ second reading ____ Ordered to be ingrossed.

On Wednesday
the 29.th day of April 1777.
at the council chamber in the castle of S.^t Lewis.

Present
His Excellency
Sir Guy Carleton K. B.
Governor

The Hon ^{ble} Hector Theophilus Cramahé	Lieutenant Governor	
Hugh Finlay	Adam Mabane	} Esquires
Thomas Dunn	George Allsopp	
François Levesque	J. G. C. De Lery	
Edward Harrison	Alexander Johnston	

John Collins

Read The ingrossed Copy of an ordinance, intituled “An ordinance for
“preventing persons leaving the province without a pass.”

Read The ingrossed Copy of an ordinance, intituled “An ordinance
“to empower the Commissioners of the peace to regulate the
“police of the Towns of Quebec and Montreal, for a limited time.”
These two ordinances passed the Legislative Council.

Read The ingrossed Ordinance, intituled, “An ordinance concerning the
“distribution of the estates and effects of persons leaving the
“province without paying their debts.”

His Excellency signed those three ordinances, and passed
them under the Great Seal of the province; and **Ordered** that
they be entered in the Book, and published in the Quebec Gazette.

His Excellency closed the present Session of the Legislative
Council, and was pleased to dismiss the Honorable Members.

M. A Copy of the Minutes thus far, was sent Home by His Excellency, by the Adamant, Capt.ⁿ Jenkin,
who sailed the 10.th of November 1777. J W^{ms}

On Monday
the 23.rd day of March 1778
at the Council Chamber in the Castle of S.^t Lewis
Present
His Excellency
Sir Guy Carleton K. B.
Governor

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor
Peter Livius, C. J.
Hugh Finlay
Thomas Dunn
Francis Levesque
Edward Harrison
John Collins
Adam Mabane
George Pownal
George Allsopp
Joseph Gaspard Chaussegros De Lery
Conrad Gugy
Picottée de Bellestre
John Drummond
William Grant

Esquires

The Oath of Office of Councillor, and the State Oaths were taken and subscribed by the Hon^{ble} Peter Livius, Henry Caldwell and John Drummond Esquires on the 9.th of July and by the Hon^{ble} William Grant Esq.^r on the 28.th of August 1777, as entered in the Book of Minutes B._____

This day the Oath of Office of Councillor, and the Oath mentioned in the statute of the 14.th of his present Majesty, required to be taken by persons professing the Religion of the Church of Rome, were taken and subscribed by the Hon^{ble} Paul Rock S.^t Ours Esq.^r And he took his seat at the Board as a Member of the Legislative Council, instead of his Father.

Paul Rock S.^t Ours Esq.^r joined to the Board.

His Excellency the Governor recommended to the Council to take into Consideration the settling the fees of Office, as the fees taken at present are without any legal Authority, and merely arbitrary. That His Majesty had been graciously pleased to allow large Salaries to many of the civil Officers, in order that they might live suitable to their Rank, And that their Offices might not be oppressive to the Subject on Account of exorbitant Fees.

On Tuesday
the 24.th day of March 1778.
at the Council Chamber in the Castle of S.^t Lewis

Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor P.

Peter Livius C. J.	George Allsopp
Hugh Finlay	J. G. C De Lery
Thomas Dunn	Conrad Gugy
Francis Levesque	Picottée de Bellestre
Edward Harrison	John Drummond
John Collins	William Grant
Adam Mabane	Paul Rock S. ^t Ours Esq. ^{rs}
George Pownal	

The Council resolved themselves into two Committees to take into ____
Consideration the fees of Office, as below, viz.

The Lieutenant Governor M. ^r Finlay M. ^r Harrison M. ^r Allsopp M. ^r De Lery M. ^r Gugy M. ^r Bellestre and M. ^r Drummond	} to consider & settle the fees of the	{ Secretary Register Clerk of the Council Attorney General Naval Officer Surveyor General and Country Surveyors.

And

The Chief Justice ____ M. ^r Dunn M. ^r Levesque M. ^r Mabane M. ^r Pownal M. ^r Collins M. ^r Grant and M. ^r S. ^t Ours ____	} to consider & settle the Fees of the ____	The Clerk of the Court of Appeals Register of the Prerogative Court Clerk of the Peace Clerk of the Common Pleas Sheriff Attorneys Notaries Officers of the Admiralty Court and Goaler. ____

The Chief Justice moved [he gave in his motion in writing to be copied]
 “ That in Order to regulate the fees in Compliance with his Excellency the Governor’s
 “ Recommendation, the Judges of the Courts of Common Pleas for the Districts
 “ of Quebec and Montreal, might be directed to furnish a State of the
 “ Course of proceeding in their respective Courts, and of such Rules, Orders
 “ and Notices of practice as they have made to regulate the Course of their
 “ respective Courts, in order that this board may receive the Information necessary
 “ to apportion justly the fees to be allowed to the Labour necessary to be
 “ done.” Ordered that the motion be entered.

The Question was put, and the Voices standing Six Ayes, and Nine ____
Noes, the Motion is rejected.

Adjourned to Tuesday the 31.st Instant at 10.

On Tuesday
 the 31.st day of March 1778
 at the Council Chamber in the Castle of S.^t Lewis

Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

Peter Livius C. J.	George Allsopp
Hugh Finlay	J. G. C. De Lery
Thomas Dunn	Conrad Guky
Francis Levesque	Picottée de Bellestre
Edward Harrison	Henry Caldwell
John Collins	John Drummond
Adam Mabane	William Grant
George Pownall	Paul Rock S. ^t Ours _ Esquires

The Committees upon the Fees of Office having no Report ready to
 lay before the Council,

Adjourned to Saturday the 4.th of April at 11.

On Saturday
the 4.th day of April 1778
at the Council Chamber in the Castle of S.^t Lewis

Present

The Hon ^{ble} Hector Theophilus Cramahé Esq. ^r Lieu. ^t Governor	
Peter Livius C. J.	George Allsopp
Hugh Finlay	J. G. C. De Lery
Thomas Dunn	Conrad Guky
Francis Levesque	Picottée de Bellestre
Edward Harrison	Henry Caldwell
John Collins	John Drummond
Adam Mabane	William Grant
George Pownal	Paul Rock S. ^t Ours ___ Esq. ^{rs}

The Hon^{ble} Henry Caldwell Esquire moved [he gave in his Motion in ___ writing to be copied] “for Leave to propose an Ordinance to revise and ___
“ amend an Ordinance past last Session, intituled, An Ordinance for ___
“ regulating the Militia of the province of Quebec, and rendring it of more
“ general Utility towards the preservation and Security thereof”.

“Also an Ordinance to regulate and ascertain what the Inhabitants
“ of this province shall be obliged to furnish the King’s Troops, or Militia
“ of this Country, either in Garrison, Cantonments, or on the March.”

“Also for Leave to bring in an Ordinance for establishing Martial
“ Law when the Exigencies of the province requires it; And empowering his
“ Excellency the Governor by and with the Advice of his Council to publish ___
“ the same, when they may think it expedient for the public Safety.”

“That those Ordinances may be referred to “a Committee, who shall
“ also have Directions to take the State of the province into Consideration,
“ and examine into the Causes of Discontent among the people; That
“ the Committee shall have power to send for persons, papers and Records; And
“ that every Member that comes shall have a Vote.”

Resolved to enter upon the Consideration of these Motions ___
on Monday next; and ordered in the mean time that they be
translated into french.

Adjourned to Monday the 6.th at 10.

On Monday
the 6.th day of April 1778.
Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

Peter Livius, C. J.	George Allsopp
Hugh Finlay	J. G. C. De Lery
Thomas Dunn	Picottée De Bellestre
Francis Levesque	Henry Caldwell
Edward Harrison	John Drummond
John Collins	William Grant
Adam Mabane	Paul Rock S. ^t Ours
George Pownal	

Esquires

Resolved that Orders be given the Door-keeper to give the Attorney General Admittance, whenever the Council sits in its ____ legislative Capacity.

Read the Motions made the 4.th Instant by the Hon^{ble} Henry Caldwell Esq.^r in English and french.

Then read the first Article separately, viz.

“The Hon^{ble} Henry Caldwell moved for Leave to propose an Ordinance
“ to revise and amend an Ordinance past last session, intituled, an Ordinance
“ for regulating the Militia of the province of Quebec, and rendring it
“ of more general Utility towards the preservation and Security thereof.

The Question was put upon this Article, and the Voices
standing 6 Ayes and 10 Noes, it is rejected.

Read the second Article, viz,

"Also an Ordinance to regulate and ascertain what the Inhabitants
“ of this province shall be obliged to furnish the King's Troops, or Militia
“ of this Country, either in Garrison, Cantonments, or on the March."

The Question was put upon this Article, and the Voices _____
standing 5 Ayes and 11 Noes, it is rejected.

Read the third Article, viz,

“Also for Leave to bring in an Ordinance for establishing Martial
“ Law, when the Exigencies of the province requires it; and empowering
“ his Excellency the Governor, by and with the Advice of his Council
“ to publish the same, when they may think it expedient for the
“ public Safety.

The Question was put upon this Article, and the Voices
standing 1 Aye and 15 Noes, it is rejected.

Read

Read the fourth Article, viz,

“That those Ordinances may be referred to a Committee, who shall also have Directions to take the State of the province into Consideration, and examine into the Causes of Discontent among the people; That the Committee shall have power to send for persons papers and Records; And that every Member that comes shall have a Vote.”

The Question was put upon this Article, and the Voices standing 3 Ayes and 13 Noes, it is rejected.

The Hon^{ble} Hugh Finlay Esquire presented two papers numbered 1, and 2, and moved that they might be ordered to be read; And he also presented “Heads of an Ordinance for establishing publick Post-houses” and moved that a Committee might be immediately appointed to examine and amend those Heads.

Ordered that the Papers Number 1, and 2, be read & entered.

Read the Paper N.^o 1, in these words, viz,

“In a representation of some Matters concerning the postmen, made to His Excellency the Governor, by M.^r Finlay in April 1777, he says, He has long been anxious to have the posthouses regulated by Ordinances. It is allowed by every body, that the Mode of travelling post in this province is of great public Conveniency ; It is of infinite Utility to Commerce, all public Business has been facilitated by it, and it has been of especial Service to the post Office. That these great Advantages may not be lost to the province, an ordinance ought to be passed giving the public postmen an exclusive priviledge to drive all persons travelling post.

“ From the Hopes which that set of Men have long entertained of being able one day to obtain that reasonable Priviledge; M.^r Finlay has been able to engage them to continue their Contracts with him to carry his Majesty’s Couriers at six pence *p* League. He encouraged these Hopes, because he thought their Request would be granted.

“ Whenever it is known that an exclusive priviledge will not be granted to them, they will refuse to carry the King’s Mails at a fixed price. And when the roads are bad, they will probably demand exorbitant rates for forwarding the Courriers. It will soon be found that Travellers between Quebec and Montreal will be put to much Inconveniency, and perhaps stop’d in their Journey when the roads are bad; because unless the Maitres de poste are someway Bound to the public, their own Ease will be their Study.

No

“No way can be devised in this Country in which to forward the
 “ King’s Mails with equal Dispatch, and the like Safety, the Climate
 “ in Winter makes any other way impracticable. Therefore as it is his
 “ Duty to attend to the Interests of the post Office, M.^r Finlay will chearfully
 “ undertake the Superintendency of the postmen as a provincial Officer
 “ gratis.

Read the Paper N.^o 2, in these words, viz,

“A Hugues Finlay Esq.^r Directeur Général des Postes en Canada.

“La Representation des Maitres de postes qui se sont engagés ____

“d’acheminer les paquets de sa Majesté.

Supplie humblement,

“Que depuis plusieurs Années vous nous avez fait espérer que ____
 “ nous aurions un privilege exclusif de mener toutes personnes qui voyagent ____
 “ en poste entre Québec et Montreal; La Situation incertaine dans laquelle ____
 “ nous nous trouvons est cause de la peine que nous vous prions de prendre,
 “ de vous ressouvenir de nous. Comme nous avons appris que vous vous ____
 “ proposiez de passer en Angleterre, nous vous supplions de vouloir bien
 “ avant votre départ faire tous vos Efforts pour obtenir ce que nous avons ____
 “ depuis si long tems désiré ardemment.

“Bien loin que cela fasse aucun tort à aucun individu de cette
 “ province, un chaqu’un doit en reconnoître L’Utilité, et vous, Monsieur, êtes
 “ plus capable que personne de mettre au jour les services que nous ____
 “ rendons journellement au Bureau des postes.

“Nous serions de plus mortifiés d’être obligés d’abandonner un
 “ emploi que nous avons si long tems exercé, mais que pouvons nous ____
 “ faire dans la situation ou nous nous trouvons actuellement? Il n’y a ____
 “ ni ordre, ni règlement qui subsiste vis-à-vis les Voyageurs, nous avons
 “ des disputes continuelles, on nous insulte, et souvent même on nous bat.
 “ Il n’y a rien parmi nous qui empêche un maitre de poste de passer la
 “ poste du maitre voisin. Nous ne repéterons point ici les Griefs que nous
 “ vous avons déjà si souvent représentés. Il nous suffira de vous faire
 “ savoir que dans l’état que nous remplissons actuellement, il ne sera ____
 “ pas long tems en notre pouvoir de servir le public à sa Satisfaction, ni ____
 “ même de pouvoir acheminer vos Couriers. Mais nous vous promettons de
 “ faire pour vous et pour le public tout ce que nous pourrons jusqu’au mois
 “ de mai prochain; Et vous, que nous avons tout lieu d’espérer que vous ferez
 “ tout ce que vous pourrez pour nous aider. Nous esperons que les Représenta=
 “ tions que vous ferez en notre faveur auront le Succès que nous devrions, ____
 “ d’autant plus que notre humble requête n’a d’autre bût que celui de
 “ procurer au public leurs Aises et leurs Commodités, et que par là, les
 “ droits d’aucun Individu n’en souffriront point.”

This Paper is subscribed by 26 Postmen.

Ordered the Heads of the Ordinance presented by M.^r Finlay
to be read and entered.

Read the same, in these Words, viz.

“Heads of an Ordinance for establishing public Posthouses.

“Art. 1.st

“To further the public Service, to benefit Commerce by an easy and speedy Commu-
“=nication with every part of the province, and to facilitate Correspondence, It
“ will be expedient to establish Posthouses, and to have one master or Superin-
“=tendent, whose business shall be to keep the public postmen to their Duty.

“Art. 2.nd

“To the Superintendent power should be given to appoint Postmen or Masters
“ of Posthouses, at convenient distances ; They should have an exclusive Priviledge
“ to provide Horses and Carriages to let to hire unto all persons riding post, that
“ is to say, to persons riding of travelling on a post=road and changing Horses;
“ In Consideration of the great Charge and Expence the said postmen must be at,
“ in keeping a certain number of able Horses, and in providing good Carriages
“ with proper Harnesses, and in maintaining a sufficient number of Servants
“ to be ready at a Call, at all hours of the day and night.

Art. 3.rd

“It may be lawful for the Deputies of the Superintendent (or Postmen)
“ to demand and receive for the Hire of a Horse and Caleche, or Horses and Cariole,
“ whether to one of to two persons, at the rate of one shilling p League; if
“ two horses are demanded by the person or persons travelling, for the second
“ horse the postmen may demand and receive at the rate of Six pence p
“ League, and at the same rate for every other Horse demanded and yoked to
“ the Cariole or Caleche.

Art. 4.th

“If the postman or Master of any Stage, doth not, or cannot furnish
“ any person or persons riding post with sufficient horses and Carriages -
“ within the Space of after demand made, these persons are
“ left at Liberty to provide themselves as conveniently as they can to the next
“ Stage, and so at every Stage, where they shall be furnished. The Postman
“ so offending, shall forfeit the Sum of -

Art. 5.th

“The Caleches and Carioles to be furnished by the postmen shall be
“ large enough to contain two persons, with Ease; Every postman shall
“ provide at least horses with as many Caleches and Carioles with
“ the same number of sets of good and sufficient Harness, And for every
“ Horse yoked in a Caleche or Cariole the postman shall be obliged to carry
“ pounds weight of Baggage, if the person or persons riding post in
“ the Caleche or Cariole shall desire it. The penalty for Non=observance of
“ these Regulations shall be —

Art. 6.th

“At certain Seasons, and on Emergencies, a greater number of Horses
“ Carriages may be wanted than can be supplied by the postmen. To remedy
“ that Inconveniency, and that the public may be well and speedily served, let

every

“ every postman have one, two, or more Aides de poste where necessary __ The
 “ Necessity of such Appointment may be left to the Judgment of the
 “ Superintendent. __ These Aides de poste to be liable to the penalties and
 “ Forfeitures contained herein.

Art. 7.th

“No Postman, or Aide de poste may pass the Bounds of his Stage, __
 “ without having obtained Leave from the postman, whose Stage he would wish
 “ to pass, under pain of paying to the postman whose stage he may have passed,
 “ his full fare.

Art. 8.th

“The Masters of Post-houses in Quebec and Montreal may ask and __
 “ receive at the rate of _____ pence p League for every League in their Stage,
 “ seeing that they can drive but one way ; And in Consideration of the _____
 “ advanced Price of provender in Town, and also the Time they lose in
 “ waiting at the Lodgings of Travellers leaving the Town.

Art. 9.th

“His Majesty’s Couriers dispatched from the Post Office; And also all
 “ persons riding express on his Majesty’s Service, having Certificate thereof __
 “ from the Governor, Lieutenant Governor, or Commander in Chief for the time
 “ being, or from the Post Master of Quebec or Montreal, or their Deputies, for the
 “ time being, shall be forwarded by the postmen with dispatch, with their __
 “ best Horses, in the space of _____ after demand made, at the rate of
 “ six pence p League, on pain of forfeiting _____ for every several ____
 “ refusal. And any person or persons presuming to impose on any postman
 “ by pretending to be riding on His Majesty’s Service by Certificate as _____
 “ aforesaid shall forfeit the Sum of _____

Art. 10.th

“The Postmen and their Servants necessary for driving the Post, having
 “ Certificate of their Number and Name from the Superintendent should be ____
 “ exempted from any kind of Corvée or public Service, seeing that their
 “ Attendance is required in the Way of their Business at all Hours of the ____
 “ night and of the Day. This is not meant to exempt them from any
 “ obligation they are under by Contract with their Seigniors, such as
 “ keeping the roads in their Terres in Order.

Art. 11.th

“The Superintendent or sufficient Substitute may have Power to settle
 “ all Differences and Disputes arising among the Postmen and Aides de Poste _
 “ concerning Matters in the way of their Employment as Postmen. The Postman
 “ refusing to abide by his Decision shall forfeit _____ to be paid
 “ unto the Postman willing to abide by his Determination; And in these
 “ cases the Superintendent should leave the Power of a Justice of the Peace to
 “ cause the fine to be levied by Warrant of Distress under his hand & Seal.

“The said Superintendent may make Rules and Regulations ____
 “ binding on the Postmen touching their Employment, but they shall ____

have

“ have no force, until approven of by the Govenor, Lieutenant Governor
 “ or Commander in Chief for the Time being.

Art. 12.

“His Majesty’s Couriers dispatched from the Post office, with the horse
 “ and Caleche that drives them shall not be liable to pay any ferryage
 “ And the ferryman refusing to pass them over in the space of
 “ after Demand for that purpose made, shall pay for every such Offence the
 “ Sum of -

Art. 13.th

“The Superintendent or his sufficient Substitute shall
 “ times in every year, make a Tour through the different Stages to see
 “ that the Postmen punctually comply with every Thing contained in this
 “ Ordinance, and at his Return he shall make a Report in Writing to His
 “ Excellency the Governor, the Lieutenant Governor or Commander in Chief for
 “ the Time being of all his Observations.

Art. 14.th

“The Penalties and Forfeitures in the Ordinance to be sued for in a summary
 “ Way, before one or more Justices of the Peace; The half to the King, and half to
 “ the person suing, with Costs. But if the Superintendent sues, or condemns –
 “ on view, the whole shall go to the King.”

Ordered to lie on the Table for Consideration

The Hon^{ble} Henry Caldwell Esquire moved that a Committee [he gave
 in his Motion in writing] might be appointed to consider of Ways and ___
 means for levying a Tax, for the purpose of paving and ~~en~~lightening the
 Streets of the Town of Quebec, and appropriating the same.

Ordered to lie on the Table.

Adjourned to Wednesday the 8.th at 10 o’ clock___

On Wednesday
the 8.th day of April 1778
at the Council Chamber in the Castle of S.^t Lewis.

Present

The Hon ^{ble} Hector Theophilus Cramahé Lieu. ^t Governor	
Peter Livius C. J.	George Pownal
Hugh Finlay	George Allsopp
Thomas Dunn	J. G. C. De Lery
Francis Levesque	John Drummond
Edward Harrison	William Grant
John Collins	Paul Rock S. ^t Ours __Esquires
Adam Mabane	

“Read by Order of the Council, in french and English,” the Heads of an __
Ordinance for establishing public Posthouses,” presented by the Hon^{ble}
Hugh Finlay Esquire, on Monday last.

M^r. Finlay moved that a Committee be now appointed to take
those Heads into Consideration, so soon as the Matter of Fees, now before
the board, be finished.

The Question upon this Motion was put, and the Voices standing
7 Ayes and 8 Noes, it was rejected.

The Chief Justice and M.^r Finlay moved for Leave to enter their
Reasons of Dissent upon the Journals, __ It is ordered accordingly.

N. B. The Chief Justice and M.^r Finlay have not given any Reasons
of Dissent, to enter in these Journals.

The Hon^{ble} William Grant Esq.^r Deputy Receiver General, moved that the
Heads of an Ordinance for the more speedy and effectual Recovery of his Majesty’s
territorial and casual Revenues in this province, might be ordered to be read.

Ordered to be given M.^r Cugnet to be translated into french;
and to be taken into Consideration on Saturday next.

“The Chief Justice moved that this Board not having hitherto had Communication
“ of his Majesty’s Instructions for making and passing Laws in this province; His
“ Excellency the Governor be humbly requested to communicate to this board,
“ such royal Instructions as he may have received, relative to the Legislation
“ of this province, and he may think are proper to be disclosed to us; In order
“ that this legislative Council may dutifully endeavour to conform____
“ themselves to his Majesty’s Intentions, and that they may so far as they
“ are able, carry into Effect his Majesty’s most gracious purposes for the
“ good Government of his Subjects in this province.”

Ordered to be translated into French, and to be taken into ____
Consideration on Saturday next.

Adjourned to Saturday the 11.th Inst at 11 __

On Saturday
the 11.th day of April 1778

Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

Peter Livius C. J.	George Allsopp
Hugh Finlay	J. G. C. De Lery
Thomas Dunn	Picottée De Bellestre
Francis Levesque	Henry Caldwell
Edward Harrison	John Drummond
John Collins	William Grant
Adam Mabane	Paul Rock S. ^t Ours _ Esq. ^{rs}
George Pownall	

The Hon^{ble} Henry Caldwell Esq.^r moved to withdraw his Motion made on Monday last, for appointing a Committee to consider of Ways and _ Means for levying a Tax for the purpose of paving and = lightening _ the Streets of Quebec.

It is ordered accordingly.

Read the Heads of an Ordinance proposed by the Hon^{ble} William _ Grant Esq.^r D. R. G. on Wednesday last, in English and French. The ____ English in these Words, viz,

“Heads of an Ordinance for the more speedy & effectual Recovery of

“his Majesty’s territorial and casual Revenues in the province of

“Quebec, and the Arrearages thereof.

“Whereas the methods hitherto taken for collecting his Majesty’s territorial

“ and casual Revenues, And the Arrears thereof throughout the province, have

“ proved ineffectual, many persons having on various pretences found

“ means to evade or delay the payment of the same, to the great prejudice

“ of his Majesty’s Revenue, and in Violation of their patents of Concession

“ and the antient Laws and Usages of this Country. To remedy and prevent

“ such practices in future. It is ordained and enacted by His Excellency the

“ Captain General and Governor in Chief of this province by and with the

“ Advice and Consent of the Legislative Council of the same, That

Article 1.

“All Owners of Lands holding of His Majesty within this province by any _

“ Tenure whatsoever, their Guardians, Agents and Attorneys shall repair to the

“ Town of Quebec on or before the 31.st of December next, and there render Fealty

“ and Homage to his Majesty; And such other Suits and Services as are _

“ agreeable to their Titles, the Usage of the Country, and His Excellency the

“ Captain General’s Proclamation of the 7.th of August last. And then and _

“ there pay and account with his Majesty’s Receiver General or His Deputy

“ for all such Sum or Sums of Money as they owe and stand indebted to

“ His Majesty for Quit Rents, Annual Rents, Mutation Fines, Quints, Lots et

“ ventes, Reliefs, Rachats, Forfeitures, and Seisins, Fines on Exchanges, and

“ all other pecuniary profits and Demands, owing and payable to His _

Majesty _

“ Majesty, and all Arrearages thereof whatsoever, And every person or persons refusing
 “ or neglecting to pay and account with the Receiver General or his Deputy ____
 “ in the Manner aforesaid, shall not thereafter be intitled to the Remittance
 “ or Deduction which his Majesty is pleased to make to those who ____
 “ regularly pay the same, And shall over and above, as a punishment for
 “ his or their neglect, forfeit and pay the Sum of _____ to be ____
 “ recovered in any of His Majesty’s Courts in this province, any Law Custom
 “ or Usage to the contrary notwithstanding.

II

“ And all future purchasors and proprietors of Estates holding of and in the
 “ Demesne of the King, are hereby ordered and required to make punctual ____
 “ payments to His Majesty’s Receiver General or his Deputy of the Mutation
 “ fines aforesaid, according to the antient Laws and Customs of the Country,
 “ otherwise they will not be entitled to the usual Remittance or Deduction ____
 “ aforesaid, And shall over and above the penalties of the antient Laws aforesaid,
 “ forfeit as in the first Article.

III

“ And to prevent Frauds and Abuses in future in the receiving and
 “ collecting His Majesty’s Rights and Dues as aforesaid And the better to enable
 “ His Majesty’s Receiver General to collect and recover the same; All Sheriffs, ____
 “ Clerks of Courts, and public Notaries, throughout this province are hereby ordered
 “ and directed once in every six Months to transmits Extracts and Accounts to
 “ the Receiver General or his Deputy of all Contracts, or Deeds of Sale, Judgments,
 “ Adjudications, and Deeds of Exchange of and concerning Lands, or any other
 “ Act or Deed transferring real property from one person to another ____ As also
 “ of all judicial, or other Fines, forfeitures and Amerciaments now due, or which
 “ may hereafter become due to his Majesty in their respective Courts aforesaid, under
 “ the penalty of _____ to be recovered as aforesaid.

4.th

“ And all Sheriffs, Clerks of Courts and Civil Officer whatever now having
 “ any public money in their Hands arising from Fines, Forfeitures, and Amerci=
 “ =aments or otherwise, are hereby required and directed to make immediate ____
 “ payment thereof to His Majesty’s Receiver General or his Deputy as aforesaid ____
 “ And in future no other person or persons whatsoever shall presume to receive
 “ collect or discharge any of His Majesty’s territorial Rents, Fines, Forfeitures,
 “ and Amerciaments or public Monies whatsoever under the penalty of
 “ _____ to be recovered as aforesaid.

5.th

“ And lastly It is ordained and Enacted that all penalties, mentioned in ____
 “ this Ordinance shall be sued for by His Majesty’s Attorney General in any of his
 “ Majesty’s Courts of Record in this province, And recovered and paid into the ____
 “ hands of His Majesty’s Receiver General or Deputy aforesaid for his Majesty’s
 “ Use.”

M.^r Grant moved to have those Heads committed, in order to modell the
 Ordinance, and that the Attorney General be desired to assist at the
 Committee.

The Question

The Question was put, and the Voices standing 5 Ayes and 11 Noes,
the Motion is rejected.

The Chief Justice dissented, and said he would enter his _
Reasons on the Journals __ Which he has not done.

Read, the Motion made by the Chief Justice on Wednesday last, viz, “The __
“ Chief Justice moved That this board not having hitherto had Communication
“ of His Majesty’s Instructions for making and passing Laws in this province
“ His Excellency the Governor be humbly requested to communicate to this board,
“ such royal Instructions as he may have received, relative to the Legislation of
“ this province, and he may think are proper to be disclosed to Us, In Order that
“ this Legislative Council may dutifully endeavour to conform themselves to
“ His Majesty’s Intentions, and that they may so far as they are able, carry __
“ into Effect His Majesty’s most gracious purposes for the good Government of
“ his Subjects in this province.”

The Question being put, and the Voices standing 5 Ayes and __
11 Noes, the Motion was rejected.

The Hon^{ble} Joseph Gaspard Chaussegros De Lery Esquire moved, that a
Place of Security may be procured to deposit the public Papers of the __
province therein.

Ordered to be on the Table

Read A Memorial of sundry merchants of Montreal, trading to the Indian
Country, praying some Regulations to be made concerning the indian Trade
between the Merchant and his Canoe Men.

Ordered to lie on the Table, and be translated into French.

Adjourned to Wednesday the 22.nd Instant at 11.

The same Members assembling on the 22.nd of April, Resolved to adjourn
without entering upon any Business, in order to dispatch the Matters __
standing for this Day in the Court of Appeals.

Adjourned to Thursday the 23.rd Instant at 10.

On Thursday
the 23.rd day of April 1778
at the Council Chamber in the Castle of S.^t Lewis

Present

The Hon ^{ble} Hector Theophilus Cramahé Lieutenant Governor ____	
Peter Livius C. J.	George Allsopp
Hugh Finlay	L. G. C. De Lery
Thomas Dunn	Picottée de Bellestre
Francis Levesque	Henry Caldwell
John Collins	John Drummond
Adam Mabane	William Grant
George Pownal	Paul Rock S. ^t . Ours Esq. ^{rs}

The Chief Justice reported the Fees settled in his Committee for the ____
following Officers, viz,

The Clerk of the Court of Appeals
The Register of the prerogative Court
The Clerks of the Common Pleas
The Clerks for Tutelles, Curatelles, and Gardesnottes.
The Notaries
The Sheriffs
The Clerks of the peace
The Sub=Coroners
and
The Goalers.

Ordered that such of the Lists as are in french be translated
into English, And those in English be translated into french; to be considered
by the Council on Saturday next.

The Lieutenant Governor reported the Fees settled in his Committee for
the following officers, viz,

The Secretary
The Register
The Clerk of the Council
The Naval Officer
The Surveyor General or his Deputy
The Country Surveyors

Those Lists having already been translated into English and French, It
is Ordered that they lie on the Table, to be considered on Saturday next.

On the Representation of M.^r Monk at Council Board, the
List of Fees for him as Attorney General, upon Grants of Lands,
intended to be reported to the Council by this Committee, was
withdrawn.

The Chief

The Chief Justice moved in these Words [He gave in his Motion in Writing] viz, “That Whereas by an Act of Parliament for the making more effectual
 “ Provision for the Government of this province, passed in the 14.th Year of his _
 “ present Majesty, It is enacted, That it should be lawful for his Majesty,
 “ his Heirs or Successors in Manner as therein expressed, to constitute and
 “ appoint a Council for the Affairs of the province of Quebec to consist of
 “ persons resident there, not exceeding twenty three, nor less than Seventeen;
 “ That His Excellency the Governor was pleased by an Order of the 8.th August
 “ 1776 to appoint a Council / calling the same a privy Council / to consist
 “ only of five particular persons, in the said Order named, and of such others as
 “ the Lieutenant Governor should think proper to send for.

“That by Virtue of the said Order, the five persons in the said Order
 “ named repeatedly, in different Affairs of different Natures, have taken upon
 “ themselves to act as a Council for the Affairs of the province of Quebec,
 “ in Opposition to the said Act of parliament, and in Exclusion of his ____
 “ Majesty’s Council for the Affairs of the province of Quebec, legally constituted
 and appointed according to the said Act.

“That the Accounts of the Expenditures of all the public Monies for the Use
 “ of this province have been examined only by these five persons, or such others as
 “ the Lieutenant Governor chose to send for, and afterwards have been reported by
 “ them to the Governor, and by him approved, in the presence indeed of the legal
 “ Council but without their Interference, Approbation or Consent.

“That the said Approbation of the Governor in the presence of the legal
 “ Council, by some Accident has been entered in the Journals, in Words, that may
 “ naturally be understood to mean that the said Accounts have received the____
 “ Approbation and Sanction of his Majesty’s legal Council for the Affairs of
 “ this province.

“That these Proceedings are irregular and illegal, tend to introduce ____
 “ Confusion, Uncertainty and Discontent; And if not timely remedied will give ____
 “ Opportunity and Means of Collusion, and Impunity to future peculation, and
 “ perversion of public Money, under any future Governor.

“The Chief Justice therefore moved that an humble Address be
 “ prepared and presented to His Excellency the Governor, stating the premisses ____
 “ and humbly praying that he will be pleased to order convenient Remedy.”

Ordered to be given M.^r Cugnet to be translated into French,
 And to stand for Consideration on Saturday next.

Read – A Proposal of the Hon^{ble} J. G. C. De Lery Esq.^r touching places of Security _
 to be provided to lodge the public Papers in.

The Lieutenant Governor charges himself with stating this Matter
 to His Excellency the Governor.

Read

Read in french and English the Memorial of sundry Merchants of Montreal trading to the Indian Country.

“The Hon^{ble} M.^r Dunn, M.^r Levesque, M.^r Harrison, M.^r Pownal, M.^r Grant and M.^r S.^t Ours, are desired to gather all the Information they can collect, touching the Matter stated in the Memorial, in Order to communicate such Information to the Legislative ____ Council at their next Session, for the purpose of making the necessary Regulations.

The Hon^{ble} Hugh Finlay Esquire stated That the business before the Committee ____ at which the Lieutenant Governor presided is finished and Moves to have the Heads of an Ordinance for establishing public Posthouses, read the 8.th Instant, committed.

The Question being put, and the Voices standing 10 Ayes and 5 Noes, It is ordered accordingly. ____ The Lieutenant Governor ____ desiring to withdraw on account of other Business, M.^r Finlay, M.^r Harrison, M.^r Allsopp, M.^r De Lery, M.^r Bellestre, M.^r Caldwell and M.^r Drummond are appointed to be the Committee ____ thereupon.

Read ____ A Motion of the Honble Hugh Finlay in these Words, viz.” M.^r—

“ Finlay moves, That from Information given to this Board by an Honorable Member it appears, the Canadian Peasants have reason for heavy Complaint.

“The Discontent reigning in the Country proceeds from three Causes; First, Services are required of them, for which as they say, they receive a way inadequate Recompense. Second, In some parts, they have been commanded to furnish firewood, Carioles, and other Things for the Use of the Troops, for which they have not been paid. The Third, proceeds from the Ignorance of the Captains of Militia; Nine in ten of them cannot read; for Want of a Knowledge of the Laws of the province they exercise an unwarrantable Authority; they arrest, and they inflict arbitrary punishments on those who disobey their Orders.

“Let us endeavour to avert the fatal Consequences that may attend that spirit of Disgust which is but too General, and rankles in the Hearts of our Fellow Subjects of this Country. – This is a critical Juncture.

“The Canadians, in sound policy, ought not to be irritated, let us strive to conciliate their Affections. The first proper Step towards regaining their Confidence would be to show them, that the late Ordinance were not intended to scourge, but to protect them. At this Hour they believe that every Order is issued as a punishment for their backwardness in 1775. Those who behaved loyally see themselves mixed with the crowd, and subjected to the same services with, perhaps, their next Door neighbours, who bore Arms under Arnold.

“The people are unacquainted with the Laws, nor will they ever know them, untill they are instructed. Not one habitant in 6000 can read, they take for granted that whatever the Captain of Militia commander them to do, that they must do; And that whatever any Stranger orders with a Tone of Authority, they must obey. ____

Now-

“Now in order to convince them that Government never meant to oppress _ them ; Let this Board in humble and in respectful Terms propose to His Excellency the Governor, as the most likely means of quieting the Minds of the people, to enjoin the priest of every parish (as was the antient Custom) to read the Ordinances to his parishoners, on the first Sunday of every Month, that they may be thoroughly informed of the Services required by Law, and the ___ penalties that will be inflicted in Case of Disobedience, with the Mode of ___ prosecution. They would then see how far the power of a Captain of Militia extends; and they would be able to distinguish those whom they ought to ___ obey.

“Also that the Captains of Militia may be directed to give to every Habitant proper Certificates of the Nature of the Corvée he may have perform’d and of the Quantity of Firewood, &c, which he may have supplied by command, that a reasonable price may be paid for their Labour, and that they may ___ receive the Value of whatever they furnish in Consequence of Orders.

“And lastly, that the Militia which may be ordered on Service hereafter may be furnished with a complete Equipment before they march, in ___ conformity to former practice, And that a certain Allowance be paid _ . them *p* day, in case they are ordered to work in the province, or are ___ commanded to march out of it.”

Read ___ the french Translation of the foregoing Motion.

Ordered to stand for Consideration on Saturday next.

The Honble William Grant Esquire D. R. G. moved in these Words [which he delivered in, in writing] viz, “ M.^r Grant moved that his Motion of the 11.th April, ___
 " requesting an Ordinance to be passed to enable him the more easily, to ___
 " collect the King’s Revenue, be reconsidered – And he now moves, That a ___
 " Committee be named to consider and report on the Heads of an Ordinance
 " proposed by him and read to this Hon^{ble} Council in French and English _ Or
 " frame such other Ordinance as may be sufficient for the purposes therein _____
 " mentioned”

The Question was put upon this Motion, and the Voices standing
 7 Ayes and 8 Noes. It is rejected.

Read_ the Petition of the Hon^{ble} William Grant Esq.^r D. R. G. concerning the fees of the Receiver General’s Office, praying that the Settlement of those fees be deferred to the next session of the Legislative Council.

Resolved accordingly.

The Hon^{ble} Joseph Gaspard Chaussegros De Lery presented three french Papers ___

Ordered to be translated into English, and to lie on the Table for Saturday next.

Adjourned to Saturday the 25.th at 11.

On Saturday
the 25.th day of April 1778
at the Council Chamber in the Castle of Saint Lewis.

Present

The Hon ^{ble} Hector Theophilus Cramahé Lieutenant Governor	
Peter Livius C. J.	George Allsopp
Hugh Finlay	Picottée de Bellestre
Thomas Dunn	Henry Caldwell
Edward Harrison	John Drummond
John Collins	William Grant _ Esq. ^{rs}
George Pownal	

The Lieutenant Governor by Order of His Excellency the Governor –
prorogued the Legislative Council till further Notice.

The Minutes thus far were sent home
by General Carleton 23.rd July 1778. -}
Jenkin Williams

Also a Duplicate of them

J. W^{ms}

On Monday
the 11.th day of January 1779
At the Council Chamber in the Castle of S.^t Lewis
Present
His Excellency Frederick Haldimand Esq.^r
Governor
The Honb.^{le} Hector Theophilus Cramahé L.^t Gov.^r
Thomas Dunn
James Cuthbert
François Levesque
John Collins
Adam Mabane
George Pownall
George Allsopp
La Corne S.^t Luc
J. G. C. De Lery
Conrad Gogy
Picotté De Bellestre
Henry Caldwell
John Drummond
William Grant
Paul Roc S.^t Ours
François Baby
Joseph De Longueuil _____ Esq.^{rs}

His Excellency the Governor and the several
Members having all taken and subscribed the
several Oaths, &c. appointed to be taken & subscribed,
on and since the 27.th day of June last, when His
Excellency took upon him the Government of this
Province, as entered in the Book of Minutes, B; __
And His Excellency having opened the Session; __
The Council

Adjourned to To-morrow
at 11 o' clock.

On Tuesday
the 12.th day of January 1779
At the Council Chamber in the Castle of S.^t Lewis
Present
The Honb.^{le} Hector Theophilus Cramahé Lieu.^t Gov.^r Pr.

Thomas Dunn	Conrad Gugy
James Cuthbert	Picotté De Bellestre
François Levesque	Henry Caldwell
John Collins	John Drummond
Adam Mabane	William Grant
George Pownall	Paul Roc S. ^t Ours
George Allsopp	François Baby
La Corne S. ^t Luc	<u>Joseph De Longueuil</u> Esq. ^{rs}
J. G. C. De Lery	

The Honb.^{le} L.^t Col. Caldwell moved for an Address humbly to request of His Excellency the Governor that He will be pleased to allow His Speech of yesterday to be entered in the Journals of this Council.

Agreed unanimously that the Honb.^{le} M.^r Levesque and L.^t Col. Caldwell do immediately wait on His Excellency for the aforesaid purpose.

These Gentlemen having accordingly waited on His Excellency, He was pleased very readily to grant them their Request; And his said speech, in French and English, is accordingly hereafter entered as follows, viz.^t __

“Messieurs,

“Comme, dans la conjoncture actuelle, la sureté de
“ la Province doit nécessairement être l’objet principal
“ de mon attention, je ne vous aurais pas donné, à
“ present, la peine de vous rassembler icy, si, il n’y avait
“ quelques Ordonnances, dont le terme va expirer et que
“ le Service de sa Majesté et l’interêt de la Province
“ exigent d’être renouvelées. Persuadé que vous y porterez
“ toute la diligence possible, je me repose avec confiance, sur
“ votre Zele à ce sujet, attendût que des arrangements, nécessaires
“ à prendre, pourroient bientôt m’appeler ailleurs.

“Convaincû qu’animés par le même esprit, vous ne
“ cherchés que le bien public, je ne doute point que vous
“ ne travailliez, et avec efficace, à attacher les fidèles
“ sujets de sa Majesté à son Gouvernement, à encourager
les

“les timides, et à ramener à leur devoir ceux qui s’en sont
“écartés.

“Guidé par le désir sincère que j’ai de faire mon
“devoir envers le Prince qui m’a honoré de sa confiance,
“et de consulter le bonheur des peuples qu’il lui a plût
“de confier à mes soins, je me persuade que vous
“ferés vos efforts pour m’aider à en soutenir le fardeau,
“et afin que je puisse parvenir à assurer la sureté &
“la tranquillité publique, seul et unique but de mes désirs.”

“Gentlemen,

“As, in the present conjuncture, the defence of the
“Province ought necessarily to be the principal object
“of my Attention, I would not have given you the trouble
“to assemble together at this time, were there not some
“Ordinances about to expire, and which His Majesty’s
“Service & the interest of the Province require to be
“renewed. Persuaded that you will give all
“possible dispatch to the execution of this Business,
“I rely, with confidence, upon your zeal therein, as
“Arrangements, necessary to be taken, may soon call me
“elsewhere.

“Convinced that being animated by the same
“Spirit, and your only Aim being the public Good,
“I make no doubt but that you will distinguish
“yourselves by strengthening the Attachment of His
“Majesty’s faithful subjects to His Government, by
“encouraging the timid, and by bringing back to their duty
“such as have swerved from it.

“Guided by a sincere desire to do my duty to=
“wards the Prince who has honoured me with His
“confidence, and to consult the happiness of the
“People whom He has been pleased to entrust to my
“care, I persuade myself that you will exert yourselves
“in assisting me to bear the Burden; so as that I may
“be able to accomplish the only end of my wishes, the
“security of the public Safety and Tranquillity.”

The Honb.^{le} L.^t Col. Caldwell now moved for an
Address of Thanks to His Excellency for his Speech.

Resolved that the Honb.^{le} M.^r Mabane, M.^r
Pownall, M.^r S^t. Luc, M.^r De Lery, L.^t Col. Caldwell,
and M.^r Grant be a Committee for drawing up the
said Address.

Read

Read the Title of an Ordinance, “To regulate the Proceedings in the Courts of Civil Judicature in the Province of “Quebec”, which will expire on the 13.th day of March next.

Also the Title of an Ordinance, “For regulating the “Militia of the Province of Quebec, and rendering it of more “general utility towards the preservation and security thereof, which will expire at the end of the present session. _ And

Also the Title of an Ordinance, “To empower the “Commissioners of the Peace to regulate the Police of the “towns of Quebec and Montreal, for a limited time,” _ which will expire on the first day of May next.

To be taken into consideration to-morrow.

Adjourned to To-morrow at 11 o’ clock.

On Wednesday

the 13.th day of January 1779

At the Council-Chamber in the Castle of S.^t Lewis

Present

The Honb.^{le} Hector Theophilus Cramahé L.^t Gov.^r Pr.
And the 17 other Members as before.

The Honb.^{le} L.^t Col. Caldwell reported the Draught of the Address of Thanks to His Excellency the Governor (which he had moved for) as drawn up yesterday by the Committee appointed for that purpose; And it being read, and the Question put “Whether it “should stand as it is, or be altered?”- It passed that it should stand as it is; - the Voices being, 16 to 2.

Resolved that the said Address be ingrossed _ accordingly; and that the Honb.^{le} M.^r Dunn & M.^r S.^t Luc do, in the mean time, wait on His Excellency with a Copy thereof.

The Council took into consideration an Ordinance, [the Title of which was read yesterday] “To regulate the “Proceedings in the Courts of Civil Judicature in the Province “of Quebec”, which will expire on the 13.th day of March next; _ And a Question having been put by the Honb.^{le} M.^r

M.^r President “whether the said Ordinance should be continued for two years longer, or until the 30.th day of April “1781?” _ And the Honb.^{le} M.^r Allsopp having afterwards moved for a Question, viz.^t “whether the said Ordinance should be read Article by Article, and the sense of every Member taken thereupon?” _ The Question was put which of the two should be first put ? _ And passed that the Question put by the Honb.^{le} M.^r President should be first put.

The said Question put by the Honb.^{le} M.^r President, viz.^t “Whether the said Ordinance should be continued “for two years longer, or until the 30.th day of April “1781?” _ having been then put ; It passed that it should be continued to the 30.th day of April 1781; _ the Voices being 9 to 8, exclusive of the Honb.^{le} M.^r Allsopp’s, who was against the Question.

Resolved that the Attorney General do prepare an Ordinance for continuing the said Ordinance to the 30.th day of April 1781 accordingly.

The Council afterwards entered upon the business of an Ordinance, [the Title of which was read yesterday] “For regulating the Militia of the Province of Quebec, and “rendering it of more general utility towards the “preservation and security thereof,” which will expire at the end of the present Session; _ And a Question having been put by the Honb.^{le} M.^r President, - “whether the said last mentioned Ordinance should be considered to – day?” _ And the Honb.^{le} L.^t Col. Caldwell having moved “that the consideration thereof should be put off till Saturday next;” _ The Question was put “whether the said last mentioned Ordinance should be considered to _ day, or on Saturday next?” _ And passed that it should be considered to- day; the Voices being 12 to 6.

The Council having then taken into consideration the said last mentioned Ordinance, a Question was put by the Honb.^{le} M.^r President, “whether the said last mentioned Ordinance should be continued for two years longer?” _ And the Honb.^{le} M.^r Allsopp having moved for a Question, viz.^t “Whether the said last mentioned Ordinance should be read Article by Article, and the sense of every Member taken thereupon?” _ The Question was put, “which of the two should be first put?” _ And passed that the one put by the Honb.^{le} M.^r President should be first put; the Voices being 13 to 3, exclusive

exclusive of the Honb.^{le} M.^r President's and M.^r Allsopp's.

The said Question put by the Honb.^{le} M.^r President, viz.^t "whether the said last mentioned Ordinance should "be continued for two years longer?" _ having been then put; It passed in the affirmative, the Voices being 16 to 2.

Resolved that the Attorney General do prepare an Ordinance for continuing the said last mentioned Ordinance for two years longer accordingly.

The Council also took into consideration an Ordinance, [the Title of which was read yesterday] "To empower the "Commissioners of the Peace to regulate the Police of the "towns of Quebec and Montreal, for a limited time," which will expire on the first day of May next; _ And the Question having been put "whether the said last mentioned Ordinance should be continued for two years longer ? _ It unanimously passed in the affirmative.

Resolved that the Attorney General do prepare an Ordinance for continuing the said last mentioned Ordinance for two years longer accordingly.

Adjourned to To-morrow at 11 o' clock.

On Thursday
the 14.th day of January 1779
At the Council Chamber in the Castle of S.^t Lewis
Present
The Honb.^{le} Hector Theophilus Cramahé L.^t Gov.^r Pr.

Thomas Dunn	J. G. C. De Lery
James Cuthbert	Conrad Gugy
François Levesque	Picotté De Bellestre
John Collins	Henry Caldwell
Adam Mabane	John Drummond
George Pownall	William Grant
George Allsopp	Paul Roc S. ^t Ours
La Corne S. ^t Luc	Joseph de Longueuil _ Esq. ^{rs}

The Council waited upon, and presented their
Address of Thanks to His Excellency the Governor
for His Speech, and received His Excellency's
Reply thereto; - Which said Address, in English &
French, and Reply are as follow, viz.^t _

“To His Excellency Frederick
“Haldimand, Esquire, Captain
“General and Governor in chief
“of His Majesty's Province of
“Quebec, General and Commander
“in chief of His Majesty's Forces
“in the said Province and the
“Frontiers thereof, &c. &c. &c. _

“Sir,

“We, the Members of the Legislative Council
“of His Majesty's Province of Quebec, take this, the
“earliest opportunity to express that Satisfaction which
“we felt, in common with His Majesty's other Subjects,
“at the Appointment of a Gentleman of your Excellency's
“Abilities and Reputation to the Government of this
“Province; and at the same time to thank you for the
“good opinion you are pleased to entertain of us in
“your Speech.

“Sensible of what your Excellency has
“already done for the Safety and Tranquillity of the
“Province, and relying, with the utmost confidence, on
“your future Efforts for the good of His Majesty's
“Service, we beg leave to assure your Excellency that,
“being

“being ready to sacrifice our lives and fortunes in support of
 “His Majesty’s Person and Government, we will, in every
 “respect, and on every occasion, co-operate with you, and
 “will give the necessary attention and Expedition to the
 “Objects recommended in your Speech.

/Signed/ “H.T. Cramahé.”

“A Son Excellence, Frederic
 “Haldimand, Ecuier, Capitaine
 “General et Gouverneur en chef de
 “la Province de Quebec, General et
 “Commandant en chef des Troupes
 “de Sa Majesté en la dite Province
 “et Frontiers, &c. &c. &c.

“Monsieur,

“Nous, les Membres du Conseil Legislatif
 “de Sa Majesté dans la Province de Québec, profitons
 “de cette premier occasion de vous exprimer la Satisfaction
 “que nous ressentons, ainsi que les autres Sujets de
 “Sa Majesté, de la nomination de Votre Excellence,
 “dont l’habilité et la reputation sont reconnues, au
 “Gouvernement de cette Province; et de vous remercier,
 “en même tems, de la bonne opinion que vous voulez
 “bien avoir de nous.

“Reconnaissans de tout ce que Votre Excellence a deja
 “fait pour la conservation et la tranquillité de cette Province,
 “nous avons une confiance entière dans les efforts que vous
 “ferez à l’avenir pour le bien du Service de Sa Majesté.
 “Nous prenons la liberté d’assurer Votre Excellence que
 “nous sommes prêts à sacrifier nos vies et nos biens
 “pour soutenir la Personne de Sa Majesté et Son Gouvernement,
 “et que nous y co-opererons à tous egards et dans toutes
 “occasions avec Vous, et que nous donnerons l’attention et
 “expedition nécessaires aux Objets que vous nous avez
 “recommandé dans Votre Harangue.

/Signé/ “H. T. Cramahé.”

“Gentlemen,

“I return you my hearty Thanks for your
 “obliging Address. The Sentiments it breathes do you
 “much Honour, and shall certainly be made known
 “to His Majesty’s Ministers.”

Read

Read the Draught of an Ordinance [which was interpreted in French] for continuing an Ordinance made the twenty fifth day of February in the seventeenth year of His Majesty's Reign, Intituled, "An Ordinance "to regulate the Proceedings in the Courts of Civil Judicature "in the Province of Quebec" __ first reading. __

Ordered that it be translated and ingrossed by to-morrow.

Also the Draught of an Ordinance [which was likewise interpreted in French] for continuing an Ordinance made the twenty ninth day of March in the seventeenth year of His Majesty's Reign, __ Intituled, "An Ordinance for regulating the Militia "of the Province of Quebec, and rendering it of "more general utility towards the preservation & "security thereof" __ first reading. __

Ordered that it be translated and ingrossed by to-morrow. _ And

Also the Draught of an Ordinance [which was likewise interpreted in French] for continuing an Ordinance made the twenty third day of April in the seventeenth year of His Majesty's Reign, __ Intituled, "An Ordinance to empower the Commissioners "of the Peace to regulate the Police of the towns of "Quebec and Montreal, for a limited time" ____ first reading. __

Ordered that it be translated and ingrossed by to-morrow.

Adjourned to To-morrow at
10 o' clock.

On Friday
the 15.th Day of January 1779.
At the Council Chamber in the Castle of S.^t Lewis
Present
The Honb.^{le} Hector Theophilus Cramahé L.^t Gov.^r Pr.

Thomas Dunn	Conrad Guky
James Cuthbert	Picotte De Bellestre
Francis Levesque	Henry Caldwell
John Collins	John Drummond
Adam Mabane	William Grant
George Pownall	Paul Roc S. ^t Ours
George Allsopp	François Baby
La Corne S. ^t Luc	<u>Joseph De Longueuil</u> __ Esq. ^{rs}
J. G. C De Lery	

Read in English and French the ingrossed Draught
of an Ordinance for continuing an Ordinance made the
twenty fifth day of February in the seventeenth year of
His Majesty's Reign, Intituled, "An Ordinance to regulate
"the Proceedings in the Courts of Civil Judicature in the Province
"of Quebec" __ second reading. __

Also the ingrossed Draught of an Ordinance for continuing
an Ordinance made the twenty ninth day of March in the
seventeenth year of His Majesty's Reign, Intituled, __
"An Ordinance for regulating the Militia of the Province
"of Quebec, and rendering it of more general utility __
"towards the preservation and security thereof" __
second reading. __ And

Also the ingrossed Draught of an Ordinance for continuing an
Ordinance made the twenty third day of April in the seventeenth
year of His Majesty's Reign, Intituled, "An Ordinance to
"empower the Commissioners of the Peace to regulate the Police
"of the Towns of Quebec and Montreal, for a limited time" __
second reading. __

Upon a Question being put "Whether the Draughts of
these three Ordinances should conclude as the former
Ordinances, or according to the form drawn up by the Attorney
General?" It passed that they should conclude as the
former Ordinances, the Voices being 17 to 1; And the Conclusions
of them were made accordingly.

Read in English and French the ingrossed Draught
of an Ordinance for continuing an Ordinance made the
twenty fifth day of February in the seventeenth year of
His Majesty's Reign, Intituled, "An Ordinance to regulate
"the Proceedings in the Courts of Civil Judicature in the
"Province

“Province of Quebec” __ third reading.

Upon the Question being put “whether the said Ordinance should pass into a Law?” And the Voices being 17 Ayes, and 1 No __ It passed the Council.

Read also in English and French the ingrossed Draught of an Ordinance for continuing an Ordinance made the twenty ninth day of March in the seventeenth year of His Majesty’s Reign, Intituled, “An Ordinance “for regulating the Militia of the Province of Quebec, and “rendering it of more general utility towards the preservation “and security thereof” __ third reading.

Upon the Question being put “whether the said last mentioned Ordinance should pass into a Law?” And the Voices being 17 Ayes, and 1 No __ It passed the Council.

Read also in English and French the ingrossed Draught of an Ordinance for continuing an Ordinance made the twenty third day of April in the seventeenth year of His Majesty’s Reign, Intituled, “An Ordinance “to empower the Commissioners of the Peace to regulate “the Police of the towns of Quebec and Montreal, for a “limited time” __ third reading.

Upon the Question being put “whether the said last mentioned Ordinance should pass into a Law?” It unanimously passed the Council.

Adjourned to To-morrow at
11 o’clock.

On Saturday
the 16.th day of January 1779.
At the Council Chamber in the Castle of S.^t Lewis
Present
His Excellency Frederick Haldimand Esq.^r
Governor
The Honb.^{le} Hector Theophilus Cramahé L.^t Governor

Thomas Dunn	Conrad Guty
James Cuthbert	Picotté De Bellestre
Francis Levesque	Henry Caldwell
John Collins	John Drummond
Adam Mabane	William Grant
George Pownall	Paul Roc S. ^t Ours
George Allsopp	François Baby
La Corne S. ^t Luc	<u>Joseph De Longueuil</u> – Esq. ^{rs}
J. G. C. De Lery	

Read in English and French the ingrossed Ordinance [which passed the Council yesterday] for continuing an Ordinance made the twenty fifth day of February in the seventeenth year of His Majesty's Reign, Intituled "An Ordinance to regulate the Proceedings in the Courts "of Civil Judicature in the Province of Quebec".

Also the ingrossed Ordinance [which likewise passed the Council yesterday] for continuing an Ordinance made the twenty ninth day of March in the seventeenth year of His Majesty's Reign, Intituled, "An Ordinance "for regulating the Militia of the Province of Quebec, "and rendering it of more general utility towards the "preservation and security thereof." And

Also the ingrossed Ordinance [which likewise passed the Council yesterday] for continuing an Ordinance made the twenty third day of April in the seventeenth year of His Majesty's Reign, Intituled, "An Ordinance "to empower the Commissioners of the Peace to regulate "the police of the towns of Quebec and Montreal, for "a limited time".

These three ingrossed Ordinances His Excellency the Governor signed, and passed under the Great Seal in Council, and ordered that they should be entered & filed in the Office, and published in the Quebec Gazette.

The

The Business, for which His Excellency had called the Council together, being now finished, His Excellency was pleased to prorogue it till further Notice.

Two copies of the foregoing Journals
of the Legislative Council, during the
Session 1779, were made and delivered
to the L.^t Governor, the 25.th Sept.^r 1779,
by A: Davidson

On Thursday
the 27.th day of January 1780.
at the Council Chamber in the Castle of Saint Lewis.
Present

His Excellency Frederick Haldimand
Governor

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

Hugh Finlay	Conrad Gugy
Thomas Dunn	Picottée De Bellestre
James Cuthbert	John Fraser
Edward Harrison	Henry Caldwell
John Collins	William Grant
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	2 _ Joseph De Longuëuil
George Allsopp	1 _ Francois Baby
La Corne S. ^t Luc	Samuel Holland _ Esquires
J. G. C. De Lery	

His Excellency the Governor signified the Reason of his assembling the Council, in the following words, which he delivered in writing, viz,
“Gentlemen of the Legislative Council.

“As the present Times are not the most favorable for establishing fixed
“and permanent regulations, I should hardly have called you together, had not
“the high price of the first necessary of life, circumstanced as we are,
“commanded my Attention, and required my asking your advice and
“assistance in providing against accidents, while these American troubles
“continue; and preventing, as much as in us lies, his Majesty’s good
“subjects in this province, suffering either from scarcity or Want: and to
“this great point I must desire you to give your immediate and most serious
“consideration. The establishing public granaries, the surest means of
“guarding against any future evil of this sort, must I fear be deferred to
“a time of greater and more settled tranquility.

“The fixing by an ordinance the fees of office, is another object I
“am to recommend to your consideration, that the officers may know what they
“have to demand, and the people what they are to pay : those of the Lawyers
“in the courts of Justice are particularly complained of.

“The Lieutenant Governor will lay before you an additional
“Instruction received this last Fall, together with the Secretary of state’s
“Letter, relative thereto, upon which I likewise am to request your
“advice and opinion.

“It is needless to recommend unanimity and dispatch, you must
“necessarily feel how much they will tend, in times like these, to support
“the King’s Government, and secure the province, as well as to promote the
“welfare and happiness of all his Majesty’s subjects residing therein.”

Adjourned to the 28.th Instant, 10 o’clock.

On Friday the 28.th of January 1780.
At the Council Chamber in the Castle of Saint Lewis.
Present

The Hon ^{ble} Hector Theophilus Cramahé Lieutenant Governor	
Hugh Finlay	Conrad Guky
Thomas Dunn	Picottée De Bellestre
James Cuthbert	John Fraser
Edward Harrison	Henry Caldwell
John Collins	William Grant
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	François Baby
George Allsopp	Joseph De Longueüil
2 _ J. G. C. De Lery	Samuel Holland _____ Esquires
1 _ La Corne S. ^t Luc	

The Lieutenant Governor laid before the Council his Majesty's additional Instruction to the Governor dated at S.^t James's the 16.th of July 1779 – And – also a Letter from Lord George Germain to the Governor dated Whitehall 19.th July 1779 – With Translations of them in french.

Read the Instruction and Letter with the Translations.

Resolved that those papers lie on the table, for the perusal and Consideration of the members, till Thursday next the 3.rd of February, and then to be proceeded upon.

Read the Governor's speech of yesterday in English and French.

Resolved that the Consideration of the high Price of Wheat and Flour be referred to a Committee, And that Messrs Finlay, Dunn, Cuthbert, - Harrison, Allsopp, S.^t Luc, Guky, Grant and Baby, with any other – Members who may chuse to attend, compose the Committee.

Resolved also that the settling and fixing the Fees of Office be referred to a Committee, And that Messrs Collins, Mabane, Pownall De Lery, Bellestre, Fraser, S.^t Ours, Longueüil and Holland, compose that Committee.

Adjourned to Thursday the 3.rd of February.

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Thursday the 3.rd of February 1780

The same members present – Except M.^r Guky and M.^r Baby

Read in English and French the Report of the Committee appointed to take into – Consideration the present high price of Wheat and Flour; And read also the Ordinances of Messrs Beauharnois and Hoquart referred to in the said Report.

Resolved that the said Report and Ordinances lie on the Table till Monday next, for the further Consideration of the Council.

Read in English and French the Report of the Committee for settling the Fees of Office.

Resolved to lie on the table; and the same Committee to proceed to settle the Fees mentioned in the Report to be unsettled.

Resolved that his Majesty's additional Instruction, with the Secretary of States' Letter, be proceeded upon next Tuesday.

M.^r Cuthbert

M.^r Cuthbert moved [he delivered it in, in writing] ”to revise the ordinance of the 6.th of November 1764 in respect to the post=houses and carriages in this province &c, as the post=men impose on the public in a most extravagant manner at present, Montreal from Quebec is removed at least ten leagues further since the date of the above ordinance, by the payments now made.

“M.^r Finlay the postmaster general had a survey of the distance from Quebec to Montreal taken some Years ago, at the expence of the general post office, by which the public benefits nothing, farther than the saving upon the Courriers here; This Board should request the Favor of M.^r Finlay to give a Copy of the said survey, that the proper distance may be ascertained”.

Resolved to be translated into french, and to lie on the Table for Consideration.

Adjourned to Monday the 7.th Instant

=====

Monday the 7.th. of February 1780

The same members present – Except M.^r Baby

Joseph Lambert of the parish of Pointe Levy Farmer was called in and examined touching the prices asked for wheat in the district of Montreal. He said he had _ lately been in the Parishes on the River Chambly with an Intention to buy wheat, but being asked ^{from} 12 to 15 livres p Minot, he did not buy any.

The Lieutenant Governor informed the Council that he had committed to writing what he said had occurred to him upon the subject of Wheat and Flour, which he read in English and French; And he proposed them by way of Heads for the Draught of an ordinance to reduce the present high price of these necessary Articles of Life.

Mons.^r De Longueüil signified that he had done the same. And his proposal was read.

Resolved to lie on the Table till Thursday next for further Consideration.

Read a Memorandum, in french, concerning the postmen between Quebec and Montreal delivered in by M.^r Finlay.

Read also, in french, M.^r Cuthbert’s motion of the 3.rd instant.

Resolved to lie on the Table.

Resolved that His Majesty’s additional Instruction, with the Secretary of State’s Letter be taken into Consideration, and proceeded – upon on Friday next.

Adjourned to Thursday the 10.th instant.

=====

Thursday

Thursday the 10.th of February 1780

Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

Hugh Finlay	La Corne S ^t . Luc
Thomas Dunn	J. G. C. De Lery
James Cuthbert	Conrad Guky
Edward Harrison	Picottée De Bellestre
John Collins	Henry Caldwell
Adam Mabane	William Grant
George Pownall	Roc S. ^t Ours
George Allsopp	Joseph De Longueüil
	Samuel Holland _____ Esquires

Read the Paper delivered by the Lieutenant Governor the 7.th Instant, being the Heads he proposed for the Draught of an Ordinance to reduce the high price of Wheat and Flour.

Read the paper delivered by M.^r De Longueüil the same day.

Read Heads for the draught of an Ordinance upon the same Subject proposed by Col. Caldwell.

Read a Clause proposed by M.^r Mabane to be added to the Lieutenant Governor's intended Ordinance, stating that a price should be fixed on Wheat and Flour, as the most _____ effectual means to reduce the price, and prevent the spirit of ingrossing.

Read a proposal on the same subject by M.^r De Lery.

M.^r Mabane moved that the Question be put on his proposed Clause, viz, _____
 “ Whether the price of Wheat and Flour shall be fixed by an Ordinance, or not?” And
 “ being put, the voices standing 8 Ayes and 10 Noes It is voted and Resolved in the
 negative.

Resolved that the Heads proposed by the Lieutenant Governor for the _____ draught of an Ordinance to reduce the present high price of wheat and flour be read Article by Article. They were accordingly read in English and French, and unanimously assented to; - M.^r Harrison proposed an additional Clause which was likewise assented to, unanimously.

Colonel Caldwell moved to add another Clause, stating, “That for the space of three months from the time of passing the Ordinance, no person be permitted to buy
 “ any quantity of Wheat of Flour, except for the consumption of his own family, and
 “ wheat for seed. And also except the Bakers to supply the public with Bread, under
 “ certain Limitations” Upon which the Question was put “Whether that Clause should
 “ be added, or not” the Voices standing 7 Ayes and 11 Noes Voted and Resolved in the
 “ negative.
 “

Resolved and ordered that a fair Copy of the Heads proposed by the Lieutenant Governor be made out, and delivered the Attorney General, to form his Draught of an Ordinance by.

Resolved That His Excellency the Governor be addressed by the Legislative Council, requesting him to renew his proclamation of the 14.th of June last announcing the penalties against Forestallors, Regrators, and Ingrossers – And that M.^r Finlay, M.^r Dunn, M.^r Cuthbert, M.^r Harrison and M.^r Saint Luc be a Committee to prepare the Address.

Adjourned to Friday the 11.th instant.

=====

Friday the 11.th of February 1780

The same Eighteen Members present, with M.^r Fraser

Read His Majesty's additional Instruction _ Read also Lord George Germain's Letter.

Colonel Caldwell moved that the following Question be put, viz,
 “ Whether it is the opinion of the Board, that an Ordinance, such as is directed by
 “ the King's additional Instruction of the 16.th of July 1779 would be for the
 “ advantage of this province, and would tend to a more speedy and equal__
 “ distribution of Justice”?

M.^r Allsopp prayed that a Motion he had prepared might previously read, and the Question put on it __ Resolved that it be read.

Read M.^r Allsopp's Motion in these Words, viz, "For the better Understanding the Business
 “ we are met upon, the Consideration of his Majesty's royal additional Instruction
 “ to the Governor of this province, bearing date at S.^t James's the sixteenth day of
 “ July 1779, the only Instruction that the present Governor, or his predecessor, have
 “ hitherto been pleased to communicate to the legislative Council; I move that His
 “ Excellency the Governor be requested to lay before this Council all Instructions from
 “ his Majesty relative to the passing of Laws for the good Government of this __
 “ province; in order that this Council may duly contemplate his Majesty's __
 “ most gracious Intentions towards all his Subjects of this province, and prepare
 “ themselves humbly and dutifully to meet those Intentions, by seconding his __
 “ Majesty's Views for the Welfare of the province, according to the present __
 “ Circumstances thereof.”

Resolved that the following Question be put, viz, “Whether the
 “Board is to proceed upon the Business of the day, or upon M.^r _
 “Allsopp's Motion? __ And being put, the Voices standing 14 for
 proceeding upon the business of the Day, 3 for going on M.^r __
 Allsopp's Motion, One, viz, M.^r Grant signifying that he is
 not ready to give his Voice on either of the Alternatives in the
 Question And One, viz, M.^r Finlay desiring to have Time to consider
 of the propriety of M.^r Allsopp's Motion till Monday next, Voted
 and Resolved that the Business of the Day be proceeded upon.

M.^r Finlay and M.^r Grant desired that the Business of the Day might be
 put off till Monday.

Resolved accordingly

Adjourned to Monday the 14.th instant

=====

Monday the 14.th of February 1780

Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

Hugh Finlay	J. G. C. De Lery
Thomas Dunn	Conrad Gugy
James Cuthbert	Picottée De Bellestre
Edward Harrison	2 _ Henry Caldwell
John Collins	3 _ William Grant
Adam Mabane	1 _ John Fraser
George Pownall	Paul Roc S. ^t Ours
George Allsopp	Joseph De Longueuil
La Corne S. ^t Luc	Samuel Holland ____ Esquires

M.^r Allsopp moved that M.^r Finlay and M.^r Grant be requested to signify whe.^r they were prepared to give their Opinion and Voices on his Motion of the 11.th instant, they said they were prepared – M.^r Allsopp then moved that the Question upon his said Motion be again put – Resolved accordingly. Read M.^r Allsopp's _ Motion; then the Question was put, viz, “Whether the Board will proceed on the business of the Day, or on this Motion? The Voices standing 3 for, and 16 agst _ _ _ _ _ the Motion Voted and Resolved that the Motion be rejected and the business of the Day proceeded upon.

Colonel Caldwell moved that his Question of the 11.th instant be put, viz, Whether it is the opinion of this Board, that an Ordinance, such as is directed by the King's additional Instruction of the 16.th of July 1779 would be for the advantage of this province, and would tend to a more speedy and equal distribution of Justice”. Which being resolved on, and the Question read and put [M.^r Holland withdrawing and declining to vote, observing that his long absence from the province renders him unable to form an opinion upon the Question] the Voices then standing Six-Ayes and Twelve Noes Voted and Resolved that an ordinance such as is directed by the King's additional Instruction of the 16.th of July 1779 would not be for the advantage of this province nor tend to a more speedy and equal-distribution of Justice. – M.^r Finlay, M.^r Cuthbert, M.^r Pownall, M.^r Allsopp, M.^r De Lery and M.^r Grant, moved that their Reasons for their voices upon this Question might be incerted in the Minutes. – Resolved accordingly.

M.^r Finlay's

“ The question now is, Whether it is expedient to put in execution His –
 “ Majesty's additional Instruction To His Excellency the Governor dated in
 “ July last, requiring alterations to be made in the courts of Appeals and
 “ Common Pleas.

“ Every Member of this Honorable Board is, no doubt, well inclined to pay all due obedience to
 “ the King's commands. The alterations required by His Majesty are expressly said
 “ to be for the purpose of benefiting his subjects in this province, by and expeditious
 “ and efficacious distribution of Justice, founded on the principles of the British –
 “ constitution: I therefore conclude that the ordinances of this province for –
 “ establishing courts of civil Judicature have been laid before the great Law-Officers,
 “ and in consequence of their Report and Advice, the Instruction now before us has
 “ been framed. For that reason, it would be high presumption in me to suppose that
 “ the alterations which his Majesty enjoins to be made, would not be productive of
 “ the good intended; It is therefore my Advice that an ordinance be passed, deviating
 “ as little as possible from the great Out-lines laid down in the Instruction, but
 “ to have its operation suspended untill his Majesty's further pleasure is known.

“ The intention of the suspension is to give time to the members of this
 “ Board (who apprehend that the alterations required will hurt, rather than prove
 beneficial

“ beneficial to the subject) to state to the Minister, thro’ His Excellency the Governor
 “ the evils that may, in their opinions, probably result, from a change in the present
 “ mode of administering Justice. I would wish humbly to represent that I think
 “ the person appealing from the sentence of a court, to a higher court, where a ____
 “ member of the court appealed from, sits as President, may count on the Presidents
 “ voice and influence. I would likewise represent that there ought to be four ____
 “ Terms annually at Montreal, instead of Two.

“ I am of opinion that this Board may guard against every inconvenience,
 “ in framing the Law. We may certainly make deviations of this nature
 “ without incurring censure, as having acted contrary to his Majesty’s gracious
 “ Intentions.

/signed/ Hugh Finlay.

Quebec 14.th February 1780

M.^r Cuthbert’s

A M.^r Pownall’s.

With respect to the Regulations proposed in His Majesty’s Instruction being carried into immediate Execution, being to the Advantage and benefit of the province, I think in the present unsettled and disturbed situation of the province, it would not.

With regard to its being the means of administering more speedy and effectual Justice;

In this point I confess myself both diffident and hardly able to form my Judgment, But I have so great respect, and so high an opinion of the wise and deliberate Consideration under which these regulations have been formed before recommended to this Council, and I am so sensible of the want of some Regulation in one of the Courts of Law in this – province, that I recommend, as the best advice my Judgment is able to form, that the consideration and formation of the Ordinance recommended, be put off till the next Year, or some time of more Tranquility and Regularity.

/signed/

= Geo. Pownall

“ His Majesty’s royal additional Instruction bearing date at S.^t James’s the 16.th day of July 1779, together with the Minister of State’s Letter bearing date the 19.th of said Month laid before this board the 27.th of January last by Governor ____
 “ Haldimand &c &c &c, for the Advice of this Board.

“ Having considered the same I am of opinion that the Ordinance so required
 “ by his Majesty’s Instruction should pass into a Law, under such Regulations as
 “ may be thought necessary for the Good of the province; And desire this my Vote may be
 “ entered in the minutes of Council.

/signed/ James Cuthbert –

“ Quebec 14.th February 1780.”

A

M.^r Allsopp’s

“ M.^r Allsopp’s opinion is that it would be for the advantage and benefit of the
 “ province to advise the Governor,

“ That an ordinance be framed and passed in conformity to
 “ his Majesty’s royal additional Instruction bearing date at S.^t James’s the 16.th day of ____
 “ July 1779 with a saving clause to the following purport;

“ That neither the chief Justice nor any other Judge of the courts of Appeals or
 “ Common Pleas shall have two voices, or a preponderating voice in any of the s.^d courts,
 “ there appearing by this new regulation to be intended eight Judges in the court of ____
 “ appeals, and four in each of the courts of Common Pleas; and therefore, to remedy
 “ the inconvenience of an equal division of voices, Let it be enacted, That when the
 “ voices shall be equal in the Courts of Common pleas, the eldest member of the ____
 “ Council, not being one of the Judges of the said Courts, shall be added to the Judges so—
 “ divided in opinion, and the cause reheard. And when it shall so happen that the ____
 “ Voices in the Court of Appeals shall be also equally divided, That there be added to the
 “ Number of Judges in that Court, the eldest member of the council, not being a Judge of
 “ either of the Courts of Common pleas, nor having before sat on the Cause, and the
 “ Cause reheard.”

/signed/ Geo. Allsopp.

M.^r De Lery’s.

in council Quebec February
 14.th 1780.

M.^r De Lery's.

“Je suis d’opinion qu’il soit passé une ordonnance relative à l’ordre
du Roy du 16 Juillet 1779, et qu’elle n’aura force de Loi qu’après que sa
Majesté l’aura approuvée. A Quebec le 14 février 1780.”

/ Signé / J. G. C. De Lery.

M.^r Grants’.

“William Grants’ Advice, Opinion, and Reasons, respecting his Majesty’s Instruction of
the 16.th July last, which he begs may be incerted in the Minutes of Council.

“ His Excellency the Governor by his speech of the 27.th of January, requests the
Advice and Opinion of the Legislative Council on his Majesty’s Instruction of the 16.th
of July last, which with the Secretary of State’s Letter of the 19.th His Excellency has _
been pleased to lay before the board.

“ The Quebec Bill, and other Authorities point out that the power of erecting
constituting and appointing Courts of criminal, civil, and ecclesiastical Jurisdiction
is solely vested in his Majesty, and of nominating and appointing the officers and __
Judges thereof from time to time, as to his Majesty shall seem necessary and proper
according to the Circumstances of the province. And his Majesty by His Instruction
aforesaid, strictly requires and enjoins, that an ordinance be framed and passed with
the advice and consent of this Council to amend the ordinances now- in force relative
to courts of civil and criminal Jurisdiction throughout the province.

“ Tho’ the Court of Appeals directed by His Majesty’s Instruction does not,
appear to me intirely perfect, Yet I am of opinion it is more so, and more consonant
to the british Constitution than the present. A Court in which there will be an
equality, if not a Majority of Judges and Gentlemen who study the Laws, is more
likely to gain the Confidence and give satisfaction to his Majesty’s subjects, than
a Court composed of Gentlemen whose judicial Ideas are mostly guided by common
sense. If common sense in every man was the same, it might be an excellent
mode of ascertaining the Rights of Individuals; but as it is variable, I think it
but a bad Criterion of legal Justice. The british Lawgivers and Judges have
ever endeavoured to make the Laws the Rule of Decision; And every man
knows they are not acquired without much study, experience and application.

“ I do not apprehend the propriety of the Courts directed, being composed of
an equal number of Judges; for in the Case of an equal Division of Voices (which
may often happen) the Cause in Litigation would not be determined, unless it is
intended to give the Chief Justice a preponderating Voice; and if it is, I humbly __
presume it will be contrary to the general Usage. Nor do I conceive that the
frequency of Appeals should be prevented, by giving the Chief Justice a Vote in
both Courts. The influence he would assume, and the seeming Impropriety _
of appealing to himself, are, in my Judgment, more to be guarded against, than
the evil attending the Frequency of Appeals.

“ Four Terms in the Year are equally requisite for Montreal as for Quebec.
Stated Terms, in my estimation, are better adapted the Welfare and Prosperity of
an industrious and commercial nation, than daily or weekly courts. Wherever Law

is

“ is easily and readily come at, much time is lost in trifling Litigation.

“It will be pleasing to the Judges of the proposed Court of Appeals, that Facts will be found in the Court below. There, the persons before whom the Witnesses _ have been heard, will be the Estimators of the Degree of Credibility due to their Evidence.

“On the whole therefore I am of Opinion That it is the Duty of the Legislative Council to advise his Excellency the Governor to carry the King’s _ Instruction into immediate Execution, by passing the Ordinance therein set forth. And afterwards to represent to His Majesty the Difficulties that occur. But as little or no immediate benefit can arise, the Chief Justice being absent from the province, I think the Ordinance should contain a clause suspending its _ Effect, till it receives his Majesty’s further royal Approbation.”

/ Signed / William Grant

14.th February 1780.

M.^r Mabane moved that “As a majority of the Legislative Council has been of opinion that the passing an ordinance agreeable to his Majesty’s Instruction of the 16.th of July 1779 would not be for the advantage of the province, nor tend to the speedy and _ impartial administration of Justice, A Committee be appointed to draw up an _ address to His Excellency the Governor containing the Reasons why they could not comply with an Instruction approved by his Majesty’s Secretary of state and _ proposed by His Excellency the Governor; as this Council has the utmost Deference for every thing that comes recommended by so respectable an Authority” _ Resolved that the Question be put; and being put, the voices standing 16 Ayes and 3 Noes Voted and resolved that a Committee be appointed for that purpose. And resolved further that M.^r Dunn, M.^r Harrison, M.^r Mabane, M.^r Pownall, M.^r _ Fraser, M.^r Caldwell, M.^r S.^t Ours and M.^r Longueüil, with any Member who may choose to assist, compose the Committee.

M.^r Grant stating “That some Gentlemen of this Legislative Council having doubted the Rectitude of a Member’s taking a Copy of His Majesty’s Instruction of the 16.th of June last, laid before this Hon^{ble} Board on the 27.th of January together, with a Letter from his Majesty’s Secretary of State, by his Excellency the Governor for the advice and opinion of this Council thereon, moved That the Question be put Whether a Member of Council acting in his Legislative Capacity may not take a Copy of such papers as are laid before the Board by his Excellency the Governor or any other person; in order deliberately in his Cabinet to instruct his Mind _ and form his opinion on the Matter committed to him.” Resolved that it be put; And being put, the voices standing 8 Ayes and 11 Noes _ Voted and Resolved in the Negative.

M.^r Grant then moved, That the Question be again put, changing the Word Copy for Notes or Extracts. The Question was so put, and the Voices standing 17 Ayes and 2 Noes Voted and resolved That a Member of Council acting in his legislative Capacity may take Notes or Extracts of such papers as are laid _ before the Board by the Governor, or any other person.

M.^r Fraser

M.^r Fraser read a Paper, of which follows a Copy, viz, “Nearly the same Question, on “M.^r Allsopp’s Motion, has been twice put to the Vote, I think it may be very proper to “reconsider any Thing; I therefore move that the Question, Whether the Price of Wheat and “Flour shall be fixed by an ordinance, or not, may be once more put; that I may have “an opportunity of giving my opinion; I am exceedingly sorry I was absent, I was so “from real indisposition : But I think every Member that has assisted at the several “Deliberations, should have an opportunity of giving his opinion, as the plurality _ “determines the propriety or Impropriety of any measure. It indulges me to say even “now that Grain and Flour should be taxed as the best method to answer all good Ends.”

Resolved to lie on the Table.

The Attorney General delivered in his Draught of the Ordinance for reducing the __ high price of Wheat and Flour __ Resolved to be translated into French, and to lie on the Table.

Read __ The Draught of an Address to His Excellency the Governor for renewing his Proclamation of the 14.th of June last. __ Resolved to lie on the Table.

Adjourned to Tuesday the 15.th Instant

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Tuesday the 15.th of February 1780.

The same Members present.

M.^r Fraser moved “that the Consideration of his Motion of Yesterday be put off till Friday; and as it relates to a Matter of the utmost Importance, that All the Members in Town be summoned to attend.” Resolved accordingly.

M.^r Mabane moved that the following Question be ordered by the Council to be laid before the Attorney General for his Opinion upon it, viz, “Whether under the “Clause of the Quebec Act, which gives to the legislative Council Power and Authority “to make Ordinances for the peace, welfare and good government of the province, the “legislative Council, at a Time when Wheat is at two Dollars *p* Bushell, and __ “Flour at Eight Dollars *p* hundred Weight, has a legal Authority to fix a price “upon Wheat and Flour ? ”---- Resolved accordingly.

M.^r Allsopp moved that the following Questions be subjoined to the foregoing to be laid before the Attorney General, viz, “Whether there is any precedent in Law “i, e, in the Statutes of Great Britain, that the Farmers have been obliged to deliver “wheat out of their Granaries; Or upon Refusal to deliver it, That the Magistrates “have been authorized to take wheat at a fixed price by force. And if the __ “parliament has never passed such a Law, Whether the Legislative Council as __ “established by the Quebec Bill can pass a Law to that Effect” __ Upon which the Question was put, and the Voices standing 11 Ayes and 8 Noes; Voted and Resolved in the Affirmative.

M.^r Grant moved “That an Ordinance be prepared and passed to point out to “the people, who are deemed Regrators, Ingrossers and Foretallers by the Law; and a “Committee appointed for that purpose” __ Resolved accordingly. And that M.^r __ Finlay, M.^r Dunn, M.^r Harrison, M.^r De Lery, M.^r Caldwell, M.^r Fraser and M.^r Grant, with any other Member who may chuse to assist, compose the Committee.

Resolved That the same Members be a Committee to take into Consideration the Draught of the Ordinance lying on the Table since yesterday, and the Attorney __ General desired to attend them.

The

The Lieutenant Governor signified that he had in charge from his Excellency the Governor to lay before the Council the 14.th and 15.th Articles of his Majesty's Instructions to him, relating to the Establishment of Laws and Courts of Justice, which he delivered : And he signified further that His Excellency had desired him to inform the Members, that he had two of three more Articles on the same subject, which he did not think proper to lay before the Council at present.

Resolved That the said 14.th and 15.th Articles, now delivered in, be translated into French, and lie on the Table.

Adjourned to Friday the 18.th Instant.

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Friday the 18.th of February 1780.

The same Members, together with M.^r Levesque, present.

The Attorney General represented That he was not yet prepared with his Opinions upon the two Questions laid before him the 15.th Instant. That he would deliver them on Monday next.

Read – The Report of the Committee appointed to prepare an Ordinance to point out to the people, who are deemed Regrators, Ingrossers, and Foretallers by the Law. – Upon which Colonel Caldwell moved that the Question be put “Whether the Committee shall have “power to alter, for the Consideration of the Council, the Laws of England, so far as Locality – “and the different Circumstances of this province may require ” – Resolved to be put, the Voices standing 18 Ayes and 2 Noes Voted and Resolved in the Affirmative.

Read – The Report of the same Committee upon the Draught of the Ordinance – lying on the Table, inserted in the same paper with the above Report. – Resolved – to be delivered the Attorney General, to amend the former Draught conformable to the Report.

Read – M.^r Cuthbert's motion of the 3.^d Instant – On which M.^r Finlay informed the Council that he had not the original Survey mentioned in the Motion, nor a Copy of it, in his Possession – M.^r Cuthbert then moved” for Leave to bring in an Ordinance for “regulating the post houses”. Which being objected to, the Question was put, viz,” Whether “Leave shall be given M.^r Cuthbert to bring in an Ordinance for regulating the post houses “and a Committee named to take the same into Consideration” The Voices standing 17 Ayes and 3 Noes Voted and resolved in the Affirmative – And M.^r Cuthbert, M.^r Harrison, M.^r Collins, M.^r De Lery, M.^r Guky and M.^r Holland, with any other Member who may chuse to assist, are to compose the Committee to take the Ordinance into Consideration.

adjourned to Monday the 21.st Instant.

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Monday

Monday the 21.st of February 1780.

The same Members present.

The Attorney General delivered in his Opinions on the Two Questions referred to__ him the 15.th Instant.

Read __ The Attorney General's Opinions in English, and French, having been translated by M.^r Cugnet. __ Resolved and Ordered that those Opinions be entered in the Minutes. __

Copy.

“ Question

“ Whether the Clause of the Quebec Act, which gives to the Legislative Council _
 “ power and Authority to make ordinances for the peace, welfare and good __
 “ government of the province; the legislative Council at a time when Wheat is at
 “ two Dollars *p* Bushell, and flour at eight dollars *p* hundred Weight, has a legal
 “ authority to rate and fix a price upon wheat and Flour?

“ Answer

“By the terms rate and fix, as applied to the Value of wheat and Flour; I understand the taxing and limiting the value of the husbandman and the merchant's property, his wheat and Flour.

“By legal power and authority to do that Act, and by referring to the price of wheat at 2 dollars *p* bushell, and Flour at 8 dollars *p* hundred Weight; I understand the Question ^{in Effect} to be; Whether the Legislative Council with the Assent of His Excellency the Governor is sufficiently authorized by the Statute of the 14.th of his present Majesty, chap. 83, to rate and fix, to tax and value the several prices of wheat and flour, at less prices and sums of money, than the now actual value, and _ for which the same are sold openly and publickly, and in a legal manner. And _ by the ordinance which so rates and fixes the price and value of wheat and flour, to enact, and legally thereupon to enforce penalties and Forfeitures upon His _ Majesty's subjects who possess a greater quantity of wheat or flour than may be actually necessary for their Seed-corn and Sustenance, to sell the same to such other his Majesty's subjects who may be in want thereof, and at the several prices rated and fixed by such Ordinance to be made by the Legislative Council, with the assent of his Excellency the Governor.

“ I am not of opinion that the above statute vests in the legislative Council _ legal power and authority, or that the Governor is authorised to assent to any ordinance if made by the legislative Council, to rate and fix, to value and tax _ the price of wheat and flour, in the manner stated.

/Signed/ J. Monk Attorney General
 February 17.th 1780.

“Question

“ Whether there is any precedent in Law, i, e, in the Statutes of Great Britain
 “ that the Farmers have been obliged to deliver wheat out of their Granaries _
 “ or upon refusal to deliver it, that the Magistrates have been authorised _
 “ to take Wheat at a fixed price by force? And if the parliament has never
 “ passed such a Law; Whether the Legislative Council as established by the
 “ Quebec Bill can pass a Law to that Effect.

“ Answer

“There have been several Statutes of Great Britain from the reign of Edw.^d 3 to “that of Hen. 8.th but none since, granting power to the Magistrates, Mayors and Aldermen

“ Aldermen in the respective counties and cities, their doings being approved by the
 “ first civil officers of the crown, and by his Majesty’s proclamation thereupon to ____
 “ rate and tax the various victuals necessary for the Sustenance of Man, wheat
 “ included.

“ But those Laws have rather been regulations and restraints upon Markets,
 “ goods and virtual there brought for sale, than compulsory upon the owners of such
 “ victuals, out of market.

“ Yet there are instances where even the husbandman hath been compelled to
 “ vend and sell the produce he actually had for sale, and at reasonable prices fixed ____
 “ and rated by those Magistrates.

“ I find the general mode of such compulsion to have been Forfeiture of the
 “ virtual and commodity, and by penalties adjudged by the several courts where
 “ delinquents were prosecuted and convicted; and particularly by the 25.th Henry 8.th
 “ chap. 1. in the star-chamber; which statute was first suspended, and afterwards ____
 “ repealed in the reign of the same King; as a Law which tended to the distress and ____
 “ ruin of Individuals.

“ The latter part of the above question is answered in a former opinion of
 “ this date before the legislative council.

/Signed/ J. Monk Attorney General
 February 17.th 1780.

M.^r Fraser moved “That the Heads he delivered in of an ordinance to reduce the present
 high price of wheat and flour, be read ____ Read those Heads in English and French.
 Resolved to lie on the Table, for Thursday next.

Read ____ the second Report of the Committee on Fees; Whereof follows a Copy, viz.

“Committee Chamber 21.st February 1780.

“On the 2.nd Instant we reported to the Council That we had settled in a great
 “ part the Fees of Office ____ That those then remaining unsettled were the Judge of the Court of
 “ Vice Admiralty’s, the Deputy Receiver General’s, and the Attorney General’s fees.

“ “With regard to the Judge of the court of Vice Admiralty We have to inform the ____
 “ Board that we have perused a letter dated the 30.th of January 1773 from John Robinson
 “ Esquire Secretary to the Right Honorable The Lord’s Commissioners of His Majesty’s ____
 “ Treasury to the then Commander in chief of this province, wherein M.^r Robinson ____
 “ mentions That upon reading to their Lordships a Letter from Governor Carleton stating
 “ that he thought £ 200. a year would be a reasonable Salary to the Judge of the
 “ Vice Admiralty of the province of Quebec, and that he should be forbid from taking
 “ any fee or further reward for the duties of that office And that their Lordships
 “ consented that he be allowed a Salary of £ 200. a year, in respect of the said Office,
 “ provided he received no other Imolument for the duties thereof. In consequence ____
 “ whereof we caused a Letter to be wrote to the Surrogate, stating the purport of the
 “ above Letter, and informing him That we meant to recommend to the Council to
 “ incert an Article in the intended Ordinance, notifying that no fees are to be
 “ taken by the Judge of the Court of Vice Admiralty, unless he should think it more
 “ for his Interest to relinquish the Salary, and to stand to the Fees already allowed
 “ or hereafter to be allowed him by Acts of Parliament, and those which might
 “ be allowed by the intended Ordinance; in which case he was requested to make
 “ out a List of fees, and to lay it before us. The Surrogate in his Answer has
 “ stated reasons, why it may be presumed, as it seems to be his opinion, that
 his

“ his Majesty may have been graciously pleased to intend, that notwithstanding an
 “ allowance for Salary, the Judge of the Vice Admiralty shall take Fees; But the —
 “ Surrogate states that he submits this Matter intirely as concerning himself
 “ and acting only in the absence of the Judge, to the determination of the Council, or
 “ the Governor’s order in respect thereof. We are of opinion upon the Letter transmitted
 “ to the Commander in chief from the Secretary of the Treasury, That it is their —
 “ Lordship’s intention that no fees shall be taken by the Judge of the Vice —
 “ Admiralty of this province. And therefore we recommend that at the place where
 “ the fees of the different officers of the Court of Vice Admiralty are to be —
 “ incerted in the ordinance, a preamble be put, notifying to the public His
 “ Majesty’s gracious attention to his subjects in this province, in allowing a
 “ Salary to the Judge of that Court, in Lieu of Fees.
 “

“The Deputy Receiver General has delivered us a Memorial —
 “ representing That hitherto no fee whatever has been taken in the Receiver General’s
 “ office. That he is not at present sufficiently instructed by Sir Thomas Mills the
 “ Receiver General, to point out generally to us, the fees which he may think himself
 “ intitled to demand. That those which occur to him are 7/6 on each Licence
 “ to sellers of spirituous liquors, and 6.^d in the pound on each Warrant paid by
 “ him. And as to others, he prays he may not be precluded, when prepared, to —
 “ submit them to Consideration. We are of opinion that those demands of the
 “ Deputy Receiver General of 7/6 on each Licence to Sellers of spirituous —
 “ Liquors, and 6.^d in the pound on each Warrant are improper, and ought not to
 “ be allowed to him.

“The Attorney General has annexed a List of the fees he claims to
 “ a Memorial which he addresses to the Council, accompanying this. We observe that
 “ the memorial states, among other things That His Majesty by Letters Patent hath —
 “ granted, regulated, fixed and established the several Fees pertaining to his Office. We
 “ have examined the King’s Mandamus to the late Governor Sir Guy Carleton requiring
 “ him to issue Letters patent to the present Attorney General; And we find that it . —
 “ authorizes him To hold, exercise and enjoy that office during his Majesty’s pleasure,
 “ together with all and singular the Rights, fees, profits, priviledges and advantages
 “ thereunto belonging or appertaining, in as full and ample manner as any Attorney
 “ General of this province hath heretofore held and enjoyed, or of right ought to have held
 “ and enjoyed the same. The List of Fees annexed to the Memorial is, we imagine, a
 “ copy of the List of Fees allowed in the Leeward Islands; And in order to get Information
 “ how far those fees were introduced into this province we examined the Commissions —
 “ and Mandamus’s of the present Attorney General’s predecessors, and we find that —
 “ those fees are mentioned in M.^r Suckling’s Mandamus. But we must observe that
 “ it was prior to the new Regulation of this province, when the Salary was but £150.
 “ whereas it has been since augmented to £300. p Annum. And it should seem —
 “ that the Governor and Council in 1765 considered the fees of the Leeward Islands —
 “ improper for this province, and with that Idea did, on the 20.th of June in that Year,
 “ settle the Attorney General’s Fees, among those of the several other Officers of
 “ Government; a general List whereof remains of record in the Secretary’s Office.
 “ We have informed the Attorney General that we were of Opinion, his Majesty’s Letters
 “ patent did not authorize his taking the Fees stated in the List annexed to his

memorial

“ Memorial; and therefore requesting him to lay before us another List, more ____
 “ suitable to the Business of his Office done in this province, which we are not yet
 “ furnished with. But in order that the Business referred to us might receive no
 “ longer Delay, We have in the best and fairest manner we were able, made out
 “ a List of Fees for his Office, partly from that settled by the Governor and Council
 “ on the 20.th of June 1765, and partly from that annexed to his Memorial to the
 “ Council, which is stated among the Fees of the other Officers of Government. Out
 “ of respect to the office of Attorney General, we have added a paragraph that ____
 “ the King’s Attorney General of the province is to be allowed one third more Fees
 “ for business done in the different Courts of Justice than any other Attorney
 “ And from the like motive we have done the same with regard to the King’s ____
 “ Advocate General of the province for Business done in the Court of Vice Admiralty.
 /Signed/ John Collins Pr.

Resolved to lie on the Table.

The Attorney General approached to address the President Upon which ____
 “ Colonel Caldwell moved “That the Sense of the Council be taken Whether the Attorney
 “ General has or has not the privilege to address the president of this Council by Motion,
 “ or otherwise deliver his opinion unasked relative to the subject matter of any Debate
 “ or proceedings agitated here” ____ Resolved, to lie on the Table till Thursday next.

Colonel Caldwell moved “That the Attorney General be heard upon some Matter
 “ which he wanted to communicate” ____ Resolved that he be heard. ____ He requested a
 Copy of the Report of the Committee upon Fees, delivered in and read this Day. ____
 Resolved that a Copy of so much of the said Report as has Reference to the
 Attorney General, and Judge of the Court of Vice Admiralty, whereof he is Surrogate,
 be delivered the Attorney General.

The Committee appointed to prepare, with the Assistance of the Attorney
 General, an ordinance to prohibit the Exportation of Wheat, Flour, &c, delivered it
 in ____ Read the same in English and French ____ 1.st Reading.

Resolved that the Attorney General be desired to prepare an Ordinance
 for establishing the fees of Office.

Adjourned to Tuesday the 22.nd Instant.

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Tuesday 22.nd February 1780

The same Members present –except M.^r Levesque.

Read ____ The Heads of an Ordinance declaratory of the Laws of England ag.st Foresters
 Regrators and Ingrossers now in force, and in Amendm.^t of the Laws, now delivered in by
 the Committee. Resolved to be translated and a fair Copy made out, to lie on the
 Table till Friday.

M.^r Finlay moved “That the manner of debating and passing Bills in Parliament ____
 “ may be considered, and that mode adopted by this Council as nearly as possible; that it may
 “ proceed regularly in the Business before it, and in all matters hereafter to be made. M.^r
 Finlay delivered in a paper intituled “The manner of debating and passing Bills in ____.
 “ Parliament.” ____ Read, the said paper in English and French.

Resolved to lie on the Table.

Adjourned to Thursday the 24.th Instant.

Thursday the 24.th of February 1780.

The same Members present, with M.^r Levesque & M.^r Baby.

Read _ The Draught of an Ordinance to prohibit for a limited time the Exportation of wheat &c _ M.^r Mabane proposed an Amendment, which was unanimously assented to. _ 2.nd Reading.

Read _ The Heads of an Ordinance proposed by M.^r Fraser to reduce the present high prices of Wheat and Flour. _ Read, a second time, the Attorney General's opinion on the _ two Questions referred to him the 15.th instant.

M.^r Fraser moved that the Question be put, viz, "Whether it is the Opinion of the Council that the fixing a price on wheat and flour, is such a Tax or Duty as the act of parliament of the 14.th of his present Majesty, chap. 83, forbids?" The Lieu^t. Governor proposed that the previous Question be put, Resolved accordingly; On which the Voices standing 10 Ayes and 11 Noes, M.^r Fraser's Question is rejected.

M.^r Fraser then moved that the Question stated in his Motion of the 15.th instant viz, "Whether the price of Wheat and Flour shall be fixed by an ordinance? be put _ Resolved

accordingly _ The Question being put, and the Voices standing 10 Ayes and 11 Noes Voted and Resolved that the price of wheat and flour shall not be fixed by an Ordinance.

M.^r Grant moved for Leave to bring in an Ordinance to reduce the price of Wheat, the Heads of which he read _ Resolved to be translated into french, and to lie on the Table.

M.^r Cuthbert, President of the Committee to prepare Heads of an Ordinance for regulating the posts, delivered in the Report of that Committee _ Resolved to be _ translated into french, and lie on the Table.

Colonel Caldwell moved that the Sense of the Council be taken on the Question lying on the Table, viz, "Whether the Attorney General has, or has not the privilege _ to address the president of this Council by motion, or otherwise deliver his opinion _ unasked relative to the subject Matter of any Debate or Proceedings agitated here ?" _ Resolved unanimously that the Attorney General has not the privilege to address the president of this Council by motion, or otherwise deliver his opinion unasked, relative to the subject mater of any Debate or proceedings agitated here.

M.^r Allsopp moved that the Sense of the Council be taken "Whether in Matters concerning the King's Business, the Attorney General may address the president verbally, for Leave to speech in a measure in which the Crown may be interested, without a petition?" _ Resolved that the previous Question be put; and being put, the Voices standing 1 Aye and 20 Noes, the Question proposed by M.^r Allsopp is rejected.

M.^r Attorney General delivered in the Draught of the Ordinance for establishing the fees of Office. – Resolved to be translated, and lie on the Table.

Adjourned to Friday the 25.th instant.

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Friday the 25.th February 1780.

The same Members present.

Resolved to read the Heads of an Ordinance intituled “An Ordinance declaratory of the Laws of England against Forestallors, Regrators and Ingrossers now in force in ___ this province, and in Amendment of the said Laws ” Article by Article. ___ On reading the fifth Article, M.^r Mabane moved that the Statute of the 5.th and 6.th of Edw. the 6.th chap. 14. Sect 10. be read ___ Read the same ___ M.^r Mabane then moved “that the same mode of prosecution as that directed in the s.^d 10.th Section be adopted, and this Article amended in Conformity therewith “Resolved that the Question be put, ___ and being put, the voices standing 14 Ayes and 6 Noes, Voted and resolved that this ___ Article be amended by Making the mode of prosecution conformable to the s.^d ___ Statute. ___ On reading the 6.th Article, M.^r Allsopp moved that a proviso be subjoined thereto, explanatory of it – Resolved that the Heads be read throughout, ___ and that the Amendment proposed lie on the Table for Consideration – Read the Heads throughout ___ M.^r Dunn proposed an Amendment to be incerted in the proper ___ place, viz, “Nothing in this Ordinance shall be construed to prevent the Governor, Lieu.^t Governor or Commander in chief from authorising any person or persons to purchase any quantity of Wheat, Flour, Biscuit, or other provisions, for the Use of His Majesty.” M.^r Allsopp moved that the proposed amendment should be in these words, viz, “Provided Also that it shall be lawful for the Governor, Lieutenant Governor, or Commander in chief for the Time being, by and with the advise and consent of his Majesty’s Council, to issue an order of Council, licensing any person or persons to purchase Grain, Flour or Biscuit for his Majesty’s use, which order shall express the quantities so allowed to be purchased.” Resolved that the Question be put, “Which of the two proposed ___ Amendments shall be adopted “And being put, the Voices standing 17 for the first ___ proposed amendment, and 2 for that proposed by M.^r Allsopp, and M.^r Grant being ___ against adopting either, “being in his opinion unnecessary, as it is the King’s ___ prerogative not to be bound by Acts of Legislation, wherein his Majesty is not ___ particularly named.” Voted and Resolved that the first proposed amendment be ___ incerted in the Ordinance at the proper place. ___ Resolved that those Heads be delivered the Attorney General to form the Draught of an Ordinance thereby.

Read ___ the Heads of an Ordinance for regulating the Postmen &c. ___ Resolved to lie on the Table.

Resolved _ on the proposal of the Lieutenant Governor, and in Consequence of M.^r Finlay’s Motion of the 22.nd instant, That M.^r Finlay, M.^r Harrison, M.^r Mabane, M.^r Pownall, L.^t Colonel Caldwell, M.^r S.^t Ours and M.^r De Longueuil be a Committee for framing Rules and Orders ___ to conduct the business of the Council with more Regularity in time to come. And to consider of the Attorney General’s Attendance thereupon.

Read ___ The Attorney General’s Memorial to the Council, and the List of Fees annexed to it, both accompanying the Report of the Committee on Fees delivered in the 21.st instant _ Resolved to lie on the Table.

Adjourned to Saturday the 26.th instant.

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Saturday the 26.th February 1780.

The same Members present __ except M.^r Baby.

Read – The Draught of an Ordinance for the regulation and establishment of Fees __ Read the Attorney General's Memorial of the 1.st, his List of Fees of the 2.nd and his Letters of the 5.th and 16.th instant to the Committee __ Read also, a second time, that part of the Report of the Committee which relates to the Attorney General. __ 1.st Reading of this Ordinance.

Read _ The Draught of an Ordinance to prohibit for a limited time the Exportation of Wheat &c __ 3.rd Reading _ Passed the Council, and ordered to be ingrossed fair.

Read _ a Clause which M.^r Allsopp moved to have added to the 7.th Article of the Ordinance intitled "An Ordinance declaratory of the Laws of England ag.st Forestallors &c. " Resolved that the Question be put "Whether this Clause shall be added." The Voices standing 4 Ayes and 16 Noes, Voted and Resolved in the negative.

adjourned to Monday the 28.th instant.

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Monday 28.th February 1780.

The same Members present – except M.^r Dunn.

Read _ The Heads of an Ordinance for regulating the post __ Resolved to be delivered the Attorney General to prepare the Draught of an Ordinance there by.

Read _ The Draught of the Ordinance for regulating and establishing the Fees of Office. 2.nd Reading.

The Attorney General delivered in his Draught of an Ordinance declaratory of the Laws of England against Forestallors, Regrators and Ingrossers, &c. __ Read the same in _ English _ 1.st Reading __ Resolved to be delivered to be translated; And any Member having Amendments to propose, is to lay them on the Table, for Consideration.

Resolved that the Observations now presented by the Attorney General on some of the Fees which have passed the Committee, be examined and considered by the same Committee; And __ if they should think it proper, to make the necessary Alterations.

adjourned to Tuesday the 29.th instant.

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Tuesday 29.th February 1780.

The same Members present __ except M.^r Levesque.

Read _ The Report of the Committee on Fees in Consequence of the Reference of yesterday, which was approved by the Council.

Read _ The Fee ordinance _ 3.rd Reading _ After reading the Fees settled for the Attorney General, M.^r Allsopp moved That the question might be put "Whether the Attorney General's Fees shall stand as reported by the Committee, or be left open for his Majesty's pleasure, because his Majesty has been pleased to allow his Attorney General of this Province to receive the Fees established in the Leeward Caribbee Islands." Colonel Caldwell moved that the previous question be put; and being put, the Voices standing 4 Ayes and 14 Noes, M.^r Allsopp's Question is rejected. __ M.^r Mabane moved that the Question be put, "Whether the Attorney General's Fees shall stand in the ordinance as reported _ by the Committee "And being put, the voices standing 14 Ayes and 4 Noes. Voted and Resolved in the Affirmative __. Read the Surrogate of the Court of Vice Admiralty's Letters

Letters to the Committee of the 2nd 5th and 13.th Instant, assigning Reasons why the Judge of that Court should be permitted to take Fees, notwithstanding the Salary__ allowed him __ Read a Copy of a Letter from John Robinson Esquire Secretary to the R.^t Hon.^{ble} the Lords Commissioners of His Majesty's Treasury dated the 30.th of __ January 1773 to Hector Theophilus Cramahé Esquire then Commander in chief of the province, signifying their Lordship's consent to allow M.^r Johnston the then Judge of the Admiralty a Salary of £200. Sterling a Year, in Lieu of Fees __ M.^r Allsopp moved that the Question be put "Whether the Paragraph
 " in the Ordinance concerning the Judge of the Admiralty shall stand as stated
 " in the Ordinance, or not? " Resolved to be put ; And being put, the Voices standing 14 Ayes and 4 Noes, Voted and resolved in the Affirmative. Passed this Ordinance. adjourned to Wednesday the 1.st of March.

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Wednesday 1.st March 1780

The same Members present.

Read – The Draught of the Ordinance for regulating the Maîtres de poste – 1.st reading.

Read – The Draught of the Ordinance declaratory of the Laws of England ag.st Foresters Regrators and Ingrossers, &c __ 2.nd reading – Colonel Caldwell moved "that a proviso
 " be subjoined to the 2.nd Article of this Ordinance, stating that it shall not be __
 " lawful for any marchand de côte, or country Shop keeper, to purchase or take in
 " payment of debt, any quantity of wheat, over and above what may be necessary
 " for the support of his family, when the current price is greater than that limited
 " by this ordinance, except it be on Commission from some person who may have
 " obtained a Licence from the Magistrates, on pain of being punished as Regrators
 " and Ingrossers " Resolved that the Question be put, and being put, the Voices _
 " being equal 9 Ayes, and 9 Noes, Resolved that the Motion lay on the Table.
 Colonel Caldwell then moved that a Clause be incerted stating "That it shall not be
 " lawful for any marchand de côte, country Shopkeeper or other person, without
 " Licence, to purchase or take in payment of debt, any quantity of Wheat, over and _
 " above what may be necessary for the Support of his family, when the current__
 " price is greater than that limited by this ordinance, on pain of being punished
 " as Regrators and Ingrossers " Resolved that the Question be put, and being put,
 the voices standing 17 Ayes and 1 Noe, Voted and resolved that a clause for the
 purpose be prepared by the Attorney General to be incerted in the Ordinance. __
 On reading the 4.th Article M.^r Mabane moved, That the Words "Oath of twelve or
 " more lawful men " be struck out, and the words "Laws of the realm of England"
 " incerted instead thereof. Resolved that the Question be put, and being put, the
 Voices standing 16 Ayes and 2 Noes Voted and resolved that the Amendment __
 proposed be made at this Article __ On reading the same Article, M.^r Allsopp moved
 "That the punishment of the pillory therein stated, be struck out, because it establishes
 " a new crime, and therefore exceeds the power vested in the Council" Resolved that_
 the question be put, And being put, the voices standing 4 Ayes and 14 Noes, Voted
 and resolved in the Negative. __ On reading the 8.th Article, M.^r Allsopp moved that
 the Clause he proposed the 25.th of February sho.^d be subjoined thereto; Resolved __
 unanimously in the Affirmative. __ On reading the 12.th Article, M.^r Allsopp moved
 that the prices stated in this Article upon Wheat, Oats, and the other Items be aug=
 =mented; Resolved that the Question be thereupon put, and being put, the voices

standing

Standing 7 Ayes and 11 Noes, Voted and Resolved in the Negative. __ Colonel __ Caldwell moved upon the same Article a Clause be added, stating “That in order to ascertain what may be the current price of the several Articles above mentioned __ the Magistrates in their respective Districts to have power summons such persons as they shall think proper, and through their Clerk to transmit to the other District the prices thus ascertained to be published in the Gazette ” Resolved that the Question be put, and being put, the Voices standing 10 ayes and 8 Noes, Voted and resolved in the Affirmative. ____ M.^r Allsopp then moved that a paragraph be subjoined to __ Colonel Caldwell’s clause, stating “That no person shall be convicted as an ingrosser __ who may have, bonâ fide, purchased wheat, or any of the other Articles under the prices regulated in the Ordinance;” which was unanimously assented to.

adjourned to Thursday the 2.nd Instant

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Thursday 2.nd March 1780

All the Members present __ except M.^r Dunn & M.^r Baby

Read __ The Ordinance declaratory of the Laws of England ag.st Forestallors &c __ 3.rd reading __ The Lieutenant Governor asked, if the Ordinance sho.^d pass; M.^r __ Grant objected to some of the Articles and proposed to have them amended – Resolved __ That the Question be put “Whether the Ordinance shall pass?” And being put, the Voices standing 17 Ayes and 2 Noes, Voted and resolved that it pass __ Ordered to be ingrossed.

M.^r Dunn, president of the Committee for preparing an Address to the __ Governor, being indisposed, sent it into Council – Read the same in English and French __ M.^r Cuthbert moved that it be amended in that part which mentions __ the words “Legislative Council” and that the Words “ Majority of the Legislative Council” be incerted. ____ M.^r Finlay observed “that he had not examined and __ considered the Address, but he thought it contained matter for serious Consideration and moved “That the Address might lie on the Table till too morrow.” Resolved that the Question be put “Whether the Address shall pass, or lie on the Table till next meeting” Which being put, and the Voices standing 11 for passing it at __ present, and 6 for its lying on the Table. Voted and resolved that it pass. __ Ordered to be ingrossed fair, and incerted in the minutes, whereof follows a Copy, viz,

“ To His Excellency Frederick Haldimand Capitain General and __ Governor in chief in and over the province of Quebec &c, &c, &c.

“ The Address of the Legislative Council, in Council assembled.

“ The Legislative Council having taken into Consideration His Majesty’s royal Instruction of the 16.th of July 1779, and being of Opinion that the passing an Ordinance in conformity thereto, would neither tend to the good of the people of this __ province, nor to a speedier or more impartial administration of Justice, begs Leave to communicate to your Excellency the Reasons upon which that Opinion is founded.

“ The present ordinances establishing Courts for the administration of Justice were framed and prepared from, and are agreeable to His Majesty’s 14.th and 15.th Instructions to the Governor of this province, as far as the local circumstances

“ circumstances thereof would permit, and have been found to answer the good ____
 “ purposes for which they were intended. Whereas the change proposed of the same
 “ person presiding in the court of appeals, and giving a Voice there in causes _
 “ which he had already decided in the inferior court, would undoubtedly lessen that
 “ confidence which the people ought to have in the impartial administration of
 “ Justice, and which is so necessary to the peace and tranquility of Society, even
 “ if such person was possessed of the most exemplary moderation, abilities, and
 “ Integrity. It is likewise to be observed that in the Quebec Bill all causes ____
 “ relative to civil rights and property, instituted in the courts of Justice in this
 “ province are to be determined agreeable to the laws and customs of Canada, of
 “ which laws and customs, the Judges who at present preside in the courts of
 “ common pleas for the Districts of Quebec and Montreal have had fifteen years ____
 “ experience and study.

“ Upon the establishment of civil government in the year 1764 The Governor
 “ and Council adopted the mode of Terms, and for several years that made was followed,
 “ when in the year 1770 it was laid aside, as having been found not adapted for this _
 “ province. The people had been accustomed to weekly courts, and in a small country, ____
 “ such as this is, terms were too conspicuously made use of, for the purpose of procrastina-
 “ =tion and delay in the decision of causes, not to have given dissatisfaction. The
 “ having four Terms at Quebec, and only two at Montreal, which is by far the ____
 “ most populous and most commercial of the Districts, is an additional objection to
 “ that Mode proposed by the Instruction. The modelling the court of appeals in the
 “ manner proposed, would in our opinion lessen the Dignity of that supreme court of
 “ the province, without procuring in any respect the advantages expected from it.

“ “For these reasons, and after the most serious and deliberate consideration of
 “ the expediency of such regulation being put in force, our respect and attention to ____
 “ the rights of the crown, and our earnest wish for the welfare of His Majesty’s ____
 “ government, of which your Excellency, we hope, is sensible, oblige us to the ____
 “ necessity, thought with greatest respect to the high authority by whom the ____
 “ measure has been recommended, to differ so far in opinion.

.” We have further to add that the plan by which we have regulated our
 “ conduct, as the Legislative Council, has been to pursue those measures which ____
 “ appeared to us the best calculated to secure the province to his Majesty and to keep
 “ it dependent on Great Britain. We are sensible that some alterations may, and ought
 “ to be made in the laws and customs of Canada, but we apprehend that those
 “ should be made with moderation, and be more the effects of Experience, than of
 “ any preconceived theory or opinion ; and in the present critical state of the British
 “ Empire, it is with regret that we find ourselves obliged by our duty to the King ____
 “ to mention to your Excellency the bad effects which the reports circulated every
 “ summer of changes to be made in the mode of administering the affairs of the province
 “ have upon his service. They disquiet the minds of the people, and furnish plausible
 “ pretences to the emissaries of the revolted colonies, and the other enemies of the
 “ state to insinuate that nothing is permanent under a british government; And the
 “ Quebec Act, the result of the generous and tolerating spirit which distinguishes

An

“ an enlightened age and Nation, was the effect of a narrow and interested ____
 “ policy, and would be repealed so soon as the ends for which it was made were ____
 “ effected .” /Signed/ Thom.^s Dunn P. C.

Resolved that the Members of the Committee who prepared the Address
 or so many of them as can attend, do wait on His Excellency the Governor to present it.

Colonel Caldwell moved “That a list of the judgments in the Courts of Common
 “ Pleas that have been appealed from, and decided by the court of Appeals since the ____
 “ establishment of those Courts under the Quebec Act might be ordered to be made out
 “ and entered upon the minutes, with the names of the Judges of the inferior courts that
 “ sat in those causes ; specifying the Judgments that have been confirmed, and those that
 “ have been reversed ” Resolved that the Question be put, and being put, the Voices standing
 16 Ayes and 2 Noes Voted and resolved in the affirmative. ____ Ordered that the
 List required be made out by the Clerk of the court of appeals, and by him laid ____
 before the Council, duly certified.

Read _ The draught of the ordinance for regulating the maîtres de poste. 2nd. reading.
 M.^r Finlay moved “that the mention of a Superintendant of the posts be struck out of the
 “ ordinance, as the propriety of appointing such officer ought to be left to the Consideration
 “ of his Excellency the Governor. And also that the mention of the King’s Courier be struck
 “ out ” ____ Resolved that the Draught be re=committed, and /at the Instance of M.^r Cuthbert
 whose business calls him out of Town/ that M.^r Finlay be added to, and take the Chair in
 that Committee.

adjourned to Friday the 3.rd Instant.

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Friday 3.rd March 1780

All the Members present – except M.^r Dunn, M.^r Mabane & M.^r Guky.

M.^r Finlay presented the Draught of the Ordinance for regulating the maîtres de
 poste, which was recommitted yesterday, with some proposed Amendments. _____
 Resolved to be delivered the Attorney General to incert the Amendments.

The Clerk of the Court of Appeal presented the List of Causes decided in that
 Court, pursuant to the Order of Council of yesterday ____ Read the said List ____ M.^r
 Fraser after observing “That by the list it appears that the appeals are twenty
 “ one in number; That five of those (and every one confirmed) are from the court of
 “ common pleas at Quebec, whereof the english Judges are not bred to the Law : That
 “ fourteen are from the court of Montreal, and six of them wholly, or in part, are ____
 “ reversed, altho’ Judgments were given by M.^r Livius, M.^r Owen and M.^r Southouse, ____
 “ Law Judges; moved that the List be incerted in the Minutes of Council ____ Resolved
 accordingly. – Colonel Caldwell moved “that a faire Copy of the List be ordered to
 “ be made out, and annexed to the Address to be presented to the Governor.” ____
 Resolved accordingly.

Copy

A list of all the Causes adjudged in the Court of Appeal from the 1.st of May 1775 to the 2.nd of March 1780.

	N. ^o of Causes	Parties Names	The District from whence the Appeal was.		Names of the Judges giving Judgment in the inferior Court	Judgments confirmed.	Judgments reversed.	Dates of the Judgments given in the Court of Appeal.
	1	Dumas, v, Jordan	Quebec	_____	Messrs Mabane & Panet	confirmed	_____	1777 August 12. th
	2	Du Calvet, v, Orillat	_____	Montreal	Livius & Tachereaux	confirmed	_____	_____ 23. rd
	3	Bernard, v, Foretier & Orillat	_____	Montreal	Livius & Tachereaux	_____	reversed	_____ 23. rd
	4	Blais, v, Couillard	Quebec	_____	Mabane & Dunn	confirmed	_____	__ December 23. rd
	5	Dalbergati, v, Le Page's	Quebec	_____	Mabane & Dunn	confirmed	_____	1778 January 31. st
	6	Duchesnay, v, Boisheberts	Quebec	_____	Mabane & Dunn	confirmed except as to Costs	_____	__ February 2. nd
	7	Dobie, v, Watson & others	_____	Montreal	Owen & Tachereaux	_____	reversed	_____ April 30. th
	8	Watson & others, v, Dobie	_____	Montreal	Owen & Tachereaux	App. ^e dismissed	_____	_____ 30. th
	9	Watson & Rashleigh, v, Cazeau	_____	Montreal	Rouville & Southouse	The Judgm. ^t of the inferior court corrected.	_____ June 15. th	
	10	Howard, v, Evans	_____	Montreal	Owen & Rouville	confirmed	_____	_____ 15. th
	11	Roussell, v, Grant	_____	Montreal	Fraser & Marteilhe	_____ reversed, savg. _____ to the Appellee his Right in the new action.	_____ reversed, saving _____ to the Appellee his Right in a new action.	__ July 6. th } Both these Causes depended on one and the same point in Issue.
	12	Provinçal, v, Roussel	_____	Montreal	Fraser & Marteilhe			_____ 6. th

continued

	N. ^o of Causes	Parties Names	The District from whence the Appeal was.		Names of the Judges giving Judgment in the inferior Courts.	Judgments confirmed	Judgments reversed	Dates of the Judgments given in the court of Appeal.
	13	Blake, v, King & M. ^c Cord	_____	Montreal	Messrs Rouville & Southouse	Confirmed	_____	1778, September, 12. th
	14	Dobie, v, Perrin, Jordan & others	_____	Montreal	Owen, Rouville & Southouse	partly confirm. ^d	partly revers. ^d	___, October, 16. th
	15	Cuthbert Esq. ^{re} v, La Fontaine	_____	Montreal	Owen & Tachereaux	App. ^l dismiss.d	_____	___, November, 7. th
	16	Dobie, v, Adams	_____	Montreal	Rouville & Southouse	confirmed	_____	___, December, 7. th
	17	Hay, v, Morgan	_____	Montreal	Rouville & Southouse	confirmed	_____	1779, April, 24. th
	18	Johnston & Purss, v, Bouchaud	Quebec	_____	Mabane, Dunn & Panet	confirmed	_____	___, July, 17. th
	19	Blake, v, Peters	_____	Montreal	Rouville & Southouse	confirm. ^d in part	revers. ^d in part	___, October, 9. th
	20	Du Calvet, v, Rybot	_____	Montreal	Rouville & Southouse	confirmed	_____	_____16. th
	21	Daillebout, v, De Rouville	_____	Montreal	Owen & Southouse		reversed	1780, January, 10. th

Appeal Office 2.nd March 1780.

In Obedience to the Order of the Honorable Board of Legislative Council of the 1.st Instant, I have carefully extracted the above List out of the Judgment Book of the Court of Appeal, and from the papers remaining of Record in the Office, which I certify to be true.

/signed/ J.Williams C. C. A.

adjourned to Saturday the 4.th instant.

Saturday 4.th March 1780.

M.^r Dunn, M.^r Cuthbert, M.^r Mabane & M.^r Guky absent.

The other Members present.

The Attorney General presented the Ordinance concerning the Maîtres de poste amended __ Read the same ____ 3.rd Reading __ Resolved unanimously to _____ pass __ Ordered to be ingrossed.

The Committee for presenting the Address to the Governor, Reported, That they had waited on His Excellency, and presented to him the Address and List _____ annexed to it __ And that He was pleased to inform them that he would transmit the same to His Majesty's Minister.

adjourned to Monday the 6.th Instant.

Monday 6.th March 1780

M.^r Dunn, M.^r Cuthbert, M.^r Levesque, M.^r Mabane, M.^r Guky & M.^r Baby absent.

The other Members present.

M.^r Harrison, (M.^r Dunn being indisposed and absent) informed the Council that he had received a Letter from the Governor, respecting the Address presentend to His Excellency on Saturday last, and desired it might be read – Read the Governor's Letter whereof follows a Copy, viz, "Quebec 6.th March 1780, Sir, Having perused, with
 " Attention, the Address of the Legislative Council, in Council assembled, upon the Subject
 " of His Majesty's Instructions dated the 16.th of July 1779, signed by M.^r Dunn, and
 " presented to me by You; I am of Opinion, that although the Reasons given by the
 " Committee against passing an Ordinance in Conformity thereto appears just and ____
 " well founded, there are some parts of the Address which ought to be reconsidered, And
 " I desire you will move the Council that the Committee may assemble again for
 " that purpose. I am, Sir, your most obedient and most humble Servant,
 /signed/ Fred. Haldimand"

"Edward Harrison Esquire."

Colonel Caldwell thereupon moved "That the Committee that frame the Address
 " may be directed to take His Excellency the Governor's Letter into consideration, and revise
 " the Address." Resolved That the Question be put, and being put, the Voices standing 13
 Ayes and 1 Noe, Voted and resolved that the Committee do take the Governor's
 Letter into Consideration, and revise the Address.

M.^r Allsopp presented a paper intituled "Reasons and Protest against the
 " Votes, Resolution and Address to the Governor, of the Legislative Council." and moved
 That it be incerted at lenth in the Journals. Resolved accordingly.

Copy thereof, viz,

" Reasons offered by the underwritten Member of His Majesty's
 " Legislative Council, for the province of Quebec, now sitting, in support of his
 " opinion and advice to his Excellency the Governor, of the 14.th of February 1780
 " why he humbly conceives, that it would tend to the advantage of his Majesty's
 " Subjects of this Province, and to the more impartial administration of Justice
 " therein, that His Majesty's Royal additional Instruction, bearing date at S.^t

James's

Reasons
&
Protest

“ James’s the 16.th day of July 1779, should be carried into immediate execution, by _
 “ passing an Ordinance for explaining, altering and amending the Laws now in _
 “ force for establishing and regulating the proceedings in the Courts of Civil
 “ Judicature in the said Province, And also by way of Protest against the
 “ Votes, Resolutions and Address to the Governor of

The Honorable

Hector Theophilus Cramahé President of the Court of Appeals

Adam Mabane First Judge, } of the Court of }

Thomas Dunn Second Judge } Common Pleas }

John Fraser First Judge, of D.^c at Montreal } at Quebec. _ }

Edward Harrison,

John Collins, } Judges in the Court

George Pownall } of Appeals. _

La Corne S.^t Luc,

Conrad Guky,

Henry Caldwell

Roc de S.^t Ours, and

Joseph De Longueuil.

being the Majority of, and stiling themselves The Legislative Council of Quebec.

- 1st “It must be allowed that there is a manifest want of Order and Regularity
 “ in the Courts of Common - Pleas, the first Judges of Presidents of those _
 “ Courts not being versed in the Science of the Law, or the usage of Courts
 “ of Judicature, consequently cannot be supposed capable to form-or-keep
 “ up proper Regulations for that end, nor do they confine themselves to rules
 “ of Law, but occasionally decide on the Equity of the Case, contrary to the letter
 “ of the Law, the impropriety whereof cannot be better defined than in the words
 “ and Language of a Law Officer of Respectable Authority, in his observations
 “ on the former Court of Common Pleas, of which the President of the Legislative
 “ Council, and the three Judges of the Common Pleas, now of the Council, were Members.
 “ “But how vague and uncertain their Proceedings, as a Court of Equity
 “ must be without one established maxim of Equity in the Court; how ill _
 “ calculated to preserve (what it certainly was not intended to preserve) an _
 “ Ancient System of Laws, which were to be admitted or rejected, upon notions of
 “ Equity, adopted by Gentlemen, who merit however no other imputation _
 “ than the want of Education in, and acquaintance with Courts of Law or Equity;
 “ And the Confusion in which such decisions must necessarily be involved
 “ are matters upon which I think I need not enlarge.
 “ “Since the Quebec Act took place, little or no beneficial alteration has
 “ happened in the proceedings of these Courts: on the Contrary, the only desirable
 “ parts of the former System have been taken away _ The subject has been depri=
 “ =ved of the benefit of Juries, in Actions for personal Injuries, the Merchant, of the
 “ “decision

“ Decision of Causes by the Law of Merchants, and according to the Laws of
 “ England, heretofore in use, prior to the introduction of the Quebec Bill
 “ And no positive Law, no fixed or established Rule to supply those ___
 “ Defects. ___ The Courts now sole Judges of the Fact and of the Law, in all
 “ cases, and thro’ generally unacquainted with Law, and particularly
 “ with the Laws of Commerce, are left to their own Judgments; consequent
 “ =ly their decisions are too arbitrary, and their Powers too unbounded
 “ to tally with the principles of the British Constitution !

“To prove those assertions it will be considered that the Laws and
 “ Customs of Canada, which form the most imperfect System in the
 “ World, for a Commercial-people; have in matters of trade, been long
 “ since exploded in France, and the Code-marchande introduced
 “ into all their towns, in its stead. Canada, before the conquest of
 “ it by his Majesty’s Arms, had little or no trade of consequence, ___
 “ except that of the Indian Company for Furs, who monopolized ___
 “ almost the whole, and therefore probably, not having so great occasion for
 “ the Code marchande or Jurisdiction-consulaire, it was not introduced
 “ into this Country.

“The King’s instruction points out a remedy to these multiplied incon=

=veniences, by amending the Laws, restoring ferries and the Laws of
 “ England in all commercial affairs, leaving the Custom of Canada
 “ to be the rule for decision of matters of landed property, of Inheritance,
 “ and the like; and appointing the Chief Justice, the Head of the Law,
 “ to preside in the Courts of Common-Pleas, whose abilities, as a Lawyer,
 “ render him the fittest person to conduct the business of those Courts.

2nd “The same Allegations, the same Reasons may be urged, tho’ perhaps
 “ not in alike degree, in Regard to the Court of Appeals : The Lieutenant Governor
 “ who has always sat as President of that Court, except in one instance (where upon
 “ a division of voices it was determined that he should not give two Votes, tho’ contended
 “ for by him, and therein supported by two Judges of the Common-Pleas) ___
 “ having been educated in a different Line and Profession, will not lay claim
 “ to the Qualifications of a Lawyer; his time is moreover so much taken
 “ up in the Extensive administration of the Civil Government, that it is
 “ impossible for him to give the attention necessary to this material object.

“It has been observed, that as the Court of Appeals is composed of the
 “ Governor and the whole Council, it may thence be infer’d that the Legislative,
 “ the Executive and the Judicial powers are, in a eminent degree, vested in
 “ the same hands, and therefore are repugnant to the principles of Freedom
 “ and the British Constitution. For according to the Great Author of
 “ the spirit of Laws, who, treating on the constitution of England, says,

“Tout

“Tout seroit perdu, si le même homme, ou le même Corps des Principaux, ou des Nobles, ou du Peuple, exerçoient ces trois pouvoirs: celui de faire des loix, celui d’exécuter les résolutions publiques, et celui de juger les Crimes ou les différends des particuliers.”

“That the Court is composed of a great number of Members, and that it does not consist of the same members at each sitting, is said also to be a great inconvenience, and indeed, Lord Kame sensible of this truth, when treating of the daily Council; and then Superior Court of Scotland, makes this remark “That in a politic body of Judges, there cannot be a greater disease, than a fluctuation of the members.” As his Majesty has been. graciously pleased to confer on the Subscriber the honor of a seat in the Court of Appeals, however strong his appetite for power, however desirous he may be of holding a distinguished rank in Life, should these, or other the like reasons, have induced his Majesty to reform the said Court, it is his Duty to submit to the Sovereign will, by giving his advice to the King’s Governor “to frame” and his Vote for passing in the Council, an Ordinance, adopting his Majesty’s Royal additional Instruction, which may tend to obviate, and to lessen the difficulties abovementioned. _____

“With respect to the Address from the Majority of the Legislative Council to his Excellency the Governor, or in other terms Strictures on his Majesty’s additional Instruction, which, in effect it appears to the Subscriber, to be;

1st — “He observes, that the present Ordinances for establishing Civil Courts, for the administration of Justice, are not agreeable to his Majesty’s additional Instruction of the 16.th July 1779, which holds forth the benefit and security arising to the Subject from the British Constitution: These Courts have no great affinity with that Constitution; they may not be repugnant to the 14.th and 15.th Articles of Instructions, which relate to the form and not the substance; but as the Governor, upon communicating those two Articles to the Council, by their President, explained that he had two or three more instructions on the Subject of making Laws, which he did not think proper to lay before the Council at present, they can only Judge from what is laid before them. _____

2nd — “The Laws may have answered the temporary purposes for which they were made. Whether those purposes were good or not may be collected from his Majesty’s additional Instruction and from the minds and opinions of his Subjects.

It

“It may be here added, and it is no hasty, indigested opinion, that
 “ if Governor Carleton upon receiving his Commission & instructi-
 “ =ons, in the spring 1775, had immediately convened the Legislative
 “ Council, and that they had as expeditiously passed such Laws, as
 “ are held out in the said Additional Instruction /which has been
 “ asserted to have been always his Majesty’s gracious intentions _
 “ towards his Subjects/ at a time when the minds of his Majesty’s
 “ British Subjects were disquieted and it may be said the affecti=
 “ =ons of many of them alienated, and which Spirit of dissatisfac=
 “ =tion extended itself too generally amongst the Canadians also;
 “ from the dread operation of the Quebec Act, without a palliative
 “ to soften and reconcile it; or even if those gracious intentions
 “ had been only promulgated and explained in the earliest stage
 “ of opposition, and of the present disputes in America, without
 “ then passing any Law to that effect; it is very probable, nay
 “ almost certain, that very few of the ill effects that have since
 “ been unhappily felt, would have resulted to this province, from the attempts
 “ of the Rebellious Colonies against it : This, as before advanced is no
 “ preconceived Theory or Opinion but a conclusion drawn from a know=
 “ =ledge of the feelings, the passions of the men themselves, they were wound=
 “ =ed, they saw, they felt powers formerly kept within due bounds, which
 “ their apprehensions painted to them, were to be left to Range unrestrained
 “ and uncorrected. ____

“Some of the Laws passed in the Session held in 1777, particularly
 “ the unpleasing ones, were made for two years only. It was the sense of
 “ many of the Council that they were to be revised, and, particularly _
 “ that optional Juries were to be granted at their Expiration, otherwise
 “ it may very Justly be questioned, whether they would have passed in that _
 “ form, notwithstanding that the Lieutenant Governor declared to the Council,
 “ as coming from Governor Carleton, that if any mention was made
 “ of furies in the Ordinance, the Governor would not give his consent that
 “ such Ordinance should pass into a Law. ____

“In the Sessions 1779, a motion was made in Council, for a revival
 “ and amendment of the Laws then Expiring, which was overpowered
 “ and bore down by the previous Question, and a powerful Majority _
 “ voted their continuance two years longer, without any examination
 “ / tho’ fully sensible that some alterations were wanting / as recommended
 “ by Governor Haldimand.

The

“The Subscriber is aware that some Gentlemen of the Council, of ____
 “ weight and influence are inimical to Juries: it is conceived they are so, because
 “ their own powers in the Courts would be restrained thereby. It is confessed
 “ that some irregularities from Juries have happened – there are indeed three
 “ instances of improper behaviour of Juries, in this whole Province, in the
 “ experience of ten years and upwards; but those irregularities were in his
 “ humble apprehension, more owing to the conduct of the bench, than to the mis=
 “ =conduct of Jurors. ____

3rd “The great apprehension, that the change proposed, of the same person _
 “ presiding in the Courts of Appeal and Common - Pleas, would lesser
 “ the confidence, which the people ought to have, in the impartial administra=
 “ =tion of Justice will fall to the ground, if it were intended by the instruction
 “ which seems no to be doubted, That Juries should be established, because
 “ in such case, they would be the Judges of the Fact, the Court of the Law:
 “ therefore, in the First instance, in the Common- Pleas there could be little dread
 “ of partiality, where according to the words, of the truly celebrated M.^r De Montes=
 “ =quieu, “Les Juges ne sont que la bouche qui prononce les paroles de la loi;
 “ des etres inanimés qui n’en peuvent moderer ni la force ni la rigueur.” And
 “ in the second instance, in the Court of Appeals, no great fears could be entertain’d
 “ of an undue influence of the Chief Justice in correcting the Errors of Law,
 “ considering he was to be assisted by 7 or 8 Members, of which three of them
 “ at least, were supposed to be Judges learned in the Law. ____

“If the even Number of Judges, in either Court be an Obstacle, the
 “ possibility of a Judgment being ever suspended, would be prevented by adop=
 “ =ting the subscriber’s proposal in his opinion and advice to the Governor _
 “ of the 14.th February 1780, before cited, entered on the minutes: it is as easily _
 “ remedied by his Majesty’s pleasure to make adequate provision for one of the
 “ Judges in another way.

4th “The great extent of each district or Jurisdiction, renders terms infi=
 “ =nitely more eligible than Weekly Courts. ____ Continual Courts
 “ keep up a constant Spirit of Litigation and Expence; if two terms be
 “ not sufficient at Montreal, four, or even six may be established there-
 “ such small deviations as these do not sap the ground work of the King’s instruction.

5th “It is allowed on all sides that some alterations ought to be made in
 “ the Laws and Customs of Canada. Why then not make those changes,
 “ those improvements at present, under the instruction that authorizes
 “ them ? His Majesty and his Privy Council had surely in contempla=
 “ =tion the State of this Province, being duly made acquainted therewith
 “ by Governor Haldimand, when the wise and gracious Instruction _

was

“ was formed: Its political situation appears to be less perilous at this
 “ day, than at any period since the late establishment: our internal defence
 “ is encreased, our Enemy weakened.
 “ “Are his Majesty’s old or new Subjects generally contented under the
 “ present form of administering Justice ? It will be answered in the negative.
 “ “Will the alterations and amendments, herein printed out satisfy a part of them?
 “ “The Answer will be all his Majesty’s old Subjects, or with very few excep=
 “ =tions, look up for such a change, and for the greater part of the Canadians
 “ will be happy, as they have been heretofore under it. How can it be otherwise?
 “ Each body would enjoy it’s own Laws – the Merchant, the English Laws of
 “ Commerce, the Landed man, the Coutume de Canada. _
 “ “ The new System having hitherto been held forth to view with all its imper=
 “ =fections, without any thing to soften, to correct, to reconcile it to the wishes
 “ of the Subject, has been of infinite prejudice to his Majesty’s Service.
 “ The Quebec Act is made for vesting a limited Legislative Authority,
 “ for a temporary Period under many restrictions, and until it may be proper
 “ and expedient to call an Assembly, and establish a full and compleat
 “ Legislature in the Province of Quebec; it is therefore matter of astonishment
 “ that Gentlemen, in the very Acts of Legislation, should so far mistake or mis=
 “ construe that Act, as to assert, that the Report of changes to be made under
 “ so temporary a Statute should disquiet the minds of the people, from ap=
 “ =prehensions that nothing is permanent under a British Government.
 “ A System adopted, a Law made, only for a certain time and under –
 “ proper restrictions, it being, at that particular period, inexpedient to
 “ call an Assembly.” And therefore the very Idea of an amendment of
 “ of that Law, if it had not been held forth by the Act itself; yet if circulated
 “ merely by reports, must produce very contrary effects, on the minds of his
 “ Majesty’s subjects, to those stated in the Address.

To the Address to his Excellency the Governor is annexed, a List of
 the Causes decided in the Court of Appeals, stated to be from the 1.st
 May 1775 to the 2nd March 1780 and twenty one in Number.

“If it be intended to prove the infrequency of Appeals, recourse should be
 “ had to the actual list of Appeals on the Register, where it will appear, that
 “ from the 9th of April 1777 to the 2nd March 1780 there have been Forty eight
 “ Writs of Appeal issued, many of which Causes are yet Undecided. ____

“But if the rectitude of the Judgments of the Courts of Common _ Pleas is
 “ thereby to be established, the same recourse should be had, which will demon=
 “ strate how very few of those Judgments were unanimously confirmed.

It

“It is admitted, that the decisions of all the Causes removed from the Courts of Common - Pleas at Quebec, that are yet tried in Appeal, have been Confirmed; but does not this tend to prove too much? And with respect to the insinuation, that more of the Judgments of the Law Judges of ___ Montreal, than of the Judges not bred to the Law, were reversed in Appeal; it reflects as much on the Court of Appeals /for they do not lay _ claim to infallibility / as it recriminates those Law Judges. _____

“In order therefore, to form a conclusive opinion of the uprightness of the Judgments of the Civil Courts in this Province, no other, or ___ better Plan could be adopted, Than a general Review of their proceedings to be held and taken under a Commission of Law = Judges, to be appointed for that special purpose and a Report, to be made, to his Majesty, in consequence thereupon. But the inconvenience and ill effects that would attend such a proceeding in disturbing, the ashes of the dead, are too obvious to be enlarged upon. Yet such has been the intemperate Conduct of some of the Judges of the Common – Pleas, aided by the deal of their friends, in drawing into Question the Causes decided in Appeal, unattached ~~and~~ without a charge against them, unless they mean to insinuate, that his ___ Majesty’s gracious intentions, for the good and happiness of his Subjects, in reforming the Civil Courts, is meant only as a charge of Ignorance or partiality against his Judges.

“As a further proof that the Establishment of Civil Courts, requires an immediate amendment it appears that a deep wound has been given to the Protestant Religion, by the Judges of the Court of Common Pleas at Quebec, sitting as Judges of the Prerogative Court, they having by their Judgment, consigned over to ~~the~~ Roman Catholic Guardians, to be educated in that Religion Five Protestant Infants, duly baptized and received into the Established Church of England the Children of an English Protestant, by one of his Majesty’s new Subjects, whose numerous distant Relations and Friends, exceeded far in number the Grand father and Paternal Uncle, the sponsors at the baptism of the Children, therefore the rights these latter contended for, to superintend the Education of the said Children, as they were bound to do, could not, or would not, be admitted by those Judges. – But if ever a discretionary power could be exercised or the justice of a Cause received, this striking, interesting occasion required it. Therefore, by a like rule of Decision, \ the Children of the paternal _ Uncle above cited, who has five sons by an English Protestant, would, in
“case

“ case of the death of their Parents, by the interposition of the same persons,
 “ be subjected to be educated in the Religion of the Church of Rome, and
 “ from such decrees no Appeal is established by Law. ____

“The Subscriber has particularly to lament his own in=
 =capacity to treat of this Matter as it ought, and that altho’ his rea=
 =sons, are extended to a much greater length than he at first intend=
 =ed, yet he has not done justice to the Subject. His intentions are pure,
 “ his imperfections ought not to be exposed to a Critic eye, but rather
 “ overlooked, or pardoned. Animated he confesses himself to be, he
 “ writes from the feelings of his own mind, for the good of His Country;
 “ Sensible that he is walking beyond the lines of his profession, he
 “ wishes that some abler pen may resume the Subject. Free and
 “ unattached to any party or faction, he stands alone, unsupported by
 “ any aid save that of truth and a good Conscience. And ____
 “ altho’ it should be the maxims of the King’s Governor’s, and
 “ of the Majority of this Council, to oppose the Royal Will; the
 “ One, by withholding his Majesty’s Instructions from the Legislative
 “ Council, which concern the making of Laws, for the peace, welfare
 “ and good Government of the Province, esteeming them unworthy of such a
 “ communication; the other, by so far losing sight of their Character, as to vote
 “ the continuance of their own power and authority, in rejecting the Royal
 “ Instruction / which requires –a-reformation on the Courts of Law and is ____
 “ therefore calculated for the happiness of the people /from misconceived ____
 “ motives of expediency and unsupported by any solid Argument; It shall
 “ ever be his part, to seize, as he has hitherto done, every occasion of forwarding in _
 “ his Legislative Capacity an Object so desirable ! a Blessing so inestimable!
 “ the dearer by being awhile deprived of it, the establishment of the Laws of his
 “ Country! this He will never lose sight of till – His Majesty’s Subjects
 “ Inhabitants of his province of Quebec, shall enjoy every benefit
 “ and security resulting to them, from a speedy and effectual dis=
 =tribution of Law and Justice, according to the principles of the
 British Constitution.” _____

6.th March 1780. /signed/ Geo: Allsopp.

M.^r De Lery moved that the Council should address the Governor to request to King
 to establish a Law School and a School to teach surveying at Quebec. ____ Resolved to lie
 on the Table.

Adjourned to Tuesday the 7.th Instant.

=====

Tuesday 7.th March 1780.

Present

The Honorable Hector Theophilus Cramahé Lieutenant Governor President

Hugh Finlay

J. G. C. De Lery

Edw.^d Harrison

Picottée de Bellestre

John Collins

John Fraser

George Pownall

Henry Caldwell

George Allsopp

William Grant

La Corne S.^t Luc

P. R. S.^t Ours

J. De Longueuil

Samuel Holland ____ Esquires

The Committee upon the Address brought in their Report ____ Read the Report ____ Read the Address ____ Upon which the Question was put “Whether the Address shall pass?” The Voices standing 12 Ayes & 3 Noes Voted and resolved in the Affirmative ____ The President ____ signed the Address ____ Resolved that a Copy be entered in the Journals.

Copy of the Address. viz,

To His Excellency Frederick Haldimand Captain General

and Governor in chief in and over the province of Quebec &c &c &c.

The Address of the Legislative Council, in Council assembled.

The Legislative Council having taken into Consideration His Majesty’s royal Instruction of the 16.th of July 1779, and being of opinion that the passing an ordinance in conformity thereto, would neither tend to the good of the people of this province, nor to a speedier or more impartial administration of Justice, beg ____ Leave to communicate to your Excellency the reasons upon which that opinion is founded.

The present ordinances establishing courts for the administration of Justice were framed and prepared from, and are agreeable to his Majesty’s 14.th and 15.th instructions to the Governor of this province so far as the local circumstances thereof would permit, and have been found to answer the good purposes for which they were intended; Whereas the Change proposed of the same person presiding in the Court of Appeals and giving a Voice there in causes which he had already decided in the inferior court, would undoubtedly lessen that confidence which the people ought to have in the ____ impartial administration of Justice, and which is so necessary to the peace and ____ tranquility of Society. It is likewise to be observed that in the Quebec Bill all Causes relative to civil rights and property, instituted in the Courts of Justice in this province, are to be determined agreeable to the Laws and Customs of Canada, of which Laws ^ and Customs the Judges who at present preside in the Courts of Common Pleas for the Districts of Quebec and Montreal have had fifteen Years Experience and Study.

Upon the Establishment of civil Government in the Year 1764, the Governor and Council adopted the Mode of Terms, and for several Years that mode was ____ followed, when in the Year 1770 it was laid aside as having been found not adapted for this province. The people had been accustomed to weekly courts, and in a small country, such as this is, Terms were too conspicuously made use of for the purpose of procrastination and delay in the decision of causes, not to have given ____ dissatisfaction. The having four terms at Quebec and only two at Montreal, ____ which is by far the most populous, and most commercial of the Districts, is an additional objection to that Mode proposed by the Instruction.

For these reasons, and after the most serious and deliberate consideration of the expediency of such regulation being put in force, our respect and attention to the rights of the crown, and our earnest wish for the welfare of his Majesty’s Government, of which your Excellency, we hope, is sensible, oblige us to the ____ necessity, though with the greatest Respect to the high Authority by whom the measure has been recommended, to differ so far in opinion.

We

We have further to add that the plan by which we have regulated _ our conduct, as the legislative Council, has been to pursue those measures _ which appeared to us the best calculated to secure the province to his Majesty and to keep it dependent on Great Britain. We are sensible that some Alterations may and ought to be made in the Laws and Customs of Canada. But we apprehend that in the present critical state of the British Empire in America, Innovations in this province might be improper; and it is with regret we find ourselves obliged by our duty to the King, to mention to your Excellency the bad effects which the Reports circulated every summer of changes to be made in the mode of _ administring the affairs of the province have upon his service. They disquiet the Minds of the people and furnish plausible pretences to the Emissaries of the revolted Colonies and the other Enemies of the State, to insinuate that nothing is permanent under a british Government; and the Quebec Act, the result of the generous and tolerating spirit, which distinguishes an enlightened Age and Nation, was the effect of an interested policy, and would be repealed as soon as the ends for which it was made were effected.

/signed/ H. T. Cramahé P. L. C.

Council Chamber
7.th March 1780.

Colonel Caldwell moved that the Committee who revised the Address _ should be appointend to wait on his Excellency the Governor to present it with the List of Judgments in the Court of Appeals annexed to it. _____ Resolved accor _ =dingly. “ --- The Committee withdrew to go to wait on the Governor _____

The Committee returned, and reported verbally that they had waited on the _ Governor with the Address and List, And that His Excellency was pleased to inform them that he would transmit the same to His Majesty’s Minister.

M.^r Allsopp delivered in a written paper, which he desired to have read _ Read the same in the following words, viz, “7.th March 1780. As a new Address to his Excellency the Governor from the Majority of this Council (which is very remarkably altered _ “ from the former Address entered on the Minutes, and which had its full and complete “ Execution) has passed the Council this day, and is resolved to be delivered. I move “ that Copies of both Addresses, or full Extracts, stating the Alterations and Amendments “ therein, be made out and certified by the Clerk, and delivered to me, because the _ “ reasons contained in my protest have a reference to the former Address, and _ “ because three of the twelve Members then present and assenting to that address _ “ namely M.^r Dunn, M.^r Mabane, and M.^r Guky have not been present at the Debates _ “ of, nor given their Sanction to this Measure; And because Major Holland who _ “ has hitherto declared sitting and voting in any part of the business relating to _ “ his Majesty’s royal additional Instruction, has this Day given his Voice for the “ said Address.” signed G. Allsopp” – Resolved that the previous Question be put, And _ “ being put, the Voices standing 3 Ayes and 12 Noes M.^r Allsopp’s Motion is rejected.

Colonel Caldwell moved “That the Address revised and amended as it has _ “ been may stand upon the Minutes in the form that it was presented this day “ and that the former Address which was sent back by the Governor may be “ expunged from the minutes, with every Motion, that may be judge improper “ relative thereto.” _____ Resolved to lie on the Table.

adjourned to Wednesday the 8.th instant.

Wednesday 8.th March 1780.

The same Members present.

Colonel Caldwell moved That the first part of his Motion of yesterday be struck out, and the Question put on the Remainder of it, viz, “That the former Address which was sent back by the Governor may be expunged from the Minutes, with every motion that may be judged improper relative thereto” ____ Upon which M.^r Pownall moved “That in order to prevent the Motion of Colonel Caldwell’s becoming an established Rule upon a matter so little considered by great part of this Council, the previous question be put” Resolved accordingly, and the voices thereupon standing 4 Ayes and 11 ____ Noes, Colonel Caldwell’s motion is rejected.

Colonel Caldwell moved “ That the protest of George Allsopp Esquire entered on the Minutes of the Council the 6.th instant may be translated, in order to be read paragraph by paragraph, and the Sense of the Council taken respecting each paragraph ” ____ Upon which M.^r Allsopp moved “ that a paper be then presented might be ordered to be read.” ____ Read the same, whereof follows a Copy, viz, ” 8.th March 1780. In my quality of a Legislator of this province I make a Motion of exception to the Judgment or Opinion of this Council, in any matter of thing concerning my protest against the Acts of the Majority of this Council, which in my sentiments militate against his Majesty’s Service and the good of the subject, the merit or demerit of which said protest I take upon myself, and will answer the same to his most gracious Majesty; hereby claiming as my undoubted Right and Priviledge in Virtue of the King’s Mandamus and Appointment, and by the Laws of parliament as established by Authority, that is to say, not only freedom of debate, but also; a right when a vote passes contrary to my Sentiments, to enter my dissent on the Journals of this ____ Council; with the reasons for such dissent, which is stiled my protest. It being therefore unprecedented, unjust, contrary to all usage and of the most dangerous tendency, that a Majority of this Council, being parties interested, should ____ deprive the lesser number from signifying to his Majesty, in the only proper channel, their reasons for dissenting from Measures propounded and resolved in the said Council, Against such proceedings I do therefore protest, That his Majesty and his Ministers may form a Judgment from the Journals of this Council, of the extraordinary and unusual manner in which those ____ proceedings are conducted, signed Geo. Allsopp.” ____ Resolved, that Colonel Caldwell’s motion lie on the Table till toomorrow – And the Protest be delivered to be translated.

Adjourned to Thursday the 9.th instant.

=====

Thursday 9.th March 1780

The same Members present – except M.^r S.^t Ours

The Lieutenant Governor informed the Council that he was desired by the Governor to signify to them that as the Reads were becoming bad and his Majesty's Service requiring that an End be put to this Sessions, His Excellency desired their Attendance at the Chateau at One o' clock to pass the Ordinances.

- M.^r Allsopp having applied for, and obtained Leave to read a Paper Writing which he had in his hand, he read it, and moved to have it incerted in the Journals, Resolved accordingly; and where of follows a Copy, viz, “ 9.th March 1780. M.^r Allsopp moves that the following Declaration be read and inserted in the Minutes.
- “ If the Apology made in the latter part of his protest dated the 6.th Instant, where he declares that his intentions are pure, and that his imperfections ought not to – be exposed to a critic eye, but rather overlooked or pardoned, be not sufficiently explicit to excuse any inadvertencies that may be found therein; he makes the following Declaration, namely,
- “1 _ That as exceptions have been taken to the Words, stiling themselves, in the last line but one of the first page, whereby he only meant to express that the Gentlemen named were not the whole council, himself excepted, present at the Debates on the King's Instruction, there being 5 other members besides himself who dissented from the said Majority; and not by any means to charge the Majority with assuming a Title which they were not legally intitled to in stiling themselves the legislative council of Quebec; he is therefore now sorry that those words, and stiling themselves, make any part of the said protest, and that they had not been erased before it was delivered; He therefore rescinds, repeals and abrogates those words therefrom, as improper and as having been inadvertently put in and inserted.
- “2 _ That with respect to the word Strictures in the preamble to his Observations on the Address he thought it a very proper word to express his Idea of the Treatment which the King's Instruction met with, the word is not severe, it means only a slight touch en passant; the Gentlemen are sensible of and have candidly acknowledged their Error in part: in as much therefore as the cause ceaseth, the Effect is done and taken away.
- “3 _ And he takes this opportunity of explaining himself to the council, and also for the Information of His Excellency the Governor, that neither in the latter part, nor in any other part of the protest, did he mean any insult on, or affront to the persons of the Governor, of the Council, of the Judges, or any other officer of Government, an attempt – of that nature is unworthy of him to make, and he disavows any such intent; but he treats, imperfectly, as he states, of the subject matter in a public Character, and wherever his observations are personal, the matter, in his esteem, required they should be so.
- “4 _ And lastly with respect to what has been remarked by an Honorable Gentleman that these are times when such protests within doors, might have a bad tendency on the minds of the people without; let him reflect what would have been the Effects of his proposal and motion of tearing from the minutes the Address, the Protest, and such votes and Resolves as related thereto. _ Let him reflect on the consequences of his motion and speech of yesterday, tending to the arrainging, trying, convicting, censuring and suspending the protesting Member _ Should any, all, or either of these events happen, will it not be known without doors?

Far

“ Far, very far, be it from the subscriber to publish or make known, the Reasons
 “ of his protest in this province, in its present stage; on the contrary, imperfect as
 “ they are, they are humbly offered and submitted as his advice and opinion to
 “ his Majesty, through the proper channel, that of his Excellency the Governor. ”

/Signed/ Geo. Allsopp.

Colonel Caldwell “requested Leave to withdraw his Motion of yesterday (lying on
 “ the Table) as it appears from the Governor’s Message that the King’s Service
 “ requires that the Sessions sho.^d end so soon.” Resolved in the affirmative.

Colonel Caldwell moved “that the following Resolutions might be entered __
 into __

“1st __ Resolved That it is the Opinion of this Council that the Expressions of Geo. __
 “ Allsopp Esquire in his protest of 6.th instant, where he says the Majority that style
 “ themselves the legislative Council of this province; And also again, where he says __
 “ the Address to the Governor, or rather Strictures on the King’s Instructions, are highly
 “ disrespectful, injurious, and indecent, unbecoming a member of this council.

“2nd __ Resolved that it is the opinion of this Council, that nothing but the necessity
 “ of the sessions ending so soon, should prevent this council taking a further Notice __
 “ of the illiberal attack made (in the above mentioned protest) on the Judges of the __
 “ court of Common Pleas who are members of this house, whose probity and equal
 “ distribution of Justice this council is thoroughly convinced of from an Experience of
 “ fifteen years.

“3 __ Resolved That it is the opinion of this Council, the Expressions of Geo. Allsopp
 “ Esq.^{re} in the above Protest, where he says, although it should be a Maxim with the
 “ King’s Governor and a Majority of the Council to oppose the royal Will and to –
 “ withold the Instructions, are highly injurious, disrespectful and indecent, as well to the
 “ Council as the King’s Representative, and tending to the subversion of all authority, to __
 “ the promoting of faction and sedition, and alienating the minds of his Majesty’s _
 “ subjects, which at this time particularly may prove of the worst consequences _
 “ to his Majesty’s Interest, and the Safety and Welfare of this province, and that it is
 “ with regret this Council finds one of its members so far forget himself as to be __
 “ capable of making such illiberal and ill grounded reflections. – 9.th March 1780. __
 “ __ M.^r Grant moved “that Colonel Caldwell’s motion, now read, may lie on the Table
 “ for Consideration, till the next meeting of this Council” Resolved that the Question _
 “ be put, On which the Voices standing 12 Ayes and 1 No (M.^r Allsopp declining to __
 “ vote) Voted and Resolved that Col. Caldwell’s Motion do lie on the Table, till the
 “ next meeting of the Council.

adjourned to the Castle of S.^t Lewis this day at 1 o’clock.

Thursday 9.th March 1780.
at the Council Chamber in the Castle of S.^t Lewis

Present

His Excellency Frederick Haldimand
Governor.

The Hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor

Hugh Finlay	Picottée de Bellestre
Edward Harrison	John Fraser
John Collins	Henry Caldwell
George Pownall	William Grant
George Allsopp	Joseph De Longueüil
La Corne S. ^t Luc	Samuel Holland
J. G. C. De Lery	Esquires

Read – The Title of the Ordinance Chap. I.

D^o _____ Chap. II.

D^o _____ Chap. III.

D^o _____ Chap. IV

The Governor signed them and passed them under the Great Seal
of the province.

Then His Excellency prorogued the Council till further
Notice.

On Tuesday
the 4.th day of April 1780
at the Council Chamber in the Castle of S.^t Lewis
Present
His Excellency Frederick Haldimand
Governor
The Hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor
Hugh Finlay
Thomas Dunn
Francis Levesque
Edward Harrison
John Collins
Adam Mabane
George Pownall
George Allsopp
J. G. C. De Lery
William Grant
Francis Baby
Samuel Holland ____ Esquires

His Excellency the Governor signified his Reasons for assembling
the Legislative Council, in the following speech, viz,

“Gentlemen,

“Being informed that from the antient statutes ag.st

“ Forestallers, Ingrossers and Regrators having been repealed, which
“ had not been adverted to, at the last sitting of the legislative council,
“ and would render the ordinance then passed, improper to be published
“ under its present Title, or inflicting the pillory, as exceeding the ____
“ powers delegated to us, I have called you together for the express ____
“ purpose of rectifying those Mistakes, and as it may prove a most
“ useful one at this time, I am persuaded, you will proceed herein ____
“ with all possible unanimity and dispatch.”

“Council Chamber, Chateau S.^t Louis
“the 4.th April 1780.”

/signed/.

Fred : Haldimand.

adjourned to Wednesday the 5.th instant.

=====

Wednesday 5.th April 1780

Present

The Hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor, Pr

Hugh Finlay	George Allsopp
Thomas Dunn	J. G. C. De Lery
Francis Levesque	William Grant
Edward Harrison	Francis Baby
John Collins	Samuel Holland ____ Esquires
Adam Mabane	

The Lieutenant Governor, in consequence of the Governor's Recommendation of yesterday, proposed that instead of the Title now standing to the Ordinance ____ Chap. II the following be adopted, viz, "An Ordinance describing the persons who—
 “ shall be deemed Forestallers, Regrators and Ingrossers in this province, and ____
 “ inflicting punishments upon these who shall be found guilty of such Offences.”

M.^r Grant moved “That the Act which repeals the Act of the 5.th and the 6.th ____
 “ of Edw.^d the 6.th ag.st Forestallers, Regrators and Ingrossers be ordered to be read ____ Read
 the Statute 12.th Geo. 3. ch. 71, intituled” An Act for repealing several Laws therein
 “ mentioned ag.st Badgers, Engrossers, Forestallers and Regrators, and for indemnifying
 “ persons ag.st prosecutions for offences committed ag.st the s.^d Arts.”

M.^r Allsopp moved that the Question be put “Whether the ordinance
 “ intituled An Ordinance declaratory of the Laws of England ag.st Forestallers, Regrators
 “ and Ingrossers, and for altering part of those Laws for the local convenience of this
 “ province; shall be published, or not.” ____ Resolved to lie on the Table till ____
 to=morrow.

Read, a Memorial of Thomas Faunce Esquire, Naval Officer, dated the 4.th
 instant, concerning his fees of Office. ____ Resolved to lie on the Table.

adjourned to Thursday the 6.th Instant

=====

Thursday 6.th April 1780

Present

The Hon^{ble} Hector Theophilus Cramahé Lieutenant Governor

Hugh Finlay	George Pownall
Thomas Dunn	George Allsopp
Francis Levesque	J. G. C. De Lery
Edward Harrison	William Grant
John Collins	Francis Baby
Adam Mabane	Samuel Holland, Esquires

“ The Lieutenant Governor proposed that the Ordinance Chap. II. intituled “An
 Ordinance declaratory of the Laws of England ag.st Forestallers &c,” without its Title, be read
 “ Article by Article; And at the End of each Article, that the Question be put, viz “Whether
 it shall stand as read, Aye or Noe” ____ M.^r Allsopp moved that the Question on his motion
 of yesterday be first put, with the addition to it of these Words, viz, “in its present State”.
 - Resolved unanimously that the s.^d Ordinance shall not be published in its present State.

The Lieutenant Governor moved That the said former Ordinance without its
 “ Title, be read Article by Article, and at the End of each Article the Question put, Whether it shall
 stand as read, Aye or No.” The Question being put on the Lieutenant Governor's Motion, and
 the

98 the Voices standing 12 Ayes and 1 No, Voted and resolved in the Affirmative.

Read - The 1.st Article; It was amended; Resolved unanimously that this Article shall stand, as amended.

Read - The 2.nd Article; Resolved unanimously to stand.

Read - The 3.rd Article; It was amended ; The Question was put, viz.” Whether it shall stand, thus _

“ amended, Aye or No.” – On which the Voices Standing 11 Ayes, & 2 Noes, Voted and Resolved in the Affirmative.

Read - The 4.th Article; It was amended ; The Question was put, the Voices stood 9 ayes and 4 _

Noes, Voted and resolved to stand as amended.

Read - The 5.th Article; M.^r Mabane moved that this Article be amended conformable to a Note he read and delivered in __ M.^r Grant moved that the Attorney General’s Opinion be first taken on the following Question, viz, “Has the legislative Council under the Quebec Bill and criminal Law of England in

“ force in this province, the power of imposing any Forfeiture or Penalty, other than a moderate Fine or

“ three months imprisonment; and what is legally understood by the words Fine and Forfeiture?

- Resolved that the #Cons.ⁿ of this Article be postponed till the Attorney General shall have given his Opinion on the foregoing Question.

Read - The 6.th Article – Resolved that the #Cons.ⁿ of this Article be put off till the Attorney General’s Opinion be given in.

Adjourned to Friday the 7.th instant.

=====

Friday 7.th April 1780.

The same Members present

The Attorney General delivered his Opinion on the Question put to him yesterday __

Read – The Minutes of yesterday

Read – The Attorney General’s Opinion __ Resolved to be incerted in the Minutes, and whereof follows a Copy, viz,

“ Question,

Has the legislative Council under the Quebec Bill and criminal

“ Law of England, in force in the province of Quebec, the power of imposing any

“ Forfeiture or Penalty, other than a moderate fine, or three months impr=

“ =sonment; and what is legally understood by the words Fine and ____

“ Forfeiture .” __

“ Answer –

“ Fine, is a pecuniary punishment to which his Majesty’s Subjects are liable by judicial Sentence, for having violated or refused obedience to the Laws.

“ Forfeiture, is the Confiscation and Loss of an offender’s real or personal Estate, as making a part of, or the compleat punishment for such Offence.

“ Forfeiture of personal Estate is perpetual; of real Estate, it is either perpetual or temporary.

“ The forfeiture of goods and chattels under particular statutes describing or creating offences, mala prohibita, is the Confiscation and Loss of a certain and specific property, which the subject may have possessed or used, contrary to and in opposition of such statute or ordinance, And which Forfeiture makes either the whole and complete, or only part of the punishment ordained against the party forfeiting, for the commission of such crime or misdemeanor:

“ Fine and Forfeiture are both pecuniary punishments; by the first, the Law ascertains a determinate sum of money; by the second, that sum depends upon the value of the property and thing obtained or exercised, contrary to the Law.

I

“ I am of Opinion that the statute of 14.th of his present Majesty Chap.
 “ 83, grants to his Excellency the Governor and the legislative Council of this ____
 “ province, full power to make ordinances for the peace, welfare and good govern=
 “ =ment of the province, and to inforce such ordinances, by inflicting penalties
 “ pecuniary punishments and imprisonment not exceeding three months, upon
 “ those who shall be found to have refused obedience, or acted contrary to such
 “ Laws.

What may be considered as moderate fines or punishments I cannot
 “ presume to answer, but humbly conceive, they will greatly depend upon the
 “ nature of offences, to which such punishments may be applied, the enormity,
 “ the dangerous tendency of such crimes and misdemeanors, ag.st the peace, _
 “ comfort, the tranquility of Society, and his Majesty’s Government, of
 “ which the Legislature of this province, and the courts of Justice, are the ____
 “ proper and appointed Judges.

/signed/ J. Monk Attorney General

April 6. 1780.

Read ____ The 5.th Article of the said Ordinance – M.^r Mabane moved for an Amendment
 Read the Amendment, On which the Question was put, viz “Whether the Article shall
 “ stand as amended” _ The Voices stood 10 Ayes and 3 Noes ____ Voted and resolved in the
 The Affirmative.
 Read ____ The 6.th Article _ The Lieutenant Governor moved that this Article be amended as
 to Penalties and Punishments conformable to the foregoing Article _ Read the Amendment
 _ The Question was put _ The Voice stood 10 Ayes and 3 Noes _ Voted & resolved in the
 Affirmative.
 Read ____ The 7.th Article _ M.^r Allsopp moved for an Amendment, by Stating that the Advice
 of the Council be taken before a Licence shall be granted by the Governor, Lieutenant
 Governor or Commander in chief – On which the Question was put _ The Voices stood _
 1 Aye and 12 Noes _ Voted and resolved against the Amendment, but that the_
 Article shall stand as it is.
 Read ____ The 8.th Article – It was amended _ Read the Amendment _ The Question was
 put _ The Voices stood 12 Ayes and 1 No _ Voted and resolved to stand as amended.
 Read ____ The 9.th Article _ It was amended _ Read the Amendment _ The Question was
 put _ The Voices stood 11 Ayes and 2 Noes _ Voted and resolved to stand as amended.
 Read ____ The 10.th Article _ The Question was put _ The Voices stood 11 Ayes and 2 ____
 Noes _ Voted and resolved to stand.
 Read ____ The 11.th Article _ The Question put _ The Voices stood 12 Ayes and 1 Noe _ Voted
 and resolved to stand.
 Read ____ The 12.th Article _ The Question was put _ The Voices stood 12 Ayes and 1 ____
 Noe _ Voted and resolved to stand.
 Read ____ The 13.th Article ____ The Question was put _ The Voices stood 12 Ayes and
 1 Noe ____ Voted and resolved to stand.
 Read ____ The 14.th Article ____ The Question was put _ The Voices stood 12 Ayes ____
 and 1 Noe ____ Voted and resolved to stand.
 Read ____ The 15.th Article ____ M.^r Mabane moved to have a Clause added to this Article ____
 On which the Question was put, and the Voices being unanimous Voted and
 Resolved in the Affirmative. _____ M.^r Grant moved that another Clause be
 subjoined to that Amendment, stating “That if not satisfied with the Determination
 “ of the Governor and Council, Appeal to be to the King in Council, giving Security.” _
 On which the Question was put _ The Voices stood 5 Ayes and 8 Noes _ The Addition ____
 moved for is rejected. _____ M.^r Allsopp then moved that an Appeal be allowed to
 the

the King when the fine shall amount for 100. £ sterling _ On which the Question was put _ The Voices stood 5 Ayes and 8 Noes _ The Addition moved for is rejected. _
 ____ M.^r Allsopp then moved that a Clause be incerted, stating, “That all Offences ____
 “ committed under this Ordinance shall in conformity to the Laws of England, and the
 “ Principles of the British Constitution, introduced by the Quebec Act, be tryed by a Jury
 “ of twelve men.” Upon which the Question was put; The Voices stood 4 Ayes and
 9 Noes ; Voted and resolved a Rejection of the Clause moved for. ____ M.^r Grant
 moved That in Addition to this Article a Clause be incerted, limiting Prosecutions
 to be made in six months after the Offences committed; Resolved thereto unanimously. _

Read__ _ The 16.th Article _ M.^r Grant moved That the Ordinance shall be in force for one
 Year only, not for two Years; On which the Question was put; The Voices stood 3 ____
 Ayes and 10 Noes; Voted and Resolved in the Negative, viz, for two Years.

Read__ _ The Title proposed for this Ordinance by the Lieutenant Governor; Agreed
 to unanimously.

Read__ _ The Preamble proposed for this Ordinance by M.^r Mabane ____ A Member
 opposing it, Resolved that the Question be put, viz, “Whether the Preamble shall
 “ be incerted, or not?” The Voices stood 12 ayes and 1 No. Voted and Resolved _
 in the Affirmative.

Ordered that the Ordinance be given to be translated, and a fair
 Copy wrote out.

M.^r Finlay moved for Leave to incert in the Minutes, his Reasons for his Vote
 on M.^r Allsopp’s Motion made on reading ^ the 15.th Article _ Resolved accordingly. ____

Copy of M.^r Finlay’s said Reasons, viz.

“M.^r Finlay reserved Liberty to enter his reasons for not assenting to M.^r Allsopp’s
 “ Motion, to have every offence which may be committed under the Ordinance now in
 “ Deliberation tried by a Jury of 12 Men.”

“He deems it necessary, because at first view, it may appear that he has ____
 “ altered his opinion with regard to Juries, seeing that hitherto he has uniformly, as
 “ far as in him lay, heartily endeavoured to have the mode of Trial by Jury ____
 “ established in all criminal Cases, and also in mercantile Cases, even from the
 “ time that the ordinance erecting Courts of Judicature were in agitation in 1777
 “ to this day that he made a motion similar to M.^r Allsopp’s which he withdrew, on
 “ M.^r Mabane’s proposal of Appeal from the sentence of the Court of Justices to the
 “ Governor and Council, to which motion M.^r Grant added an Appeal from them to His ____
 “ Majesty in Council in all Matters above a hundred pounds sterling; which in his Opinion
 “ will secure every advantage to the subject that may be looked for from the Verdict of a Jury
 “ in any case that may happen under the Ordinance in question; but he would by no—
 “ means wish to have it understood that he thinks any mode of Trial can be substituted _
 “ in the place of Trial by twelve good and lawful men on Oath, with the same advantage
 “ to the Subject.

It has ever appeared to him that it has always been his Majesty’s ____
 “ gracious intention to have that mode established in Canada, and that his new—
 “ Subjects should fully enjoy the Lenity of the british Law in all criminal cases.

/signed/ Hugh Finlay.

adjourned to Saturday the 8.th instant

=====

Saturday 8.th April 1780

The same Members present

The Business of the Court of Appeals having taken up a great part
of this Day, Resolved to adjourn, and
adjourned to Monday the 10.th instant

=====

Monday 10.th April 1780.

The same Members present

Read ____

“ ____ The Ordinance chap. II. intituled “An Ordinance describing the persons who shall
be deemed Forestallors, Regrators and Ingrossers in this province, and inflicting ____
Read ____ punishments upon those who shall be found guilty of such offences” ____ 2.nd Reading.
____ The same Ordinance ____ 3.rd Reading.

“ The Lieutenant Governor moved that the Ordinance shall now pass the
Council – Upon which the Question was put, viz, “Whether the Ordinance shall pass ____
as now read or not? And the Voices standing 10 Ayes and 3 Noes; Voted and
resolved that the Ordinance pass.

“ M.^r Mabane read a paper indorsed “Reasons of Dissent by some Members _
who voted for fixing the price of Wheat and Flour, by Ordinance, for a limited Time, and
subscribed A. Mabane, F. Baby, and Samuel Holland.” And moved that Leave be given
to enter it in the minutes – Resolved that the Question be put, And being put, the
Voices standing 6 Ayes and 7 Noes, Voted and Resolved in the negative.

M.^r Allsopp moved That five Days be given him to fyle his Reasons for his
Vote on the last stated Question ____ Resolved accordingly.

“ M.^r Finlay moved for Leave to bring in an Ordinance” to ascertain what
shall be deemed sufficient Bail” ____ Resolved to lie on the Table.

adjourned to Wednesday the 12.th instant.

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On Wednesday the 12.th of April 1780
at the Council Chamber in the Castle of S.^t Lewis

Present

His Excellency Frederick Haldimand

Governor

The Honorable Hector Theophilus Cramahé Lieut. Governor

Thomas Dunn

François Levesque

Edward Harrison

John Collins

Adam Mabane

George Pownall

George Allsopp

J. G. C. De Lery

William Grant

François Baby

Samuel Holland ____ Esquires.

Read – The Ordinance Chap. II. intituled “An Ordinance describing the persons
“ who shall be deemed Forestallers, Regrators and Ingrossers in this _
“ province, and inflicting punishments upon those who shall be found _
“ guilty of such Offences. _ The Governor signed it and passed it under
the Great Seal. ____ His Excellency immediately afterwards prorogued
the Council.

Two Copies of the Minutes of the two foregoing
Sessions were delivered the Governor this 24.th day
of October 1780 ____ by JWilliams.

On Tuesday
 the 16.th day of January 1781.
 at the Council Chamber in the Castle of S.^t Lewis
 Present
 His Excellency Frederick Haldimand Governor
 The Honorable
 Hector Theophilus Cramahé Lieutenant Governor
 Hugh Finlay Conrad Gugy
 Thomas Dunn Picottée de Bellestre
 James Cuthbert John Fraser
 Francis Levesque Henry Caldwell
 Edward Harrison William Grant
 Adam Mabane Paul Roc S.^t Ours
 George Pownall Francis Baby
 George Allsopp Joseph de Longueüil
 La Corne S.^t Luc Samuel Holland ____ Esquires
 J. G. C. De Lery

The Governor opened the Sessions of the Legislative Council with the following Speech, viz,

“ Gentlemen,
 “Yesterday I assembled you as the King’s ____
 “ Council _ I this day address myself to you in your Legislative ____
 “ Capacity. There are three Ordinances which will expire at the
 “ end of this Session, if not renewed. The Lieutenant Governor will
 “ communicate to you the Alteration which Experience has pointed
 “ out as necessary to be made in the Ordinance for regulating the
 “ proceedings in the Courts of Justice.
 “ The Information which I gave you yesterday, from
 “ authentic intelligence, sufficiently shews that the present is
 “ not the time for Innovations. The Situation of public Affairs
 “ requires the Exertions of every good Subject in Support of the
 “ King’s Government. I hope that you will in your private, as
 “ well as your public Capacities employ all your Influence to
 “ render abortive the designs which the Rebels, in conjunction with
 “ their emissaries within the province, may have formed against
 “ its peace and Tranquility. I trust that you will assist me in
 “ detecting the latter, so that they may be brought to punishment.
 “ My sole attention will be to deserve the Confidence with which –
 “ his Majesty has honored me, and to exert my best Endeavours
 “ for the happiness of his people.

/signed/ Fred. Haldimand.

A Translation of it into french was read, which closed the business of the day.

The Lieu.^t Governor desired the Members of the Council to meet him to morrow at 10 o’ clock at the Council Chamber in the ____ Bishop’s palace.

On Wednesday
the 17.th day of January 1781
at the Council Chamber in the Bishop's Palace.

Present

The Hon ^{ble} Hector Theophilus Cramahé	Lieutenant Governor
Hugh Finlay	Conrad Guky
Thomas Dunn	Picottée de Bellestre
James Cuthbert	John Fraser
Francis Levesque	Henry Caldwell
Edward Harrison	William Grant
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	Francis Baby
George Allsopp	Joseph de Longueüil
La Corne S. ^t Luc	Samuel Holland _____ Esquires
J. G. C. De Lery	

The Lieutenant Governor proposed that the ordinance, intituled, “An Ordinance to regulate the proceedings in the courts of civil judicature in the province of Quebec” should be continued to the 30.th day of April 1783; And that a clause should be added to the Section which related to the manner of allowing writs of Appeal, authorising the Judges to accept of personal security on bail by justification, notwithstanding any Law Custom or Usage to the contrary.

Read the Title of the s.^d Ordinance, which was passed the 25.th of February 1777 _ Read also the Title of the Ordinance Chapter 1 passed the 16.th of January 1779 continuing the s.^d Ordinance to the 30.th of April next.

Resolved that the Question be put, whether the said Ordinance shall be further continued to the 30.th of April 1783, with the Addition of the Clause proposed by the Lieutenant Governor, or not? And being put, the Voices standing 19 Ayes and 1 Noe Voted and resolved _ accordingly.

M.^r Allsopp moved That the Words “According to the mode observed in the English Courts of Law,” be added to the Clause above stated, in Amendment thereof. Resolved that the Question be put; the Voices standing 3 Ayes and 17 Noes, Voted and resolved in the Negative.

M.^r Allsopp moved that the Seventh Article of the s.^d Ordinance be read _ Read the same _ He then moved That the s.^d Article be _ struck out, and the following inserted in its place; viz, “In all cases of personal actions grounded upon debts, promises, contracts, and agreements whether of a mercantile or other nature; and also of wrongs proper to be compensated in damages; The Laws of England shall be the Rule for the Trial and Decision thereof, any thing in this or any other Ordinance of this province to the contrary notwithstanding. Provided nevertheless that in any such cases wherein both the Plaintiffs and Defendants are his Majesty's Canadian Subjects, they may have their Causes decided by his Majesty's Judges, without the Intervention of a Jury if both parties are so inclined, and not otherwise.” Upon which the Lieutenant Governor proposed a Question to be put, viz, “Whether any further Amendment of the

“ the said Ordinance, shall be gone into, or not? ” Resolved to be put; The Voices standing 1 Aye and 19 Noes, Voted and resolved that no further Amendment of the said Ordinance be gone into.

Colonel Caldwell moved That the Attorney General be ___ ordered to draw out an Ordinance to continue the s.^d Ordinance to the 30.th of April 1783, with the addition of the Clause above voted to be inserted _ Resolved that the Question be put _ The Voices standing 19 Ayes and 1 Noe Voted & Resolved accordingly.

The Lieutenant Governor proposed that the Ordinance, intituled,
 “ An Ordinance for regulating the Militia of the Province of Quebec, and
 “ rendering it of more general Utility towards the preservation and _
 “ Security thereof ” should be further continued to the 30.th of April ___
 1783. ___ Read the Title of the s.^d Ordinance which was passed the
 29.th of March 1777 ___ Read also the Title of the Ordinance Chapter
 2 passed the 16.th of January 1779 continuing the said Ordinance
 to the end of this present Session. ___ Resolved that the Question be
 put “Whether An Ordinance to continue the s.^d Ordinance to the 30.th of ___
 “ April 1783 shall pass ___ The Voices standing 19 Ayes and 1 Noe ___
 Voted and resolved in the Affirmative.

M.^r Allsopp moved “that an Amendment be made to the
 “ militia Ordinance, directing the Militia to be balloted for when called
 “ out to actual Service; and that the Militia when on actual Service
 “ be paid a certain rate *p* day.” ___ Resolved that the Question be put;
 The Voices standing 1 Aye and 19 Noes Voted and resolved against
 the Amendment.

Resolved that an Order be sent to the Attorney General
 to draw out an Ordinance to continue the s.^d Militia Ordinance to
 the 30.th of April 1783 ___

The Lieutenant Governor proposed that the Ordinance, intituled, ___
 “ An Ordinance to empower the Commissioners of the peace to regulate
 “ the police of the Towns of Quebec and Montreal for a limited ___
 “ time ” passed the 23.rd Day of April 1777 should be continued to the
 30.th of April 1783. ___ Read the Title of the s.^d Ordinance _ Read
 also the Title of the Ordinance Chap. 3. passed the 16.th of January ___
 1779 continuing the said Ordinance to the End of this present ___
 Sessions _ Resolved unanimously to continue the same, and ___
 ordered that the Attorney General do draw out an Ordinance _
 to continue the s.^d Ordinance to the 30.th of April 1783.

Colonel

Colonel Caldwell moved that a Committee be named to ____
draw up an humble Address to the Governor, upon his Speech to the
council of the 16.th instant _ Resolved accordingly; And M.^r Finlay
M.^r Dunn, M.^r Cuthbert, M.^r S.^t Luc, M.^r Bellestre and Colonel Caldwell
and M.^r Longueüil, with any other Member that may chuse to attend,
are to compose the Committee.

adjourned to Friday 19.th instant

=====

On Friday the 19.th of January 1781

Present

The same Members ____

The Council resolved itself into a Committee, and settled the ____
Address to the Governor. ____ Resolved that M.^r Finlay, M.^r Dunn, M.^r _
Levesque and M.^r S.^t Luc do wait on the Governor to know what time
he will be pleased to receive the Address ____ They waited on His ____
Excellency, and reported that he would receive the Address to morrow
at eleven o'clock. ____ Ordered that it [^]be translated, and fair Copies
made out to be presented.

The Attorney General presented the Draughts of the three
Ordinances.

Read the Ordinance Chap. 1. intituled “An Ordinance for further
“ continuing an Ordinance made the 25.th day of February in ____
“ the seventeenth Year of his Majesty’s Reign, intituled, An ____
“ Ordinance to regulate the proceedings in the Courts of civil
“ Judicature in the province of Quebec”.

Read the Ordinance Chap. II. intituled “An Ordinance for further
“ continuing an Ordinance made the 29.th day of March in ____
“ the 17.th year of his Majesty’s reign, intituled, An Ordinance
“ for regulating the Militia of the province of Quebec, and ____
“ rendering it of more general Utility towards the preservation
“ and security thereof.”

Read the Ordinance Chap. III. intituled, “An Ordinance for
“ further continuing an Ordinance made the 23.rd day of
“ April in the seventeenth year of his Majesty’s Reing ____
“ intituled, An Ordinance to empower the Commissioners of the
“ peace to regulate the police of the Towns of Quebec and
“ Montreal for a limited Time.”

Read – the same three Ordinances, a second time

Read – the same, a third time.

The

The Lieutenant Governor proposed that the Ordinances might pass __ Resolved that the Question be put on each Ordinance __ separately __

The Question was put on the Ordinance Chap. 1. The Voices standing 19 Ayes and 1 Noes, Voted & resolved to pass.

The Question was put on the Ordinance Chap. II. The Voices standing 19 Ayes and 1 Noe, Voted and resolved to pass.

The Question was put on the Ordinance Chap. III. The Voices being unanimous for passing it; Voted and resolved ____ accordingly. ____

Ordered that the said three Ordinances be ingrossed upon __ Parchment.

adjourned to Saturday the 20.th instant.

=====

On Saturday the 20.th of January 1781.

Present

The same Members.

Examined the ingrossed Copies if the three Ordinances. __ Examined also the English and french Copies of the Address:

A Copy of the Address in English, viz,

To His Excellency Frederick Haldimand Captain General and Governor in chief of the province of Quebec; Vice __ Admiral of the same; General and Commander in Chief of his Majesty's forces in the s.^d province and the frontiers thereof &c &c &c.

May it please your Excellency,

We his Majesty's dutiful and loyal Subjects, the Members of the Legislative Council of the said province, in __ Council assembled, return our thanks to your Excellency for your Speech, and for informing us of the Designs of the __ Enemy against the peace and tranquility of the province.

We have proceeded with diligence and unanimity __ to the renewal of the three Ordinances which were near __ expiring

expiring; and have made, in that which regulates the courts of Justice, the Alteration which Experience pointed out to be necessary and which your Excellency recommended.

Sensible of the blessings which this country has ___ enjoyed, at a time when the neighbouring provinces are ___ involved in the miseries of war, we feel the most sincere gratitude for the unwearied Efforts which your Excellency has used to put the province in a posture of defence; and _ for your endeavours to protect its commerce as well in the gulph of Saint Lawrence as in the upper Countries. ___ From your vigilant attention to every thing which can___ contribute to the safety of this part of the continent, we ___ entertain the most lively hopes that the intentions of the enemy will be frustrated. _ We shall exert ourselves to detect and bring to punishment the emissaries of the rebels, and ___ other his Majesty's Enemies.

Animated with Sentiments of Loyalty and Affection for the best of Kings, we assure your Excellency that we shall be always ready to give proofs of our Attachment, in whatever manner, and under whatever circumstances your Excellency may think proper to employ us.

/signed/ H. T. Cramahé

Council Chamber, Quebec
19.th January 1781.

Resolved that the whole Council do wait on the Governor, to present the Address. ___ They waited on the Governor, And His Excellency returned them the following answer; viz,

“ Gentlemen,

“ I am obliged to you for your loyal & affectionate
“ Address. The Unanimity and diligence with which you have
“ finished the business of the Session is extremely pleasing to
“ me. With your Assistance, the people will be awakened to
“ a sense of their true interest, and I hope the peace and ___
“ tranquility of the province, in spite of every effort to
“ disturb it, will be secured.

/signed/ Fred. Haldimand

Castle S.^t Lewis the
20.th January 1781

The same 20.th day of January 1781.
at the Council Chamber in the Castle of S.^t Lewis.

Present

His Excellency Frederick Haldimand

Governor

The Hon^{ble} Hector Theophilus Cramahé Lieu.^t Governor

Hugh Finlay	Conrad Gagy
Thomas Dunn	Picottée De Bellestre
James Cuthbert	John Fraser
Francis Levesque	Henry Caldwell
Edward Harrison	William Grant
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	Francis Baby
George Allsopp	Joseph De Longuëuil
La Corne S. ^t Luc	Samuel Holland – Esquires
J. G. C. De Lery	

Read the said Three Ordinances, Chap.^s I _ II and III _ The Governor signed them, and passed them under the public Seal of the province. His Excellency immediately after prorogued the Council till further Notice.

A copy of the foregoing Minutes, stated to be “Copy of the
“Minutes of the Legislative Council from the 13.th of April
“1780 to the 30.th of April 1781 both inclusive ” was
delivered the Governor the 7.th of July 1781 to be sent Home
by the Quebec.

JWilliams.

Duplicate, and Triplicate of the same were delivered
the Governor the of October 1781 to be sent Home
by the

JWilliams.

On Thursday the 30.th of August 1781.
At the Council Chamber in the Castle of S.^t Lewis

Present

His Excellency Frederick Haldimand, Governor

The Hon^{ble} Hector Theophilus Cramahé, Lieutenant Governor

Hugh Finlay	George Pownall
James Cuthbert	George Allsopp
Francis Levesque	Henry Caldwell
Edward Harrison	John Drummond
John Collins	Francis Baby
Adam Mabane	Samuel Holland ____ Esquires

His Excellency the Governor laid before the Council the Opinion of the King's Attorney General and Sollicitor General at Home concerning the power of the Legislative Council to rate and fix the price of __ Wheat and Flour within the province ____ Read the same _ His Excellency then informed the board that His Majesty had ordered it to be entered in the minutes.

The Opinion

“ To the Right Honourable Lord George Germain one of his

“ Majesty's principal Secretaries of State.

“My Lord,

“ In humble Obedience to His Majesty's commands signified
“ to us by your Lordship's Letter of the 23.rd instant, stating a difference
“ of opinion having arisen among the members of the Legislative
“ Council of Quebec, respecting the right of the Council under the Act
“ of parliament for regulating the government of that province,
“ to make Laws for rating and fixing the price of Wheat and Flour,
“ and transmitting to us an Extract of Governor Haldimand's Letter
“ to your Lordship upon the Subject, with Copies of the Opinions of
“ the Attorney General and M.^r Williams, and of the reasons of ____
“ Dissent of Three of the Members of the Council against the ____
“ Resolution of the Majority who determined against the Right, and
“ signifying to us his Majesty's pleasure that we do take the
“ said Act for regulating the government of that province, and _
“ the other Acts alluded to in the inclosed papers, together with
“ the said papers into consideration, and report to your ____
“ Lordship, for his Majesty's Information, our Opinion, whether
“ the Legislative Council of Quebec have a legal authority
“ to rate and fix a price upon Wheat and Flour ; We have

Taken

“ taken the same into our consideration, and are most clearly of Opinion
 “ that the legislative council of Quebec have a legal Authority to
 “ rate and fix a price upon Wheat and Flour, And we beg Leave to
 “ add as our opinion, that the Legislative Council have also a ____
 “ legal authority to compel persons possessed of Wheat and Flour
 “ for sale, to sell the same at the prices which shall be fixed, if in
 “ their Judgment the Exigencies of the state require that measure.

“ All which is humbly submitted to His Majesty’s
 “ royal Wisdom “

“ Jn.^s Wallace

“ J. Mansfield

“31st March 1781

“Whitehall, April 12.th A true Copy
 /signed/ Geo. Germain.

His Excellency the Governor informed the Council that he had
 received the King’s Ratification of the Ordinance for regulating the
 Maîtres de poste, and that for the Establishment of Fees __ Read
 the same __ Ordered to be entered.

The Ratification

At the Court at S.^t James’s

the 2.nd of May 1781

Present

The King’s most excellent Majesty

Lord Chancellor	Viscount Stormont
Lord President	Viscount Mount Edgumbe
Lord Chamberlain	Lord North
Earl of Hillsborough	Lord Amherst
Earl of Clarendon	Sir Richard Worsley
Earl Nugent	Charles Jenkinson Esq. ^r
Lord George Germain	

Whereas the Governor and Legislative Council of His Majesty’s
 province of Quebec, have prepared and transmitted to his Majesty for
 his royal Approbation, two Ordinances, intituled as follows _ viz^t.

An Ordinance for regulating all such persons as keep,
 horses and carriages to led and hire, for the accom=
 =modation of Travellers, commonly called and __
 known



known by the name of *Maîtres de poste*.

An Ordinance for the regulation and establishment of Fees.

Which Ordinances, together with a representation from the Lords Commissioners for trade and plantations thereupon, having been referred to the consideration of a Committee of the Lords of His Majesty's most honourable Privy Council for plantation affairs, the said Lords of the Committee did this day report as their opinion to His Majesty that the said Ordinances are proper to be confirmed; His Majesty is thereupon pleased, with the advice of His Privy Council to declare his Approbation of the said Ordinances, and pursuant to His Majesty's pleasure thereupon expressed, the said Ordinances are hereby confirmed, finally enacted and ratified accordingly; Whereof the Governor or Commander in chief of His Majesty's said province of Quebec for the time being, and all other whom it may concern are to take notice and govern themselves accordingly.

/signed/ W. Fawkener

The Governor informed the Council that he was directed by His Majesty to lay before them such articles of his private Instructions as he should think proper; He delivered ^{^ Copies of} the 12.th 13.th and 16.th Articles of his Instructions to be read _ Read _ the same _ Ordered to be filed and entered in the Minutes.

The said Articles of Instructions, viz.^t

- “ Copy of the 12.th Article of the King's Instructions
- “ to the Governor of the province of Quebec given at S.^t
- “ James's the 3.rd January 1775.

“The establishment of courts and a proper mode of administering civil and criminal justice thro' out the whole extent of our province according to the principles declared in the said Act for making more effectual provision for the government thereof, demand the greatest care and circumspection; for, as on the one hand, it is _ our gracious purpose, conformable to the spirit and intention of the said act of parliament that our Canadian subjects should have the benefit and use of their own laws, usages and customs in all controversies respecting titles of land and the tenure, descent, alienation, incumbrances, and settlement of real estates, and the

distribution

“ distribution of personal property of persons dying intestate; so, on the
 “ other hand, it will be the duty of the legislative council to consider
 “ well in framing such ordinances as may be necessary for the esta=
 “ =blishment of courts of justice, and for the better administration
 “ of justice, whether the laws of England may not be, if not altogether,
 “ at least in part, the rule for the decision in all cases of personal
 “ actions grounded upon debts, promises, contracts, and agreements,
 “ whether of a mercantile, or other nature, and also of wrongs proper
 “ to be compensated in damages, and more especially where our ____
 “ natural born subjects of Great Britain, Ireland or our other ____
 “ plantations residing at Quebec, or who may resort thither, or have
 “ credits or property within the same, may happen to be either
 “ Plaintiff of Defendant in any civil suit of such a nature.”

“Copy of the 13.th Article of the King’s Instructions to
 “the Governor of the province of Quebec, given at S.^t James’s
 “the 3.rd January 1775.

“Security to personal Liberty is a fundamental principle
 “ of justice in all free governments, and the making due provision
 “ for that purpose is an object the Legislature of Quebec ought never
 “ to lose sight of, nor can they follow a better example than that
 “ which the Common Law of this Kingdom hath set in the provision
 “ made for a writ of Habeas Corpus, which is the right of every
 “ British Subject in this kingdom.

“Copy of the 16.th Article of the King’s instructions to
 “the Governor of the province of Quebec, given at S.^t
 “James’s the 15.th April 1778.

“And whereas in pursuance of the foregoing
 “ instructions, Ordinances have been framed and ordained for the –
 “ establishment of courts, and directing a proper mode of –
 “ administring civil and criminal justice within our said –
 “ province of Quebec, conformable to the spirit and intention
 “ of the aforesaid act of parliament, intituled, An Act for making
 “ more effectual provision for the government of the province of
 “ Quebec in North America; it is our will and pleasure that –
 you

“ you do from time to time, with our said council in their legisla=
 “ =tive capacities, deliberate upon, and frame such ordinances, as
 “ the circumstances and condition of affairs may require, either
 “ for continuing, amending, or enforcing such ordinances as
 “ have been ordained as aforesaid, or making any further
 “ and necessary changes and regulations in the courts so _
 “ established, or in the mode of administering justice within
 “ our said province; provided that such ordinances be
 “ strictly conformable to the act of parliament, and to __
 “ the tenor of these our instructions.

Two Copies	of the foregoing Minutes from the	}
16. th of January	January last inclusive, were delivered	
M. ^r Genevay	at the Chateau, by JWilliams	

On Saturday
the 2nd day of February 1782
at the Council Chamber in the Castle of S.^t Lewis.
Present

His Excellency Frederick Haldimand Governor

The Hon ^{ble} Thomas Dunn	Picottée de Bellestre
Francis Levesque	Henry Caldwell
Edward Harrison	John Drummond
John Collins	William Grant
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	Francis Baby
George Allsopp	Joseph de Longueüil
La Corne S. ^t Luc	Samuel Holland
J. G. C. De Lery	Esquires

The Governor opened the Sessions with the following Speech to the Council, viz,

“ Gentlemen of the legislative Council

“The state of public Affairs in this, as well as in the neighbouring provinces requires Expeditions and Unanimity. I have therefore directed the Attorney General to prepare Draughts of Ordinances for the Renewal of those which expire; so that, provided they meet with your approbation, no time may be lost in enacting them.”

His Excellency withdrew

The Hon^{ble} Thomas Dunn Esq.^r President of the Council desired the Members to assemble at the Council Chamber in the Bishop's Palace on Monday next, at 12 o'clock.

Monday

On Monday
the 4.th day of February 1782
at the Council Chamber in the Bishop's Palace

Present

The Hon^{ble} Thomas Dunn President

Francis Levesque	Picottée de Bellestre
Edward Harrison	Henry Caldwell
John Collins	John Drummond
Adam Mabane	William Grant
George Pownall	Paul Roc S. ^t Ours
George Allsopp	Francis Baby
La Corne S. ^t Luc	Joseph De Longueüil
J. G. C. De Lery	Samuel Holland __ Esquires

Read the Governor's speech to the Legislative Council of Saturday the 2.nd instant.

Colonel Caldwell moved That an Address of Thanks be made to the Governor for his Speech, and a Committee named to draw it up. __ Resolved accordingly, and M.^r Levesque M.^r Harrison, M.^r S.^t Luc, M.^r De Lery and Colonel Caldwell are appointed a Committee for that purpose.

Read the Draught of an Ordinance Chap. 1. intituled "An Ordinance for __
" continuing an Ordinance made the ninth day of March in the 20.th year
" of his Majesty's Reign, intituled, An Ordinance to prohibit for a limited
" time the exportation of Wheat, Pease, Oats, Biscuit, Flour or Meal of
" any kind; also of horned cattle; and thereby to reduce the present high
" price of Wheat and Flour." __ 1.st reading.

Read the Draught of an Ordinance Chap. 2. intituled "An Ordinance for
" continuing an Ordinance made the 12.th day of April in the 20.th
" year of his Majesty's Reign, intituled, An Ordinance describing the
" persons who shall be deemed Forestallers, Regrators and Ingrossers
" in this province ; and inflicting punishments upon those who shall
" be found guilty of such Offences" __ 1.st reading.

Read the Draught of an Ordinance Chap. 3. intituled "An Ordinance for
" continuing an Ordinance made the 9.th day of March in the 20.th __
" year of his Majesty's Reign, intituled, An Ordinance for the
" Regulation and Establishment of Fees" __ 1.st reading.

Read the Draught of an Ordinance, Chap. 4. intituled "An Ordinance for
" continuing an Ordinance made the 9.th day of March in the 20.th year
" of his Majesty's reign, intituled, An Ordinance for regulating all _
" such persons as keep Horses and Carriages to let and hire for the
" accommodation of Travellers, commonly called and known by the
" name of Maîtres de poste." __ 1.st reading.

The President proposed to read the foregoing four Ordinances a second Time __ The Hon^{ble} M.^r Allsopp moved that the Ordinances intended to be continued be first read __ Resolved accordingly.

Read the Ordinance passed the 9.th of March 1780, intituled, “An Ordinance to prohibit
 “ for a limited time the exportation of Wheat, Pease, Oats, Biscuit, Flour
 “ or Meal of any kind; also of horned Cattle; and thereby to reduce the __
 “ present high price of Wheat and Flour” __ Article by Article, in
 “ english and french __ 1.st reading.

Read, Article by Article, in english and french the Ordinance passed the 12.th
 of April 1780, intituled, “An Ordinance describing the persons who
 “ shall be deemed Forestallors, Regrators, and Ingrossers in this province,
 “ and inflicting punishments upon those who shall be found guilty,
 “ of such offences” __ 1.st reading.

Read a Memorial to the Governor and Legislative Council, signed
 by M.^r Panet, M.^r Berthelot, M.^r Obry, M.^r Pinguet, M.^r Cugnet Jun.^r, M.^r __
 Russell, M.^r Stuart, M.^r Scriven and M.^r Descheneaux, Attornies at Law,
 praying that two of them may be heard upon certain points respecting
 the Fees regulated under the Fee Ordinance __ Resolved that Notice
 be given them to attend this Board to - morrow at 11 o’ clock.

Read, Article by Article, in English and French, the Ordinance passed the 9.th
 of March 1780, intituled, “An Ordinance for the Regulation and __
 “ Establishment of Fees” __ 1.st reading.

Read, Article by Article, in English and French, the Ordinance passed the 9.th
 of March 1780, intituled, “An Ordinance for regulating all such __
 “ persons as keep Horses and Carriages to let and hire for the ____
 “ accommodation of Travellers, commonly called and known by the
 “ name of Maîtres de poste. ” __ 1.st reading

Adjourned to Tuesday the 5.th at 11 o’clock.

Tuesday 5.th February 1782.

The same Members present.

Read the minutes of yesterday respecting the Memorial of the Attorneys at Law. ____ The Gentlement attending without # # were ordered in. M.^r Panet and M.^r Scriven stated the Items wished to have considered by the Council. ____ Resolved to lay on the Table.

The Committee appointed to form an Address to the Govenor ____ reported their Draught of it ____ Read it in English and French ____ It was approved of; but Resolved to have it voted Whether it _ shall be presented to the Governor before, or after the Business ____ recommended by His Excellency is disposed of _ The Question being put and the Voices standing 10 for presenting it before the business _ recommended be disposed of, and 7 against Resolved that M.^r ____ Levesque and M.^r Harrison do wait on the Governor with a fair copy of it, and to desire to know what time he will be pleased to ____ receive the Address of the Council ____ In the mean time Ordered to be engrossed and entered.

Copy of the Address.

To His Excellency Frederick Haldimand

Captain General and Governor in chief of the province of Quebec; Vice Admiral of the same; General and Commander in chief of His Majesty's forces in the s.^d province and _ the frontiers thereof &c, &c, &c.

May it please your Excellency,

We His Majesty's dutiful and loyal Subjects the legislative Council of the province of Quebec, in Council assembled, beg leave to return your Excellency our humble Thanks for your speech from the Chair.

Convinced of the unhappy state of the neighbouring provinces, we feel still greater necessity of using our utmost endeavours to preserve good order and tranquility in this ____ province; and the unanimity and zeal with which we shall, in compliance with your Excellency's wishes, proceed to the dispatch of public business, will be an earnest of that zeal we shall always be ready to manifest in support of your ____ Excellency's administration, with which the King's service and the public good are so closely connected.

/signed/ Thom.^s Dunn Pr

Council Chamber, Quebec,
5.th February 1782

Read the four Ordinances for continuing the 4 Ordinances read yesterday
and likewise
Read the said four Ordinances, intended to be continued, Article by Article
in English and French _____ 2.nd reading

M.^r Levesque and M.^r Harrison having waited on the Governor
report to the Council that His Excellency will receive their _____
Address on Thursday next at 11 o' clock ____ Resolved that
the Committee who drew out the Address, do wait on his _____
Excellency on Thursday next at 11 o'clock, to present it.

Colonel Caldwell moved for Leave to bring in an Ordinance
for abolishing the Custom commonly called The Abandon, and ____
that it may be committed ____ Read the Heads of the Ordinance
in English and French ____ Resolved to lie on the Table.

Adjourned to Wednesday the 6.th at 10 o' clock.

=====

Wednesday 6.th February 1782.

The same Members present

1st Question

Read Colonel Caldwell's motion of yesterday for committing his
heads of an Ordinance for abolishing the Custom called The Abandon
Resolved that the Question be put, and being put, the Voices standing
3 Ayes and 14 Noes, Voted in the negative.

M.^r Mabane moved that the Ordinances for renewing the Ordinances
recommended by the Governor to be renewed, be read for the 3.rd time. ____

Here M.^r Allsopp read two motions in English which he handed to
M.^r Cugnet to be translated into French.

Read the Ordinance Chap. 1. intituled, "An Ordinance for continuing an Ordinance
made the 9.th day of March in the 20.th year of his Majesty's reign, intituled,
" An Ordinance to prohibit for a limited time the exportation of Wheat, Pease,
" Oats, Biscuit, Flour or Meal of any kind; also of horned Cattle : and thereby
" to reduce the present high price of Wheat and Flour" ____ 3.rd reading
And then Read the said recited Ordinance, intituled, "An Ordinance to prohibit
" for a limited time the exportation of Wheat &c." _ 3.rd reading.
M.^r Allsopp moved that the 7.th Article be left out of the Ordinance
Resolved

- Resolved that the Question be put, and being put, the Voices standing 1 Aye and 16 Noes, Voted in the Negative ____ M.^r Allsopp moved that the Words “according to the Course and Usage of such Courts from the Trial, Hearing and Judgment of causes” in the 8.th Article, be left out; and _
- “ the words “by a Verdict of a Jury duly empanelled and sworn according to the Laws of England” inserted in their stead. Resolved that the Quest.ⁿ be put, and being put, the Voices standing 1 Aye and 16 Noes Voted in the Negative ____
- 3.rd Question M.^r Allsopp moved that the Votes of the Council be taken Whe^r _ the s.^d Ordinance shall be continued for 1 or for 2 years and to the _
- 4.th Question End of the then Sessions. Resolved that the Question be put, and being put, the Voices standing 2 for continuing it for 1 year, and 15 for two years &c Voted that it be continued for two Years and to the end of ____ the Sessions of the Legislative Council in the Year 1784.
- The Blanks being filled up in the s.^d Ordinance Chap.1. Voted _
- 5.th Question unanimously to pass.

Ordered to be engrossed.

- Read the Ordinance passed the 12.th of April 1780, intituled, “An Ordinance ____ describing the persons who shall be deemed Forestallers, Reagrators and _
- “ Ingrossers in this province, and inflicting punishments upon those who_
- “ shall be found guilty of such Offences” ____ 3rd reading _ M.^r Grant_
- “ moved that the 4.th Article be left out, Resolved that the Question
- 6.th Question be put, and being put, the Voices standing 5 Ayes and 12 Noes Voted ____ in the negative. ____ M.^r Allsopp moved that the Words “by the Laws of the Realm of England, or after the manner and form hereafter mentioned” in the 5.th Article be struck out, and the words “by a Verdict of a Jury duly empanelled and sworn according to the Laws of the Realm of England” inserted in their stead : And that the Words “or be imprisoned for a space of time not exceeding one month, without Bail or mainprize” and also the Words “or be imprisoned for a space of time not exceeding three months, without Bail of Mainprize” be
- “ likewise struck out, Resolved that the Question be put, and –
- 7.th Question being put, the Voices standing 4 Ayes and 13 Noes, Voted in the negative. ____ M.^r Allsopp moved that the whole of the 6.th Article
- 8.th Question be left out, Resolved that the Question be put, and being put, the voices standing 1 Aye and 16 Noes, Voted in the negative. ____ M.^r Allsopp moved that the 7.th Article be amended by inserting the ____ words “by and with the advice of his Majesty’s Council” after the words “for the time being” And by adding to the foot of this Article the words “Provided such Licence be recorded by the Clerks of the peace as hereafter mentioned” Resolved that the Question be put, and being
- 9.th Question put, the voices standing 2 Ayes and 15 Noes, Voted in the negative ____ M.^r Allsopp moved That the prices set in the 13.th Article to
- “ The

- 10.th Question the several Articles of Grain, Flour and Biscuit, be augmented one fourth Resolved that the Question be put, and being put, the Voices standing ___ 6 Ayes and 11 Noes, Voted in the Negative ___ M.^r Allsopp moved That the words “to be published in the Quebec Gazette” in the 14.th Article be struck out, and the Words “registered by the Clerk of the peace and communicated to any person requiring the same without fee or reward” inserted in their stead; And that the Words “and publish” in that Article, be left out; Resolved that the Question be put, and being put, the Voices standing 8 Ayes and 9 Noes, Voted in the ___ Negative ___ M.^r Allsopp moved that the Words “and by Inquisition, -- Presentment, Bill or Information before them exhibited, and by Examination of two lawful Witnesses, or by any of the ways and means by the Discretion of the Justices or Commissioners, and to make process thereupon as though they were indicted before them by Inquisition or by Verdict or twelve or more men” in the 15.th Article, be struck out; and the words “by a Verdict of a Jury duly empanelled and sworn according to the Laws of the Realm of England” inserted in their Room: ___
- 11.th Question Resolved that the Question be put, and being put, the Voices standing ___ 3 Ayes and 14 Noes, Voted in the Negative. Then
- 12.th Question Read
- “ the Ordinance, Chap. 2, intituled “An Ordinance for continuing an Ordinance made the 12th day of April in the 20th year of His Majesty’s _ Reign, intituled, An Ordinance describing the persons who shall be deemed _ Forestallers, Regrators and Ingrossers in this province, and inflicting _ punishments upon those who shall be found guilty of such Offences,” ___ in English and French ___ 3rd reading. ___ M.^r Allsopp moved
- 13.th Question that the Votes of the Council be taken, Whether the s.^d Ordinance shall be continued for 1 or for 2 years, Resolved that the Question be put, and being put the Voices standing 3 for continuing it for 1 year and 14 for 2 years, Voted that it be continued for 2 years and to the End of the Sessions of the Legislative Council which will be in the year 1784
- 14.th Question ___ The Blanks being filled up Resolved that the Question be put Whether this Ordinance shall pass, and being put the Voices standing 15 Ayes and 2 Noes, Voted to pass ___ Ordered to be engrossed.

Resolved that M.^r Allsopp’s Motions which he had given to be translated be entered; “His Majesty having been graciously pleased, in consequence (as it appears ^{evidently} ^ to me) of a representation made in the Session of the Legislative Council in 1780, to direct the Governor to lay before the Council certain Articles _ of Instructions relative to the administration of Justice in this province; I move that the 12th, 13th, and 16.th Articles of his Majesty’s Instructions _ to the Governor, which, by Order of his Excellency in Council are entered ___ on the Minutes, be ordered to be translated into French, and laid on the Table for the perusal of those members who do not understand the English Language. ___ And I move that the Opinions of the Attorney and Solicitor General relative to the authority of the legislative Council /with the ___ assent of the Governor) to tax the price of Grain in virtue of the Act of the 14.th Geo. 3. Chap. 83, which Opinions are entered on the Minutes, be likewise translated and laid on the Table.” ___ Resolved in the ___ Affirmative unanimously.

Adjourned to Thursday the 7.th 10 o’clock

Thursday 7th February 1782.

The same Members present

The Committee appointed to present the Address of the Council to the Governor reported That they had waited on his Excellency and presented it to him; and that his Excellency had been pleased to return the ____ following Answer, viz,

“Messieurs du Conseil Legislatif

“ Je vous remercie pour l’Adresse que vous me presentés, dans laquelle Je vois avec une vraie satisfaction votre zèle pour le ____ service du Roi et de son Gouvernement,

“Etant informé qu’il seroit nécessaire pour l’instruction des anciens (aussi bien que des nouveaux) sujets, de sa Majesté qu’il y eut une Ordonnance de la province qui déclarat et fixat la maniere d’administrer les biens des personnes, mortes abintestat les Tutelles et autres matieres du Ressort de la Cour des Prerogatives, J’ai crû /quoique les tems ne soyent pas favorables aux Innova= =tions/ devoir en faire preparer le projet que je recommande à votre consideration.”

“Château S.^t Louis de Quebec ce 7^{ème} Février 1782
/signé/ Fred: Haldimand

The Committee delivered into Council the Draught of the Ordinance now recommended by the Governor to be taken into Consideration.

Read the Ordinance passed the 9.th of March 1780, intituled “An Ordinance for the Regulation and Establishment of Fees” ____ 3rd reading

Then read the Ordinance, Chap. 3. intituled, “An Ordinance for continuing an Ordinance made the ninth day of March in the 20.th year of his ____ Majesty’s reign, intituled, An Ordinance for the Regulation and ____ Establishment of Fees” in English and French ____ 3rd reading
____ M.^r Allsopp, after stating That it had been suggested that the Gentlemen of the Law at Montreal had made a representation for augmenting and adding some Articles of fees, to the Judges of the Court of Common Pleas ____ there, who have it under Consideration, and that their Answer will be sent down by Saturday’s post; moved that this Ordinance may lay ____ on the Table till after the Arrival of the post on that day _ Resolved that the Question be put, and being put, the Voices standing 3 Ayes and 14
1.st Question Noes, Voted in the Negative ____ The President ordered the Question to be
2.nd Question put, Whether the said Fee Ordinance shall be continued for 1 or for 2 ____ years; And being put, the Council was unanimous for continuing it
3.rd Question for 2 years ____ The Blank being filled up, the President ordered the Question to be put, Whether the Ordinance shall pass, and being put, the Council was unanimous for passing it ____ Ordered to be ingrossed.

Read

Read the Ordinance passed the 9.th of March 1780, intituled, “An Ordinance for regulating all such persons as keep Horses and Carriages to let and ___
 “ hire for the accommodation of Travellers; commonly called and known by
 “ the name of Maîtres de poste.” ___ in English & French ___ 3rd reading

Then read the Ordinance, Chap.4. intituled, “An Ordinance for continuing an Ordinance made the 9.th day of March in the 20.th year of his Majesty’s Reign, intituled,
 “ An Ordinance for regulating all such persons as keep Horses and ___
 “ Carriages ^{^ to let & hire} for the Accommodation of Travellers; commonly called and ___
 “ known by the name of Maîtres de poste” ___ 3rd reading. ___

4.th Question ___ The President ordered the Question to be put, Whether the Ordinance shall be continued for 1 or for 2 years; and being put, the Voices were unanimous _
 5.th Question for continuing it for 2 years. ___ The Blanks being filled up, the ___
 President ordered the Question to be put, Whether the Ordinance shall pass, and being put, the Voices were unanimous for passing it ___ Ordered to be engrossed ___

Read a Motion of M.^r Allsopp’s in these Words, viz, “M.^r Allsopp moves for leave
 “ to bring in three Ordinances in conformity to the 12.th and 13.th Articles of
 “ his Majesty’s Instructions, to the following purport.
 “ First Ordinance ___ That it be enacted that in all his Majesty’s
 “ Courts in this province, in all cases of personal actions grounded upon debts, ___
 “ promises, contracts and agreements whither of a mercantile or other nature;
 “ and also of all wrongs proper to be compensated in damages, the Laws & Statutes
 “ of England, and the Trial by Jury shall be the Rule for the Trial and Decision ___
 “ thereof, any Law, Ordinance, Custom or Usage; to the contrary notwithstanding; ___
 “ Provided nevertheless that in any such cases wherein both the Plaintiffs and
 “ Defendants are his Majesty’s new Subjects, they may have their causes decided
 “ by his Majesty’s Judges, without the Intervention of a Jury, if both parties
 “ are so inclined, and not otherwise”
 “ Second Ordinance, ___ That it be enacted that the Judges of all
 “ his Majesty’s courts of Law and Justice in this province shall be authorized and
 “ required to grant and issue Writs of Habeas Corpus in all cases where such Writs
 “ are directed to be granted by the Laws and Statutes of England, and under the Penalties
 “ established by such statutes. ”
 “ Third ordinance ___ That it be enacted that the Execution of
 “ the ordinance of the present Sessions 22.nd of Geo. 3. chap. intituled, An Ordinance
 “ for granting Writs of Habeas Corpus, shall be suspended and of no effort for one ___
 “ whole year, and to the end of the Sessions of the Legislative Council in the Year 1783.”

Read a Motion of M.^r Mabane’s in these words, viz, “M.^r Mabane moves that the
 “ heads of the Ordinance recommended by His Excellency the Governor relative
 “ to the business of the prerogative Court to be translated into French, and that
 “ the Council form itself into a Committee to take that matter into Consideration
 “ to morrow.”

6.th Question Resolved that the Question be put, Which of the s.^d Motions, that of M.^r Allsopp’s or that of M.^r Mabane’s be first disposed of _ And being put the Voices standing 3 for that of M.^r Allsopps and 12 for that of M.^r ___ Mabane’s [M.^r Drummond and M.^r De Lery declining to vote] Voted that M.^r Mabane’s Motion be first entered upon and disposed of.

Read

7.th Question { Read a second time the foregoing Motion of M.^r Mabane's _ Resolved that the Question be put, and being put, the Voices standing 15 Ayes and 2 Noes _ Voted in the Affirmative. _____ M.^r Drummond filed his Reasons for his Vote on this Motion.

8.th Question“ { M.^r Grant moved “That the sense of the Council be taken Whe.^r in future every Member of Council present shall not give his Voice and opinion on every Question, instead of declining the same as some Members “ have heretofore done ” Resolved that the Question be put, and being put, the Voices standing 16 Members for having the Voice and _ Opinion given on every Question, and 1 ag.st it, Voted and resolved in the Affirmative.

9.th Question { Read a second Time M.^r Allsopp's foregoing motion for Leave to bring in the Three Ordinances _ Granted unanimously. _____ M.^r Allsopp moved that they be committed _____ M.^r Grant moved that M.^r Allsopp's motion for _____ committing them, do lay on the Table till Monday next, that he may have_ him to consider of it _ Resolved that the Question be put on M.^r Grant's _ Motion, and being put, the Voices standing 14 Ayes and 3 Noes, Voted in the _ Affirmative.

Adjourned to Friday the 8.th 11 o' clock

=====

Friday 8.th February 1782

The same Members present.

The Council formed itself into a Committee _____ Read in English and French, the Heads of the Ordinance recommended by the Governor, relative to the business of the prerogative Court.

The Committee adjourned to Monday the 11.th at 10 o' clock.

The Council went upon the General Business of the Sessions.

Colonel Caldwell moved “for Leave to bring in an Ordinance establishing
 “ and enacting as Ordinances of this province, for two years, the Regulations of
 “ the Superior Council of Quebec dated the 11.th May 1676 And the Ordinance of
 “ M.^r Dupuy Intendant dated 31.st October 1727, both relative to the Abandon
 “ of Cattle; and that the Comm.^{er} of the peace in the several Districts may be
 “ authorized and empowered to enforce the s.^d Ordinance” _____ Granted _____
 unanimously. _____ Colo.^l Caldwell moved That the same be committed.
 Resolved accordingly, and that M.^r Levesque, M.^r Allsopp, M.^r S.^t Luc, M.^r _____
 Grant and Colo.^l Caldwell, with any other member or members who may
 chuse to assist, compose the Committee.

Adjourned to Monday the 11.th at 11 o'clock

Monday 11.th February 1782

at the Council Chamber in the Castle of S.^t Lewis.

Present

His Excellency Frederick Haldimand Governor

The Hon ^{ble} Thomas Dunn	J. G. C. De Lery
Francis Levesque	Picottée De Bellestre
Edward Harrison	John Drummond
John Collins	Will. ^m Grant-
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	Francis Baby
George Allsopp	Joseph De Longueuil
La Corne S. ^t Luc	Samuel Holland ____ Esquires

Read the Ordinance Chap. I_II_III and IV which had passed ____ the Legislative Council ____ His Excellency the Governor signed them and passed them under the Great Seal of the province ____ And ordered them to be published forthwith in the Quebec Gazette. ____ The Governor withdrew.

The same Day

at the Council Chamber in the Bishop's Palace.

Present

The Hon^{ble} Thomas Dunn, President

Francis Levesque	J. G. C De Lery
Edward Harrison	Picottée De Bellestre
John Collins	Henry Caldwell
Adam Mabane	John Drummond
George Pownall	Will. ^m Grant
George Allsopp	P. Roc S. ^t Ours
La Corne S. ^t Luc	Francis Baby
	Jos. De Longueuil

and Samuel Holland ____ Esquires

M.^r Allsopp moved That his Motion for committing the Heads of the Three Ordinances be considered, and the Opinion of the Attorney and Solicitor General read, with his Majesty's 12th, 13th, and 16.th Articles of Instructions to the Governor ____ Ordered to be read ____

Read the Attorney and Solicitor General's Opinion, dated 31.st March 1781, and the french Translation of it.

Read His Majesty's 12.th Article of Instructions to the Governor of Quebec, dated, ____ S.^t James's 3.rd January 1775; with a french Translation of it.

Read His Majesty's 13.th Article of Instructions to D^o dated the same 3rd ____ January 1775; with a french Translation of it.

Read His Majesty's 16.th Article of Instructions to D^o dated S.^t James's 15.th April 1778; with a french Translation of it.

M.^r De Longueuil made the following Motion, viz, "Monsieur De

“ Longueuil propose que les Ordonnances que M.^r Allsopp a agité,

“ soient remie à la séance prochaine, demandant à être examiné

“ avec beaucoup plus de reflexion que nous ne pensons” ____ Resolved

1.st Question

that the Question be put, as to the first Ordinance proposed by ____

M.^r Allsopp concerning Juries in certain Cases therein mentioned,

and being put, the Voices standing 14 Ayes and 3 Noes, Voted in the

Affirmative. ____ Then Resolved that the Question be put upon M.^r

De Longueuil

De Longueüil's Motion, as to the 2.nd and 3.rd Ordinances proposed by M.^r _ Allsopp, concerning the Habeas Corpus, and Suspension of it; and being put, the Voices standing 9 Ayes and 8 Noes, Voted in the Affirmative.

_ M.^r Harrison moved that the names of the Members who voted upon the last Question be entered in the Minutes at length; for and against the Motion _ Resolved in the Affirmative, unanimously.

Votes on M.^r De Longueüil's Motion for pulling off the Consider=
= ration of the Ordinances ^{^proposed} concerning the Habeas Corpus and Suspension of it, till next Sessions, viz, ____

Names of the Members	Ayes	Noes
Major Holland	1	
M. ^r De Longueuil	2	
M. ^r Baby	3	
M. ^r S. ^t Ours	4	
M. ^r Grant		1
M. ^r Drummond		2
Colonel Caldwell		3
M. ^r Bellestre	5	
M. ^r De Lery		4
M. ^r S. ^t Luc	6	
M. ^r Allsopp		5
M. ^r Pownall		6
M. ^r Mabane	7	
M. ^r Collins	8	
M. ^r Harrison		7
M. ^r Levesque		8
M. ^r Dunn, President	9	

The Committee upon the Ordinance concerning the Abandon of Cattle presented their Report ____ Read the same _ Colonel Caldwell moved that the power intended to be vested in the Comm.^{rs} of the peace, to make new Regu=
=lations be struck out of the Report _ Resolved that the Question be put, and being put, the Voices standing 7 ayes and 10 Noes Voted in the Negative. ____ The

The President proposed that the sketch of the Ordinance now reported be delivered the Attorney General to draw out in form _ Resolved that the Question be put, the Voices stood 9 ayes and 8 Noes, Voted in the Affirmative. _ M.^r Allsopp moved that a discretionary power be given the Comm.^{rs} of the peace to diminish the fines until they make new Regulations; Assented to unanimously _ Ordered to be delivered the Attorney General.

M.^r Allsopp moved for Leave to bring in the Heads of an Ordinance for the settlement of certain Intestate's Estates, and for declaring the Age of Majority Granted unanimously ____ M.^r Allsopp moved that it be committed; Resolved to lie on the Table till to-morrow.

Adjourned to Tuesday the 12.th _ 10 o'clock

=====

Tuesday 12.th February 1782 –

Read The same Members present, except M.^r Levesque.

__ M.^r Allsopp's motion of yesterday to commit his Ordinance for the Settlement of certain Interstate's Estates, and declaring the Age of Majority.

1.st Question “ M.^r Grant moved that the Question be put “Whether it is necessary to declare and enact by Ordinance the Laws of the Country or others in force concerning Tutelles and Curatelles, and administering to Successions” _ Resolved that the Question be put, and being put, the Voices standing 5 Ayes and 11__ Noes, Voted in the Negative.

2.nd Question Resumed M.^r Allsopp's Motion for committing his s.^d Ordinance; After reading the same Resolved that the Question be put upon his Motion, and being put, the Voices standing 6 Ayes and 10 Noes, Voted in the Negative.

3.rd Question M.^r Mabane moved for Leave to bring in an Ordinance to fix the Age of __ majority at 21 _ Granted _ He moved to have it committed, Resolved that the Question be put, and being put, the Voices standing 12 Ayes and 4 Noes_. Voted in the Affirmative; and Resolved that M.^r Mabane, M.^r Pownall, M.^r S.^t Luc, M.^r Baby and Major Holland, with any other Member or Members who may chuse to assist, be the Committee thereupon.

“ M.^r Drummond moved “that a Committee be appointed to draw out the Heads of an Ordinance to amend an Article of an Ordinance made and passed the 29.th March 1777, and instead of empowering and requiring the Comm.^{rs} of the peace or any __ three of them to fix and regulate the assize of bread the 1.st monday in every month, that they sho.^d be empowered to regulate the Assize of Bread once in __ three months, and as often within that period as from circumstances to them may appear thereby” __ Read M.^r Drummond's written Reasons in Support of his Motion __ Ordered to be translated, and lie on the Table.

The Attorney General brought in his Draught of the Ordinance respecting the Abandon of Cattle, and presented it __ Ordered to be translated.

The Committee upon the Ordinance for fixing the Age of Majority presented _ their Report __ Read the same in English and French __ Ordered a Copy to be __ delivered the Attorney General to draw it out in form.

“ M.^r Allsopp moved “That the Opinion of the Attorney and Solicitor __ General concerning the Right of the Legislative Council to tax the price of Wheat, be read; and that the Minutes of the Council be examined for the first and second Sessions 1780 ^{^ to see} Whether this Council ever determined the _ Question upon that Right, as is suggested in those Opinions”

4.th Question Colonel Caldwell moved That the previous Question be put _ Resolved accordingly, And being put the Voices standing 7 Ayes and 9 Noes Voted that the Question shall not be put on M.^r Allsopp's Motion. __ M.^r Pownall moved

moved that the Names of the Members voting upon this Question be inserted in the minutes _ Resolved unanimously in the Affirmative
 Votes on the previous Question put by Colo.¹ Caldwell, upon
 M.^r Allsopp's Motion to examine the Minutes of Council.

Names of the Members	Ayes	Noes
Major Holland		1
M. ^r De Longueüil		2
M. ^r Baby		3
M. ^r S. ^t Ours		4
M. ^r Grant	1	
M. ^r Drummond		5
Colo. ¹ Caldwell		6
M. ^r De Bellestre		7
M. ^r De Lery	2	
M. ^r S. ^t Luc		8
M. ^r Allsopp	3	
M. ^r Pownall	4	
M. ^r Mabane		9
M. ^r Collins	5	
M. ^r Harrison	6	
M. ^r Dunn _ President	7	

Adjourned to Thursday the 14th _ 10 o' clock.

=====

Thursday 14.th February 1782

The same Members, and M.^r Levesque, present

The Attorney General brought in and presented His Draught of the Ordinance for declaring and fixing the Age of Majority _ Ordered to be translated.

Read the Ordinance concerning the Abandon – 1st reading

The President proposed that the Ordinance declaring and fixing the Age of Majority be read ____ M.^r Grant moved that the Question be put “Whether the Consideration of this Ordinance shall not be put off till next Session ” Resolved that it be put, and being put the Voices standing 7 Ayes and 10 Noes, Voted in the Negative.

1.st Question “

Read the Ordinance declaring and fixing the Age of Majority, in English and French _ Colonel Caldwell moved that it be amended by striking out the words “publication of this Ordinance” and inserting the words “twenty

“ ninth day of September next” in their stead; Resolved that the Question be put, and being put, the Voices standing 14 Ayes and 3 Noes, Voted in the Affirmative.

2.nd Question

Read

Read the same Ordinance, thus amended, in English and French – 1.st reading

3.rd Question Read the Minutes of yesterday upon M.^r Drummond's Motion ____ M.^r Cugnet read the french Translation of M.^r Drummond's Reasons delivered in support of his Motion for a Committee ____ Resolved that the Question be put upon the said Motion, and being put, the Voices standing 5 Ayes and 12 Noes, Voted in the Negative.

4.th Question “ Resolved that the Opinion of the Council be taken “Whether ____ the two foregoing Ordinances shall be read to-day a second Time ” And ____ being taken, the Voices standing 16 Ayes and 1 Noe Voted in the Affirmative.

Read the Ordinance concerning the Abandon, in English & French 2nd reading ____ M.^r Drummond proposed an Amendment, which was unanimously adopted. ____

5.th Question Read the Ordinance for fixing the Age of Majority in English & French 2nd reading ____ M.^r Grant moved that this Ordinance be made to be in force from the first day of January 1783, instead of the 29th of September next _ Resolved that the Question be put, and being put, the Voices standing 9 Ayes and 8 Noes Voted in the Affirmative.

Adjourned to Friday the 15th _ 11 o' clock _

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Friday 15th February 1782
The same Members present

M.^r Pownall moved for Leave to bring in the Heads of an Ordinance for registering Grants &c ____ Accorded unanimously ____ M.^r Pownall moved that it lay on the Table till next Sessions, for the Examination & Consideration of the Members, together with written Reasons which he delivered in, in support of the Bill ____ Resolved accordingly.

1.th Question Read the Ordinance concerning the Abandon of Cattle, in English and French ____ 3.rd reading. Resolved that the Question be put Whether this Ordinance shall pass, and being put the Voices standing 9 Ayes and 8 Noes Voted in the Affirmative. ____ Ordered to be ingrossed.

2.th Question Read the Ordinance for changing and fixing the Age of Majority in ____ English and French ____ 3rd reading ____ Resolved that the Question be ____ put ^ Where this Ordinance shall pass and being put, the Voices standing 12 Ayes and 5 Noes, Voted

in

in the Affirmative __ Ordered to be ingrossed. __ M.^r De Lery moved
“ that the names of the Members who voted for changing the Age of
“ Majority fixed by the Laws of Canada be wrote upon the Register
“ of the Council” _ Resolved unanimously that an Entry of the Names
be made on the Minutes in the usual Way
Votes on the Question for passing the Majority Ordinance, viz

Names of the Members	Ayes	Noes
Major Holland		1
M. ^r De Longueüil		2
M. ^r Baby	1	
M. ^r S. ^t Ours	2	
M. ^r Grant		3
M. ^r Drummond	3	
Colo. ^l Caldwell	4	
M. ^r De Bellestre		4
M. ^r De Lery		5
M. ^r S. ^t Luc	5	
M. ^r Allsopp	6	
M. ^r Pownall	7	
M. ^r Mabane	8	
M. ^r Collins	9	
M. ^r Harrison	10	
M. ^r Levesque	11	
M. ^r Dunn, President	12	

Adjourned to Saturday the 16.th _ 1 o'clock _

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Saturday

Saturday 16.th February 1782
at the Council Chamber in the Castle of S.^t Lewis

Present

His Excellency Frederick Haldimand Governor

The Hon ^{ble} Thomas Dunn	Picottée de Bellestre
Francis Levesque	Henry Caldwell
Edward Harrison	John Drummond
John Collins	Willi. ^m Grant
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	Francis Baby
George Allsopp	Joseph De Longueüil
La Corne S. ^t Luc	Samuel Holland
J. G. C De Lery	Esquires

Read first, by the Governor's order, in English and French the Ordinance Chap VI.
changing and fixing the Age of Majority. _ Then
Read the Ordinance Chap.V. concerning the Abandon of Cattle, in English
and French.

By Order of the Governor, the Ordinance Chap. VI. was altered
to Chap. V. _ And the Ordinance Chap. V. to Chap. VI.

His Excellency signed the Ordinance, now Chap. V. for changing
and fixing the Age of Majority, and passed it under the Great Seal
of the province _ Ordered to be published forthwith in the Quebec
Gazette.

As to Chap. VI. respecting the Abandon, His Excellency signi=
=fied that he would take time to consider of it.

The Governor prorogued the Legislative Council
till further Notice.

Two Copies
the Sessions
delivered the
1782

of the foregoing Minutes of
held in February 1782, were
Governor this 24.th of Octo.^r
_ by JWilliams

On Friday
the 17th day of January 1783
at the Council Chamber in the Castle of S.^t Lewis

Present

His Excellency Frederick Haldimand Governor

The Hon^{ble} Henry Hamilton L.^t Governor

Hugh Finlay	Conrad Gagy
Thomas Dunn	Picottée de Bellestre
Francis Levesque	John Fraser
Edward Harrison	Henry Caldwell
John Collins	William Grant
Adam Mabane	Paul Roc S. ^t Ours
George Pownall	Francis Baby
La Corne S. ^t Luc	Joseph De Longuëuil
J. G. C. De Lery	Samuel Holland ____ Esquires

His Excellency opened the Sessions w.th the following Speech_, viz.

“ Gentlemen of the legislative Council,

“ I have called you together at an early period that
“ you may take into consideration the ordinances which require
“ to be renewed.

“ This province having for some years past enjoyed
“ all the advantages of peace and tranquility, whilst the ____
“ neighbouring provinces have experienced the Miseries of War
“ and Rebellion, it is our duty, by our united Efforts, to preserve
“ to the people a continuance of these blessings.

“ The Lieutenant Governor will, as soon as the more imme=
“ =diate business of the Sessions shall be finished, lay before you a
“ presentment of the Grand Jury for the district of Montreal, relative
“ to the raising a Sum of Money for the purpose of building a
“ prison for the City and District of Montreal. I shall give ____
“ every assistance in my power towards it.” /signed/ Fred. Haldimand

The Lieutenant Governor desired the Members of the Council
to assemble at the Council Chamber in the Bishop’s
palace on Monday the 20.th at 11 o’ clock.

Monday 20th January 1783
at the Council Chamber in the Bishop's palace.

Present

The Honble Henry Hamilton Lieu.^t Governor
 Hugh Finlay Conrad Guky
 Thomas Dunn Picottée De Bellestre
 Francis Levesque John Fraser
 Edward Harrison Henry Caldwell
 John Collins William Grant
 Adam Mabane Paul Roc S.^t Ours
 George Pownall Francis Baby
 La Corne S.^t Luc Joseph De Longüeul
 J. G. C. De Lery Samuel Holland __ Esquires

Read the Governor's Speech to the Council of 17th in English and French.

Resolved that an Address of Thanks be presented to the Governor for his speech, and that M.^r Finlay, M.^r Dunn, M.^r Pownall, M.^r De Lery, M.^r Bellestre, M.^r Longüeul and M.^r Holland, with any other Members who may chuse to assist, be a committee to prepare the Address.

Colonel Caldwell moved “ That different days be appointed
 “ for taking into consideration the several ordinances that expire the
 “ 30.th of April next ” Resolved unanimously in the Affirmative, __
 and that Wednesday the 22.nd instant be appointed to take into __
 consideration the ordinance intituled “ An ordinance to regulate the
 “ proceedings in the courts of civil judicature in the province of __
 “ Quebec.”

M.^r Bellestre, Grand Voyer for the District of Montreal, __
 presented a Report concerning a new bridge to be built over the
 River Dumuy in the parish of Boucherville. __ Read the same __
 Resolved to lie on the Table.

adjourned to Wednesday the 22.nd at 10 __

=====

Wednesday 22.nd January 1783

The Lieutenant Governor and all the other Members present, except
 M.^r Grant.

The Committee appointed to prepare the Address of Thanks to the Governor, presented the Draught of it, which was read in English and French. __ Ordered to be engrossed _ And resolved that M.^r Finlay and M.^r Longüeul do immediately wait on his Excellency __ (with a copy of it) and request his Excellency to appoint the time he will be pleased to receive the Address.

M.^r Finlay and M.^r Longüeul having waited on the Governor, reported, that his Excellency will receive the Address of the Council on Friday next (the 24th) at Eleven o' clock.

Resolved that the members of the Committee who prepared the draught, do wait on his Excellency to present the Address in __ Friday next. __ Ordered in the mean time to entered.

The Address

The Address

To his Excellency Frederick Haldimand
 Captain General and Governor in chief of the province
 of Quebec; Vice Admiral of the same; General_
 and Commander in chief of his Majesty's forces_
 in the said province, and the frontiers thereof; &c, &c, &c.

May it please your Excellency,

We the Members of his Majesty's legislative Council
 of the province of Quebec, in Council assembled, return our humble
 thanks to your Excellency, for your speech from the Chair.

It is with the greatest satisfaction that we see the Inhabi=
 =tants of this extensive province enjoying the fruits of their industry
 in peace and ease, whilst the people of the neighbouring colonies feel
 all the miseries attending a state of rebellion and warfare: our duty
 will prompt us, and our inclinations will always lead us to concur
 with your Excellency in every thing that may be thought conducive
 to the purposes of continuing those blessings which his Majesty's _
 subjects enjoy under your Government.

We shall give every necessary attention, and as much
 dispatch as possible to the business of the Sessions, and to every
 other matter which may be laid before us.

/signed/ Henry Hamilton____P____

Council Chamber, Bishop's Palace,
 22.nd January 1783 ____

Resolved to go into the consideration of the Ordinance, intituled,
 “ An ordinance to regulate the proceedings in the courts of civil judicature
 “ in the province of Quebec” conformable to the resolution of Monday last:
 Read the same, Article by Article, in English and French ____ Read also
 the ordinance passed the 20.th of January 1781, for further continuing this
 ordinance. ____ 1st reading.

Colonel Caldwell moved “that a Committee may be appointed to take
 “ into consideration such rules and regulations as it may be judged ____
 “ necessary to adopt in this council, to promote order, and the greater expedition
 “ of business”__ Resolved unanimously in the affirmative ____ And the Lieu.^t
 Governor, M.^r Finlay, M.^r Mabane, Colonel Caldwell and M.^r Baby are ____
 appointed the Committee for that ‘ purpose.

adjourned to Thursday the 23.rd at 12____

=====

Thursday 23.rd January 1783
 Present
 The Lieutenant Governor and all other Members.

Read the ordinance, intituled, “An ordinance to regulate the ____
 “proceedings in the courts of civil judicature in the province of Quebec” ____
 Article by Article in English and French ____ Read also the ordinance
 passed the 20.th of January 1781 for further continuing this ordinance.
 ____ 2nd reading.

Read the ordinance, intituled, “An ordinance for regulating the
 “militia of the province of Quebec, and rendering it of more general
 “utility, towards the preservation and security thereof” Article by
 Article in english and french ____ Read also the ordinance passed
 the 20.th of January 1781 for further continuing this ordinance.
 ____ 1st reading.

Read the ordinance, intituled, “An ordinance to empower the
 “Commissioners of the peace to regulate the police of the Towns
 “of Quebec and Montreal, for a limited time.” Article by Article
 in english and french ____ Read also the ordinance passed the
 20.th of January 1781 for further continuing this ordinance. ____
 ____ 1.st reading.

adjourned to Friday the 24.th at 11.

=====

Friday 24.th January 1783
 Present
 The Lieutenant Governor and all the other Members.

Read the ordinance intituled “An ordinance to regulate the ____
 “proceedings in the courts of civil judicature in the province of
 “Quebec” Article by Article in English and French ____ Read also
 the ordinance passed the 20.th of January 1781 for further continuing
 this Ordinance. ____ 3.rd reading. ____ The Lieutenant Governor proposed
 the Question to be put “Whether an ordinance to continue the said Ordinances
 “to the 30.th of April 1785 shall be ordered to be made out”? _ Resolved
 to be put, and being put, the voices standing 10 Ayes and 1 Noe ____
 Voted in the Affirmative.

Read the Militia ordinance, and the ordinance passed the 20th of
 January 1781 for further continuing it _____ 2.nd reading.

Read the Ordinance concerning the Police of the Towns of Quebec
 and Montreal, and the ordinance passed the 20.th of January 1781 for further
 continuing it. _____ 2.nd reading.

NB_ The Committee presented the Address of Thanks to His Excellency
 the Governor.

adjourned to Saturday the 25.th at 11. _____

=====

Saturday 25.th January 1783

Present

The Lieutenant Governor and all the other Members

Read the Militia ordinance and the Ordinance passed the 20.th of January 1781 for further continuing it, Article by Art in french and english. 3.rd reading
At the instance of Colonel Caldwell the further consideration of this ordinance is put off for Tuesday next, the 28.th ____

“ Read the Ordinance concerning the Police of the Towns of Quebec & Montreal and likewise the ordinance passed the 20.th of January 1781 for further continuing it, Article by Article, in english and french ____ 3.rd reading. ____ Resolved ____ that the Question be put, “Whether an Ordinance to continue the said police Ordinance to the 30.th of April 1785 shall be ordered to be made out.” ____
“ And being put the voices were unanimous in the affirmative. ____ Ordered that the Attorney General be directed to draw out an Ordinance accordingly.

adjourned to Tuesday the 28.th at 11 ____

=====

Tuesday 28.th January 1783.

Present

The Lieuten.^t Governor and all the [^]other Members, except M.^r Dunn.

1.st Question

Resolved that the Question be put “Whether an ordinance to continue “the militia ordinance to the 30.th of April 1785 shall be ordered to be “made out.” Voted unanimously in the affirmative. ____ Ordered that the Attorney General be directed to draw out the Ordinance.

Read a presentment of the Grand Jury at a Sessions of the Court of King’s Bench held at Montreal in September 1782, stating “the Insuffi= “=ciency of the prison there, and praying, to be authorised, by an ordinance, “ to raise a sum of money, by Lottery, for the special purpose of a Goal; as _ “ the money so raised would be, as they also state, agreeable to them, and “ to the body of the district they represent” ____ Resolved that M.^r La ____ Corne S.^t Luc, M.^r Bellestre, M.^r Fraser, M.^r Grant and M.^r Holland be a committee to take the said presentment into Consideration, and to propose such ways and means as they shall think most proper and efficacious to raise wherewithal for the purpose of building a Prison at Montreal.

On the Motion of Colonel Caldwell His Majesty’s 13.th Article of Instructions to the Governor, concerning security to the personal Liberty of his Subjects, with the translation, was read. ____ Then Colon^l Caldwell moved “That it be enacted that the Judges of all his Majesty’s Courts “ of Law and Justice in this province, shall be authorised and required to “ grant and issue writs of Habeas Corpus, in all cases where such writs “ are directed to be granted by the Laws of England, and under the practice “ established by such Laws, with a clause suspending the effect of s.^d “ Ordinance during the time of the present unnatural rebellion, and that “ a Committee may be appointed to make out the ordinance” ____

2.nd Question

Major Holland moved “That the Consideration of Col.^l Caldwell’s

Motion

“ Motion be deferred till next Session” Resolved that the Question be put, and being put, the voices standing 11 Ayes and 7 Noes ____ Voted in the affirmative.

adjourned to Wednesday the 29.th at 12.

=====

Wednesday 29.th January 1783.

Present

The Lieutenant Governor and all the other Members, except M.^r Dunn.

The Committee named yesterday to take into Consideration the presentment of the Grand Jury for the District of Montreal, presented their Report ____ Read the same, with the translation ____ Resolved that the Question be put “Whether the Attorney General shall be directed ____ to frame an ordinance conformable to the said Report ” and being put the voices standing 17 Ayes and 1 Noe, Voted in the Affirmative.

The Attorney General having delivered the draughts of the three Ordinance, viz, that for further continuing the Ordinance which regulates the proceedings in the courts of civil judicature; that for further ____ continuing the Militia ordinance; and that for further continuing the police ordinance for the towns of Quebec and Montreal; Read the same ____ Ordered to be translated and engrossed.

It is proposed that the opinion of the Council be taken “Whether
“ by the Ordinance, intituled, An Ordinance for repairing and amending
“ the public highways and bridges in this province, is to be understood
“ that the Governor and Council in their legislative Capacity, or that
“ the Governor and the King’s Council of State, are to confirm and
“ ratify the proces verbaux of the Grand Voyer, and to give him
“ orders ” ____ Resolved to lie on the Table.

adjourned to Thursday the 30.th at 11.

=====

Thursday 30.th January 1783.

Present

The Lieu.^t Governor and all the other Members, except M.^r Dunn.

The opinion of the Council being now taken upon the proposition of yesterday, 12 Members were of opinion that the Governor and the King’s council of State are meant by the ordinance concerning the ____ Highways and Bridges, to ratify and confirm the proces verbaux ____ of the Grand Voyer, and to give him orders, and 6 members were ____ of opinion that the Governor and Legislative council are meant by it. ____ M.^r Mabane and M.^r Fraser informed the Council that they would enter their Reasons of Dissent, in support and explanation of their dissenting Voices.

adjourned to Friday the 31.st at 12.

=====

“ This 11.th Article of the ordinance is the only Article that
 “ has any Relation with the application before us: But if
 “ a new road was to be opened, or an old one to be turned, then
 “ agreeable to the 6.th Article of said Ordinance the Grand
 “ Voyer is to submit his procès verbal to the Governor and ____
 “ Council, and this we apprehend to mean to the Governor and
 “ Council of State, as no Money is to be levied, but some labour
 “ to be done ”

“ In Council the 1.st of Feby 1783 __”

Friday 31.st January 1783.

Present

The Lieutenant Governor and all the other Members, except
M.^r Dunn and M.^r Longüeuil.

The Attorney General presented the Draught of the Lottery
Ordinance __ Read the same with the Translation __ M.^r Grant
proposed some amendments, which were unanimously adopted. __
_ 1.st reading.

M.^r De Lery moved “that a Committee be named to take
into consideration the most effectual method of stopping the __
progress of the S.^t Paul’s Bay disorder, and for the Cure of the
Invalids actually infected therewith” Resolved accordingly, __
and M.^r Finlay, M.^r Mabane, M.^r S.^t Luc, M.^r De Lery and Col.¹
Caldwell are named a Committee for that purpose.

M.^r De Lery moved “that an ordinance be made and passed
enacting and ordaining that the burying - places belonging to
the Towns in this province, may in future be on the out - side
of the Town=walls, in order to prevent the Diseases which the
putrid odour of such places occasion ” this motion was seconded
by Col. Caldwell. Resolved that the question be put, “Whether
a Committee shall be named to take into Consideration M.^r De
Lery’s Motion,” and being put, the Voices standing 8 Ayes and
9 Noes, Voted in the Negative.

adjourned to Saturday the 1.st of February at 11.

=====

Saturday 1.st February 1783

Present

The Lieutenant Governor and all the other Members, except
M.^r Dunn and M.^r Longüeuil.

The Committee named to take into consideration such rules and
regulations as may be judged necessary to adopt in transacting
the business of the Council, presented their Report __ Read the
same __ Ordered to be translated, and a Copy made out for each
Member.

Read the Lottery Ordinance Article by Article in english_
and french __ 2.nd reading. __ Ordered to be engrossed.

Read the Ordinance for further continuing the ordinance which
regulates the proceedings of the Courts of civil Judicature, in english
and french. __

Read the Ordinance for further continuing the Militia Ordinance
in english and french. __

Read the Ordinance for further continuing the Ordinance __
concerning the police of the towns of Quebec and Montreal, in english
and french.

Resolved unanimously that these three Ordinances do
pass ____

adopted to Monday the 3.rd at 11

=====

Monday 3.rd February 1783

Present

The Lieu.^t Governor and all the other Members, except M.^r ___
Dunn and M.^r Longüeul.

1.st Question Read the Lottery Ordinance, Article by Article, in english and
french _ 3.rd reading. ___ Resolved that the Question be put_
“ Whether this ordinance shall pass”, and being put the Voices stand.g
16 Ayes and 1 Noe, Voted in the Affirmative.

2.nd Question { The Committee upon the S.^t Paul’s Bay disorder presented their
Report ___ Read the same in english and french _ Resolved that
the Question be put “Whether an Address to the Governor, as ___
recommended by the Report, shall be prepared by a Committee”.
and being put, Voted unanimously in the affirmative _____
Resolved that the members who reported upon this Matter, be a ___
Committee to prepare the Address.
adjourned to Tuesday the 4.th at 12 ___

=====

Tuesday 4.th February 1783.

Present

The Lieutenant Governor and all the other Members, except M.^r
Dunn, M.^r Guky and M.^r Longueuil.

The Committee named to prepare the Address mentioned in the
minutes of yesterday presented the draught of it. ___ Read the
same in english and french ___ Read the same, a second time. _
_ M.^r Grant moved that the Question be put, “Whether the Address
“ shall be presented as it stands, or lay on the table for further
“ consideration” Resolved to be put, and being put the Voices standing
15 Ayes and 1 Noe Voted in the Affirmative ___ Ordered to be
engrossed.

M.^r Grant moved “that the Lieu.^t Governor be requested to assure
“ his Excellency the Governor that the members of the legislative Council are ready
“ to subscribe voluntarily such Sums as each of them can conveniently spare, for
“ the purpose of raising a fund to be employed in relieving those persons who
“ are infected with the S.^t Paul’s Bay Disorder, and for stopping its progress” ___
Resolved unanimously, with the motion.

Resolved that M.^r Mabane and M.^r De Lery do wait on the Governor
to request his Excellency to appoint a Day to receive the Address of the ___
Council which was this day concluded upon; and to deliver him a Copy of it.

M.^r Mabane and M.^r De Lery having waited on the Governor reported
that his Excellency will receive the Address to - morrow at 12 o’ clock.

adjourned to Wednesday the 5.th at 11 ---

=====

Wednesday 5.th February 1783.

Present

The Lieu.^t Governor and all the Members, except M.^r Dunn, [^] M.^r Levesque & M.^r Longüeuil.

The Lieutenant Governor signed the ingrossed Copy of the Address.

adjourned to the Château

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The same 5.th day of February 1783
at the Council Chamber in the Castle of S.^t Lewis
Present –

His Excellency Frederick Haldimand Governor

The Hon^{ble} Henry Hamilton Lieu.^t Governor

Hugh Finlay	¹ Conrad Gugy
Edward Harrison	John Fraser
John Collins	Henry Caldwell
Adam Mabane	William Grant
George Pownall	Paul Roc S. ^t Ours
La Corne S. ^t Luc	Francis Baby
J. G. C. De Lery	Samuel Holland __ Esquires

² Picottée De Bellestre

Read an Ordinance Chap. I. intituled “an ordinance for further ____
“ continuing an ordinance made the twenty fifth day of February in the
“ seventeenth year of his Majesty’s reign, intituled, An Ordinance to regulate
“ the proceedings of the Courts of civil judicature in the province of Quebec,” and
in Amendment of the same.

Read an ordinance Chap. II, intituled, “an ordinance for further ____
“ continuing an ordinance made the twenty ninth day of March in the
“ seventeenth year of his Majesty’s reign, intituled, An ordinance for ____
“ regulating the Militia of the province of Quebec and rendering it of ____
“ more general utility towards the preservation and Security thereof. ____

Read an ordinance Chap. III. intituled, “an ordinance for further ____
“ continuing an ordinance made the twenty third day of April in
“ the 17.th year of his Majesty’s reign, intituled, an ordinance to empower
“ the Commissioners of the peace to regulate the police of the Towns of
“ Quebec and Montreal for a limited time ”

Read an ordinance Chap. IV. intituled, “An ordinance for ____
“ raising a Sum of Money by Lottery, for building a Goal in the
“ town of Montreal.”

His Excellency the Governor signed the above four ____
Ordinances, and passed them under the public Seal of the province.
Ordered to be forthwith published in the Quebec Gazette.

The Lieutenant Governor presented the Address of the Legislative
Council to his Excellency the Governor. ____ Read the same, and whereof
follows a Copy, viz,

To

To his Excellency Frederick Haldimand
 Captain General and Governor in chief of the province
 of Quebec General and Commander in chief of his ____
 Majesty's forces in the said province, and the frontiers
 thereof, &c, &c, &c.

May it please your Excellency,

We the Members of the Legislative Council having _
 finished the business which your Excellency recommended to our ____
 consideration, beg leave to represent to your Excellency the Anxiety
 and Concern which the alarming progress of a disorder commonly
 called the S.^t Paul's _ Bay disease occasions to his Majesty's subjects
 in this province.

Sensible of the steps which your Excellency's _
 humanity and attention to the welfare of the people under your
 government have already engaged you to take, in order to remedy
 so great an evil; We humbly request that you will, by means _
 of the Clergy, or such other means as your Excellency may adopt, _
 procure a List of the persons infected in the different parishes, _
 Assuring your Excellency that on our part we will at all times
 exert our utmost endeavours to carry into execution such
 measures as your Excellency may find the most proper for the
 end desired.

Council
 5.th

Chamber, Bishop's Palace
 February 1783.

/signed/
 Henry Hamilton P.

The Governor was pleased to answer this, and the former
 address of the Council, in the following speech, viz,

Gentlemen of the Legislative Council,

At the same time that I thank you for your obliging
 Address at the commencement of the Sessions, I have to express
 my satisfaction with your Unanimity and Dispatch in
 finishing the business of it.

I will continue to pursue every measure which
 can tend to preserve the Welfare of his Majesty's Subjects, –
 and will take every step which can contribute to the cure

of

of the Inhabitants who are infected with the Disease, which you mention in your Address of this day.

The mode which you suggest has already occurred to me, as the only effectual one to ascertain the number of the infected persons in the different parishes. We have reason to expect the assistance of every class of men, and particularly, the Clergy, in a matter which interests the Humanity of all.

/signed/

5.th February 1783.

Fred. Haldimand.

The Governor then prorogued the Legislative Council till further Notice.

A Copy of the
held in 1783
August, 83, to

Journals of the Legislative Council
was delivered the General the 1.st of _ }
be sent home by the Pandora.

J. Williams
1.st August 1783

On Monday the 22.nd of March 1784.

At the Council Chamber in the Castle of S.^t Lewis.

Present

His Excellency Frederick Haldimand _ Governor

The	Hon ^{ble} Henry Hamilton L. ^t Gov. ^r	Picottée de Bellestre
	Hugh Finlay	John Fraser
	Thomas Dunn	William Grant
	Francis Levesque	Paul Roc S. ^t Ours
	Edward Harrison	Francis Baby
	John Collins	Joseph De Longueüil
	Adam Mabane	Samuel Holland
	La Corne S. ^t Luc	George Davison
	J. G. C De Lery	

His Excellency The Governor opened the Sessions with the following Speech.

Gentlemen,

I have delayed calling You together till this Day in Expectation of Dispatches from Home in consequence of the definitive Treaty of peace, which is said to have been signed, and ratified last September, but of which I have not received ___ official Information.

It has been always a Matter of Regret with me that the Situation of public Affairs did not permit me to recommend to your Consideration An Ordinance for the better Security of the Liberty of the Subject; I now recommend to you that Object, of which I have never lost Sight, and which is essential to a free Government.

An Ordinance for the Registry of Deeds and Titles, which convey or carry mortgage upon Houses, Lands, and Hereditaments appears to be very much wanted and to merit the Attention of the Legislature.

The Ordinances for the Regulation and Establishment of Fees, and for regulating the Maîtres de Poste, if not renewed expire with the present Session. _With regard to the First it is my duty to Observe to you that nothing can be more acceptable to His Majesty than an Attention on the part of The Legislature of the province, that the fees should be as ___ moderate as possible.

In

In consequence of your Address to me last Sessions concerning the Disease which originated at S.^t Pauls Bay, the Vice General was ___ required to write circular Letters to the Curates. I was happy to find by their Answers, that the number of persons infected, was by no means so great as had been represented. The poor in the parishes adjacent to Quebec have been attended and cured by my Orders, and Care will be taken that the same Attention shall be continued.

Council Chamber, Chateau S.^t Louis
the 22.nd March 1784 _____

/ signed/ Fred. Haldimand.

The Lieutenant Governor desired the Members of the Council to assemble at the Council Chamber in the Bishop's Palace to morrow— at 11 o'clock, to proceed upon the business recommended by His ___ Excellency. _____

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Tuesday the 23.rd of March 1784

Present

The Lieutenant Governor _ President
with all the Members named in the Minutes of Yesterday

Read the Report of the Committee of the 1.st of February 1783 in English and French, touching the Rules to be observed in the proceedings of the Council _ Ordered from the Chair, that the Question be put “Whether the Rules and Regulations contained in the said Report ⁺ as the Rules and Regulations of the Legislative Council in their proceedings” ? ___ And being put, voted unanimously in the Affirmative.

+

^ shall stand

“

Read the Governor's Speech to the Council, in both Languages. Resolved that M.^r Finlay, M.^r Dunn, M.^r Grant, M.^r S.^t Ours and M.^r Baby be a Committee to prepare an Address of Thanks to His Excellency The Governor, for His Speech at the opening of the Sessions. ___

M.^r Mabane moved “That the Council would first take into _ Consideration the Recommendation made by The Governor to _
“ prepare an Ordinance for the better Security of the Liberty of _
“ the Subject, and that He might be permitted to read His Heads
“ of such an Ordinance, and a Committee afterwards named to
“ prepare the Bill. _ Seconded by M.^r Finlay. ___ Resolved _
“ that the said Heads be read _ Read the same _ Ordered to be _____ translated, and a Copy of the Heads to be given to the Attorney

General

General. _ Resolved that M.^r Mabane, M.^r Levesque, M.^r Harrison, M.^r Collins, M.^r S.^t Luc, M.^r Bellestre, and M.^r Davison, be a Committee to take the same into Consideration.

Read the Journals of the Sessions 1783.

M.^r Fraser moved that a Committee be appointed to draw up Heads of an Ordinance to register such Deeds as affect Houses, Lands and Hereditaments _ Seconded by M.^r Dunn _ Resolved accordingly and M.^r Fraser, M.^r Dunn, M.^r Harrison, M.^r De Lery, M.^r Longueüil and M.^r Holland are appointed a Committee for that purpose.

adjourned to the 24.th

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Wednesday the 24.th of March 1784

Present –

The Lieutenant Governor, Pr _

And the same Members.

M.^r Finlay President of the Committee named to prepare the Address _ of Thanks to The Governor, for His Speech at the Opening of the Sessions, presented the Report of the Committee, with the Draught of the ____

Address _ Read the same with the Translation. Resolved that the Question be put, “Whether the Address shall pass without Amend=

“=ment” The Lieutenant Governor proposed the following Amend=

=ment to be added to the paragraph respecting the S.^t Paul’s ____

“Bay Disease, viz “We shall be happy to find the Measures adopted

“by your Excellency attended with Success, and beg Leave to renew

“our Assurances that whatever mode your Excellency shall judge

“most conducive to that End will meet with our most cordial

“Support” _ Resolved that the Question be put upon this Amend=

=ment “Whether it shall be inserted in the Address or not?” And

1.st Q^u. _

being put it was voted unanimously in the Affirmative.

Ordered that a Copy be made out, and Resolved that M.^r Grant and

M.^r S.^t Ours do wait on His Excellency with such Copy; and ____

request him to fix a Day when He will be pleased to receive

a presentation of the Address of the Legislative Council. The Copy

was made out and M.^r Grant and M.^r S.^t Ours went to wait on

His Excellency _ And returning, reported that His Excellency had fixed

on the Hour of 12 to-morrow to receive the Address.

The Lieutenant Governor made the following Motion “ I propose
 “ to bring in a Bill for the Regulation of all persons exercising the
 “ Functions of Phisician, Surgeon, Apothecary, or any other person
 “ assuming those Characters in the province; that a Committee be
 “ named for drawing up Heads; And that His Excellency be _____
 “ addressed to name the persons who shall examine Pretenders; and
 “ that a form be drawn out of Diploma or Licence, without _____
 “ producing which the persons exercising &c.^a shall be liable to fine,
 “ Imprisonment &c.^a _ Further that if it appears that the _____
 “ different parts of this Extensive province be unprovided with
 “ persons properly qualified to exercise the Phisical or _____
 “ Chirurgical Professions, that His Excellency may be addressed _
 “ to the purpose of nominating and appointing in the Districts _____
 “ proper persons, and also a Regulation of Prices of Medicines _
 “ &c, And if Salaries are necessary that His Excellency will please
 “ to represent the State of the province in that particular ”
 Seconded by M.^r Mabane _ Resolved unanimously that a Committee
 be named, and the Lieutenant Governor, M.^r Mabane, M.^r Grant,
 M.^r S.^t Ours, M.^r De Longueüil and M.^r Davison, are named for_
 that purpose.

2.nd Question

 M.^r Finlay made the following Motion, viz, “I moved that
 “ the Ordinance for regulating the provincial posts which will
 “ expire at the End of the present Session be renewed with
 “ Amendments, and that I have Leave to propose those Amendments
 “ on Monday next “ _____ Seconded by M.^r Collins _ Ordered that
 “ the Question be put “Whether the Motion shall be accorded” _____
 Voted unanimously in the Affirmative.

 M.^r Grant made the following Motion, viz, “For Leave to _____
 “ bring in a Bill That all public Notaries and Land Surveyors now
 “ exercising in the province, or that shall hereafter be admitted, shall
 “ be examined as to their Capacity _ The former by His Majesty’s
 “ Chief Justice, or the Judges of the Court of Common Pleas, or His _____
 “ Majesty’s Attorney and Solicitor General _ The Latter by His
 “ Majesty’s Surveyor General, or Deputy Surveyor, and that Certificate
 “ be granted them of their Capacity before commissioned _ And that
 “ a Committee be named to draw up Heads of this Bill” _ Seconded
 by M.^r Holland _ Resolved that the Question be put, and being put

Voted

Voted unanimously in the Affirmative ____ And M.^r Grant, M.^r Dunn
M.^r Collins, M.^r Mabane, M.^r De Lery, M.^r Fraser, and M.^r Holland are
named to compose that Committee; with any other Member who
may chuse to Assist.

The Lieutenant Governor made the following Motion “That a ____
“ Committee be named for taking into Consideration the State of the
“ Navigation of the River S.^t Lawrence. ____ That the Committee be
“ authorised to call for the persons whose Information may be ____
“ necessary for framing Regulations. ____ That the Report of the
“ Committee be laid before the Council at large, and that they ____
“ determine upon the Means most likely to carry into Execution
“ an Ordinance for the purpose of erecting and maintaining
“ the Lighthouses, Beacons &c, And for the Regulating the Pilotage
“ of the River S.^t Lawrence” ____ Seconded by M.^r Dunn _ Resolved
unanimously in the Affirmative ____ And the Lieutenant Governor
M.^r Dunn, M.^r Harrison, M.^r Collins, M.^r De Lery, M.^r Grant and
M.^r Holland are to compose the Committee, with any other Member
who may chuse to assist.

“ M.^r Mabane moved “That the Renewal of the Ordinance for regulating
the fees should be taken into Consideration on Friday. ____ Seconded
by M.^r Fraser ____ Resolved unanimously in the Affirmative.

adjourned to Thursday the 25.th

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Thursday the 25.th of March 1784

The Lieutenant Governor, Pr

And the same Members

Read the engrossed Address which was signed by the President _ The
Council waited on the Governor and presented their Address to him
To which His Excellency was pleased to return an Answer ____
Ordered that the Address and Answer by entered in the Journals.

The

The Address

To His Excellency Frederick Haldimand Captain
General and Governor in Chief of the province of—
Quebec General and Commander in Chief of His
Majesty's forces in the s.^d Province, and the _____
frontiers thereof &c, &c, &c.

May it please Your Excellency

We the Members of the Legislative Council return Your
Excellency our sincere Thanks for your Speech at the opening of the
Sessions.

The happy Effects of the Measures which your Excellency
pursued during the War, were evinced in the Security and Tranquility
which this province enjoyed.

We have the most sanguine Assurances that under your
Government in times of peace, we shall prosper, secure in all the
blessings attending a free and well regulated People, whose Rights
and Liberties are protected by wholesome Laws, under which
Commerce will meet with every possible Encouragement.

We thank your Excellency for the Care you directed to be
taken to stop the progress of the Disorder which originated in S.^t
Paul's Bay. We shall be happy to find the Measures adopted
by your Excellency attended with Success, and beg Leave to ____
renew our Assurances, that whatever Mode your Excellency
shall judge most conducive to that End will meet with our
most cordial Support.

To second your Excellency's Intentions We shall ____
immediately proceed to dispatch the business recommended
to our Consideration.

(signed) Henry Hamilton Pr

Council Chamber }
24.th March 1784 }

The Governor's Answer—

Gentlemen,

I return you Thanks for your obliging Address.
I shall continue to exert my utmost Efforts to protect the
Commerce of the province, and to render it useful to the
Mother Country, by preventing as much as in me lies, the
Furr Trade from being diverted, by interested People to the ___
Neighbouring States of America.

The Assurances which you give of your immediately ___
proceeding to the business recommended to your Consideration, are
very pleasing to me, and prove your Regard for the public good.
You may rely upon my ready concurrence with you in every ___
measure that may contribute to the Advantage of this province
and the Happiness of its people.

Castle of S.^t Lewis Quebec }
25.th March 1784 _____ } /signed/ Fred. Haldimand.
adjoined to the 26.th

=====

Friday the 26.th March 1784
The Lieutenant Governor___ Pr
And the other Members, as above.

M.^t Mabane Chairman of the Committee for preparing an Ordinance
for the better Securing the Liberty of the Subject, presented their ___
Report ___Read the Report and the Ordinance, in both Languages. ___
Ordered to lie on the Table till Tuesday next for the 1.st reading when
the Attorney and Solicitor General are desired to attend.

The Lieutenant Governor moved “That the Council sho.^d take into Consi=
“ =deration the principal Objects relating to the Advantage and ___
“ Prosperity of this province, to which his Excellency was pleased to
“ advert in his Answer to the Address of the Legislative Council given
“ the 25.th Instant.

“ These Objects are the Navigation of the River S.^t Lawrence in
“ which the Commerce of this Country is so essentially interested, and
“ the Trade to the upper Posts; in General, all the Fur Trade.

“ The State of the Fisheries is a Capital Concern, for the Ma=
“ =nagement, and Encouragement of which, the Legislative Council _
“ should employ its Attention, and I moved that Committees be named

on

1.st Q.^u “ on these several points, to sit as soon as possible, and make their Report”
 Seconded by M.^r Finlay ____ Resolved that the Question be put _ And being
 put, the Voices standing 16 Ayes and 1 Noe Voted in the Affirmative ____
 Resolved that the Members of the Committee named to regulate Pilotage
 &c, be a Committee upon this business likewise, with any other Member
 who may chuse to assist.

2.nd Q.ⁿ M.^r Mabane moved “That as a well regulated Militia is, from the present
 “ Circumstances of the Province, with regard to the neighbouring States of America
 “ absolutely necessary for its Safety and Defence, that a Committee be ____
 “ appointed to take into Consideration an Ordinance for that Effect, wherein
 “ there shall be a Clause, declaring the Times and Occasions when, and the
 “ Manner in which the Governor or Commander in Chief of the province
 “ for the time being, shall be authorised to declare Martial Law, and
 “ ascertaining the Duties and Services which such Declaration of Martial
 “ Law shall subject the people of this province to; which Ordinance
 “ if approved by the Governor and Legislative Council is to be trans=
 “ =mitted for His Majesty’s Approbation previous to its being ____
 “ published, agreeable to a Clause in the Act of Parliament for regulating
 “ the province of Quebec.” Seconded by M.^r Finlay. Resolved that
 the Question be put “Whether a Committee shall be named” And being
 put the Voices standing 15 Ayes and 2 Noes, Voted in the Affirmative
 The Council to resolve itself into a Committee of the whole House
 upon this business _ M.^r Mabane Chairman, to sit next Thursday.

M.^r Fraser moved “That the Report made by the Managers of the
 “ Lottery allowed by an Ordinance passed in the last Sessions be read
 on Monday next _ Resolved unanimously in the Affirmative.

The Consideration of the Fee Ordinances is put off till next ____
 monday. ____

adjourned to Monday the 29.th _

=====

Monday the 29.th of March 1784.

The Lieutenant Governor ____ Pr
 and the same Members, except M.^r Levesque.
 Captain John Schank was examined to some Questions concerning the
 navigation of the River S.^t Lawrence.

M.^r

1.st Q.^u _ M.^r Fraser moved “That the Consideration of the 4 objects recommended
 “ by His Excellency the Governor in His Speech at the opening of
 “ the Council be continued until they are ready to be engrossed, before
 “ any new Motion be committed, and before any Thing further
 “ is done in Council on the motions already made” __ Seconded
 by M.^r S.^t Luc __ Resolved that the Question be put, and being put
 Voted unanimously in the Affirmative

____ M.^r Finlay moved “That the Post Ordinance be read” Resolved unanimously
 in the Affirmative __ Read the same in both Languages, Read also
 the Ordinance passed in the Year 1782, which continued the said Ordinance
 till the End of the present Sessions. M.^r Finlay presented the Amendm.^{ts}
 which he acquainted the Council on the 24.th he would this day propose
 Read the proposed Amendments in both Languages _ To lie on the Table till
 Wednesday and then be taken into Consideration ____ 1.st reading

____ Resolved that the Fee Ordinance be read __ Read the Same, with the Ordinance
 which continues it to the End of this Sessions, in both Languages _ To lie on
 the Table till Wednesday. 1.st reading.

____ Read the Report of the Managers of the Lottery __ Ordered to lie on the
 Table. ____

adjourned to Tuesday the 30.th

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Tuesday the 30.th of March 1784

The Lieutenant Governor ____ Pr
 and all the other Members __ except M.^r Levesque

M.^r Fraser President of the Committee named to prepare a Bill for the
 Registry of Deeds carrying Mortgage, presented their Report – Read the
 same, and the Bill made out by the Committee in both Languages __
 To lie on the Table Thursday.

____ Read the Habeas Corpus Ordinance Article by Article in both ____
 Languages _ 1.st reading. _ Ordered to be read a second Time on Friday
 next.

____ Adjourned to Wednesday the 31.st

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Wednesday the 31.st of March 1784.

The Lieutenant Governor ____ Pr
and all the other Members ____ except M.^r Levesque.

Read the Post Ordinances Article by Article, in both Languages _ M.^r Finlay moved “That the Question be put” Whether the Ordinance requires Amendmen.^{ts} Resolved to be put, and being put the Voices standing 6 Ayes and 10 Noes Voted in the Negative. ____ 2.nd reading

____ Read The Fee Ordinance in both Languages Resolved that the Question be put, “Whether it shall be amended or not” And being put the Voices standing 9 Ayes and 6 Noes Voted in the Affirmative. ____ M.^r Harrison moved That
“ a Committee be named to take the whole Ordinance under Consideration, and
“ that the Judges of the Court of Common Pleas and Surveyor and Deputy
“ Surveyor General be of the Committee with any other of the Members _
“ of the Council the President may please to nominate and report such
“ Alterations and Additions as they may think necessary” ____ Seconded by the
President ____ Resolved that the Question be put Voted Unanimously in_
the Affirmative ____ And M.^r Harrison, M.^r Dunn, M.^r Mabane, M.^r Fraser, M.^r Holland,
M.^r Collins, M.^r S.^t Luc, M.^r Bellestre and M.^r Grant are named accordingly.
adjourned to Thursday the 1.st of April.

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Thursday the 1.st of April 1784

The Lieutenant Governor ____ Pr

And all the other Members _ including M.^r Levesque

Captain Schank presented to the Council a Paper /marked A) stating
a List of the Buoys and Beacons necessary to assist the Navigation
of the River S.^t Lawrence from Bicque to Quebec.

____ The Militia business to stand over till this day Senight, unanimously
upon the Motion of M.^r Mabane.

____ Read the Post Ordinance Article by Article in both Languages 3.rd reading
M.^r Baby moved that the following Amendment be made, viz, “Je propose que le
“ Maître de poste aura action contre toutes personnes qui se feront mener par
“ des Voitures louées dans les Campagnes, lorsque le dit maître de poste pourra
“ le justifier par Serment devant un Commissaire de paix, lequel Argent sera
“ remis entre les mains du Directeur General de la poste pour être payé aux
1.st Q.^u ____ “ postes que le Voyageur aura passées, excepté dans cas extraordinaires, comme
“ naufrage, ou autres malheurs imprévus.” Resolved that the Question be put
“ and being put the Voices standing 4 Ayes and 13 Noes Voted in the Negative.

M.^r

2.nd Q.^u _ M.^r Levesque moved” Je propose qu’il soit ajouté à l’Article 5 que
 “ le Voyageur s’il est retenu plus d’un quart d’heure le jour et demi
 “ heure la nuit, ou les Chevaux pas près à l’Ecurie qu’il peut obliger
 “ la poste à passer à la Suivante” Resolved that the Question be put
 and being put, the Voices standing 3 Ayes and 14 Noes Voted in
 the Negative.

3.rd Q.^u _ The President ordered the Question to be put “Whether the Ordinance shall
 pass as it stands, being filled up to continue for Two Years Longer” ____
 And being put the Voices standing 16 Ayes and 1 Noe Voted in the
 Affirmative ____ Ordered that the Attorney General be directed to make
 out the Ordinance in due form for two Years longer.

Read the Ordinance for registering Deeds &c in both Languages Article by
 Article _ 1.st reading. To be read a second time on Monday

adjourned to Friday the 2.nd

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Friday 2.nd April 1784
 Lieutenant Governor Hamilton ____ Pr
 And all the other Members ____
 Resolved unanimously that the 2.nd reading of the Habeas Corpus Ordinance
 be put off.
 The Council resolved itself into a Committee of the whole House
 upon the Habeas Corpus Ordinance ____ The President left the Chair

adjourned to Saturday the 3.rd of April.

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Saturday the 3.rd of April 1784
 The Lieutenant Governor ____ Pr
 and all the other members ____
 The Committee business of the House being over, the President took
 the Chair.
 M.^r Mabane moved “that Monday next be fixed for the second
 “ reading of the Habeas Corpus Ordinance.” M.^r Grant moved that
 the previous Question be put upon M.^r Mabane’s Motion ____
 Resolved to be put, and being put Voted unanimously in the Affirmative
 Then the Question on M.^r Mabane’s motion was put, when the Voices
 stood 13 Ayes and 4 Noes Voted in the Affirmative.

M.^r Grant moved “that the Attorney and Solicitor General be
 “ directed to prepare an Ordinance to secure the [^]personal Liberty of the Subject, to
 “ be grounded upon the 13.th Article of His Majesty’s Instructions
 “ and the Common and Statute Law of England, for the purpose of
 “ giving to His Majesty’s Subjects in this province equal personal
 “ Liberty, Security and Safety with His Majesty’s Subjects within the
 “ Realm of England, and under the pains, penalties and forfeiture, and
 “ subject to the same mode or method of Trial as the Laws of ____
 “ England have adopted touching personal Liberty and Security.”

adjourned to Monday the 5.th

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Monday the 5.th of April 1784

The Lieutenant Governor ____ Prs.^t

And all the other Members except M.^r S.^t Luc.

Read His Majesty’s 13.th Article of Instructions to the Governor of the
 province, in both Languages.

Read the Stat. 1. W & M. containing the Coronation Oath.

Resolved to proceed to the second reading of the Habeas Corpus

Bill _

Read the Preamble in both Languages, Resolved that the Question
 be put “Whether the Preamble shall stand, or does it require Amend=

“ =ment” Before the Question was put, M.^r Mabane moved “That the
 “ Preamble be amended in the Words He then delivered, viz,” Whereas
 “ it hath graciously pleased the King’s most Excellent Majesty in
 “ His Instructions to the Captain General and Governor in chief of
 “ this province, to commit to the Legislature thereof the Con=
 “ =sideration of making due provision for the Security of the personal
 “ Liberty of His Subjects therein, and to suggest that for that____
 “ purpose the Legislature could not follow a better Example than
 “ that which the Common Law of England hath set in the ____
 “ provision made for a Writ of Habeas Corpus, which is the Right
 “ of every british Subject in that Kingdom Be it declared and
 “ enacted By His Excellency the Captain General and Governor
 “ in Chief of this province, by and with the Advice and Consent
 “ of the Legislative Council thereof, and by the Authority of the
 “ same It is hereby enacted” The President ordered the Q^u. to be
 to the ordinance put, “Whether the Preamble [^] + as brought in by the Committee shall
 “ stand or not” M.^r Mabane moved That the previous Question be
 put

1.st Q.^u

put, Resolved to be put, upon which the Voices stood 6 Ayes and 10 Noes, Voted in the Negative __ Resolved that the Question be put on M.^r Mabane's Motion, viz, "For or against the Preamble now proposed by M.^r Mabane." And being put the Voices standing 12 Ayes and 4 Noes, Voted in the Affirmative.

M.^r President moved for an Amendment of this last Preamble to be in the following words "Whereas it has graciously pleased His Majesty to express His Desire that His good Subjects of Canada should enjoy in the most ample manner the same personal Liberties as are the Inheritance of all His Subjects of Great Britain, which appears from His Instructions to His Excellency the Governor and Commander in Chief in and over the province of Quebec dated Be it enacted &c." __ Resolved unanimously to lie on the Table till too-morrow.

adjourned to Tuesday the 6.th _

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Tuesday the 6.th of April 1784
The Lieutenant Governor __ Pr
And all the other Members _ except M.^r S.^t Luc
M.^r President withdrew His Motion of yesterday.

1.st Q.^u __

M.^r Grant moved that the following words be adopted as an Amendment to precede the Preamble voted yesterday, viz, Whereas doubts have arisen whether by the 14.th of His Majesty ch. 83. called the Quebec Bill, the whole of the Laws of England which are favourable to the personal Liberty and Security of the Subject have been introduced into this province particularly the 31.st Cha. 2. or Habeas Corpus Act, And Whereas" __ Resolved that the Question be put, and being put the Voices standing 3 Ayes and 13 Noes __ Voted in the Negative.

2.nd Q.^u

M.^r Grant moved that the following words be adopted as an Amendment of the Preamble voted yesterday, by inserting the words following (being the same as those contained in the Ordinance brought in by the Committee) instead of that voted yesterday, viz, "For the speedy Relief of all persons imprisoned for any criminal or supposed criminal matter " Resolved that the Question be put, and being put the Voices standing 3 Ayes and 13 Noes Voted in the Negative.

Ordered from the Chair, to put the Question "Whether the Preamble as it has been introduced shall stand as for this second reading _ Resolved unanimously in the Affirmative

Read the 1.st Article of the Bill in both Languages ____ M.^r Fraser moved that an Article may be introduced (to precede that just now read) comprised in the following words, viz, “Article. 1. That from and after the day of the publication of this Ordinance All His Majesty’s Subjects within this province shall of ____
 “ right be intitled to demand, have, and obtain, from the Court of King’s
 “ Bench in this province, and from the Chief Justice thereof, or (from the ____
 “ Judge), or from the Judge and Judges, or Commissioner and Commissioners ____
 “ for executing the Office of Chief Justice of the said Court of King’s Bench,
 “ the Writ of Habeas Corpus together with all the Benefit and Relief
 “ resulting therefrom; at all such times, and in as ample, full, ____
 “ perfect, and beneficial a manner to all intents, uses, ends and ____
 “ purposes, as His Majesty’s Subjects within the Realm of England, are
 “ there intitled to that Writ by the Common Law thereof” Resolved that
 “ the Question be put, “Whether the Article proposed shall be adopted, and
 “ make the 1.st Article of the Ordinance” And being put, Voted unanimously
 “ in the Affirmative ____ M.^r Grant moved for the following Amendment
 “ to be made to this Article, viz, That instead of the Three last words ____
 “ “common Law thereof” the Words “Laws thereof” be insisted; Unanimously
 “ resolved in favor of the Amendment.

3.rd Q.^u

 Read in both Languages, that which was the 1.st Article of the Ordinance now become the 2.nd by the Substitution of the above Article. ____ M.^r Mabane moved that the Article 3 in the Ordinance reported by the Committee be now received as a 2.nd with the Amendments it contains ____ Read the Amendments proposed in both Languages. ____ M.^r Grant moved “that
 “ either the 21.st Section of the 31.st Cha.^r 2.nd chap. 2 be adopted in whole as
 “ an Article in this Ordinance, or that the following words be added ____
 “ within the Parenthesis thereof after the Word Commitment, viz, Or for
 “ Suspicion of the same, or as Accessory thereto before the Fact, or ____
 “ convicted or charged in Execution by legal Process” Resolved unanimously that the 21.st Article be adopted to make an Article in the Ordinance.

 Read in both Languages that Article which was the 1.st Article of the ordinance, now standing Article 3 ____ M.^r Mabane moved that this Article be amended by the addition of a few words, which was resolved unanimously.

 Read in both Languages Article 2, now standing Article 4; passed with an Amendment proposed by M.^r Grant.

 Read Article 4 in the Ordinance reported, now standing Article 5, in both Languages; The President proposed the Question “Whether the Penalties shall be of the lawful money of Great Britain” which being put, and the Voices standing 12 Ayes and 4 Noes, Voted in the Affirmative.

4.th Q.^u

adjourned to Wednesday the 7.th

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Wednesday the 7.th of April 1784
 The Lieutenant Governor ____ Pr
 and all the other Members (including M.^r S.^t Luc) except M.^r Fraser

M.^r Grant read a Motion in the following Words, viz, “M.^r Grant moved that
 “ the following Article be added and made part of the Ordinance now under –
 “ Consideration of this Council, intitled an Ordinance for

“ And be it enacted, declared and ordained by the Authority aforesaid _
 “ &c. That it is and shall be clearly understood at all times hereafter That
 “ the Common and Statute Law of England, in as far as the same is _
 “ favourable and productive of personal Liberty, Safety and Security And as
 “ the same is and has been understood, received and executed since the Revolution
 “ of 1688, is right of all His Majesty’s faithful Subjects in this province;
 “ And as such shall be the Rule whereby to decide every case and situation
 “ not provided for by the present Ordinance, as well in the description and _
 “ quality of the offence, as in the method of prosecution and Trial by Jury
 “ and under the same punishments, penalties and forfeitures as are _
 “ inflicted by the said Common and Statute Law of England. And ____
 “ especially in so far as the same may be declared, enacted and ordained
 “ by an Ordinance of the Legislature of this province under the Statute
 “ of the 14.th of His present Majesty, chap. 83. to the Exclusion of every
 “ other Law or Mode of proceeding whatsoever. And be it also declared _
 “ and ordained that this Ordinance shall not be hereafter construed to abridge
 “ or diminish any of the other Liberties, Rights and Immunities of His
 “ Majesty’s Subjects in this province as the same are set forth in
 “ the Statute of the 3.rd year of the Reign of King Charles the first
 “ commonly called “The Petition of Right” or in the Statute of the 1.st
 “ Year of the Reign of King William and Queen Mary, intitled, An Act
 “ for declaring the Rights and Liberties of the Subject, and settling the
 “ Succession of the Crown. Or to abridge of diminish any other part of the
 “ Common or Statute Law of England whereby the Rights and Liberties of
 “ the Subject have been ascertained and secured. But that the same and
 “ every part thereof is hereby declared, ordained and understood to be _
 “ the Rights and Liberties of His Majesty’s Subjects in this province
 “ and shall be so admitted and taken in every case where local Situation
 “ and Circumstances can be, in Justice and Reason, applied thereunto _
 “ any thing to the contrary notwithstanding.” _____

M.^r Grant desired that His said Motion might lie on the
 Table for the Consideration of the Members _ Resolved accordingly.

The

The Door_keeper acquainted the Council that some Gentlemen were at the Door, and requested Admission to hear the Debates... After some Debate, Resolved that the Question be put “Whether they are to be admitted, or not?” and being put 15 Voices were in the Negative. M.^r Grant said “he was not ready to give his Voice, but would be ready at the next Setting of the Council, be it to-morrow, or sooner, or later.” Voted in the Negative.

— M.^r S.^t Luc moved “Je propose qu’il soit ajouté en fin de l’Ordonnance la clause suivante. Que toutes et chacunes choses continües dans la dite Ordonnance ne s’etendront, et ne pourront s’etendre à autoriser, dans aucuns cas la Cour du Banc du Roy, le Juge en chef, ou les Commissaires exerçant la charge du Juge en chef, d’accorder un ordre d’Habeas Corpus sur sollicitations ou Demandes de qui que ce puisse être pour amener devant eux qui que ce soit Profés d’aucuns Couvents de cette province.” signé La Corne S.^t Luc.” — Resolved to lie on the Table, for consideration.

Adjourned to Saturday the 10.th

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Saturday the 10.th of April 1784.
The Lieutenant Governor _____ Pr.
With all the other Members, including M.^r Fraser_____

The Lieutenant Governor moved in the Words following, viz.^t, “When the Question was agitated on Wednesday last, whether or not the doors of the Legislative Council room should be open to the public, I gave my Negative with my Reasons for not admitting at that Time the persons who applied to hear the Debates, which were, that the Council Had not as yet framed any Rules for the purpose.

“Lest my Negative should be misunderstood, or that I should be considered as doubtful of the Liberty this Council has of admitting His Majesty’s good Subjects under certain Regulations, I now move, that the following Rules be adopted.

- 1.st That the Doors be set open, on the President’s taking the Chair.
- 2.^{ndly} That considering the smallness of the room, each member shall be allowed to admit two persons, and no more.
- 3.^{rdly} That a part of the Room be portioned off for those persons
- 4.^{thly} That the Room be cleared at any time, upon Motion from a Member :

Resolved to lie on the Table.

— M.^r Grant presented His Reasons of Dissent, upon the Question put, and Vote had last Wednesday concerning the Admission of persons into the Council Room to hear the Debates. — Read the same in both Languages — Resolved to

be

be entered in the Journals.

M.^r Grant's Reasons of Dissent upon the Vote of last
Wednesday.

“ M.^r President, and Gentlemen,

“ I am now ready to give my Vote on the Question agitated
“ at the last meeting of the Legislative Council, and carried so imme=
“ =diately that I could not form a serious Opinion thereon. The
“ Question was Whether some Gentlemen then at the Door requesting
“ to be admitted to hear the Debates, should be permitted to come in?

“ I have since had more time than desire to look over and ____
“ perfectly to consider the Oaths which I and every member of Council ____
“ have taken. Those Oaths I do not find to be different from such as
“ are taken by the Lords and Commons of Great Britain, in their _
“ legislative and judicious Characters. Or by such of them as are
“ His Majesty's privy Counsellors for Great Britain and the Dominions
“ and Colonies thereunto belonging, either when acting in their
“ Capacity of Counsellors of State, His Majesty, or in the Colonies
“ His Representative the Governor, then personally present, or—
“ otherwise.

“ I have also carefully read the Quebec Act, viz, The 14.th
“ of His Majesty chap. 83, and I have satisfied myself respecting
“ the Usage and Practice of Legislative Bodies in other parts of
“ the King's Dominions. And I am now thoroughly persuaded
“ that the Oath of a privy Counsellor, or Counsellor of State for
“ His Majesty's Affairs, which I have taken as such, does not
“ prevent me from voting, that I think and am of Opinion_
“ this Legislative Body or Council has a right, and ought, to
“ admit into this House, or this Legislative Council Chamber, when
“ sitting, voting, and acting in that Capacity, any of His ____
“ Majesty's Subjects who may be desirous of Hearing the Debates ____
“ thereof; especially if such Subject be introduced by a Member, or shall
“ by message by the Door-keeper to the President request the Leave of
“ the House; but not in Numbers to incommode, retard, or interrupt
“ the business of the House; or to remain there when the President
“ or Speaker, or any Member shall obtain Leave, and be desirous of
“ clearing the House. This I firmly hold to be agreeable to the
“ Intention of His most sacred Majesty, and both Houses of Parliament
“ when the Quebec Act was passed, and conformable to the Meaning
“ and Spirit of that Act and other powers and Authorities forming
“ the present Constitution of Quebec. More especially as nothing can
“ be debated in the Legislative Council but the public Affairs of ____
“ the province, that is to say, Laws and Ordinances for its Welfare,
“ for His Majesty's Honor and Dignity, the Interest of Great Britain
“ and the Public Good. Laws, by which we and all the Inhabitants

of

“ of this extensive province are in future to be bound.
 “ From such public and open freedom of Debate and Vote, much
 “ good may result. The first is Confidence in that Body which His Majesty
 ex.^d “ and Parliament has in so great a Degree been graciously pleased to—
 “ charge with the Legislation of it . __ Debates on Legislation are not
 “ Debates of Secrecy. All free Governments (in as much as conveniency will
 “ allow) consult and learn the Sentiments of that people; whose posterity,
 “ whose Lives, Liberties and Fortunes, are the business of their Assembly and
 “ Deliberation. Witness, Great Britain, What nobler Example can this _
 “ Legislative Council follow, than that of the power by which it was ____
 “ created? We sit not in this Chamber, to advise executively His Majesty’s
 “ Governor, or to give him our consent to such of His Majesty’s Affairs
 “ as require that consent and that Secrecy, which as Counsellors of State
 “ we are bound to.
 “ I am therefore of a contrary Opinion to those Members of this ____
 “ Legislative Council who think Secrecy of Debate and Vote in framing _
 “ public Laws incumbent on them. Or that such Secrecy can either be
 “ productive of, or conducive to the public good and happiness of this province.
 “ And I do request that these my Reasons of Dissent and Vote may be
 “ entered on the Journals of this Legislative Council.”
 /signed/ William Grant.
 10.th April 1784.

M.^r Mabane moved “that the Door-keeper be desired to deliver the
 “ names of the Gentlemn who requested Admission into the Council ____
 “ chamber on Wednesday last, to hear the Debates.” The Door-keeper ____
 informed the Council that those Gentlemen were M.^r Cochrane, M.^r
 Shoolbred, M.^r Adam Lymburner, and M.^r Charles Grant.

Resolved to proceed further into the 2.nd Reading of the Habeas ____
 Corpus Ordinance.

Read Article 6, in both Languages __ Proposed from the Chair, that__
 the Question be put, “Whether this Article shall stand.” Resolved unani=
 =mously in the Affirmative.

Read Article 7, in both Languages __ Proposed, as before, from the __
 Chair __ Resolved unanimously in the Affirmative.

Read Article 8 in both Languages __ Proposed, as before __ Resolved
 unanimously in the Affirmative.

Read Article 9 in both Languages __ Proposed as before __ Resolved
 unanimously in the Affirmative.

The Doorkeeper brought in, and delivered to the President a Note
 addressed “ To Lieutenant Governor, President of the Legislative Council”

containing

ex.^d
1.st Question

containing the following words, viz, “ Messrs Cochrane, C. Grant, _
 “ Blackwood, Lymburner, Marcoux, Marchand, Walker, Duchesnay,
 “ Shoolbred, Freemont, and Perrault present their Respects to _
 “ The Lieutenant Governor, President of the Legislative Council
 “ and request leave to be admitted to hear the Debates of the
 “ Legislative Council. Quebec 9.th April 1784 ” ____ Ordered from the
 Chair that the Question be put “ Whether those Gentlemen shall
 be admitted or not? And being put the Voices standing 4 Ayes
 and 13 Noes, Voted in the Negative. The President told the
 Door-keeper to acquaint those Gentlemen, in the name of the
 Council that they cannot be admitted.

Resumed the Habeas Corpus Ordinance

Read Article 10 in both Languages, Proposed from the Chair
 that the Question be put “ Whether this Article shall stand? ____
 Resolved unanimously in the Affirmative.

The Door keeper brought in another Note, which he delivered
 to the President, addressed, “To the Lieutenant Governor President of
 “ the Legislative Council” containing the following words, viz ____
 “ Messrs Cochrane, C. Grant, Blackwood, Lymburner, Marcoux, _
 “ Marchand, Walker, Duchesnay, Shoolbred, Freemont, and Perrault
 “ present their acknowledgments to the Lieutenant Governor, _
 “ President of the Legislative Council, are sorry the Debates and
 “ business of the Legislative Council will not permit them an
 “ admittance to-day; request the favour to be informed, whether
 “ they can be admitted on any other occasion, and at a future day,
 “ to hear the Debates of the Legislative Council. Quebec 10.th April
 “ 1784.”

2.nd Question“

M.^r Fraser moved “That a Copy of the Vote of the House of
 “ this day, upon the Question put in consequence of the first Note,
 “ sent in by those Gentlemen, be delivered to the Door-keeper, to
 “ serve as well for answer to this last note, as to any Applications
 “ for Admittance in future.” ____ Proposed that the words of the ____
 Vote to be given to the Door keeper shall be as follows, viz, “The
 “ Council have voted that the Gentlemen who requested Admittance
 “ to hear the Debates this day cannot be admitted. This to serve
 “ for Answer to every future Application” ____ Resolved that the
 Question be put “Whether it shall be given to the Door keeper in
 the words just now stated ?” And being put the Voices standing
 11 Ayes and 6 Noes, Voted in the Affirmative.

Reasons of Dissent by The Lieutenant Governor and
 M.^r Finlay

The Lieutenant Governor's Dissent.

“ I dissent form the Majority on the Question, whether
“ or not the Doors of the Legislative Council Chamber ____
“ should be open to the public, on the Conditions expressed
“ in Debate; because our Debates have for Object the Benefit
“ of the province.”

/signed/ H. Hamilton

M.^r Finlay's Reasons of Dissent

“ When some Gentlemen on Wednesday last sent a Message to
 “ the President, praying Admittance to hear our Debates, it was
 “ observed by an Honorable Member of the Council, that we are
 “ bound by Oath to keep secret whatever matters may be agitated
 “ before us in our Legislative Capacity. The Oath was read to—
 “ refresh our Memories; on hearing it I hastily concluded that
 “ the Request of the Gentlemen at the door was inadmissible
 “ seeing we had sworn “to keep close and secret all such___
 “ matters as shall be treated, debated and resolved in Council,
 “ without publishing or disclosing the same or any part
 “ thereof.” It would be a glaring absurdity to permit—
 “ strangers to be present to hear debates we swore never to—
 “ reveal. Thus the Matter struck me on Wednesday, but___
 “ having had time to consider the Subject, and examine into
 “ the nature of the Obligation that we came under before we took
 “ our Seats in Council, I say, that the Oath was administered
 “ to Us as Counsellors of State; when Matters are propounded in
 “ that Council, then I shall be close and secret, I will be ___,
 “ vigilant, diligent and circumspect in all things, touching the
 “ King's Majesty's Affairs.” ___ The Oath in question was not
 “ framed to be tendered to Us as a Legislative Body, it existed
 “ before the Quebec Act; it was binding on the former—
 “ Council, when assembled as a Council of State only.

“ His Majesty's most beneficent Intention, in favour
 “ of His Canadian Subjects, has gone forth; it is publickly known
 “ and most thankfully received by a grateful people, firmly
 “ attached to the best of Sovereigns, who admits them to the ___
 “ Privileges of Englishmen, and commands us in our Legislative
 “ Capacity to secure their personal Safety and Liberty, in as ___
 “ ample a Manner as it is enjoyed by His antient Subjects. _
 “ Secure and happy under the mildest of Governments, they will
 “ ever with their Lives be ready to maintain it.

“ It ought not therefore to be matter of Surprize to any
 “ member at this Board, that the people at this Juncture, when
 “ their Minds dilated with Joy, should wish to be present to
 “ hear the progress of our Deliberations, on a Subject which so
 “ nearly concerns them . An Englishman claims a kind of___
 “ Right to hear the Debates in Parliament; he very naturally

conceives

“ conceives that that Right is now extended to Canada; He observes
 “ that The King wills we shall be absolutely free in this province
 “ He asks _ Wills any member of the Legislative Council to curtail
 “ the Rights and Liberties which are the Birth-right of every Briton
 “ and give them mutilated and imperfect to the people of Canada?
 “ I answer, No _ ‘Tis the King’s Will and strongly recommended
 “ by His Majesty’s Representatives here, that the Security and ___
 “ personal Liberty of the Subject in Canada be as sacred as it
 “ is in England: Then, resumes He, debar us not from hearing
 “ your Debates.

ex.^d

“ Two Reasons have been assigned at this Board why we,
 “ ought to keep our Doors shut against Strangers. The first is,
 “ some of the Members of Council conceive that the Oath they took
 “ binds them to keep secret our doings in a legislative Capacity;
 “ other Members say that though they may tell their Sentiments
 “ freely among ourselves, unaccustomed to speak in public, they
 “ wish to prevent the Restraint they should be under in an open
 “ houses ”

“ I have already said that the Oath we took as Concellors is
 “ in no wise binding on us in our Legislative Capacity. There ___
 “ can be no Secrets at this Board. For any own part, thought___
 “ I am not qualified for a public Speaker, I hope to make ___
 “ myself understood as often as I think it my Duty to rise
 “ up in my place, and declare my Sentiments. A Crowd ___
 “ could not prevent me from giving my Opinion openly, freely
 “ and candidly. _ I, from these Reasons, am clearly of Opinion
 “ that we may, and ought to admit as many Hearers as the
 “ place where we sit can commodiously contain, as this board
 “ will always retain the power of clearing the House whenever_
 “ it is thought proper; and this will destroy the Idea of an_
 “ unnecessary Secresy, and gain the Confidence of the people.
 “ These are my Reasons of Dissent from the Majority on this ___
 Subject. /signed/ Hugh Finlay.

10.th April 1784.

Read Article II of the Habeas Corpus Ordinance, in both Languages,
 Proposed from the Chair That the Question be put “Whether this
 Article shall stand ___ Resolved unanimously in the Affirmative.

Read Article 12 in both Languages _ Proposed as before _ ____
 Resolved unanimously to stand.

This finishes the 2.nd reading of the Ordinance
 reported by the Committee.

Proposed

Proposed that the 21.st Section of the Statute of the 31.st ____
 of Ch.^s the 2.nd ch. 2 be read ____ Read the same, with a ____
 Translation of it ____ Ordered to be considered and reported
 upon by the Attorney & Solicitor General.

____ M.^r Grant moved “that the 12.th Article of the said
 “ Act of the 31.st Ch.^s 2. ch. 2. for preventing illegal Impri=
 “ =sonments beyond Seas, or without this province, by ____
 “ person or persons within the same, be adopted, as an_
 “ Article of this Ordinance, in as far as it can be made
 “ applicable ” Read the Article, with the Translation____
 Resolved that an Article be framed by M.^r Attorney &
 Solicitor General conformable to the 12.th Section of the
 said Statute, so far as it can be made applicable to _
 the local Situation of this province.

____ The President moved “That the 9.th Section of the ____
 “ English Act of Habeas Corpus be translated into French
 “ and being read in both Languages, that it be put to the_
 “ Vote Whether or not it shall make an Article in the
 “ Ordinance now framing for the Liberty of the Subject”–
 Ordered that the Section be translation into French.

adjourned to Wednesday the 14.th

=====

Wednesday the 14.th of April 1784.

The Lieutenant Governor ____ Pr

And all the other members ____ Except M.^r De Longueüil

Read the 21.st Section of the Act of the 31.st Ch. 2. c. 2. in both
 Languages ____ Read the Report of the Attorney & Sol.^r General
 upon it. ____ Resolved that the Question be put, Whether the ____
 Section shall be adopted as an Article according to the Words of
 it in the said Act.” And being put, the Voices standing 14 ____
 Ayes and 2 Noes Voted in the Affirmative.

____ Read Section 9 of the Act in both Languages _ Resolved that the
 Question be put “Whether this Section shall be adopted to make
 an Article in the Ordinance, or not? Voted unanimously in the
 Affirmative.

____ Read the 12.th Section, in both Languages _ Resolved to lie on the Table

____ M.^r S.^t Luc’s motion of the 7.th Instant was read in both Languages _
 Resolved to lie on the Table.

adjourned to Thursday the 15.th

=====

Thursday the 15.th of April 1784.
 The Lieutenant Governor ____ Pr
 and all the other Members, except M.^r De Longueuil

M.^r Mabane moved in the following words, viz, “ It appearing
 “ that in the 12.th Section of the Statute of King Ch. 2.nd chap. 2.
 “ there are Penalties and Disabilities inflicted, which exceed the
 “ powers given by Law to this Legislature, I move that it be
 “ not adopted in the present Ordinance which is to establish_
 “ or declare the Right of the Subject to the Writ of Habeas Corpus
 “ but that the 12.th Section and the others in the Statute ____
 “ depending upon it shall be adopted in a Separate Ordinance,
 “ to be intituled An Ordinance for the further Security of the
 “ personal Liberty of the Subject in the province of Quebec _
 “ Which Ordinance if approved by His Excellency the Governor
 “ will previous to its publication be transmitted to Britain_
 “ for His Majesty’s Approbation. ”

Ordered from the Chair that the Article framed by the
 Attorney and Solicitor General from the 12.th Section of—
 the Statute, in consequence of a Resolve of the Council of—
 the 10.th instant, be read. ____ It was read in both Languages.
 Ordered from the Chair that the Question be put “Whether the
 “ Article as it has been read shall be adopted as an Article
 “ in the Ordinance” And being put the Voices were unani=
 =mous in the Affirmative.

M.^r Mabane proposed that His Motion should
 lie on the Table ____ Resolved accordingly.

 Read the 13.th Section of the Statute in both Languages ____
 Proposed that the Question be put “whether this Section shall
 “ be adopted as an Article” ____ Resolved unanimously in the
 Affirmative. ____

 Read the 14.th Section of the Statute in both Languages ____
 Proposed as before ____ Resolved unanimously in the____
 Affirmative.

 Read the 16.th Section of the Statute in both Languages ____
 Proposed as before ____ Resolved unanimously in the____
 Affirmative.

 M.^r Grant proposed that His Motion of the 7.th instant
 be read ____ Read the same in both Languages ____ Resolved to
 continue to lie on the Table.

M.^r

M.^r S.^t Luc having amended his motion of the 7.th Instant made another Motion in the following Words, viz, “Je propose
 “ que l’Article suivant soit ajouté à l’Ordonnance, viz; Pouvû
 “ toujours que rien dans cette Ordonnance ne s’étendra, et ne _
 “ pourra s’entendre s’étendre à autoriser à accorder un Ordre
 “ d’Habeas Corpus sur la plainte ou demande de qui que ce puisse
 “ être qui auront pris les Vœux dans aucune des maisons _____
 “ religieuses en cette province.” _____ M.^r Finlay moved That the
 “ Opinion of the Attorney and Solicitor General be taken, “Whether
 “ the Motion of M.^r S.^t Luc, if adopted, by the Council, and _
 “ inserted in the Ordinance, will have the Effect of suspending
 “ its operation until the King’s pleasure be known.” _____ Resolved
 “ unanimously in the Affirmative.

adjourned to Friday the 16.th

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Friday the 16.th of April 1784.
 The Lieutenant Governor _____ Pr
 and all the other Members, except M.^r De Longueuil

Read the Attorney and Sol.^r General’s Opinion upon M.^r S.^t _
 Luc’s motion _____ M.^r Mabane moved That an Article be _____
 inserted in the Ordinance in the following words, instead of those
 proposed by M.^r S.^t Luc, viz, _____ Provided always that nothing in
 “ this ordinance contained shall extend or be construed to extend _
 “ to alter the Law in any Respect from what it is at present
 “ with regard to persons who have taken the Vows in the
 “ Convents of this province.” Resolved that the Question be put
 and being put “Voted unanimously in the Affirmative.

_____ Read M.^r Grant’s Motion lying on the Table _____ M.^r Grant –
 with drew that Motion, and substituted the following, which he
 proposes to be adopted as an Article of the Ordinance, viz. “And
 “ it shall be clearly understood at all times hereafter, that the _____
 “ Common and Statute Law of England in as far as the same is
 “ favourable and productive of personal Liberty, Safety and Security
 “ is the Right of all His Majesty’s faithful Subjects in this _
 “ province ; and as such shall be the Rule whereby to decide every
 “ case and situation not provided for by the present Ordinance” _____
 Resolved that the Question be put “Whether it shall be adopted as
 “ an Article in the Ordinance, or not” And being put the Voices

standing

standing 7 Ayes and 9 Noes Voted in the Negative.

M.^r Grant then proposed that the same Words be added _
to the first Article, as an Amendment of it __ Resolved that
the Question be put, _ the Voices standing 7 Ayes and 9 Noes __
Voted in the Negative __ Resolved that the Names of the __
Members voting upon this Question, be entered upon the ____
Journals, distinguishing for and against it.

	Ayes	Noes
M. ^r Davison		1
M. ^r Holland		2
M. ^r Baby		3
M. ^r S. ^t Ours		4
M. ^r Grant	1	
M. ^r Fraser		5
M. ^r Bellestre		6
M. ^r De Lery	2	
M. ^r S. ^t Luc		7
M. ^r Mabane		8
M. ^r Collins	3	
M. ^r Harrison		9
M. ^r Levesque	4	
M. ^r Dunn	5	
M. ^r Finlay	6	
The Lieutenant Governor	7	

The President moved that the 20.th Section of the Statutes
of the 31.st Ch. 2. ch. 2 be adopted as an Article in the
Ordinance. __ Ordered to be translated, and to lie on the
Table. __

adjourned to Saturday the 17.th

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Saturday the 17.th of April 1784.

The Lieutenant Governor _____ Pr.

And all the other Members __ except M.^r De Longueüil

The 20.th Section of the 31.st Ch. 2. c. 2, with the Translation
was read __ Proposed that the Q.^u be put “Whether this Article
shall be adopted, suiting it as well to the present Constitution
of the Courts of Justice, as of those which may be in future
established in the province. ____ Resolved unanimously in
the Affirmative.

M.^r

M.^r Finlay moved “That the Sense of the Council be taken “ Whether the Ordinance as it now stands fullfills
 “ The King’s 13.th Article of Instructions to The Governor
 “ of Quebec dated 3.rd January 1775, recommended by
 “ His Excellency the Governor in his speech at the opening
 “ of this Session” __ Resolved that the Question be put
 And being put the Voices standing 9 Ayes and 7
 Noes, Voted in the Affirmative __ The names of the __
 Members voting for, and against, to be inserted in the
 Journals./

	Ayes	Noes
M. ^r Davison	1	
M. ^r Holland	2	
M. ^r Baby	3	
M. ^r S. ^t Ours	4	
M. ^r Grant		1
M. ^r Fraser	5	
M. ^r Bellestre	6	
M. ^r De Lery		2
M. ^r S. ^t Luc	7	
M. ^r Mabane	8	
M. ^r Collins		3
M. ^r Harrison	9	
M. ^r Levesque		4
M. ^r Dunn		5
M. ^r Finlay		6
The Lieutenant Governor		7

The Habeas Corpus Ordinance being now read a 2.nd time
 M.^r Fraser proposed that the Title to it should be “An
 “ Ordinance for securing the Liberty of the Subject, and __
 “ for prevention of Imprisonments out of this province”
 Resolved unanimously to be adopted.

Ordered That copies of the Ordinance be delivered to
 the Attorney and Solicitor General to be drawn out in due
 form, and to stand for the third reading on Wednesday
 next.

_____ The Registry Ordinance is to be read a second time on
 Monday next.

adjourned to Monday the 19.th

=====

Monday the 19.th of April 1784.

The Lieutenant Governor ___ Pr

And all the other Members, except M.^r De Longueüil

The Committee upon the Fee Ordinance presented their Report, recommending that as the Session is so far advanced, and ___ so much to be reconsidered to amend that Ordinance, it may be renewed for one Year Only, or to the End of the next ___ Session of the Council ___ Proposed that the Question be put and being put, Voted unanimously that it be renewed to_ continue for one year longer, or unto the End of the next Session of the Legislative Council.

In proceeding to the 2.nd reading of the Registry Ordinance; _____

Read the 1.st Article in both Languages. ___ M.^r De Lery rose, and handed a paper in the Words following, viz,

“ Vu les difficultés qui naîtront nécessairement de l’Ordonnance
 “ pour les Enregistremens, Je propose qu’elle reste sur la Table
 “ jusqu’à la prochaine Séance pour que chaque membre ait
 “ le tems d’en bien examiner les Articles. » Resolved that the Question be put, and being put, the Voices standing 12 Ayes and 4 Noes, Voted in the Affirmative. ___ The names of _____ the Members voting for and against this Motion to be _____ inserted in the Journals. ___

	Ayes	Noes
M. ^r Davison		1
M. ^r Holland		2
M. ^r Baby	1	
M. ^r S. ^t Ours	2	
M. ^r Grant	3	
M. ^r Fraser	4	
M. ^r Bellestre	5	
M. ^r De Lery	6	
M. ^r S. ^t Luc	7	
M. ^r Mabane		3
M. ^r Collins	8	
M. ^r Harrison		4
M. ^r Levesque	9	
M. ^r Dunn	10	
M. ^r Finlay	11	
The Lieutenant Governor	12	

Adjourned to Wednesday the 21.st

Wednesday the 21.st of April 1784

The Lieutenant Governor ____ Pr

And all the Members, except M.^r De Longueüil

Read the Lieutenant Governor Dissent from the Vote of the 17.th instant upon M.^r Finlay's Motion, follows a Copy

“ Legislative Council 17.th April 1784

“In consequence of M.^r Grant's motion of the 16.th instant, it was ____
 “ this day debated, Whether or not the Ordinance read this day for the 2.nd
 “ time, intituled, “An ordinance for securing the personal Liberty &c “be ____
 “ fully adequate to the Intentions of His Excellency the Governor, as ____
 “ expressed in His Speech delivered on the 22.nd day of March last, in
 “ which is cited the 13.th Article of His Majesty's gracious Instructions
 “ dated January 3.rd 1775.

“ And whereas the Votes on the motion stand nine Ayes to ____
 “ seven Noes, it appears to me necessary to assign my Reasons for
 “ dissenting from the Majority, which I do in manner following, to
 “ be entered in the minutes of the Legislative Council.

“1.st ____ I dissent because the Ordinance framed on the Model of the Act
 “ of Habeas Corpus for the Advantage of this province, has Reference
 “ only to the Condition of Subjects liable to illegal modes of ____
 “ Restraint, ascertains their means of Redress, and establishes ____
 “ the Fines and Penalties, incurred by, and to be inflicted on, such
 “ persons as may become obnoxious to the Law; whereas I must
 “ deem His Majesty's Instructions to design and carry a far
 “ more extensive application

“2.^{ndly} ____ I dissent because it is not reasonable to suppose, that free-born
 “ british subjects relinquish their Rights by residing in a ____
 “ remote part of the Empire, or that they may enjoy them in
 “ this province without the participation of their Canadian ____
 “ Brethren, whence it follows that when they shall be enjoyed in
 “ Common, every shadow of Jealousy and Discontent will vanish,
 “ and the Inhabitants of this province will from that time become
 “ sensible of the happy Effects resulting from a free Government
 “ and feel themselves as Englishmen should, the happiest Subjects
 “ of the best of Kings.

“3.^{rdly} ____ I dissent, because I cannot in a more dutiful and humble Manner
 “ convey to the foot of the Throne, a View of the Condition of my fellow
 “ Subjects, than through the Hands of His Majesty's Representative
 “ who has recommended to the Legislative Council of this Country

an

“ an Ordinance providing for the Security and personal Liberty of the
 “ Subject, as being objects of which he has never lost Sight, and ____
 “ which are essential to a free Government.

/signed/ Henry Hamilton

Read M.^r Finlay’s Dissent from the Vote of 17.th instant, upon
 his Motion, viz,

“ I dissent from an opinion of a Majority of this Council who
 “ voted on Saturday last, the 17.th that the Law now ordered to be engrossed
 “ fullfills his Majesty’s most gracious Intention in favour of His ____
 “ Subjects in this province, as expressed in the 13.th Article of the
 “ King’s Instructions to The Governor of Quebec dated at S.^t James’s ____
 “ the 3.rd day of January 1775 and recommended to the Serious ____
 “ attention of this Board by His Excellency The Governor.

“ Because, without an Amendment similar to that which was ____
 “ proposed by M.^r Grant on the 7.th of this Month the Law will not fullfill
 “ the King’s Intention, as conveyed to us in the Instruction above recited.
 “ It will be deemed by the public the Ne plus ultra of Canadian ____
 “ Priviledges, a fullfillment of the King’s Will.

“ The people have long understood and at this Hour ____
 “ imagine it to be His Majesty’s pleasure that His Subjects
 “ in Canada shall be as free to all Intents and Purposes ____
 “ as His Subjects in the Realm of England. How much will
 “ they be disappointed on finding that the whole Rights of—
 “ a Canadian are summed up in the Benefit of the Writ
 “ of Habeas Corpus, and the Right of Action against the
 “ person who shall illegally send them beyond Seas!

“ I think it would be highly impolitic at this ____
 “ Juncture, and very prejudicial to the Interests of the ____
 “ province to publish the Ordinance without a Clause
 “ declaring that His Majesty has been graciously pleased
 “ to extend to His Subjects in Canada all the Rights and
 “ Priviledges of Englishmen, for I firmly believe that to
 “ be the King’s Will. Therefore I formally dissent from the
 “ Majority of this Council who confine our Sovereign’s _
 “ beneficent Intentions within the bounds of the Law
 “ now before Us.

/signed / Hugh Finlay

Quebec 20.th April 1784.

Read

Read M.^r Dunn's Dissent from the Vote of 17.th Instant upon M.^r Finlay's Motion of the 17.th and M.^r Grant's of the 16.th instant—.

+ majesty's faithful
^

“ Although I find it necessary in a matter so highly
 “ essential to His Majesty's Government to have entered on
 “ the minutes of this Council my Reasons of Dissent from
 “ a Majority on the following Motion, from M.^r Grant, viz,
 “ “And it shall be clearly understood at all times hereafter, that
 “ “the Common and Statute Law of England, in as far as the
 “ “same is favorable and productive of personal Liberty, Safety,
 “ “and Security, is the right of all His [^] Subjects in this province
 “ “and as such shall be the Rule, whereby to decide every Case
 “ “and Situation not provided for by the present Ordinance.” —
 “ I will avoid entering into the many Arguments that might
 “ be given in support of the motion, but confine myself to
 “ His Majesty's most gracious Intentions conveyed to the
 “ Governor of this province, in the 13.th Article of His Royal
 “ Instructions dated at S.^t James's the 3.rd January 1775—
 “ And to His Excellency's Recommendation in His Speech
 “ at the opening of the present Session. And I will even suppose
 “ for a moment that the Addition proposed to the Ordinance
 “ now under the Consideration of this Council, for securing
 “ the personal Liberty of His Majesty's Subjects in this —
 “ province is not in reality so material as it appears to —
 “ me, and to some other Members of this Board; Yet I am—
 “ convinced it would operate much good, and adhere them to
 “ His Majesty's Government; and it is our Duty to put it
 “ out of the power of every designing Man to persuade the
 “ most ignorant of them that the Safety of His personal
 “ Liberty is not as fully secured to him as to any of—
 “ His Majesty's Subjects residing in Great Britain.
 “ “ I am nevertheless convinced, M.^r Grant's Motion if—
 “ adopted as a part of this Ordinance, would have undergone
 “ some Amendments, such as, enacting the same so far
 “ as this Council are authorized to do it, under the Act of—
 “ the 14.th of His Majesty Chap. 83. (which indeed was a
 “ part of M.^r Grant's original motion wherein the Statutes
 “ alluded to are pointed out) And that the penalties incurred
 “ thereby should be sued for agreeable to the forms and —
 “ practice of His Majesty's Courts that now are, or hereafter
 “ may be established in this province. _Quebec Council =
 “ =Chamber the 21.st April 1784 ”

(signed) Thomas Dunn__,

Read M.^r Levesque's Dissent, viz,

“ Messieurs,

“ Je vois avec plaisir le moment ou l'Acte d'Habeas _____
 “ Corpus va être terminé, et avec Satisfaction que l'Article
 “ 12 n'y a point été obmis, ou plutôt supprimé en son _____
 “ entier.

ex.^d “ Ma Joye serait complète si j'étois convaincû que
 “ cet acte seul remplit les Instructions paternels de sa _____
 “ Majesté, dans son Article 13.^e du 3 Janvier 1775, ou la
 “ Sureté et Liberté personnelle nous est si étroitement _____
 “ recommandée comme un precepte fondamental d'un _____
 “ Gouvernement libre et heureux, dont la Legislation de Quebec
 “ ne dois jamais perdre de Vüe, et suivre pour Exemple la Loi _____
 “ Commune du Royaume de la Grande Bretagne.

“ Je pense donc sincerement, Messieurs, que nous n'avons _____
 “ fait qu'une partie de ce que Sa Majesté nous a recommandée
 “ et que si la proposition du 7 courant par l'honorable Membre
 “ Mons.^r Grant, débattüe les 16 et 17, eut été adoptée nous _____
 “ aurions remplis notre devoir plus amplement et efficacem^t.
 “ en suivant en cela l'Intention du Roy, qui desire assurer à
 “ son peuple Canadien sa Sureté, Liberté, et Securité personnelle,
 “ Avantages si precieux et si propre à fixer le Citoyen de son _____
 “ pays, et à encourager tous Etrangers à venir faire corps _____
 “ avec nous.

“ Mais comme s'explique clairement sa gracieuse
 “ Majesté ne perdre jamais de Vüe l'Exemple des Loix de
 “ la Liberté personnelle de mon Royaume. J'espere donc
 “ qu'une pareille recommandation, nous sera toujours un _____
 “ objet de Reconnoissance et d'Obeissance à Suivre ses _____
 “ favorables Instructions, dont sous peu il en resultera
 “ le Bonheur parfait que doit en attendre ses Sujets _____
 “ fidels. Quebec le 21 Avril 1784.

/signed/ F. Levesque .

Read M.^r De Lery's Dissent, viz,

“ Je suis d'Opinion que la Motion de Mons.^r Grant
 “ du 7 Avril débattüe en Conseil Legislatif les 16. et 17. _____
 “ suivant, soit adoptée, parceque je crois voir clairement par
 “ l'Article 13 des Instructions de sa très gracieuse Majesté _____
 “ à son Gouverneur de la province de Quebec en datte du 3 _____
 “ Janvier 1775, qu'elle veut qu'il soit assuré à ses Sujets
 “ dans la dite province d'Habeas Corpus et toutes les autres
 “ Loix d'Angleterre qui garantissent la Securité personnelle,

et

“ et que l’Ordonnance n’étant point augmentée de l’Article
 “ proposé par l’Honorable Membre ne rempli qu’une partie
 “ des roiales et favorables Intentions de sa très gracieuse Majesté
 “ a Quebec le 20 Avril 1784.

/ signed / J. G. Chausegros DeLery.

Read M.^r Grants Dissent, viz,

“William Grant’s Reasons in Support of His Motions of
 “ the 7.th and 16.th of April. And of Dissent from the Majority of
 “ the Legislative Council, on the Question’s being put on the last ____
 “ motion, and on M.^r Finlay’s Motion of the 17.th ____ Both carried
 “ the Negative by a Majority of Two Voices as appears by the Journal
 “ of Council.

1.st ____ I dissent because I do not apprehend that His Excellency The
 “ Governor’s Intention in proposing an Ordinance to be passed for
 “ securing the Liberty of the Subject, so essential to a free Governmt.
 “ will be complied with, without an Article or Addition in the
 “ sense of the said Motions, be added to the Ordinance prepared to
 “ be engrossed. His Majesty’s Canadian Subjects, expect, and _
 “ in my humble opinion have equal Right to enjoy every ____
 “ personal Safety and Security, as His Majesty’s Subjects in any
 “ other part of His Dominions. His Majesty’s most gracious ____
 “ desire is obvious to me from his 13.th Instruction. Personal
 “ Liberty is a fundamental principle in all free Governments,
 “ and the Right of every British Subject.

2^{ndly} ____ Because I am convinced by my knowledge, experience and
 “ long Residence in Canada; and by my personal feelings, that
 “ the sure band of Friendship, Union and Amity of Subjects of the
 “ same Prince and State (however remote) is a free and equal
 “ participation of all Rights and Immunities. Such free ____
 “ participation must ever secure and attach them to their ____
 “ King and to their Country. And render them beneficially
 “ and commercially useful to the parent State.

3^{rdly} ____ Because I am convinced that under a free and constitu=
 “ =tional Government, similar to that of Great Britain _ His
 “ Majesty’s Subjects in this province will forget all former
 “ Attachments, and the rising Generation, as Englishmen will
 “ learn to admire, as well as to defend that Government and
 “ Prince in whose Dominions and States, Liberty and Property
 “ so dear to Man, are so superlatively secured protected and ____
 “ possessed.

4^{thly} ——— “ Because I am apprehensive that the passing and publishing a
 “ Law, for securing the Liberty of the Subject, but which only extends
 “ to the Security of a part of those Liberties and Immunities, held
 “ up and considered as the Rights of British Subjects, will be leaving
 “ in doubt and implication, whether those Rights are already —
 “ introduced, or whether they are proper to be communicated by
 “ Law to the Inhabitants of this province.

5^{thly} ——— “ Because I hold it to be my Duty as a Member of this His —
 “ Majesty’s Legislative Council to take every Opportunity to remove
 “ from the minds of His Majesty’s Canadian Subjects, every Idea —,
 “ that has been impressed, of an Intention of governing them by a
 “ different System, than that of the other Dominions of the Crown —
 “ of Great Britain.

“ For these Reasons I desire Leave to enter on the Minutes of—
 “ this Legislative Council these my Sentiments and cause of Dissent
 “ on the Questions proposed, That by this Channel they may be conveyed
 “ to my Sovereign and to Posterity.

/signed/ William Grant
 20.th April 1784

————— Read Observations addressed “ To the Hon~ble President of
 “ the Council, to be communicated to all the Members of—
 “ the Council ” signed by several persons of the religious Orders
 “ and of the Convents; — Ordered to lie on the Table.

————— Seeing the Season is very far advanced for the longer
 Sitting of this Council, It was proposed, that the Business —
 before the several Committees, for the Faculty Bill, the
Bill concerning Notaries and Surgeons, the Navigation and
Trade Bill, and the Militia Bill, should lie on the Table
 till the next Sessions of the Legislative Council — Resolved
 unanimously in the Affirmative.

————— M.^r S.^t Luc presented by Way of Motion a paper in the
 following words, viz, “Messieurs, Comme des Personnes
 “ Signerent et firent signer l’Automne derniere des Repr =
 “ =sentations au Roi qui pourroient tendre au Rappel de
 “ l’Acte de Quebec, nous croions qu’il est de notre devoir —
 “ (comme Conseillers du Roi, et Canadiens nés) de proposer
 “ une Adresse à son Excellence Monsieur Le Gouverneur, —
 “ pour qu’il lui plaise de faire parvenir au pied du Trône
 “ nos vrais Sentimens et celui de nos Compatriotes en_
 général

“ général sur ce Sujet.

“ Dans une matière aussi intéressante au bonheur
 “ et à la Sureté de cette province. Nous esperons avec ____
 “ Confiance la Concurrence de nos Confreres; /signed/

La Corne S.^t Luc

21 Avril 1784

M.^r S.^t Luc likewise delivered a paper at the same time
 in the Words following, viz. “Nous les Membres du Conseil
 “ Legislatif approchons Votre Excellence pour la prier très ____
 “ humblement de faire parvenir au pied du Trône nôtre ____
 “ respectueuse et plus parfaite Reconnoissance pour la
 “ protection gracieuse que sa Majesté et la Nation Britan=
 “ =nique a si généreusement accorde aux peuples de cette
 “ province pendant les Malheureux Troubles qui ont agité _
 “ une partie de ce Continent, en attribuant, en grande partie,
 “ la tranquillité et les autres Avantages dont ils ont jouis ____
 “ pendant ces tems malheureux à la Sagesse de l’acte de
 “ Parlement qui fut passer en leur faveur la 14.^{me} année
 “ du present Règne., Nous prions tres humblement Votre Excellence
 “ de vouloir bien représenter à Sa Majesté le Désir sincere
 “ que nous avons que cet Acte soit continué dans toute sa
 “ force, ne souhaitant rien avec plus d’ardeur que de pouvoir
 “ le transmettre à la postérité comme une Chartre précieuse
 “ qui assurera la Joüissance des Privileges et de la Religion
 “ des peuples de cette province. Convaincûs par l’Experience
 “ et les Changemens qui y sont arrivés depuis la Conquête
 “ que les Canadiens vivront heureux à la faveur de cet
 “ Acte, et seront en peu de tems indissolublement incorporés
 “ dans la Nation Britannique. _ Nous osons esperer par
 “ l’Intercession de Votre Excellence d’obtenir cette grace, pour
 “ la prospérité de laquelle nous ne cesserons de faire des
 “ Voeux, &c, &c, &c.

Ordered to be translated into English.

 Read the Ordinance to continue the Maîtres de Poste Ordinance
 for two Years longer ____ 1.st reading

 Read the Ordinance to continue the Fee Ordinances for One
 Year longer _____ 1.st reading.

 adjourned to Thursday the 22.nd

=====

Thursday the 22.nd of April 1784.
 The Lieutenant-Governor— Pr
 And all the other Members, including M.^r De Longueuil

M.^r Grant filed a Motion in the Words following, “I move
 “ that a Committee of this Legislative Council be immediately
 “ named to take into Consideration, and draw up An humble
 “ Petition to His Majesty and Parliament, praying, That an__
 “ Assembly, or such other constitutional elective Body, be__
 “ called to represent the people of this province; and in such__
 “ manner and number, and so composed as to His Majesty __
 “ in His Wisdom shall seem fit: In which Assembly, or elective
 “ Body, together with His Majesty’s Council and Governor,
 “ shall be vested the usual legislative powers of an English__
 “ Colonial Government.

“ And I move that the following among other Reasons_
 “ may be suggested in Support of the said Petition,
 “ and this motion.

1.st That Whereas the Quebec Bill prohibits this Legislative __
 “ Council from imposing “any Tax or Duty (such rates on taxes
 “ only excepted as the Inhabitants of any Town or District may
 “ be authorised by this Council to assess, levy and apply for—
 “ the purpose of making Roads, erecting and repairing public
 “ Buildings, or other local purposes of Convenience. Therefore,
 “ such Assembly, or elective Representation of the people of this
 “ province, is now become essentially necessary and expedient
 “ for the good Government and Welfare thereof. The very limited
 “ power, vested in the Council, respecting Taxation being__
 “ found inadequate thereto.

2^{ndly} ____ That twenty four year’s experience has taught us That His
 “ Majesty’s Canadian Subjects expect (as they have ever kept in
 “ view) that consitutional Government, held out, and promised
 “ to them by His Majesty’s royal proclamation in October—
 “ 1763 And by the 12.th Section of the Quebec Act.

3^{rdly} ____ That their expectation of obtaining at a proper time, ____
 “ Representatives of their own Election, has probably been the
 “ Cause, that not One Town or District of the province, has _
 “ hitherto desired, the Aid or Authority of this Legislative Council
 “ to assess, levy, or apply any Tax, Rate or Duty whatsoever
 “ Wherefore the public Buildings of the province, of local Economy
 “ and Convenience, have either been upheld at the Expence of

The

- “ the Crown, or are now decaying into Ruin, and daily ____
 “ becoming unfit for the purposes of their Erection.
 4.^{thly} ____ “ That investing the power of interior Taxation for every
 “ object of provincial Utility, in the hands of such and
 “ so many representatives of the people, as to His Majesty
 “ and Parliament, in their Wisdom shall seem meet, is
 “ also now the more necessary, as it has graciously pleased
 “ His Majesty and Parliament by the 12.th Act of the 18.th
 “ Year of His Reign to relinquish internal, provincial
 “ and colonial Taxation, by Enacting and Declaring to
 “ All That the King & Parliament of Great Britain would
 “ not in future impose any Duty, Tax, or Assessment ____
 “ whatever, payable in His Majesty’s Colonies, Provinces
 “ and Plantations in North America or the West Indies. ____
 “ Except only such Duties as would be expedient to impose
 “ for the Regulation of Commerce; The produce of which_
 “ Duties would be applied to the Use of the Colony, Province
 “ or Plantation in which the same should be levied, And
 “ in such Manner, as Duties collected by the Authority of—
 “ The General Court or of the General Assembly of such ____
 “ province or plantation are ordinarily paid and applied.
 5.^{thly} ____ “ That the power of raising a Revenue for the necessary
 “ supporting of Government, and for the encouraging of—
 “ Establishments that may be productive of Industry ____
 “ Agriculture and Commerce, or otherwise to be disposed of—
 “ as the Constituents of the people shall ordain, is as ____
 “ essential to every free Government as personal Liberty
 “ and Security; and equally the Right of every British____
 “ Subject.
 6.^{thly} ____ “ That it be also humbly suggested, that Whereas many
 ^+ but distressed“ of His Majesty’s loyal ^+ Subjects (formerly Inhabitants –
 faithful “ of His Majesty’s plantations, now the American States) –
 “ are desirous of settling and establishing themselves in
 “ this His Majesty’s province of Quebec, Whether a free
 “ Representation, and other constitutional Encouragement
 “ would not be the most likely Induction to accomplish_
 “ so beneficial an End ? The period is arrived to complete
 “ the Legislature of the province, and thereby to render it

useful

“ useful instead of burthensome to the people and Crown of Great
 “ Britain. Let us supplicate the King to seize the Opportunity.
 7^{thly} — “ And lastly, in the same humble petition, Let us entreat
 “ His Majesty to direct the Trial by Jury (that Bulwark of
 “ English Security) in all civil causes, where the plaintiff
 “ or the Defendant shall prefer and be desirous thereof. — In
 “ personal Actions of a mercantile complexion, and Wrongs —
 “ proper to be compensated in Damages, an optional Jury
 “ seems absolutely requisite. If it graciously pleases His
 “ Majesty to contemplate the power of an English Judge
 “ unsubjected to the Recusations or Challenges of the french
 “ and the Civil Law; and also unsubjected to the controlling
 “ aid and intervention of a Jury. There is not a Doubt But so
 “ manifest an Inconsistency in the Constitution of His Majesty’s
 “ Courts of Common Law in this his province of Quebec will —
 “ Speedily meet with Correction.
 8^{thly} — “ That it be also warmly and humbly urged in the said —
 “ Petition, as an additional Motive for granting to His Majesty’s
 “ Canadian Subjects an Assembly, General Court, or elective Grand
 “ Council of their chusing; That they are exceedingly alarmed —
 “ and feel much uneasiness when they reflect, on the extraordinary
 “ powers committed to this Legislative Council by the 8.th, 10.th, 11.th —
 “ and 14.th Sections of the Quebec Bill, viz, The power of altering
 “ and amending as well the criminal Laws of England, as —
 “ the established civil Laws and Customs of the province.
 “ Of making new Laws of all Denominations , and of inflicting
 “ penalties and punishments in its discretion. Such Laws —
 “ however as touch Religion, or as in their punishments —
 “ exceed fine and three months Imprisonment not to be of
 “ force or Effect, until they receive His Majesty’s Approbation.
 “ The members composing this Legislative Council are, its
 “ understood amoveable at the Will of the Crown, and such of—
 “ them as hold other offices of Trust and Emolument are doubly
 “ subjected thereto. No Other Qualification is by the Law—
 “ required than that the persons appointed by the Crown—
 “ shall be Resident in the province. Nine members thus —
 “ appointed and assembled (the majority of Seventeen) make
 “ a board, and do business in their Legislative Capacity. The
 Voice

“ Voice of Five Members therefore may make Laws, with
 “ the Assent of His Majesty’s Governor, to bind these His –
 “ Majesty’s Subjects and People of Quebec in Cases whatsoever
 “ Taxation only excepted.

9^{thly} _____

_____ And finally I move that so soon as the petition to be
 prepared shall have had the Sanction of this Council
 His Excellency the Governor be requested to transmit and
 recommend the same to His Majesty’s principal Secretaries
 of State to be laid before His Majesty in Parliament.

Ordered to be translated into french.

+ ^ à ce

_____ Read the Habeas Corpus Ordinance in both Languages
 3.rd reading. _____ M.^r Levesque moved “Pour repondre
 “ aux Désirs et la Repugnance qu’ont les Communautés de
 “ Religieux et Religieuses de cette province, + qu’il soit mention
 “ d’Eux dans l’Acte d’Habeas Corpus, suivant qu’ils l’ont fait
 “ connoître hier au Conseil par leurs Representations par–
 “ Ecrit datté du 19.^{me} courant, En consequence Je demande que
 “ l’Article qui les concerne, soit supprimé et bifé.” Resolved
 that the Question be put “Whether the Article shall stand ____
 “ or not” ? And being put the Voices standing 8 Ayes and 9 –
 Noes Voted in the Negative. ____ Ordered that the s.^d Article
 be struck out _ Which being done, Resolved that the Question
 be put “Whether the Ordinance shall pass as it is, or not ? _
 and being put Voted unanimously in the Affirmative.
 Ordered to be engrossed, and a fair Copy made out for His
 Excellency the Governor–.

The Voices on M.^r Levesque’s Motion, viz,

	Ayes	Noes
M. ^r Davison	1	
M. ^r Holland		1
M. ^r Longueuil	2	
M. ^r Baby	3	
M. ^r S. ^t Ours	4	
M. ^r Grant		2
M. ^r Fraser	5	
M. ^r Bellestre	6	
M. ^r De Lery		3
M. ^r S. ^t Luc	7	
M. ^r Mabane	8	
M. ^r Collins		4
M. ^r Harrison		5
M. ^r Levesque		6
M. ^r Dunn		7
M. ^r Finlay		8
The Lieutenant Governor		9

Read the Ordinance for continuing the Ordinance concerning the
Maîtres de poste for Two Years _____ 2.nd reading.

Read the Ordinance for continuing the Fee Ordinance for one Year
2.nd reading.

Read the same two Ordinances a second time to _day_ 3.rd reading

Proposed from the Chair that the Question be put “Whether
the Maîtres de Poste Ordinance shall pass? And being put Voted
unanimously in the Affirmative.

Proposed from the Chair that the Question be put “Whether the
“ Fee ordinance shall pass? And being put Voted unanimously
in the Affirmative.

Ordered to be engrossed, and fair Copys of each made
out for His Excellency the Governor—

adjourned to Friday the 23.rd

=====

=====

Friday the 23.rd April 1784.

The Lieutenant Governor _____ Pr

And all the other Members.

M.^r Mabane, M.^r Fraser and M.^r Davison presented their _____
joint Dissent upon the Vote of Yesterday which rejected the Article
in the Habeas Corpus Ordinance concerning the Communities _____
Read the same in both Languages ____ Ordered to be entered. _____

viz,

“ Nine Members, out of Seventeen having yesterday voted to
“ omit in the Ordinance for securing the personal Liberty of
“ the Subject, An Article which had a few days before been
“ unanimously adopted, We dissent, for the following Reasons.

1.st _____ The Article appears to us to be necessary and well adapted ____
“ to prevent to Inconveniences which may arise from the Judge
“ or Judges of the Court of King’s Bench thinking themselves ____
“ under the Necessity to grant a Writ of Habeas Corpus upon
“ the application of persons who have taken the Vows in any
“ of the Convents within this province, or of any person in ____
“ their Behalf.

2^{ndly} _____ The Application which the religious Communities have ____
“ made with Regard to it appears to be evidently the Effect of
“ the Misrepresentations of persons either ill minded or ill=

informed

x and candidly “ informed, for the Article, if fairly [^] x stated is in every ____
 “ respect favourable to them, and cannot be interpreted in_
 “ any other Sense than a desire on the part of the
 “ Legislative Council to secure the Peace and Quiet of persons
 “ devoted to a Religious Life.

3^{rdly} ____ The manner in which the Application from the ____
 “ Religious Communities has been presented, appears to _
 “ be subversive of that Subordination and Decency which
 “ good Order requires, and more especially as the Vicar
 “ General could not be ignorant that The Governor of the
 “ Province, as the Representative of the King, is in many
 “ Respects, by the particular Institution of the Convents,
 “ and in every Respect by the Law, the Superior, Head, _
 “ and Protector of the Religious Communities, and that
 “ every Representation from them ought to have been_
 “ immediately communicated to him . ____

April 23.rd 1784

/signed/ A. Mabane
 J. Fraser
 Geo. Davison__

Read M.^r Baby's Dissent, viz,

“ Convaincu de plus en plus que la Suppression de l'Article
 “ dans L'Acte d'Habeas Corpus concernant les Maisons religieuses
 “ passé le 16 de ce mois unanimement, rejeté hier par
 “ 9 contre 8, sur quelques Representations illegalement-
 “ entrées dans cette Chambre, Je me crois obligé de declarer mon
 “ Désaveu contre une Infraction si manifeste au Traité de
 “ Paix, et à l'Acte de Quebec; Infraction, qui pourra alterer
 “ et peutêtre empêcher l'Effet de L'Habeas Corpus; Infraction,
 “ qui en forçant les Juges à autoriser le dit Ordre, fera
 “ detester la mère patrie aux Canadiens; Infraction, à ____
 “ laquelle on donne pour fondement des Representations ____
 “ de trois Communautés de filles qui sont nulles de plein-
 “ Droit puisque personne n'ignore qu'elles ne peuvent en_
 “ aucun tems représenter sans la participation de L'Evesque
 “ et du Gouverneur en Chêf; En un mot, Infraction qui ____
 “ n'a pour base que des Representations de quelques _
 “ membres du Clergé qui n'ont pour But, que de prevenir
 “ de plus grandes Malheurs, qu'on leur a, sans doute,____
 fait

“ fait envisager artificieusement être l’Intention de ceux qui se
 “ sont Déclarés les Protecteurs des privileges dans lesquels Sa
 “ Très Excellente Majesté, de Concert avec La Nation veut les _____
 “ maintenir. Quebec le 23. Avril 1784
 “ /signed/ F. Baby.

— — M.^r S.^t Ours moved “Je propose que l’Article qui concerne
 “ les Communautés, et les Maisons Religieuses soit envoyé à Mon
 “ Seigneur L’Evêque par le Greffier du Conseil, afin qu’il soit
 “ instruit, et puisse juger par lui même, si l’interpretation
 “ que quelques personnes inaptes ou mal intentionnées ont voulu
 “ donner à cet Article, n’est pas formellement contraire aux
 “ Idées de Calme et de Tranquillité qui nous ont dirigé, et
 “ qui n’avoit pour But unique que la plus grande Extension
 “ des Droits attachés à la Religion par l’Acte de Quebec &c. &c.
 “ _____ Resolved that the Question be put, “For or against the _
 “ Motion” And being put, the Voices standing 14 Ayes and _
 “ 3 Noes, Voted in the Affirmative.

— — M.^r Grant moved “That the Motions and other Resolutions _
 “ on the Minutes of Council, respecting the Religious Convents _
 “ be certified and sent to the Bishop, which, with M.^r S.^t Ours’s _
 “ Motion will be necessary for him to satisfy himself and _
 “ others interested” Resolved that the Question be put, and _
 “ being put, the Voices standing 7 Ayes and 10 Noes, Voted
 “ in the Negative.

— — M.^r S.^t Luc’s Motion of the 21.st was read, proposing an_
 Address to His Excellency The Governor, _ M.^r S.^t Luc _
 presented his proposed Address, amended in the Words _
 following, viz, _
 “ Nous les Membres du Conseil Legislatif prenons _
 “ la Liberté de Representer à Votre Excellence la Reconnaissance
 “ que nous avons de la bonté paternelle de Sa Majesté dans _
 “ la généreuse protection qu’elle a accordé au peuple de cette
 “ province pendant les Troubles qui ont agité la plus grande
 “ partie du Continent de L’Amerique Septentrionale. En même
 “ tems nous prenons l’Occasion de renouveler nos prieres _
 “ que Votre Excellence veuille transmettre nos Sentimens du
 “ grand Avantage qui est arrivé au peuple de la province
 “ et à la Tranquillité et Sureté d’icelle, par l’acte de Parlement
 “ qui a été passé en sa faveur dans la 14.^{me} année de sa
 “ Majesté. La Continuation de cette Loi étant le Resultât du
 “ Sentiment de Tolerance et de Generosité qui distingue la

Nation

- “ Nation Britannique, sera les Moiens de rendre le
 “ peuple de cette province indissolublement attaché
 “ à la mère patrie, et de les rendre Heureux en____
 “ Jouissant de leur Religion, des Loix, et de la Liberté.

Resolved to lie on the Table till too morrow—
 adjourned to Saturday the 24.th _

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Saturday the 24.th of April 1784
 The Lieutenant Governor—— Pr
 And all the other Members .

Read M.^r S.^t Luc's Motion, and the Address he ____
 proposed, in both Languages ____ M.^r S.^t Luc moved that
 the Question be put upon his Motion ____ Resolved afterwards
 unanimously that it should lie on the Table till Monday.
 _ Resolved likewise that M.^r Grant's Motion sho.^d lie ____
 on the Table till Monday.

adjourned to Monday the 26.th

=====

Monday the 26.th April 1784
 The Lieutenant Governor ____ Pr
 And all the other Members.

* The Voices upon M.^r Grant's
 Motion – viz. -

	A ye s	Noe s
M. ^r Davison	1	
M. ^r Holland	2	
M. ^r De Longueuil	3	
M. ^r Baby	4	
M. ^r S. ^t Ours	5	
M. ^r Grant	1	
M. ^r Fraser	6	
M. ^r Bellestre	7	
M. ^r De Lery	2	
M. ^r S. ^t Luc	8	
M. ^r Mahane	9	
M. ^r Collins	3	
M. ^r Harrison	10	
M. ^r Levesque	4	
M. ^r Dunn	11	
M. ^r Finlay	5	
The Lieutenant Governor		12

M.^r S.^t Luc moved that the Question be put upon
 his Motion for the Address ____ M.^r Grant moved “ I move
 “ As a previous Question, That M.^r S.^t Luc Motion be divided
 “ into two Questions _ 1.st The part (as I understand it) thanking
 “ His Majesty for his paternal Care of this His province during
 “ the War, and the immense Expence His Majesty and The British
 “ Nation have been at in preserving it from the Attempts of all
 “ Enemies in which I heartily concur ____ 2.^{ndly} on that part of
 “ the proposed Address which prays or insinuates a Desire of
 “ the Continuation of the Quebec Bill in all its parts, as the
 “ only means of securing the Happiness of His Majesty's –
 “ Subjects in the province. _ Resolved that the Question be
 put “For or against M.^r Grant's motion.” And being put, –
 the Voices standing 5 Ayes and 12 Noes, Voted in the ____
 Negative. _____ *

Resolved that the Question be put upon M.^r S.^t
 Luc's Motion “Whether the Address proposed by him shall
 “be adopted, or not?” And being put the Voices standing

12 Ayes and 5 Noes, Voted in the Affirmative ____ The Reasons of the dissenting Members to be entered in the Journals. *

M.^r Mabane moved “That a fair Copy of the Address be ordered to be made out to be delivered to His Excellency The Governor, that He might be waited upon with it, and to fix _ a Day when He will be pleased to receive the Address “This _ Motion was seconded by M.^r Fraser. ____ Resolved accordingly, _ and M.^r S.^t Luc and M.^r Fraser are named to wait on His _ Excellency with the Copy ____ The Copy being made out, those Members waited on The Governor with it, and at their Return informed the Council That His Excellency will receive their – Address on Thursday next.

Read M.^r Grant’s Motion, lying on the Table, in both Languages, Resolved to lie on the Table till too - morrow.

adjourned to Tuesday the 27.th

* The Voices upon M.^r S.^t Luc’s Motion _ viz.

	Ayes	Noes
M. ^r Davison	1	
M. ^r Holland	2	
M. ^r De Longueuil	3	
M. ^r Baby	4	
M. ^r S. ^t Ours	5	
M. ^r Grant		1
M. ^r Fraser	6	
M. ^r Bellestre	7	
M. ^r De Lery		2
M. ^r S. ^t Luc	8	
M. ^r Mabane	9	
M. ^r Collins	10	
M. ^r Harrison	11	
M. ^r Levesque		3
M. ^r Dunn	12	
M. ^r Finlay		4
The Lieutenant Governor		5

=====

Tuesday

Tuesday the 27.th of April 1784.
 The Lieutenant Governor ____ Pr.
 And all the other Members.

The Lieutenant Governor read his Reasons of Dissent from the Vote ____
 passed yesterday on M.^r S.^t Luc's Motion, for the Address, viz.

“ As to the former part of the Address expressive of Gratitude to His
 Majesty for His gracious Attention to the Welfare of this province, the
 “ Members of this Council will without doubt be unanimous, but as
 “ the Honorable Members Motion embraces two objects, it behoves me
 “ to make the following Remarks.

“ When I take into consideration the Consequences of such an_
 “ Address, I am clearly of Opinion it ought not to pass, as produced to Us,
 “ but should undergo an Alteration for the following Reasons. ____ The
 “ Quebec Act is a complete, formal Law promulgated by the British ____
 “ Legislature; which having been received in this Country has continued in
 “ force from the day of its publication, till this very time, consequently
 “ is deserving of great Consideration, before we presume to pass any Censure
 “ on the different clauses, or pronounce upon the bad effects which may be
 “ produced by its continuing in force. It will be equally injudicious ____
 “ to express in one Address to His Majesty an unbounded Approbation
 “ of this same Act for the subsequent Reasons.

“First ____ The Circumstances of the Country are entirely changed since the ____
 “ publication of this Act. The Boundaries of the province are no longer the
 “ same. The Independence of the neighbouring States is a Circumstance has
 “ lately taken place. The Cession of the upper posts, the Arrival of the_
 “ Loyalists with their Families are events which comprehend important
 “ Considerations, and require an Answer to the following Questions, viz, -
 “ Is the province in a State and Condition the most inviting ? Are its Laws, -
 “ its Commerce, its Advantages, its Liberties, on such a Footing as to ____
 “ induce Strangers to... an Establishment in it, or to deter those ____
 “ actually settled from emigrating ? I will venture to say that every possible
 “ advantage should be held out to the Natives as well as Strangers, respecting
 “ Government, Religion, the Sweets of peace, the Extention of Commerce, and as
 “ far as possible Exemption from Taxes, to display in the most favorable
 “ Light the preference due to the English system of Government, and to ____
 “ compensate the Disadvantages of Climate and Situation. ____ Now the
 “ British Legislature having no doubt taken into Consideration the actual
 “ State of the province, may have adopted measures the most Salutary; ____
 “ These may be in part suspended or counteracted, by the Inferences which_
 “ may be drawn, from what is insinuated in the projected Address.

Secondly

“Secondly ___ Since the above mentioned alteration of circumstances, and the signing the definitive Treaty (not as yet made public here) have we had the means of consulting our Countrymen, have we any knowledge of their Expectations, their distrusts, _ their Doubts? No. ___ We understand from Report that various Representations have been transmitted to Europe, addressed to His Majesty, signed by Numbers of His New and Old Subjects, and an Honorable Member has said that to the best of his Recollection four different ones have been spoken of, which is to me a strong if not a convincing proof, that many of our fellow Citizens look for and solicit a Change.

“Thirdly ___ Though according to report, and my real belief, these Representations have not passed through the Conveyance of his Excellency The Governor of the province, as in due Respect and Attention to His Majesty’s Representative they ought, Yet it may have so happened that His Excellency may in a Short time have Communication of His Majesty’s Sentiments upon the points discussed in those Addresses, or from the privy Council, or The Legislature, by which we may learn to from our Judgments on a matter so serious as appears to me to be the Approbation or Censure of an Act of Parliament, at a time when we have not had the Means of collecting the Suffrages of our fellow ___ Citizens since the peace.

“ The Council having voted that the remaining part of the Session would not admit the completing certain Ordinances, confined to particular Objects, I must conclude that the Quebec Act demands a yet greater Attention and more serious consideration, and that it would require to be passed Article by Article before we should be qualified to either entirely approve or totally condemn it, and that an entire Session would not be too ___ long a period for a Work of so serious a Nature.

“ Because it would be highly improper in my opinion to— join to our warm Expressions of Gratitude to his Majesty, any matter— that had not had the unanimous Consent of this Legislative Council, but had been the Subject cause of difference in Opinion and even ___ warm Debate.

“ For these among other Reasons not necessary at this hour to particularise, I dissent from the Honble Member’s motion that the Address be presented in its present Garb and Form.

/ signed / Henry Hamilton

M.^r Finlay’s Dissent from the Vote upon M.^r S.^t Luc’s motion was read. viz,

“ The Question is, Whether on the Motion of M.^r S.^t Luc, the ___ Council shall address His Excellency the Governor to represent to His ___ Majesty that we attribute the preservation of the province during the late unhappy Troubles, to the Effect of the Quebec Bill, and to _ entreat The King to continue it in its full force.

I

“ I will join, and I believe every Gentleman at this Board, will
 “ readily and heartily join the Honorable Member in the first part
 “ of the Address, which prays His Excellency to express our Attach=
 “ =ment to the best of Sovereigns, and our Gratitude to a generous__
 “ Nation for the protection and support which has hitherto been
 “ afforded us. But I will not pretend to insinuate that the Act
 “ stands in no need of Amendment, nor shall I impeach it
 “ by the most distant Suggestion.

“ This, I most firmly believe, that it was framed with
 “ a Noble View, to render the Canadians a free and happy People.
 “ Does it not secure to them the free Exercise of the Religion of
 “ the Church of Rome ? Does it not secure their Estates ? Has it not
 “ given them their antient Laws, Usages and Customs, relative
 “ to property and civil Rights ? And does it not also invest this
 “ Council with power to give and to grant to The Kings antient
 “ Subjects resorting thither, all the Rights, Priviledges, Immunities
 “ and Liberties which are an Englishman’s Birth=Right? How=
 “ far, as yet, we have complied with the reasonable Wishes of
 “ the people, the Laws testify; if we have left undone those __
 “ things we ought to have done, and driven the people to make
 “ application at Home, blame not the Quebec Act.

“ We are told that a Number of the Inhabitants of—
 “ Quebec and Montreal, have petitioned The Throne for a House of—
 “ Assembly; that petition, whatever it may contain, will be
 “ well weighed, and seriously considered. _ If the parliament
 “ in its Wisdom shall see it fitting to grant the prayer of the
 “ Petitioners, it will be granted : But let no member of this __
 “ Council be alarmed, for if any thing disadvantageous to __
 “ the Welfare of the Canadians has been proposed, it will be
 “ rejected.

“ Britain holds her Colonies and Plantations merely with
 “ a commercial View. _ The Representations of the Commercial
 “ Body will ever have due Weight at Home. Have the Wishes of=
 “ the mercantile part of this province, with regard to Juries been
 “ accomplished? _No. __ As often as that indisputable Right
 “ was claimed in their Behalf, it was refused; and these __
 “ Refusals were attended with an unvaried Remark, these —
 “ are not the times for Innovations. I must avow that I have
 “ never been able to discover any Reason why optional Juries _
 “ might not have been introduced in 1777. I have in my hand _
 “ Heads of the Reasoning I held on that Subject when we were
 “ framing the Ordinance for establishing Courts of Civil __
 “ Judicature. _ Experience has shown that I then saw things
 “ in their proper Light.

The

- “ “ The nature of Monsieur De S.^t Luc’s motion, makes it, in my _____
 “ humble opinion, the Duty of every member of this Council to enter on
 “ our Journals, his Reasons of Dissent, from the last part of the projected
 Address.
 “ “ I think I may venture to affirm that no Member here ____
 “ wishes for a Repeal of the Quebec Bill, but imagine many think with
 “ me, that amendments are wanting. ____ I shall slightly touch on
 “ the different Sections of the Act, and add my Remarks; perhaps they
 “ may suggest some wholesome alterations to satisfy the discontent=
 =ed, _ disaffected, I hope, there is none.
- “ “ In the Preamble, An Alteration will be made adapted to the
 present time.
- “ 1.st enacting
 “ 2.nd Section. clause_ Will describe the Boundary as settled by the last Treaty.
 “ 3.rd _____ _ Will become unnecessary.
 “ 4.th _____ _ Will remain.
 “ _____ _ To ease the minds and give Contentment to The King’s natural
 “ born Subjects residing in this province, optional Juries ought to be ____
 “ granted. _ His Majesty’s Instruction plainly demonstrated that
 “ it was His Royal Intention that Juries should be introduced by
 the Ordinance for establishing Civil Courts; the Words are,
 “And for the better Administration of Jutice, whether the
 “ Laws of England may not be, if not altogether, at least in ____
 “ part, the Rule for the Decision in all Cases, of personal Actions
 “ grounded upon Debts, promises, contracts, & agreements, ____
 “ whether of a mercantile or other nature, and also wrongs
 “ proper to be compensated in damages, and more especially
 “ where our natural born Subjects of Great Britain, Ireland,
 “ or our other plantations residing in Quebec, or who may
 “ resort thither, or have credits or property within the ____
 “ same may happen to be either Plaintiff or Defendant
 “ in any civil Suit of such Nature.”
- “ 5.th 6.th 7.th
 “ 11.th _____ 8.th 9.th and 10.th _ Ought to remain entire.
 “ _ At first view this Article seems to grants, too extensive powers to so
 “ small a proportion of the people, but we find theses powers checked ____
 “ and qualified by the 14.th and 15.th, which Enact that the Ordinances
 “ of The Governor and Council shall be transmitted to England within
 “ Six months, that His Majesty may approve or disapprove. ____
 “ That we shall not inflict any punishment greater than Fine
 “ or Imprisonment for Three months of such as being fined refuse
 “ 12.th. _____ to pay, or cannot pay, thus I interpret the 15.th Section.
 “ _____ May be amended by enacting that no Member of the Legislative
 “ Council shall be suspended without a specific Charge against him,
 “ which charge he should be called on the answer in Council, that ____
 both the Charge and Answer may appear on the Minutes.

“13.th ____ May be amended by giving this Council Powers with respect
 “ to assessments, similar to these held by the Magistrates and ____
 “ Council of incorporated Towns; for without this power lodged ____
 “ somewhere, the Streets cannot be paved, they cannot be lighted, nor
 “ can they be cleaned. We cannot erect any new public Building____
 “ nor can we repair the old. We all know that the Sheriff in____
 “ Montreal will not take charge of any prisoners for debt, ____
 “ having no house where they can be kept in safe Custody. The
 “ Clause as it stands in the Act seems to require a previous ____
 “ application from the Inhabitants of any Town or District, before
 “ we can authorise any person or persons to assess and levy____
 “ Money for the purpose prayed for.

“14.th & 15.th ____ Remain

“16th ____ By this Section five Counsellors can make Laws to bind ____
 “ the people, if His Excellency The Governor gives His Fiat. ____
 “ The people would have far greater Confidence in the Legislative
 “ Council were it enacted, that no Law shall be passed without
 “ nine assenting Voices.

“17.th & 18.th ____ Remain.

“ A Clause may be added to the whole, holding up to the ____
 “ people that as soon as the Majority of His Majesty’s Subjects
 “ in this province pray that a House of Representatives be ____
 “ convened with powers to raise Taxes, that it may and shall
 “ be lawful to call a House, and the Governor for the time being ____
 “ is thereby directed and required to call the House which with
 “ the Council shall make Laws and raise Taxes for defraying
 “ the Expences of Government, which Laws shall have no force
 “ without The Governor’s Approbation.

M.^r Levesque’s Reasons of Dissent from the same Vote, viz,

“ Comme Membre du Conseil, sans oublier que je suis ____
 “ Citoïen, j’approuve l’Idée de la Motion de Monsieur de S.^t Luc
 “ qui est de prier Son Excellence Le Gouverneur en chef de la ____
 “ province de Quebec & de recevoir, comme Representant Sa
 “ Majesté les Temoignages de notre Reconnaissance pour la singuliere
 “ Protection qu’il a accordé à notre province pendant ces derniers ____
 “ tems de Calamité. J’ajoute que l’Acte ou Bill du Canada étoit
 “ bon et même nécessaire cet Trouble de l’Amerique.

“ Mais aujourd’hui qu’un Generation nouvelle figure sur-
 “ son Horizon pour y gouter les douceurs de la paix, je pense
 “ que cet Acte ne doit pas subsister. J’aime à me flatter que
 “ Sa Majesté guidée par sa Bonté ordinaire et de l’avis de son
 “ parlement aura quelques Egards pour ses fidels Sujets Canadiens,
 “ leurs donnera des Loix plus conforme à la Liberté Britannique

se

“ se proposera pour modèle celles de son Royaume, et établira sur ce
 “ fondement solide le bonheur de ses nouveaux Sujets.

“ Je crois donc qu’il y a du Bon dans le Bill, ces bonnes choses
 “ seroient à garder; mais je crois qu’il y en auroit à retrancher pour
 “ procurer le Contentement et le Bonheur du peuple, cet objet doit être
 “ laissé à la Sagesse, à la Prévoyance, et à la bonté paternelle de
 “ nôtre Auguste Souverain, et aux Reflexions politiques de son Parlement.
 “ L’un et L’autre sçait que le moyen de s’attacher un peuple est la ____
 “ Douceur des Loix; L’Experience le prouve toujours.

“ Un point essentiel seroit que non seulement chaque Individu
 “ jouit d’une pleine Liberté sur l’Article de la Religion, mais encore_
 “ qu’il fut exempt de Crainte pour tout ce qui doit lui être chër–
 “ sur cet Article essentiel pour sa Tranquillité.

“ Un des Membres de ce Conseil comme Sujet de Sa Majesté, né
 “ Canadien dit-il, pretend que la Continuation du Bill, ou Chartre du
 “ Canada, sera le moyen de rendre heureux le peuple de son Pays,
 “ et de l’attacher indissolublement à la mère patrie. Pour moy
 “ je ne suis né ni Anglois, ni Canadien, je suis Normand. Pere
 “ d’Enfans Anglois, et je n’en prévois point de Succès favorable
 “ pour l’avenir.

“ Une Chambre de Représentans du peuple nous seroit bien
 “ nécessaire. Il me paroît qu’on ne peut rien faire pour le bien
 “ commune de la province sans elle, mais il y a un Inconvenient.
 “ Le peuple n’est pas encore assez instruit. Cependant il ____
 “ s’instruit peu à peu; je le vois avec plaisir s’élever au dessus
 “ des anciens préjugés nationaux; il desirera un peu, il ____
 “ desire même déjà jouir du même bonheur que ses freres aînés.
 “ Ne seroit il pas possible en attendant d’autoriser quelque
 “ Société de Représentans pour mettre sous les Yeux du Gouverneur
 “ et du Conseil, ses bonnes Idées, et ses Reflexions pour le Bien ____
 “ Commun? Moyen excellent de nous instruire, et source d’un
 “ bonheur inestimable. D’ailleurs la Qualité de membre du
 “ Conseil, permet-elle à ma Delicatesse de craindre qu’une
 “ Chambre de Représentans en modifie l’autorité?

“ Je conclus donc en disant que Sa Majesté remarquera
 “ ainsi que Son Parlement que la Puissance d’un Etat depend de
 “ l’Esprit et de la Connoissance de ses peuples; que toute sa force
 “ vient de la Reunion des Volontés; que la population doit faire
 “ le principal objet de ses soins, que le moyen de rendre utile une
 “ Colonie, c’est d’en faire un nouveau peuple de Concitoyens; ____
 “ qu’elle doit se proposer son propre bien être pour fruit de ces
 “ Travaux, et qu’elle seroit frustrée dans ces esperances si raisonnables
 “ si la Metropole ne lui procuroit et ne partageoit avec elle ces avantages
 “ réels, qu’enfin des Objets si importans doivent être remis à la Prudence
 “ et Sagesse du Gouvernement qui merite toute notre Confiance.

(signed) F. Levesque

Read M.^r De Lery's Reasons of Dissent, viz,

“Comme la motion et l'Adresse présentée par l'Honorable
 “ S.^t Luc La Corne avoit deux motifs dont un que ce Conseil fit
 “ des remerimens à Sa Très Gracieuse Majesté des Secours ____
 “ qu'elle a accordé au peuple du Canada pendant les Troubles
 “ des Colonies Voisines à present Etats unis de L'Amerique ____
 “ Je declare que j'étois et que je suis très porté à approuver—
 “ et à concourir à toutes humbles, sinceres et respectueuses ____
 “ preuves de notre Reconnoissance envers Sa Majesté; mais
 “ qu'en y joignant un second motif qui est de demander la____
 “ Continuation d'un Acte dans lequel le Parlement de la Grande
 “ Bretagne et l'approbation de sa Majesté, ont peut être depuis
 “ le Traité de Paix ajouté ou retranché quelques Articles ____
 “ La Crainte que j'ai que cette demande ne soit en Contradiction
 “ avec la Sagesse du Gouvernement don't nous connoissons les
 “ favorables dispositions pour trouver et saisir les moiens de
 “ faire le Bonheur des Habitans de cette province a fait que les deux
 “ Motifs n'aient point été separés dans la motion, j'ai été
 “ forcé d'être d'avis contraire à l'Adresse ainsi proposée avec
 “ la demande de l'Acte. Pourquoi je desire que les raisons qui
 “ ont dirigé mon opinion soit écrit sur le Registre de ce Conseil.

(signed) J. G. Chaussegros De Lery

Resolved that The Question be put upon M.^r Grant's Motion____
 “Whether a Committee shall be named to draw the Petition ____
 “ moved for” and being put, the Voices standing 1 Aye and ____
 16 Noes Voted in the Negative.

The President recommended to the Members to deliberate
 between this and the next Sessions upon such additional Rules
 as they may think fit to adopt in their Proceedings.

A Copy of the Registry Ordinance to be sent from the ____
 Council office to each of the Members as soon as soon as convenient.
 With a Note of the business lying on the Table.

Ordered that the Letters to and from the Bishop be
 inserted in the Journals.

Copy of the Letter from the Clerk of the Council
 to the Bishopp, viz, ____

“Mo nseigneur, Bureau du Conseil 26 Avril 1784.
 “ Il m'est ordonné par les Honorables Membres du
 “ Conseil Législatif de vous faire passer un Article dans

lequel

“ lequel les Communautés et les Maisons religieuses de cette ____
 “ province se trouvoient concernées, et qui a été retranché de
 “ l’Ordonnance aux desirs de leurs representations. Votre Grandeur
 “ jugera par elle-même des Intentions et des Motifs que renfermoit
 “ cet Article.

J’ai l’Honneur de me dire

	Monseigneur	
	votre très humble et très obeissant Serviteur	
	J. Williams	
Monseigneur	L’Evêque	G. du C. L.

Copy of the Letter from the Bishop

Quebec 26 Avril 1784

“A Mons.^r Hamilton
 “Président du Conseil
 “Siégeant.

“ Monsieur, et Messieurs,

“ Rien n’est plus flatteur pour moi que la Politesse ____
 “ dont vous venés de m’honorer en m’envoyant un Article
 “ dans lequel les Communautés et les Maisons religieuses de
 “ cette province se trouvoient concernées, et qui a été retranché
 “ de l’Ordonnance au desirs de leurs Representations. Je vous
 “ suis infiniment redevable d’avoir bien voulu les ecouter. ____
 “ Si je desire quelque Relache à mes maux c’est pour ____
 “ continuer à m’user au bien de la province, à retenir toutes
 “ les Communautés et tous les Peuples que Dieu m’a confié ____
 “ dans la plus parfaite Soumission au Roy, et à son Auguste ____
 “ Parlement. J’ose vous prier de consigner dans vos ____
 “ Regîtres ce present Temoignage de mon Devoüement à _
 “ Sa très gracieuse Majesté de mon Eternelle Reconnoissance
 “ pour vos faveurs et du profond Respect avec Lequel j’ai
 “ l’Honneur d’être,

Monsieur et Messieurs
 votre très humble et très obeissant--,
 Serviteur ____
 (signed) J. Ol. Evêque de Quebec

adjourned to Thursday the 29.th

=====

Thursday the 29.th of April 1784.
 The Lieutenant Governor____ Pr
 And all the other members.

M.^r Grant read his Reasons of Dissent from the Vote upon
 the Address, viz,

“ William Grant’s Motives for dissenting from the Majority
 “ of the Legislative Council who voted for Mons.^r De S.^t Luc’s motion
 “ and Address to His Majesty, desiring, or insinuating a Desire ~~of~~
 “ of continuing the Quebec Act, as the means of securing the Happi=
 “ =ness of His Majesty’s Subjects; and as essential to the Welfare
 “ and good Government of the province.

“ And, in support of His Motion for a General Assembly
 “ or other elective Body of Representatives of the Freeholders and ____
 “ Citizens, to form a component part of the Legislature.

“ And, for Juries in civil causes, as therein expressed.

“In the first part of the Address William Grant most heartily
 “ concurr. And extends his warmest acknowledgments to His ____
 “ King and to his Country, for the peace assured to this province,
 “ by the late Definitive Treaty, evincing humanity and extensive
 “ policy to all His Majesty’s Dominions.

“ It is from the second part of the Address he Dissents.

“First ____ Because he thinks this Legislative Council (as constituted_
 “ under the Quebec Act, 14. Geo. 3. ch. 83.) very inadequate to
 “ the making such Laws and Regulations as are now become
 “ essentially necessary to operate the Commercial Interests, good
 “ Government, and prosperity of the province.

“2.^{ndly} ____ Because His Majesty’s Subjects will not enjoy perfect ____
 “ Happiness until some part of that Law is repealed; nor can
 “ his apprehension, under any Law, intended for their internal
 “ Government, in the making of which they do not participate by
 “ elective Representation.

“3^{rdly} ____ Because I am convinced His Majesty’s antient Subjects will
 “ ever look forward to the accomplishment of His Majesty’s royal
 “ Word [royal proclamation 7.th October 1763] under which they
 “ emigrated to and settled themselves in, the province of Quebec.
 “ Until that desired period, the present and rising Generation, of—
 “ Canadian Englishmen, will think themselves deprived of inherent
 “ Rights, coeval with their Existence; and in their Estimation ____
 “ characteristically distinguishing Freemen from Slaves.

“4.^{thly} ____ Because I am persuaded the rising Canadian Generation
 “ Descendants of those Subjects of France who remained in Canada
 “ under the faith of the Capitulation and definitive Treaty of—
 “ Paris, and become Subjects of The King, will learn and adopt, as

they

- “ they grow up our Customs, our Manners; and our Language ; And ____
 “ with them, the Sentiments and Ideas, of their Brethren and Relations
 “ of Canadian Descent.
 “5^{thly} ____ Because, British Subjects, have ever esteemed elective Represen=
 “ =tation, as a Birthright. The Exercise of which, forms that—
 “ balance of power, which constitutes Freedom, and renders civil
 “ Society the most desirable to Man.
 “6^{thly} ____ Because in my conscience I am convinced, that at this—
 “ moment, it is the Interest of Britain to give such a liberal
 “ Constitution and Form of Government to this Country, as not
 “ only shall satisfy the Inhabitants thereof but as shall be
 “ the Envy of the new Independent States; and make them ____
 “ desire the Freedom and Benefits enjoyed under the beneficent
 “ protection of their Parent State.
 “7^{thly} ____ Because I am of Opinion that a free participation in
 “ Government, is more likely to draw Citizens together, to excite
 “ their Emulation, and to improve their Understanding, than any
 “ System of governing, be it ever so mild, in the hands of the few.
 “ Pour etablisr solidement le bonheur d’un peuple, il faut fonder
 “ ce bonheur sur une dependance reciproque entre tous les ____
 “ ordres des citoyens. C’est l’Equilibre des forces qui produit
 “ le Repos.
 “8^{thly} ____ Because the late Revolution in American Government—
 “ has deprived this province of almost every Resource, but—
 “ internal commercial Industry, to be raised out of Agriculture
 “ and excessive Labour. Our Hatchet of War is immersed in _
 “ those watery Boundaries which have lately been prescribed
 “ us; where it ought, and probably will remain in peace
 “ for Years to come. To Britain therefore, we are now only useful
 “ in proportion as we take of and consume her various woollen and
 “ other Manufactures; and raise up Supplies of provisions, of—
 “ Horses, of Lumber for her West Indian Settlements; of Wheat, of—
 “ Flour, of Fish, for her European Allies, and of Flax-seed, of—
 “ Hemp, of Ship Timber, of Oil, Potash, and Furs for herself.
 “ To effect these commercial Ends, the minds of our Inhabitants
 “ must be in future turned to objects of Agriculture, Navigation
 “ and Commerce. And therefore it is, that I look on Repräsentation
 “ and Freedom in Government as absolutely necessary Springs to
 “ give Vigour and Motion to the new commercial Machine. The
 “ Power of exciting to Industry should greatly be lodged in the _
 “ hands of such persons as are most likely to make mercantile
 “ Objects their principal Occupation and Study. Because being

intimately

“ intimately connected with their respective and immediate _
 “ Interests, the advice and participation of the Land-holder, the _
 “ Citizen, and the Merchant, are become the more necessary to the
 “ present Legislature, that thereby, it may acquire that Spirit
 “ and Soul of Action of which it must otherwise be deprived.

“9^{thly} _ Because at a time, when many of His Majesty’s Subjects _
 “ had petitioned the Crown for Alteration in Government, and to–
 “ obtain elective Representation, I rather thought it necessary to call
 “ to the Consideration of this Legislative Council an Address to obtain
 “ such an Elective Body, than to unite in M.^r S.^t Luc’s motion _
 “ then on the Table, whereby this Council was to express to His
 “ Majesty” our sincere Desire that, that Act (14.th Geo. 3. ch. 83) _
 “ should remain in all its force, wishing nothing more ardently
 “ that to be able to transmit it to posterity as a precious _
 “ Charter which will assure the Enjoyment of the priviledges ____
 “ and Religion of the people of the province, convinced by ____
 “ Experience and the Alterations which have happened therein
 “ since the Conquest that the Canadians will live happily _
 “ under that Act, and will in a short time be indissolubly _
 “ incorporated into the British nation.

“10^{thly} _ Because an Act (18 Geo. 3. Ch. 12) of the British Parliament
 “ has given the Right of Colony Taxation; His Majesty’s Subjects
 “ might therefore naturally conclude it did not exist in this
 “ province by the Quebec Act or any other. But His Majesty’s
 “ Attorney and Solicitor General for England have lately given
 “ their opinion / recorded by Desire of His Excellency The Governor
 “ on the Journals of this Council by Command of His Majesty
 “ (Opinion dated 31 March and recorded 30.th August 1781) That
 “ this Council had a legal Authority to rate and fix a price _
 “ upon Wheat and Flour; and also legal Authority to compel
 “ persons possessed of Wheat and Flour to sell the Same at
 “ prices which shall be fixed; if in their Judgment the _
 “ Exigencies of the State require that Measure. This Legislative
 “ Council has therefore the power to oblige the Farmer or Holder
 “ of Wheat and Flour, now become the most Stable Commodity
 “ and Produce of this Colony, to surrender his property for–
 “ Less than otherwise he could legally obtain for the same.
 “ If such Ordinance be lawful under the Quebec Act, as it is said
 “ by His Majesty’s Attorney and Solicitor General, and believed
 “ by some Members of this Council; It is certainly of Impor=
 “ =tance to the peace and prosperity of this province, that _

such

“ such power should be divided, and the property of the Land-holder
 “ or other industrious Individual secured to him, in such Manner
 “ as that it cannot be taken, or the Value ascertained, under even
 “ the Idea of State Exigency; but at a Rate or Value fixed by-
 “ Consent of his elected legal Representative. Such taking, ___
 “ would otherwise have more the appearance of an absolute, than
 “ of a British Government.
 “11^{thly} ___ Because I am convinced that to induce His Majesty’s ___
 “ loyal Subjects (formerly the Inhabitants of the Colonies ___
 “ now the united States) to come to, and remain and settle
 “ themselves in this his province of Quebec, it will be___
 “ necessary to assure them, of that freedom and constitutional
 “ mode of Government to which they have been accustomed _
 “ with every other Benefit and Advantage enjoyed by them _
 “ as resulting therefrom; or from His Majesty’s special Grace,
 “ and Favour. The national Utility of their settling among us,
 “ or in the province, is so obvious, I need not comment upon
 “ it. Nor shall I enlarge on the Necessity of optional Juries
 “ as almost all Men allow them to be the best and safest-
 “ Judges for ascertaining Damages on personal Wrongs and ___
 “ for establishing complicated Matters of Fact
 “ I shall only add, that as a Member of this Council
 “ I hold it to be my Duty to convey my Opinion and Sentiments
 “ with open, decent freedom, and that in doing so, I shall be
 “ vindicated, while I have the Honor of a Seat at this Board.
 /signed/ William Grant
 29.th April 1784.

The President of the Council signed The Address to ___
 His Excellency.

adjourned to the Castle of S.^t Lewis

The

The same 29.th of April 1784
 At the Council Chamber in the Castle of S.^t Lewis
 Present
 His Excellency Frederick Haldimand
 Governor---
 With The Lieutenant Governor, and all the
 other Members, as before.

The Lieutenant Governor presented The Address of The Council
 to His Excellency the Governor __ To which He was _
 pleased to return an Answer. __ Ordered to be inserted
 in the Journals.

The Address

To His Excellency Frederick Haldimand
 Captain General and Governor in Chief of the
 province of Quebec, General and Commander
 in chief of His Majesty's forces in the said __
 province and the Frontiers thereof &c &c &c.

May it please Your Excellency

We the Members of the Legislative Council take
 the Liberty to represent to Your Excellency our Gratitude for
 His Majesty's paternal Goodness in the gracious Protection he
 has granted to the people of this province during the Troubles
 which have distracted the greatest part of the Continent of—
 North America. At the same time we take the Opportunity
 of renewing our Solicitations to Your Excellency that You will
 be pleased to convey to His Majesty the Sense we have of—
 the great Advantage which has accrued to the people of—
 this province, and to the tranquility and safety of it, from
 the Act of parliament which was passed in their favour
 the 14.th year of His Majesty's Reign; the Continuation
 of which Law, the Result of that generous and tolerating
 Spirit which distinguishes the British Nation, will be
 the means of rendering the people of this province _____
 indissolubly attached to the Mother Country, and happy in
 the Enjoyment of their Religion, Laws and Liberties.

/signed/ Henry Hamilton President

Council Chamber }
 29.th April 1784 }

The

The Governor's Answer

Gentlemen,

I will transmit your Address to the Secretary of State, to be laid before His Majesty. The Ordinance passed this Sessions for securing the personal Liberty of the Subject will contribute to remove the prejudices of the misguided ___ against the Act of parliament which regulates the province, and at the same time will be the Means to frustrate the attempts of the malicious and designing to create Confusion and Dissention within it.

Castle S.¹ Lewis at Quebec the 29.th April 1784
/signed/ Fred Haldimand.

Read An Ordinance Chap. I. for continuing further the Ordinance concerning the Maîtres de Poste, for two years.

Read An Ordinance Chap. II. for continuing further the Ordinance establishing the Fees of Office, for one Year.

Read An Ordinance Chap. III. For securing the Liberty of the Subject, &c.

His Excellency The Governor signed those Ordinances, and passed them under the public Seal of the province.
Ordered to be published in the Quebec Gazette.

His Excellency prorogued the Council, till further Notice.

=====

A Copy of the Journals of the Legislative Council held in 1784. sofar as procedes this period was delivered to the General the 29.th June 1784 To be sent home by the Betsy Captⁿ. Dale for Bristol _ by	}	<u>Alex Gray</u> A C. L. C.
A Duplicate delivered the General 20.th July to be sent home by Cesar Millar		<u>Alex Gray</u> A. C L. C.

On Thursday the 10th February 1785.

At the Council Chamber in the
Bishops Palace

Present

The Honb.^{le} Henry Hamilton Esquire Lieutenant Governor
& Commander in Chief. –

Hugh Finlay	Picotte De Bellestre
Thomas Dunn	John Fraser
Francois Levesque	Henry Caldwell
Edward Harrison	Paul Roc S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Joseph De Longueuil
George Pownal	Samuel Holland &
J. G. C. Delery	George Davison Esq. ^{rs} _____
Conrad Guty	

His Honor the Lieutenant Governor

Open'd the Sessions of the Legislative Council with the
following Speech _ Viz.^t

Council Chamber Quebec February 10th
1785

Gentlemen

His Majesty Royal Instructions, are the
first Objects which my duty prompts one to sett before you
This Communication leads to the Consideration
of the Various Subjects which I design to Submitt to your
Attention

The Ordinances which are nearly expired
and are to be renewed, demand a deliberate revisal: You will
Judge of the expediency of making any Alterations as you will
also of the period for their remaining inforce.

A Review of the business of last Session will
Subject a Variety of important matter to your Attentive Study

The Renewal of the Ordinances for regulating
the proceedings in the Courts of Civil Judicature, calls upon me
tolay before you. His Majesty's twelfth Instruction given at
S.^t Jame's the 15.th day of April 1778 as having particular
relation to it.

The Militia Ordinance should provide

for

for the Exigencies of Government and the Defence of the Province: Your prudence will Suggest the means of preventing a partial burthen being laid on particular Parishes, and while you keep on View the Liberty of the Subject, You will not lose Sight of the measures necessary to be adopted for in forcing due Obedience to the Magistrates.

Gentlemen

You may be assured That I shall pray
the utmost regard and Attention to your advice & Representations
Signed Henry Hamilton

The Honb.^{le} M.^r Finlay President of the
Council requested the Attendance of the Members tomorrow
at Eleven O Clock to proceed on the business recommended by
His Honor the Lieutenant Governor

Friday the 11.th February 1785
Present

The Honb.^{le} Hugh Finlay Esq.^r President of the Council
and the other Members as before except M.^r Levesque

Read the Lieutenant Governor Speech in English and
French with the Journals of yesterday,
The Honb.^{le} Henry Caldwell moved that a Committee be
Appointed to prepare an address of thanks to His Honor the
Lieutenant Governor for his Speech_ Resolved unanimously
That a Committee of the Whole Council prepare the address
Colonel Caldwell in the Chair.

Read Copies of two additional Articles of Royal Instruction
dated at S.^t James's the 29.th March 1779. Together with
Copies of the following Articles of Royal Instruction dated
at S.^t James's the 15.th Aprile 1778 viz.^t The 7.th and 8.th
Articles, An Extract from the 10th The 12.th The 16.th (recorded)
in the Journals of Council 30th August 1781 with the 12th & 13th
Articles of Instruction dated at S.^t James's 3^d January 1775) The
18th and 42.^d ____

M.^r

M.^r President then moved for “leave to bring in an Ordinance
 “ To regulate the proceedings of the Courts of Civil Judicature
 “ formed upon, and to carry into Effect, His Majestys Gracious
 “ intentions as expressed by the 16.th Article of His Royal
 “ Instructions, so particularly enjoined to the Consideration of
 “ this Council, and recommended by His Honor the Lieutenant
 “ Governor, And in Amendment of an Ordinance Chap. 2.^d
 “ Intitled “An Ordinance to regulate the proceedings of the
 “ Courts of Civil Judicature on the province of Quebec” _
 Seconded by M.^r Caldwell. Resolved Unanimously
 That M.^r Presidents Motion be taken into Consideration
 on Wednesday next _

The Council resolved itself into a Committee of the whole
 House, The Presidents left the Chair which was taken by
 Colonel Caldwell as Chairman of the Committee.

The Committee business being Over The President
 resumed the Chair and Colonel Caldwell Chairman of the
 Committee for preparing the address presented the Draught
 of it, which was read in English and French, unani:
 mously Agreed to, and ordered to be ingross’d. Resolved
 That Colonel Caldwell and M.^r Delery do immediately
 wait on the Lieutenant Governor And request His
 Honor to appoint a time when he will be pleased to
 receive the Address.

Adjourned till Monday at 11 o Clock

Monday the 14.th February 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President and the other
 Members as before with M.^r Levesque _

M.^r Caldwell & M.^r Delery reported, That they
 had waited upon the Lieutenant Governor with a Copy
 of the address and that His Honor had fixed upon this
 day at 12 o Clock to receive the same _ The Ingrossed Copy
 was read and Signed by the President. Resolved
 Unanimously, That M.^r Caldwell, M.^r Dunn, M.^r
 Levesque and M.^r Delery do present the Address _ In
 Consequence of which these Gentlemen having waited
 upon His Honor & presented the address, Returned with

an

an answer thereto which was read in English & French
Ordered That the address and Answer be entered on
the Journals.

Follows the address –

To the Honb.^{le} Henry Hamilton Esq.^r
Lieutenant Governor and Commander
in Chief in and over the Province of Quebec
and Territories depending thereon &c &c &c

May It Please Your Honor

We the Members of the Legislative Council
for the Province of Quebec beg leave to express our warmest
Acknowledgements for your Speech of yesterday and Our
earnest desire to Cooperate with your Honor in your Efforts for
the Public Good.

We shall lose no time in taking into consi-
deration the renewal of the Ordinances which expire with
the present Session and shall give the same attention _
to every thing which shall be submitted to us on your
part.

We are much flatter'd with the Attention &
regard that your express for our advice & Representations
which it will always be our Inclination as well as our duty
to give According to Our best Abilities.

Council Chamber } (Signed) Hugh Finlay

11.th February 1785}

The Answer

Gentlemen

The Advantages which the Province may
derive from Your deliberations, are many and important. Your
advice dictated by prudence and foresight may give them
permanence

As I consider myself much Obligated by your
expressions of Good Will, so I shall think myself greatly
honor'd by your Approbation

(Signed) H. Hamilton

Quebec February 14.th 1785

Adjourned till Wednesday at 11 oClock

On Wednesday the 16 February
1785

Present

The Honb^{le} Hugh Finlay Esquire President and
all the Members as before except M.^r Levesque

The Order of the day being read Viz^t the
Motion of M.^r President of Friday the 11.th Instant,
The heads of the proposed Ordinance were presented & read;
Ordered that they be translated into French & Resolved
That the Consideration of the Motion be resumed
tomorrow.____

Adjourned till tomorrow at 11 o Clock

Thursday the 17.th February 1785

Present

The Honb.^{le} Hugh Finlay Esquire President and the other,
Members as before with M.^r Levesque.

The Honb^{le} M.^r Caldwell moved “ That
“ the Opinion of the Council be taken Whether M.^r Attorney
“ General who has the Charges of drawing up the Ordi:
“ nances of this province may of may not Attend when
“ he thinks proper at the Debates of this Council view
“ Notwithstanding what may be construed from the ____
“ 11th Article of the rules of this House to the Contrary”
The Question being put and the Voices standing 7 Ayes
and 10 Noes, Voted & Resolved in the Negative

The Voices upon this Question were as follows

	Ayes	Noes		Ayes	Noes
M. ^r Davison		1	M. ^r De Lery		9
M. ^r Holland		2	M. ^r Pownal	2	
M. ^r De Longueuil		3	M. ^r Mabane		10
M. ^r Baby		4	M. ^r Collins	3	
M. ^r S. ^t Ours		5	M. ^r Harrison	4	
M. ^r Caldwell	1		M. ^r Levesque	5	
M. ^r Fraser		6	M. ^r Dunn	6	
M. ^r De Belestre		7	M. ^r President	7	
M. ^r Guly		8			

Read in French the Heads of the Ordinance proposed by M.^r Presidents Motion of the 11.th Instant, And the Question being put “whether these Heads shall or Shall not be Committed” The Voices standing 9 Ayes and 8 Noes. Voted and Resolved in the affirmative. Ordered, That M.^r Dunn M.^r Levesque M.^r Harrison M.^r Pownal, M.^r Guly M.^r Caldwell & M.^r Holland Do Compose the Committee with any other Member that may Choose to Attend M.^r Dunn to the Chairman

The Voices on this Questions were as follows

	Ayes	Noes
M. ^r Davison		1
M. ^r Holland	1	
M. ^r De Longueüil		2
M. ^r Baby		3
M. ^r S. ^t Ours		4
M. ^r Caldwell	2	
M. ^r Fraser		5
M. ^r De Bellestre		6
M. ^r Guly	3	
M. ^r Delery		7
M. ^r Pownall	4	
M. ^r Mabane		8
M. ^r Collins	5	
M. ^r Harrison	6	
M. ^r Levesque	7	
M. ^r Dunn	8	
M. ^r President	9	

Adjourned till tomorrow at 11 o Clock

Friday the 18th February 1785

Present

The Hon^{ble} Hugh Finlay Esq^r President and all the Members as before

Read the Journals of yesterday

M.^r Mabane moved “ That the Clerk of the Crown be

“be required to transmitt to the Clerck of the Legislative
 “Council, Authenticated Lists of the persons who have
 “been Summon’d to Serve as Grand Jurors of the different
 “Sessions of the Court of Kings Bench for the Districts
 “of Quebec and Montreal from the 1st of May 1778
 “to the month of November 1784”. Resolved unanimously
 in the Affirmative, And Ordered That the Clerk
 of the Council do forthwith requires of the Clerk of
 the Crown The lists mentioned in the Motion.

M^r Caldwell moved “That the Sheriff in each
 “ District may be directed to make a return to this
 “ Council of the Names of the persons (particularly
 “ in the Towns of Quebec & Montreal & the Vicinity
 “ thereof) Frees and Lawful Men Capable of serving
 “ in the Capacity of Jurors both of Old and new___,
 “ Subjects ” Resolved unanimously in the affirmative
 And Ordered That the Clerk of Council Do forthwith
 require of the Sheriffs of both Districts to make
 Such returns

M^r Caldwell again Moved That a day may be
 Appointed to take the Militia Ordinance into___
 Consideration Resolved Unanimously That Monday
 be appointed for that purpose

Adjourned till Monday at 12 o Clock

Monday 21.st February 1785

Present

The Honb^{le} Hugh Finlay Esq^r President and the
 other Members as before except M^r Guky

The Order of the day being read for taking into
 Consideration the Militia Ordinance. Read
 the same Article by Article in English & French

M.^r

M^r Caldwell moved “for leave to bring in an Ordinance
 “ to Amend the Ordinance for regulating the Militia of
 “ this Province, That now in force having been found in :
 “ sufficient to Answer the intended purposes, and That
 “ a Committee be appointed to prepare the same” ____
 1.st Q.ⁿ Seconded by M^r President. The Question being put
 and the Voices Standing 5 Ayes and 11 Noes Voted and
 Resolved in the Negative.

M.^r Fraser then moved : “ That the Militia Ordinance
 “ be renewed as it Stands, but considering the Circum:
 “ stances for one year only ” Seconded by Mr Mabane
 2^d Qu.ⁿ The Question being put and the Voices standing
 11 ayes and 5 noes. Voted and Resolved in the
 Affirmative
 Read an Ordinance Cap 2^d pass’d the 5th February
 1783 Intitled “An Ordinance For further continuing
 “ An Ordinance made the 29th day of March in the 17th
 “ Year of His Majestys Reign, Intitled “An Ordinance for
 “ regulating the Militia of the province of Quebec and
 “ rendering it of more general utility towards the preser:
 “ vation & Security thereof” 1.st Reading

The Clerk of the Council reported That He had
 received from The Clerk of the Crown The Lists by him
 required in Consequence of the Resolution of Council of—
 Saturday last, which he presented, Read the Title thereof
 Ordered to lay on the Table.

Adjourned till Wednesday next at
 11 o’Clock ____
 Wednesday the 23.^d February 1785

Present
 The Honb^{le} Hugh Finlay Esq.^r President and the
 other Member as before.

The Council adjourned till tomorrow at 11 o’Clock

Thursday 24.th February 1785

Present

The Honb^{le} Hugh Finlay Esq.^r President and
the other Members as before except M.^r Davison

Read the Ordinance Cap 2^d for continueing the
Militia Ordinance to the 30.th Aprile 1785 2.^d reading
Ordered That the Attorney General be directed To
make out an Ordinance for further continueing
the Militia Ordinance for one Year.

M^r Pownal moved “That the Minute of
“ Council relative to the Registry Ordinance of the 19.th
“ Aprile 1784 Be read, and that a day be appointed
“ for resuming the Consideration of that Ordinance”
Read the Minute_ Resolved That Monday
be appointed for that purpose

Adjourned till Monday at 11 o’Clock

Monday 28.th February 1785

Present

The Honb^{le} Hugh Finlay Esq.^r President and all
the Members as before with M.^r Davison

The Order of the day being read for taking into Considera:
: tion the Registry Ordinance _ Read the Report of
the Committee of last Sessions with the heads of an Or:
dinance Accompanying the same in English and French
Article by Article

M^r Pownal moved That the Ordinance be read a
Second time on Wednesday next, and that he have leave
to lay upon the Table Amendments which he then means to
propose, Resolved and Ordered Accordingly
Read the Draught of an Ordinance Cap 1.st for Continueing
the Militia Ordinance until the 30.th Aprile 1786 And
The Question being put “Whether the Ordinance shall
pass. ” The Voices standing 13 Ayes and 4 noes Voted
and Resolved in the affirmative; Ordered to be Ingross’d

M^r

M^r Levesque & M^r Caldwell presented their Reasons of
dissent from the above Resolution _ Read the same
Ordered to be entered on the Journals ____
follows M^r Levesques

Messieurs

“ L’Ordonnance de la Milice en 1777 aprets bien
“ des debats et m’estres opposé moi-même a ce qu’elle fut
“ dressée telle qu’elle est encore aujourd’hui, je donné
“ Enfin ma voix malgré ma répugnance; mais s’etoit
“ pour qu’il y eut une Milice necessaire et pressant
“ alors. Mais actuellement que nous jouissons de la
“ paix et que la tranquillité nous donne du tems.
“ J’aurois voulu que cette ordonnance eut ete re
“ touchée et entierement redressee avec les egards due
“ a nos Compatriots et consequament a la humanité,
“ ou plutot qu’il n’y en eut poin a se sujet en ^a attendant
“ les Instructions du Roy et son Parlement. Que de
“ la Continuer telle qu’elle est. Je n’en detaille poin les
“ Raisons, il n’y a qu’a la lire pour y voir tout ce que est
“ contre les Loix le Caractere libre d’une Nation et en :
“ fin L’humanité, et le tout bien Capable de degouter
“ les Americains qui se refugient venants faire Corp
“ avec nous _ _ Si cependant cette intervalle un cas de
“ Contrainte demandoit une Milice, alors le Comman :
“ dant en Chef a le pouvoir dans cette necessité de de :
“ clarer la loy Militaire. Mon avis est qu’elle seroit
“ alors plus efficace que cette Ordonnace telle qu’elle
“ est, voila donc mon desaveu pour Sa Continuation
“ pour estre En registre dans le Registre de ce Conseil
“ Quebec le 28.th F.^r 1785 ”

(signed) F. Levesque C.

M^r Caldwell,

“ Dissen “For the following Reasons ” _

“ Because it is Contrary to the King Instructions
“ (Communicated to us) to pass any Law for a less time
“ than two years, except the exigencies of the province
“ require)

“ require it which does not appear to me to be the
 “ present Case

“ Because it has been found by experience that
 “ the present Militia Ordinance has not answered the
 “ purposes for which it was intended and it has always
 “ been my Opinion, and seems to have been almost
 “ the Unanimous opinion of the Council last Session
 “ as appears by the Journals, That the very existence
 “ of this province (as a Colony dependant upon Great
 “ Britain can only be secured by a well regulated
 “ Militia, for want of which it was very nearly lost
 “ in the year 1775.

“ Because the Durations of our present State
 “ of tranquility is uncertain, Our proximity and ____
 “ Situation in respect to the United States whose access
 “ to our Country is easy, gives us every reason imaginable
 “ to be on our guard against them & the best Security
 “ we have against being Attacked is our being prepared
 “ to defend Ourselves, And as by the Quebec Act, we
 “ are precluded from publishing such a Milita Ordinance
 “ as might be Effectual in times of imminent danger
 “ (before it had first received the Kings Approbation) so
 “ in the intermediate time the Province might be lost.
 “ It therefor Appears to me that in no instance delays
 “ can be said to be more dangerous than in the present

“ Because I think the Glory & Interest of Our
 “ Sovereign and his people our own honor & Interests and
 “ the Interest and Wellfare of this province all Combine
 “ to Engage us, by Establishing a well regulated Militia
 “ to put Ourselves on a respectable footing, And I further
 “ think that we are responsable to the King and so the
 “ State for the Eventual Consequences of our Conduct
 “ this day _ Quebec 28th Feb^y 1785.”

(signd) Henry Caldwell

M^r Dunn Chairman of the Committee for preparing an
 Ordinance to Regulate the proceedings in the Courts of Civil
 Judicature in the province, Presented the report of the
 Committee

Committee in a paper intituled “Heads of an Ordinance
 “ Reported by a Committee of the Legislative Council To
 “ regulate the proceedings in the Courts of Civil Judicature
 “ in the province of Quebec” _ Read the Report
 Article by Article in English and French. Ordered to be
 read for the first time on Wednesday next

Adjourned till Wednesday at 10 o’clock

Wednesday the 2^d March 1785

Present

The Honb^{le} Hugh Finlay Esq.^r President and the other
 Members as before

The Clerk of this Council reported That he had received the
 Returns of the Sheriffs, Ordered in consequence of the
 Resolution of the Council of the 18.th February _ Read the
 same, Ordered to lay on the Table

The order of this day being read, Resolved to proceed to
 (proceed to) the reading of the Ordinance, for regulating
 the proceedings in the Courts of Civil Judicature in the
 Province, reported by a Committee _

Read the same Article by Article in English & French
1st reading

M^r Fraser moved “ That the Consideration of the Heads
 “ of An Ordinance for regulating the proceedings in the Courts
 “ of Civil Judicature as reported by the Committee. Be post:
 “ poned till next Sessions”, Seconded by M^r Delery_ The
 Question being put and the Voices Standing 8 Ayes and
 9 Noes, Voted and Resolved in the Negative.

M^r Mabane then moved “That the Second reading of
 the proposed Ordinance be putt off till the 22^d Current”
 Resolved unanimously and Ordered Accordingly
 Deferr’d the reading of the Registry Ordinance till
 tomorrow.

Adjourn’d till tomorrow at Eleven oClock

Thursday the 3.^d March 1785

Present

The Hon^{ble} Hugh Finlay Esq^r President and the other Members except M^r Levesque M^r Dunn, M^r Mabane M^r Guky and M^r S^t Ours.

Read the Journals of yesterday on which M^r President Observed That a paper by him delivered to and read by the French Secretary, previous to the Question being put on M^r Frasers Motion, Had not being taken Notice of on the Journals; Ordered That the said paper be and remain filed with the Records of the Council.

The Council resolved [^] to form itself into a Committee on the Registry Ordinance, on which the President left the Chair, which was taken by M^r Pownal as Chairman of the Committee.

The Committee business being over the President resumed the Chair and M^r Pownal reported the proceedings of the Committee which had adjourned till Saturday then to proceed farther on the business before it.

Resolved That the Second reading of the Registry Ordinance be postpon'd till the 22.^d Instant. —
Read in English and french a Letter or message from His Honor the Lieutenant Governor addressd to the President of the Legislative Council in the words following.

February 28.th 1785

Sir

Upon the Representations made to me of the Circumstances of a number of Loyalists Settled in Varrious parts of the province whose distance from the Courts of Civil Judicature renders it next to impossible to obtain relief in a _
Varriety.

varriety of Cases, I have thought proper to Signify
to you my desire That you would lay this
business before the Legislatives Council That
they may take the same into Consideration
and make such provision as their Judgement
may point out for the Satisfaction and benefit
of the Loyalists in particular and for the main
tenance of good order in the Province at large

I have the honor to be

Sir

To the Honb^{le} Your very Obed^t & most Humle. Serv^t.
Hugh Finlay Esq^r (Signd)
Presid^t Leg Council Henry Hamilton

Resolved That the Letter or Message from
His Honor the Lieutenant Governor be taken into
farther Consideration on Wednesday next.

Adjourned till tomorrow at 11 oClock

Friday 4.th March 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President and the
Members as in the Journals of yesterday with M.^r
Levesque, except M^r Davison.

M^r Caldwell Moved “for leave to bring in an
“ Ordinance for the more effectual and Speedy, Col:
“ lecting His Majestys Quints, Lods & ventes, fines,
“ forfeitures, Amerciaments and other due now
“ due, or that may hereafter become due in this
“ Province”, Seconded by M^r Harrison, Resolved
Unanimously in the Affirmative.

M^r President then Moved That M^r Cugnet might be
required To lay before this Council The Law of Feifs
Concerning the Droits Domaniaux of His Majesty

in

in this Province and the different Regulations
of the Intendants for the more speedy recovery
of these dues, Resolved Unanimously, and
Ordered Accordingly

M^r Caldwell again Moved “ For leave To bring
“ in an Ordinance, Declaratory of the Law now
“ in force in this Province Against Breaches of the
“ Prisons, and to indemnify the Sheriffs for Escapes
“ that may happen from the present bad State
“ of the Public Prisons; Seeing it has been lately
“ decided by a Judgment of the Court of Appeals
“ in this Province, That the Sherriffs are lyable
“ to Answer for Escapes ” Unanimously Resolved
“ in the affirmative.

M^r Caldwell again Moved “For leave to bring in
“ an Ordinance to regulate the Custom called the
“ Abandon” Unanimously Resolved in the Affirmative

Adjourned till Monday at 11 oClock

Monday 7th March 1785

Present

The Honb^{le} Hugh Finlay Esq^r President and the
other Members except M^r Davison
Informed

The Clerk ^ the Council That His Honor the
Lieutenant Governor desired their Attendance at
the Chatteau as a Council of State when the business
of the day was over.

M^r Delery moved in the words following “Vu q’un Honb^{le}
“ membre a parlé dans cette Chambre pour trouver des
“ moyens de batir des prisons dans les Villes de Quebec et
“ de Montreal. J. G. C. Delery propose que l’opinion de M^r
“ Francis Joseph Cugnet Greffier du Papier Terrier Soit demande
“ sur le droit que le Seigneur Dominant (Le Roy) a d’avoir
“ et de faire batir des prisons tels et comme il les veut Et
“ si ce Conseil a le pouvoir suivant l’acte de Quebec

et

et la loix de fiefs d'oter ce privilege de la Couronne pour
 “ le transporter au peuples, Soit par forme de Tax d'une
 “ position ou de Souscription“ Unanimously Resolved
 “ in the Affirmative ____

The Clerk reported That M^r Cugnet had delivered
 to him a Paper Intitled “Memoire concernans les
 Droits domaniaux Seigneuriaux & Casuels dus à sa
 Majesté ____ Ordered to lay on the Table ____

Resolved to Adjourn till wednesday at 11 oClock in
 order to Attend His Honor the Lieutenant Governor

Adjourned Accordingly

Wednesday 9th March 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President and the Members
 following viz^t.

Francois Levesque	Picotte de Belestre
Edward Harrison	Joseph De Longueuil
John Collins	Samuel Holland Esq. ^{rs}
George Pownal	
J G C Delery	

The order of the day being read for taking
 into farther Consideration the Message of His Honor
 the Lieutenant Governor of the 28.th ult^{mo} read in Council
 and entered on the Journals the 2^d Inst.^t Resolved
 That the Consideration of the business recommended by
 His Honor be postponed till the return of the Judges
 now absent on the Circuit of the Court of Kings Bench
 When the Ordinance for regulating the Courts of Civil
 Jurisdiction in the province will be read a Second time

M^r Delery moved for leave to amend his motion of the
 7.th Instant by Changing the name Francis “Joseph Cugnet _
 Greffier du Papier Terrier” To that of “L'Avocat General”
 unanimously Resolved in the Affirmative

M^r Delery then Moved “For leave to bring in the heads
 of an Ordinance to regulate Surveyors of Lands in
 “
this

“ this Province and other matters relative to the
 “ Surveying of Lands” Resolved That the
 Motion with the Heads of the Bill presented by
 M.^r Delery lay upon the Table for the Consideration
 of the Members

The Clerck inform'd the Council That His
 Honor the Lieutenant Governor wished their
 Attendance at the Chatteau as a Council of
 State to proceed on the business proposed to them
 at last Meeting

Resolved to Adjourn for that purpose till
 Monday next at 11 oClock
 Adjourn'd Accordingly

Monday 14th March 1785
 Present

The Honb.^{le} Hugh Finlay Esq^r President
 John Collins Francis Baby
 George Pownal Joseph De Longueuil
 J G C Delery Samuel Holland
 Picotte de Belestre George Davison Esq.^{rs}
 John Fraser

The Council resumed the Consideration
 of M^r Delerys Motion of the 9.th Instant and the
 Heads of the Ordinance by him proposed, laying
 on the Table. Resolved That a Committee
 be appointed to Examine these heads and to report
 thereupon, And That M^r Delery, M^r Holland
 M^r Collins M^r Fraser and M^r Davison, with any
 other member that may choose to assist thereat
 do Compose the Committee _ M^r Delery to be Chairman

Resolved That the Consideration of the Regu:
 : lation of Notaries Public be referr'd to the above
 Committee, having been joined together in the
 Motion of the Honb.^{le} M^r Grant laying on the
 Table from last Sessions & referr'd over to the present
 And That they do report thereupon also_____

The Council having farther taken into Consideration the remaining business laying upon the Table from last Sessions. Resolved That the same do Stand Over

M^r President presented his Reasons of Dissent from the Resolution of the Council of the 28th February last which pass'd the Ordinance for Continuing the Militia Ordinance, Read the same as follows,

M^r Finlays reasons for dissenting from the Opinion of a Majority of the Legislative Council who voted that the Militia Ordinance passed on the 29th day of March 1777 Shall be Continued until the end of the Session which will be in 1786 (another year) without Amendment.

Because- Whatever the intention of the Legislative Body may have been when they framed the Militia Ordinance It has been considered as a Law which invests the Governor with unconstitutional Authority.
Because under an Arbitrary explanation of the meaning of the words “refusing to Serve” in the first Article, ... Services not sett forth in the Ordinance may be Exacted ... from the Habitants by the Officers of Militia.

Because, Corvées have been accounted a Burthen unequally laid _ distant parishes have been totally exempted, whilst those that lay most convenient for the Transport of provisions &.^{ca} were harrass'd.
In proportion to the frequency of these Corvees and the rigour with which they were exacted did the attachment of this people lessen towards British Government, for they were taught by the Reprobators of the Quebec Act to believe that the Services required of them were the Effects of a Slavish System inconsistent with the freedom enjoyed by British Subjects, which System was introduced into this Province by the Quebec Bill ____

Because It is left to the Caprices of one person to determine what the Law deems unworthy behaviour in a Militia Man as appears by the 2.^d Article of the Ordinance – The punishment for unworthy behaviour in Exclusion from the Corps and to be rendered incapable to keep or use any fire Arm under certain penalties mentioned in the first Article. And over and above he shall ____ furnish

furnish Carriages for the King in a double proportion for which he shall receive but half price

Because. This Ordinance has never been published in the Country Parishes in such way or manner as to make known to the Habitants or peasants the Services which it requires of them, notwithstanding punishments have been inflicted on persons who unwittingly broke the Law by removing from one parish to look for work in another without having previously advertised the Captain of Militia of their intention as the 4th Article directs.

Sir Edward Coke has Observed That it is one of the Genuine marks of Servitude to have the Law which is our Rule of Action either Concealed or precarious

Because, The Ordinance from want of due publication may by the Habitants be thus Construed “All Men in Canada from the Age of 16 to 60 are Bound to Serve in the Militia and implicitly to obey every order of what ^{king} or nature soever Issued to them through their Officers under pains and penalties to be inflicted for disobedience. Such Construction cannot fail to imprint on the minds of the Canadians an unfavorable Idea of the Government they live under_ Yet this may be the result of Concealing the Law.

Because by the VI Article The Commander in Chief may March the Militia to such places as he may think fitt to serve in conjunction with His Majestys Forces whenever he Supposes apressing Exigency.

Because By the VII Article It is left to the Commander in Chief solely to fix the price to be paid to the Country people for every kind of labour they may be required to perform for the Kings service with Carts and other Carriages.

Because Captains and other Officers of Militia may be deprived of their Commissions and turned into the Ranks by a field Militia Officer when he deems a Charge against them for disobedience or for partiality in the Execution of their duty well founded __

Because By the IX Article, An Ignorant Officer of Militia (few of them can read) may Stop and detain any person goind about his Lawful business in time of peace without he can Shew a passport in Writing The Words. Rebellious Colonies In this Article are _ Highly

highly improper at this day! The King has no Colonies in Rebellion.

Lastly Because nothing could turn more to the advancement of the Kings interest in this Province than to shew a pressing forwardness to free the People from Burthens which nought but the exigencies of War could have induced the Council to lay on the habitants. The renewal of the Militia Ordinance (altho but for a year) will weaken the Confidence which a part of our fellow, Citizens have in the Legislature: The Considerate and moderate part of the people who know that every thing is in our power will contemplate our want of policy with real Concern and probably in despair of our will to do good they'll heartily join in Applications for a Constitution which may place the remedy in the hands of those who feel the disorder

It is the duty of this Council to remove every Cause of discontentment in the province. It is owing to the fatal Spirit of Procrastination which has hitherto prevailed at this Honorable Board That Objection has been made to the Constitution granted by Parliament to this Province.

Every thing is in Our power. It depends on us to render His Majestys new as well as Natural Born Subjects happy. Why do we delay ! Let us now begin to Enact wise Laws, Let us shew the Canadiens the advantages of their Situation! When they become sensible of the Blessings they enjoy under British Government. They will dread a Change as the greatest evil: then would the Militia be the Strength of the Province. That Strength united in a Constitutional manner will secure the public peace and protect us against foreign and domestick violence

For these Reasons I do most Solemnly protest Against the Continuation of the Militia Ordinance unamended as I think it will produce Effects highly prejudicial to His Majestys Service

(Signd) Hugh Finlay

Adjourned till Monday next at 11 oClock ____

Monday the 21st March 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President.

Francois Levesque	Henry Caldwell
John Collins	Francis Baby
George Pownal	Joseph De Longueuil
J. G. C. Delery	Samuel Holland Esq. ^{rs}
Picotte de Belestre	

Read the Journals of the 14.th Instant Also a French translation of M^r Presidents Dissent Against _ the passing the Militia Ordinance

M^r Pownal Chairman of the Committee on the Registry Ordinance Presented their Report which was read

Read the Ordinance as Reported by the Committee for 1st reading _

M^r Pownal moved that the Ordinance be read a Second time on Wednesday Se'nnight Resolved unanimously and Ordered Accordingly

Read a Representation signed by a number of _ Citizens of Quebec giving reasons why the Registry and Militia Ordinances should not pass _ Ordered to lay on the Table _

M^r President moved “for leave to bring in a Bill for preventing, Wheat Flour or Biscuit from being shipp’d
“ from the province before it has been inspected and pass’d
“ as fitt for Exportation, And that Public Inspectors be
“ Appointed by the Governor for that purpose” Seconded by M^r Caldwell. _ Resolved unanimously in the Affirmative _

M^r President then presented the Heads of the Ordinance by him proposed which were read Ordered to lay upon the Table

M^r Caldwell moved “for leave to bring in an Ordinance
“ for the more Effectual repairing the high Roads and
“ Bridges of this Province” Seconded by M^r Holland’ Resolved unanimously in the Affirmative

M.^r

M^r Caldwell then presented the Heads of the Ordinance by him proposed. Ordered to be translated and to lay upon the Table __

M^r Caldwell also presented “the Heads of an Ordinance for the more Effectual and Speedy Collecting His Majesty
 “ Quints Lods et Ventes &c. Ordered to be translated and to lay upon the Table__.

The President Communicated to the Council the following Letter or Message from His Honor the Lieu.^t Governor which was read in English and French and Ordered to be entered on the Journals viz^t.

Quebec March 21.st 1785

Sir

The Wisdom of the British Legislature having taken into Consideration the inconveniences Attendant upon the remote situation of several of the Members of the Legislatives Council of the Provinces from the Seat of Govern:
 : ment, has allotted a portion of the year for their meeting the least likely to inferere with their several Occupations

This period is to be employed in rectifying the Laws which may be found defective in the Courses of ex :
 perience or in framing new ones such as exigencies may require or any alteration in the state of the Province _
 point out

The Experience the prudence of the Legislative Council will no doubt have Suggested some reforms necessary as well in the Constitution as in the manner of Conducting the business of the Court of Appeals.

The number of Petitions from Loyalists, a deno :
 : mination of His Majestys Subjects claiming and well __
 deserving the protection of the Legislature, demonstrates the necessity of an Adequate provision for the distribution of Justice in their remote Settlements

The probability of a very considerable increase of their number demands the provident attention of the Legislature Body now Assembled—

The impositions practised upon the Indians by the debasing of the Silver employed in the Trade with those People call for Correction by legal restrictions

The

The Regulations so stricly inforced by all Commercial people who are desirous of encouraging Trade by a rigid inspection of all Articles of Export may serve as incitement and furnish example for framing Salutary Laws respecting the different Objects of Commerce in this Country, especially the Manufacturing of Wheat flour for Exportation.

The State of the Navigation of the River S^t Laurence from the Gulf to the Town of Montreal is an object of the first Magnitude, some papers relative to this important Subject have had the Consideration of the Council and are yet before them

I request of you to lay before the Council for their Consideration the Petition sent herewith assuring them that I shall not lose time in Communicating any information which may in the smallest degree affect the Subjects of His Majesty in this Province.

Please to Communicate the above without loss of time to the Legislative Council

I have the Honor to be
with due regard & Esteem
Sir

Your very Obedient
and most Humble Serv^t
(signed) Henry Hamilton

Honble Hugh
Finlay Esq^r Presid^t
of the L. C.
Quebec

The Petition referd to by His Honor was also read
And proved to be the same as the Representation
abovementioned

M^r Caldwell moved That the Message or Letter of
His Honor the L.^t Governor be taken into Considera
tion and an Answer thereto made tomorrow—
Resolved and Ordered Accordingly

Adjourned till tomorrow at 11 oClock

Tuesday the 22^d March 1785

Present

The Honb.^{le} Hugh Finlay Esq^r President

Francois Levesque	John Fraser
John Collins	Henry Caldwell
Adam Mabane	Paul Roc S ^t Ours
George Pownal	Francis Baby
J. G. C. De Lery	Joseph De Longueuil
Picotte de Belestre	Samuel Holland
	George Davison Esq. ^r

Deferr'd the Second Reading of the Ordinance
for Regulating the proceedings in the Courts of Civil
Judicature till Saturday next.

Read the Message or Letter from His Honor the Lieuten.^t ou
Governor of yesterday, Also the Petition therein mentioned

Read and Agreed to an Answer thereto proposed by
M^r Caldwell. Ordered to be entered on the Journals _
The Answer

I am desired by the Honb.^{le} The Legis:
: lative Council to Acquaint you. That your ____
Message of yesterdays date thro' me was communicated
to them and that they will lose no time in deliberating
upon the various matter contained in it, That a
part of it is just now under their Consideration, and
the remainder shall (shall) be weigh'd & treated with
that Attention and respect which they owe to what
ever comes recommended by you
I have the Honor to be &.^a
Sign'd Hugh Finlay. P.^t Leg. C.^l

His Honor
The Lieu^t. Governor

M^r President moved “ for leave to bring in the Heads
“ of an Ordinance for the purpose of repealing the 4th
“ Article of the Ordinance Intitled “An Ordinance for
“ Establishing Courts of Civil Judicature in the Province of
Quebec

“ Quebec” And to Constitute in lieu thereof a
 “ Court of Appeals Agreeable to His Majestys
 “ Instructions to Governor Haldimand dated at
 “ S^t James’s the 16.th July 1779.
 Resolved unanimously in the Affirmative

M^r Delery Chairman of the Committee on the
 Ordinance Concerning Surveyors of Land ____
 presented the Report of the Committee which
 was read & with the Ordinance reported ____
 Ordered to lay upon the Table ____
 Adjourned till Saturday at 11 oClock

Saturday 26.th March 1785

Present

The Honb. ^{le} Hugh Finlay Esq. ^r President	
Francois Levesque	Henry Caldwell
Adam Mabane	Paul Roc S. ^t Ours
George Pownal	Francis Baby
J. G. C. De Lery	Joseph De Longueüil
Picotte de Belestre	Samuel Holland
John Fraser	George Davison Esq. ^{rs}

Several Members of the Council
 viz^t M^r Dunn, M^r Harrison, M^r Collins, &
 M^r Guky being absent from Indisposition and
 the Easter Holydays interveening The Council
 Resolved to deferr the second reading of the
 Ordinance for regulating the proceedings in the
 Courts of Civil Judicature till Wednesday next

M^r President presented the heads of an Ordinance
 by him proposed, for “Establishing a Court of
 Appeal in here of the present” which was ____
 read in English & French, and Ordered to lay
 upon the Table

M^r Attorney General presented his Opinion
 upon the Question on M^r Delerys Motion of the
 7th Instant. Read the same in English &
 French Ordered to lay upon the Table ____

M.^r Caldwell moved “ That the Committee that
 “ has now under Consideration the Regulation of—
 “ Notaries Public May also be directed to take into
 “ Consideration the Admission of Attorneys” Unanimous
 : ly Resolved and Ordered Accordingly
 Adjourned till Wednesday at 11 oClock

Wednesday 30th March 1785

Present

The Honb. ^{le} Hugh Finlay Esq. ^r President	
Thomas Dunn	Picotte de Belestre
Francois Levesque	John Fraser
Edward Harrison	Henry Caldwell
John Collins	Paul Roc S ^t Ours
Adam Mabane	Francis Baby
George Pownal	Joseph de Longueuil
J G C Delery	Samuel Holland &
Conrad Guky__	George Davison Esq. ^{rs}

The order of the day being read for the
 second reading of the Ordinance reported For regulating
 the proceedings in the Courts of Civil Judicature ____
 Resolved to proceed Accordingly _

Read the Preamble in English & French

M^r Mabane moved “That the preamble end at the
 Words, “Ordained and Enacted” and That the Words
 “ That the following shall be the modes of proceeding
 “ to be used and taken in His Majestys Courts of Civil Judicature any Law
 “ usage or Custom to the Contrary Notwithstanding.” Be left Out. The Question
 being put and the Voices standing 16 ayes and 1 no Voted
 and Resolved in the Affirmative.

Read the first Article in English & French

Read also the Second Article.

M^r De Lery moved that the first and second Articles
 of the present Ordinance, Be adopted in room of the
 first & second Articles of the projected Ordinance with
this

this difference that one Judge may be Authorised to Grant a Capias against the Body –
 Before the Question put M^r Delery withdrew his motion, And M^r Fraser moved That the following Article should be adopted in room of the 1.st Article in the projected Ordinance Viz^t
 Article 1.st

“ That in all Causes or matters of property –
 “ exceeding the Sum or value of Ten pounds
 “ Sterling, upon a Declaration presented to any
 “ one of the Judges of the Court of Common Pleas
 “ by any person setting forth the Grounds of ____
 “ his Complaint against a defendant and praying
 “ an order to compell him to appear and Answer
 “ thereto, Such Judge shall be and hereby is
 “ empowered and required in his separate
 “ district to grant such an order whereby the
 “ Plaintiff may have and obtain from the
 “ Clerk of the Court a Writt of Summons in
 “ the Language of the Defendant to be Issued
 “ in His Majestys Name and tested by the
 “ name of such Judge, to be directed to and ____
 “ Executed by the Sheriff of the district where
 “ Such Court shall have Jurisdiction and in
 “ which the Defendant may be or both reside
 “ Commanding such Defendant to be and Appear
 “ in such Court to Answer to the Plaintiff
 “ on the day Appointed in the order on the
 “ Declaration, Which day the Judge will
 “ Appoint, regard being had to the Season of the
 “ Year as well as to the distance of the ____
 “ Defendants Abode or place of Service from the
 “ place where the Court may Sitt.”

The Question being put and the Voices
Standing

Standing 16 Ayes and 1 no Voted and Resolved in the Affirmative

Read the 3.^d and 4.th Articles –

Adjourned till 10 oClock tomorrow—

Thursday 31st March 1785

The Honb.^{le} Hugh Finlay Esq.^r

President and All the other Members, as yesterday

M^r Mabane presented “a List of the different Juries
 “ that have been impanelled in the Court of Common Pleas
 “ at Quebec between the 24.th October 1768 and the 7th of
 “ February 1775” Certified by David Lynd Esq^r. Clerk of said
 Court. Ordered to lay upon the Table for the Consideration
 of the Members

Resolved to proceed to the farther reading the Ordinance as
 reported by the Committee for regulating the proceedings
 in the Courts of Civil Judicature.

Read the 4.th Article in English & French

M^r Harrison proposed an Amendment in the following
 words viz.^t

“ That in all and every Case where one or more Judge
 “ of any Court (of any Court) of Common Pleas is or may be
 “ Satisfyed by the Affidavit of the Plaintiff or his Book keeper
 “ or Clerk or legal Attorney. That the defendent is personally
 “ indebted to the Plaintiff in a Sum exceeding Ten pounds
 “ Sterling, And may also be satisfyed by the Oath of the
 “ Plaintiff or some other person That the Defendant is
 “ immediately about to leave the Province And Whereby &c
 as in the said 4.th Article —

Resolved Unanimously that the Amendment be adopted

Read the 5th and 6.th Articles.

M^r Mabane proposed that the 3.^d Article of the
 present Ordinance should be adopted in room of the
 6.th Article of the projected Ordinance.

M^r Harrison proposed as a previous Question That
 the Consideration of the 6.th Article and M^r Mabaness
 Motion should lay over till the Article concerning
 Juries is determined, Unanimously Resolved and
 Ordered Accordingly. —

Read the 7.th and 8.th Articles

M^r Dunn proposed the following Addition to be made to the 8th Article viz.^t

“And it having been found from experience that the
 “Attaching monies in the hands of third persons by
 “means of a Writt of Saisie & Arret or by seizing the
 “Goods and property of a Debtor by writt of Saisie ____
 “Conservatoire is frequently Attended with very dangerous
 “Consequences and is very detrimental to the Commerce
 “of this province Be it Therefor Ordained and ____
 “Enacted by the authority aforesaid That it shall
 “not in future be lawful for any Judge to grant any
 “such Writt of Saisie & Arret or Saisie Conservatoire any
 “Law usage or Custom to the Contrary notwithstanding”
 The Question being put and the Voices Standing
 8 Ayes and 9 noes Voted and Resolved in the
 Negative *

Read the 9.th and 10.th Articles

M^r Caldwell moved That the 12.th and 16.th Articles
 of His Majestys Royal Instructions dated At S^t
 James’s the 15.th Aprile 1778 Be read
 Read the same in English & French _
 Deferr’d the farther reading of the Ordinance till
 Monday. ____
 M^r Pownal moved That the Registry Ordinance be
 read a Second time tomorrow, Unanimously ____
 Resolved and Ordered Accordingly ____

Adjourned till tomorrow at 11 oClock

Friday the 1.st Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President
 and all the members as before

The order of the day being read for
 the 2^d Reading of the Registry Ordinance
 M^r President presented by order of the Lieutenant
 Governor a Representation of some Citizens of
 Quebec To his Honor, giving reasons why the
 Registry Ordinance should not pass

Read

Voices on this Question

	Yes	No
M. ^r Davison		1
M. ^r Holland		2
M. ^r Longueuil		3
M. ^r Baby		4
M. ^r S. ^t Ours		5
M. ^r Caldwell	1	
M. ^r Fraser		6
M. ^r Bellestre		7
M. ^r Gudy	2	
M. ^r Delery		8
M. ^r Pownal	3	
M. ^r Mabane		9
M. ^r Collins	4	
M. ^r Harrison	5	
M. ^r Levesque	6	
M. ^r Dunn	7	
M. ^r President	8	

Read the same in French. Ordered to lay upon the Table
Resolved to proceed to the Second Reading of the Registry
Ordinance

Read the same in English & French

M^r Delery moved as follows “ Je propose que L’Ordonnance pour
“ les Enregistremens soit entierement rejetté

M^r President moved the previous Questions, “Whether the
“ Question shall be put on M^r Delerys motion in the present Stage
“ of the Ordinance” The Question being put on M^r Presidents
motion And the Voices standing 15 Against the Question being
put on M^r Delerys motion and two for it. Voted and ____
Resolved in the Negative

M Pownal presented several Amendments which were
read And the question being put “Whether the Amend:
: ments shall make a part of the proposed Ordinance. The
Voices Standing 15 Ayes and two Noes. Voted & Resolved
in the Affirmative. Ordered to be Ingross’d ____

M^r Davison moved “That the Sherriff of the District of
“ Quebec be directed to Attend this Board on monday next
“ in order to be examined Viva Voce relative to the number
“ and Quality of Jurors in and near the Town of Quebec
“ previous to the Consideration of the Ordinance for Esta:
“ blishing the Tryal by Jury ”
Resolved Unanimously and Ordered Accordingly ____

On Motion of M^r S.^t Ours Read in English and
French the Commission of Francis Joseph Cugnet Esq.^r
as Secretary to the Governor and Council of the Province
of Quebec for the French Language _ Ordered to ____
lay upon the Table ____

Adjourned till Monday at 11 oClock

Monday the 4th Aprile 1785

Present

The Hon^{ble} Hugh Finlay Esquire President
And the other Members as before.

The Order of the day being Read

The Clerk informed the Council That M^r James
Shepherd the Sherriff of the District of Quebec
Attended.

Resolved That M^r Shepherd be called upon
And being before the Council was Examined as
follows. viz.^t ____

Questions

By M^r Davison.

How long have you been resident
in Quebec?

2.^d

How long have you Acted in
Public Offices in which You
have had Opportunity of knowing
the Inhabitants of Quebec _
Qualified to Serve as Jurors in
Civil Causes? ____ _

3.^d

What number of new Subjects do
you think there are Qualified
to Serve as Jurors in Civil Causes
in Quebec and the Banlieu or
Liberties thereof?

4.th

What number of Old?

5.th

Have you had any Opportunity
or particular Occasion of late to
form a more Accurate Opinion on
this Subject?

Answers

{ That He has been resident
in Quebec since the Conquest
of the Country in 1759__
2.^d

Ans.^{rs}

That He has been in Public
Offices for 20 years

3.^d

Ans.^{rs} That He does not know
above 10 or 15 new Subjects
Qualified to Serve as Jurors in
Civil Causes wethin the
Town of Quebec & Banlieu.

4.th

Ans.^{rs}

That he Supposes there
may be about 60 Old Subjects
Qualified to Serve as Jurors
on Civil Causes in the Town
of Quebec & Banlieu.

5.th

Ans.^{rs}

That He was lately em:
ployed by His Excellency
Gen^l Haldimand in taking
a Recencement or List of-
all the People in the Town
of Quebec & Banlieu thereof
from which, and his know:
ledge of the Inhabitants,
and their designations, He
derives his Information
& forms his Opinion ____

Questions

6.th

Did you know, while the Tryal by Jury in Civil Causes was in force in the Province, of any Inconveniencies That resulted from that mode of Tryal? ____

M^r Mabane

What other Public Employments besides that of Prothonotary to the Supreme Court have you exercised during these 20 Years?

M^r President.

How many Old Subjects are there within the Baily whick or Liberties of Quebec Qualified to Serve as Petit Jurors in Criminal Causes?

2.^d

How many new Subjects ? _____

3^d

Why in the Quarter Sessions of the Peace in Aprile 1784 On M^r Sheriffs, renewed Application That he might be at liberty to employ M^r Duval to collect the names of such persons resident in the Town and Suburbs as might be proper to serve as Jurors, Did he not procure the names According: :ly?

4.th

How were the Jurors for tryal of Civil Causes returned to the Court was it under any Law for ____ regulation of the Qualification of Jurors or were they returned at the Will of the Sheriff as at present? _____

M^r Caldwell

How were the Jurors returned when you was Prothonotary of the Supreme Court?

Answers

Ans.^{rs}

As Prothonotary of the Supreme Court of this Province He has had frequent Occasion to hear the Chief Justice reprimand Juries for their indecent Conduct & behaviour tending to bring the Courts of Justice into disrespect and Contempt with the people at large ____

Ans.^{rs}

Clerk of the Peace
master in Chancery Extraordinary
Clerk of the Court of Appeals
and Sheriff of the District of—
Quebec _____

Ans.^{rs}

I cannot tell never having been furnished with Lists by the Commission^{rs} of the Peace in their General Sessions tho repeatedly Applied for by me to them for that purpose agreeable to the 7.th and 8.th of William the 3.^d Cap 22.^d and Several Subsequent Acts _

2.^d

The same Answer _

3^d

Ans^{rs}

Because It was Contrary to Law——

4th

Ans^{rs}

He was not Sheriff at that time.

Ans^{rs}

He does not know____.

When

Questions

2^d

When you mention the Qualifications of Jurors on the 3^d Question put to you by M^r Davison. I suppose you mean legal Qualifications. Is it so? _____

3^d

What do you understand by a mental Qualification ? _____

M^r President

Does M^r Sheriff Conceive Jurors to be Judges of Law as well as of fact?

M^r Caldwell

Have you a Copy of the Recen:ment you look for this Town & the Liberties thereof by order of Gen^l Haldimand?

2^d

Have you a Copy of the names of the Male Inhabitants heads of families of this Town of the Ages between 21 x 70 _____

3

You said you could not tell how many Old or new Subjects were qualified to Serve as Jurors in Criminal matters. How have you derived your knowledge of the numbers of new and old Subjects Qualified to Serve on Juries in Civil Causes? _____

M De S^t Ours demande

Si en Consequence de sa residence en cette province et des Emplois qu'il a Exercé dans les Cours de Justice Il se soit encor Instruit que le Corps des Jurés dans les affaires Civiles n etoient point Extremement prejudiciables & nuisibles aux nouveaux Sujets.

M^r Caldwell

What is the mode just now—Established for Summoning Grand & Petit Juries in the Courts of Kings Bench and Q.^r Sessions and how are they supposed to be Qualified? _____

Answers

Ans.^{rs} 2^d

He means mental Qualifications

Ans.^{rs} 3^d

Information sufficient to Judge of the merits of the Causes that may come before them _ _

Ans.^{rs}

In England He believes they are. In this Country he Conceives It must depend entirely upon the Law which Constitutes them _

Ans.^{rs}

He has not a Copy of it.

Ans.^{rs} 2^d

He has a List of the names of the Male Inhabitants heads of families But cannot exactly say as to its Correctness as it was taken in a hurry

3

Answered on the 5th Question put by M^r Davison.

Reponse

qu'il là toujours pensé

Ans.^{rs}

They are Summoned Agreeable to the Criminal Laws of England as far as the local Circumstances of the Country will admitt.

Questions	Answers
2 ^d In What respect does the local Circumstances of this Country prevent their _ being Summoned Ac: :cording to the Laws of England ?	Ans. ^{rs} 2 ^d The Great Extent of the District
3 ^d Are they Summoned in the Town & Liberties Ac: :cording to the Laws of England ?_____	Ans. ^{rs} A precepts from the several Courts is directed to him which he Obeys as far as lays in his Power _____

Deferr'd the farther reading of the Ordinance for regulating
the proceedings in the Courts of Civil Judicature till tomorrow
Read the Ordinance Reported by the Committee
concerning Land Surveyors 1st Reading
Resolved That it be read a 2.^d time on Thursday
next.
M^r Caldwell moved "That the Heads of an Ordinance by
" him proposed and laying upon the Table for the more
" Effectual and Speedy Collecting His Majestys Quints Lods et
" Ventes &. ^a be Committed.
Resolved That the Motion be taken into Consideration on
Thursday next.
M^r Caldwell also moved "That the heads of An Ordinance
" by him in like manner proposed and laying upon the Table
" For the more Effectual repairing and Amending the high
" Roads & Bridges of this Province, Be Committed _
Resolved That this Motion be taken into Consideration also
on thursday next.
Adjourned till tomorrow at 10 oClock

Tuesday 5.th Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esquire President
and the other Members as before except M^r
Dunn

Read the Examination of the Sheriff of the
District of Quebec in French

“ M^r President moved “as follows vis.^t “I move
“ That the two Lists which I have in my hand
“ One containing the names of 183 English and 113
“ French Good and Lawful men now residing in
“ the City & Suburbs of Quebec, The other containing
“ the names of 239 good and Lawful English men
“ Inhabitants of the City and Suburbs of Montreal
“ Be laid on the Table for the Information of
“ this Honb.^{le} Council, and that they may compare
“ it with a list taken 12 or 14 years since of Jurors
“ who had Actually served as the Sheriff chose
“ to return them, which list has been brought
“ forward to shew that from the small number of
“ people fitt to Serve on Juries, That mode of
“ tryal in Civil Causes would become an intolerable
“ burthen upon the people, seeing that the
“ Court of Common Pleas Sitts weekly ” Seconded
by M^r Levesque. Resolved Unanimously
and Ordered Accordingly.

Deferr’d the farther reading of the Ordinance
for regulating the Proceedings in the Courts of
Civil Judicature as reported by a Committee.
Till tomorrow.

On Motion of M^r S.^t Ours

M^r Cugnet presented and Read his Opinion upon
the 10.th Article of the proposed Ordinance
relative to the tryal by Jury. Ordered to be
translated into English and to lay upon the
Table.

Resolved That the Registry Ordinance be
read a third time on Thursday next.

Adjourned till tomorrow at 11 oClock

Wednesday 6.th Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President and all
the other Members as before

Read a translation into English of M^r Cugnets Opinion
upon the 10.th Article of the Ordinance with regard to
the Tryal by Jury

Resolved to proceed to the reading of the Ordinance
Reported by a Committee for Regulating the proceedings
in the Courts of Civil Judicature

Read Article 10.th in English and French ____

M^r S^t Ours moved in the Words following “ Je propose

“ qu’il soit mis aux voix si l’Article 10 tel qu’il est

“ dressé par le Comité fera partie de l’Ordonnance pour

“ regler les procédures dans les Cours Civiles de Justice, ou non?

Seconded by M^r Longueüil.

Resolved That the Question be put and being put

1.stQ.ⁿ The voices Standing 2 ayes and 15 noes Voted and Resolved
in the Negative _

M^r President moved “ That it be put to the Vote ____

“ whether Juries shall be granted in Civil Causes under

“ restrictions ”

Resolved, That the Question be put, and being put

2.^dQ.ⁿ The Voices Standing 12 ayes and 5 noes voted and
Resolved in the Affirmative

M^r Levesque proposed the following as a part of the

10.th Article viz.^t “ Que tous procès qui seront intentes,

“ dans aucune des Cours de Plaidoyers Communs fondés _

“ sur dettes, promesses, marchez, Engagements, & conventions

“ concernant le Commerce seulement, et ainsi pour injures

“ personnelles, qui doivent etre compenses en dommages ____

“ seront a l’Option et choix de l’une des parties, plaidées

“ devant un corps des Jurés pour avoir un Verdict tant

“ pour juger et determiner les faits qui doivent etre

“ Etablis en telles Causes que pour Constater les damages

“ pour reparation d’Injures personnelles.

M^r Mabane moved “ That the part of an Article 10.th
proposed

- “ proposed by M^r Levesque lay upon the Table till
 “ tomorrow. ”
- 3.^d Q.ⁿ Resolved that the Question be put, and being
 put the Voices Standing 7 ayes and 10 noes Voted
 and Resolved in the Negative.
 Resolved That the question be put on M^r.
- 4 Q.ⁿ Levesques proposition “Whether, It shall be adopted
 or not as a part of the 10.th Article, And being put
 the Voices Standing 9 ayes and 8 noes Voted and
 Resolved in the Affirmative
 M^r S^t Ours proposed as follows, in amendment of M^r
 Levesques proposition, “Qu’il soit ajouté apres, commerce
 “ seulement, ces mots, Entre Negocians et Negocians,
 “ Marchands & Marchands, réputés et conus comme
 “ tels, suivant la loi”
 Resolved That the Question be put and being
- 5 Qu[“] put. The Voices Standing 15 ayes and 2 noes, Voted
 and Resolved in the Affirmative
 Resolved That the Question be put whether
 The Words following shall make part of the 10th
- 6 Qⁿ Article Viz.^t “Provided always That the Agreements
 “ of nine of the Twelve Jurors who shall compose such
 “ Jury, shall be Sufficient and Effectual to return a Verdict
 “ And that the same so made and Returned shall be held
 “ as legal and Effectual to every intent and purpose in
 “ as much as if the Whole twelve Jurors have agreed therein.
 “ And the Clerk of the Court Shall Sett down the names
 “ of the Jurors on the Register of the Court in every Cause
 “ where Verdicts may be returned as above said”
 The Question being put and the Voices standing 10 ayes
 and 7 noes Voted and Resolved in the Affirmative
- 7 Q.ⁿ Resolved That the Question be put Whether
 The words following shall make part of the 10th Article
 viz.^t “Provided also That in all such Causes and
 “ Actions That may be between His Majestys Natural
 “ Born Subjects of Great Britan, Ireland or the Plantation
 “ and Provinces in America. The Juries in such Causes
 “ shall be Composed of such Natural Born Subjects as
 “ abovesaid

“ abovesaid And in all Causes and Actions between His
 “ Majestys Canadien or _ new Subects The Juries shall be
 “ Composed of such Canadien or new Subjects, And in all
 “ Causes and Actions between Natural Born Subjects and the
 “ Canadiens or new Subjects The Jury shall be Composed of
 “ an equal number of each If such be required by either of the
 “ Parties in any of the above Instances”

N. B.

7.th Ap.^l 85 Copy this far deliv.^d

L.^l Gov.^t to be sent home by the
 way of New York A.G. a. c. c. }

The Question being put and the Voices standing 14 ayes
 and 3 noes voted and Resolved in the Affirmative

Adjourned till tomorrow at 10 o Clock
 The voices on the several Questions of this day were
 as follows _____

	1. st Question		2. ^d Question		3. ^d Question		4 Question		5 Question		6 th Question		7 Question	
	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes
M. ^r Davison _____	1		1		1		1		1		1		1	
M. ^r Holland _____	2	1			1		1		2		1		1	
M. ^r De Longueuil _____	3	2			2		2		3		2		2	
M. ^r Baby _____	4	3			3		3		4		2		3	
M. ^r S. ^t Ours _____	5	4			4		4		5		3		4	
M. ^r Caldwell _____	1		5			2	2			1	3		5	
M. ^r Fraser _____	6		2		3		5		2		4		2	
M. ^r De Bellestre _____	7		3	5		6	6				5	6		
M. ^r Gagy _____	2		6		4	3	7			4		7		
M. ^r DeLery _____	8		4	6		7	8			6		8		
M. ^r Pownal _____	9	7		5	4		9			5		9		
M. ^r Mabane _____	10		5	7		8	10			7		3		
M. ^r Collins _____	11	8		6	5		11			6		10		
M. ^r Harrison _____	12	9		7	6		12			7		11		
M. ^r Levesque _____	13	10		8	7		13			8		12		
M. ^r Dunn _____	14	11		9	8		14			9		13		
M. ^r President _____	15	12		10	9		15			10		14		

Present

The Honb.^{le} Hugh Finlay Esq^r. President
 and the other Members as before
 Deferr'd the Consideration of Colonel Caldwell's
 two Motions of the 4.th Instants for Commitment
 of the heads of two Ordinances by him proposed &
 laying upon the Table, Also the 3^d reading of
 the Registry Ordinance, till monday next
 Read the Journals of yesterday
 Resolved to proceed to the Reading of the Ordinance
 for regulating the proceedings in the Courts of
 Civil Judicature

M^r Léveque proposed the following addition to
 be made to the 10.th Article Viz.^t Et quant a

“ tous proces de quelque valeur qu'ils soient con:
 “ cernans les affaires de propriété, successions, __
 “ Heritages, et, testaments, ventes, et achats de
 “ Biens fonds, Beaux a ferme, et a loyers, et __
 “ generalment toutes affaires qui ne seront pas
 “ reputes etre affaires de Commerce: seront Jugées
 “ et déterminées par les Juges suivant les loix
 “ et Coutumes de cette province sans l'intervention
 “ d'un corps de jurés, amoins que les parties
 “ ne soient mutuellement d'accord de Soumettre
 “ la decision de tels procès a un Corps de Jurés
 “ au quel cas ils leur sera Accordé par les
 “ Juges.”

1st Q.ⁿ Resolved That the Question be put whether the
 addition proposed by M^r Levesque shall make part
 of the 10.th Article. And being put the Voices standing
 4 ayes and 13 noes Voted and Resolved in the
 Negative

Read the 6.th Article in both Languages

Read the third Article of the present Ordinance

M^r Mabane proposed That the 3.^d Article of the
 present Ordinance should be adopted in room of the
6th

- 6.th Article in the projected Ordinance
- 2^d Qu.ⁿ Resolved That the Question be put and being The
Voices Standing 15 ayes and 2 noes Voted and Resolved
in the Affirmative
Read the 9.th Article in both Languages
- 3^d Q.ⁿ Resolved That the Question be put, Whether the
said 9.th Article as it stands shall make part of the
Ordinance. The Question being put and the Voices
standing 8 ayes and 9 noes. Voted and Resolved in the
negative
Read the 11.th Article in both Languages
M^r Mabane proposed that the 7.th Article of the
present Ordinance should be adopted in room of the
11.th Article in the projected Ordinance
Resolved That the Question be put “whether the
11.th Article shall make part of the Ordinance’
- 4th Q.ⁿ and being put The Voices standing 8 ayes and 9 noes
Voted and Resolved in the Negative
Resolved Unanimously that the 7.th Article of the
present Ordinance be adopted in room of the 11.th in the
projected Ordinance
Read the 12.th Article in both Languages
Resolved that the Question be put. Whether the
- 5th Q.ⁿ 12.th Article shall make part of the Ordinance
and being put the Voices Standing 4 ayes and 13 noes
Voted and Resolved in the Negative.
Read the 13.th Article in Both Languages
Read the 14.th Article in both Languages
Resolved that the Question be put whether the
- 6th Q.ⁿ 14.th Article shall make a part of the Ordinance
The Voices Standing 16 ayes and One No Voted and
Resolved in the Affirmative
Read the 15.th Article in both Languages
Read the 16.th Article in both Languages
Resolved Unanimously That the 16.th Article be
rejected.

Read the 17th, 18th, 19th, 20th, 21st, 22^d, 23^d, 24.th and
 25.th Articles in both Languages ____
 Read the 26.th Article in both Languages
 Unanimously Agreed to an Amendment of this
 Article by adding the Words. “persons employed in
 “ the Service of the Post Office, Physicians & Surgeons’
 Adjourned till tomorrow at 10 oClock

The Voices on the Several Questions _____
 of this day were as follows ____

	1 st Question		2 ^d Question		3 ^d Question		4 Question		5 Question		6 th Question	
	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes
M. ^r Davison _____		1	1			1		1		1		1
M. ^r Holland _____		2	2		1		2		2		1	
M. ^r De Longueuil _____		3	3			2		3		3		2
M. ^r Baby _____		4	4			3		4		4		3
M. ^r S. ^t Ours _____		5	5			4		5		5		4
M. ^r Caldwell _____	1			1	2		1		1		5	
M. ^r Fraser _____		6	6			5		6		6		6
M. ^r Belestre _____		7		2		6		7		7		7
M. ^r Gagy _____	2		7		3		2			8		8
M. ^r Delery _____		8	8			7		8		9		9
M. ^r Pownal _____	3		9		4		3		2		10	
M. ^r Mabane _____		9	10			8		9		10		11
M. ^r Collins _____		10	11		5		4			11		12
M. ^r Harrison _____		11	12		6		5			12		13
M. ^r Levesque _____	4		13		7		6		3		14	
M. ^r Dunn _____		12	14			9		7		13		15
M. ^r President _____		13	15		8		8		4		16	

Friday 8th Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esquire President and
the other Members as before

Read the 8.th Article of this present Ordinance for
regulating the proceedings in the Courts of Civil Judicature
referr'd to in the Ordinance Reported by the Committee
together with an Amendment thereto proposed by M^r
Mabane, which was unanimously Agreed to _
M^r Mabane gave Notice That he would move an
Amendment of the 10.th Article of the projected Ordinance
at the 3^d reading the Substance of which he presented
Ordered to lay upon the Table for the Consideration of
the Members

Read the 9.th 10.th 11.th 12.th Articles of the present Ordinance
also referr'd to by the Committee, in both Languages.

Read the 13.th Article of the present Ordinance, also
referr'd to, in both Languages, with an addition thereto
M^r Fraser proposed the following Amendment, which
was Unanimously Agreed to viz^t "Provided always

" That in Cases of Appeal from Judgements in His Majestys
" Court of Common Pleas in the district of Montreal Execution
" shall be Stayed for the space of 20 days, where the party
" meaning to Appeal shall lodge good and Sufficent
" Security in the said Court within 15 days from the date
" of Such Judgements, to prosecute his said Writt of
" Appeal with Effect, and that such Security shall
" be taken as in case of an Actual writt of Appeal
" Issued & admitted."

Read the 14.th 15.th 16.th & 17.th Articles of the present
Ordinance, referr'd to by the Committee, in both Languages.

Read the 18.th Article, in both Languages with the
addition proposed thereto by the Committee

Read the 19.th Article, also the 20.th Article with
the Amendment proposed by the Committee in both
Languages

Read the 21.st Article in both Languages_

Read

Read the 22.^d Article in both Languages
 M^r Mabane proposed that the Words “ Any
 Law, usage, or Custom to the Contrary Notwithstanding’
 be added to the 1st paragraph of this Article
 Unanimously Agreed to.

M^r Delery proposed That an Augmentation should
 be made to the weekly allowance of Debtors confined
 in Prison in the time of Scarcity to be ascertained
 by the Judges in their discretion, such Augmen:
 tation not to exceed 1^{sh}/6^d per week.

Resolved that the Question be put and
 being put The Voices Standing 16 ayes and

1st Qⁿ One no Voted and Resolved in the Affirmative
 Read Article 23.^d of the present Ordinance
 in both Languages

Read Article 27.th of the projected Ordinance
 which was unanimously rejected

M^r Mabane proposed an Additional Article
 to the following purpose, “ Provided always and

“ It is hereby Enacted and Ordained That nothing _
 “ in this Ordinance or any Article thereof Can on _
 “ Ought to be Construed to have Introduced any part
 “ of the English Law which is not expressly men:
 “ tioned, or to have made any deviation from the _
 “ Law and usage of the Province which is not Clearly
 “ and expressly mentioned by the Words, Any Law,
 “ usage or Custom to the Contrary notwithstanding” _

Ordered to be Considered of at the 3^d Reading

M^r Fraser moved an Amendment or addition
 to the 16.th Article of the present Ordinance _
 referr’d to by the Committee, which was unanimously
 Agreed to _

The Ordinance having now been read a _
 Second time Ordered That it be Ingross’d with
 the Amendments Voted, And Read a third time
 tomorrow.

Adjourned till tomorrow at 11 oClock

NB M^r Dunn was the
 negative Voice upon this
 Question of this day ____ }

Saturday 9.th Aprile 1783
Present

The Honb.^{le} Hugh Finlay Esquire President and the other members as before

The Order of the day being read. Resolved to proceed to the 3^d Reading of the Ordinance for regulating the proceedings in the Courts of Civil Judicature now Ingross'd at length and the Articles properly arranged Agreeable to the report of the Committee and the several additions, amendments & Corrections made thereon by the Council

Read the 1.st Article in English & French

Read the 2.^d Article

M^r Fraser proposed an Article in room of the Second Article as follows viz.^t “Provided always That a Copy of the writt of

“ Summons and of the Declaration shall be served on the Defendant
 “ personally or left at His House with some grown person there _
 “ belonging to the family, and in so doing the Service shall be
 “ deem'd Sufficient. Provided Nevertheless That if the Defendant
 “ be absent in the upper Country or lower parts of the Province _
 “ That is to Say When in or upon any place beyond the
 “ Long Sault on the Ottawa River or beyond Oswagatché in
 “ the upper Parts of the Province or in or upon any place
 “ below Cap Cat on the South side and Seven Islands on the
 “ North side of the River Saint Laurence, and where such
 “ defendant hath not been personally served with such Summons
 “ and declaration as abovesaid. That no Execution shall Issue
 “ unless the Plaintiff shall give good and Sufficient Security to
 “ be approved by the Court to refund to the Defendant or his legal
 “ Representative as much as the Defendant Appearing by himself
 “ or his legal Attorney within a year and a day may be able to—
 “ Sett aside and reverse of the said Judgement by such reconsiderations
 “ of the said Judgement in the Court where given as may
 “ be prescribed in the Conditions expressed in the Security to be given
 “ as abovesaid and for rehearing of the Merits of said Cause

1st Qⁿ.

Resolved That the Question be put “whether The Article proposed by M^r Fraser shall come in rooms of the 2^d Article in the Ordinance and being put the Voices Standing 15 Ayes and two noes Voted and Resolved in the Affirmative

Read the 3.^d 4.th 5.th 6.th 7.th 8.th and 9.th Articles
in both Languages

M^r Mabane Agreeable to the notice by him given
yesterday moved as follows viz.^t “Tho’ from every
“ thing which has appeared in this Sessions I am
“ more than ever convinced That neither the Circumstances
“ of the Province nor any urgent necessity requires an
“ innovation from the municipal Law of the Country _
“ of so great importance as the admission of the _
“ Tryal, by Jury in Civil Causes, Yet as the Council has
“ Voted. That it should be adopted under restrictions
“ I think it is the duty of every member to Suggest
“ the mode which appears to him most Conduceive to
“ the good or the least hurtful in his Idea to the
“ Interests of the people, I therefore propose that
“ in place of the 10.th Article reported by the Committee
“ and rejected by the Council, now standing the 9.th
“ in the Ordinance, one to the following purpose
“ should be Substituted viz.^t That it be Enacted, any
“ Law usage or Custom to the Contrary notwithstanding
“ That in Actions or Suits at Law in the Courts of __
“ Common Pleas Grounded on Debts, Promises Contracts
“ and Agreements of a Mercantile nature between _
“ merchant and merchant Trader and Trader, and in
“ all Actions & Suits where Compensation is to be made
“ for personal Wrongs. The Tryal by Jury may be had
“ to Establish the matter of fact in the first Cause and
“ to Assess the Amount of Damages in the other, Provided
“ nevertheless That it is clearly understood That in Actions
“ or Suits at Law between persons who are not natives
“ of the Province, and in Actions or Suits between persons
“ who are Natives of the Province The Tryal by Jury
“ shall be had at the desire of either of the Parties and
“ That in such Actions and Causes as above where one
“ of the Parties only shall be a native The Trial by Jury
“ is not to be had except at the desire of both Parties
And

“ and in all Causes or Suits between persons not Natives of
 “ the Province The Jury shall be Composed of persons who
 “ are not Natives of the Province, and in all Causes or Suits
 “ between Natives The Jury shall be composed of Natives only
 “ and in all Causes and Suits where one of the parties, may
 “ be a Native and the other not a native The Jury shall
 “ be Composed one half of Natives and the other half of persons
 “ not natives”

Resolved that the Question be put, Whether the Pro:
 2^d Q.ⁿ: position of M^r Mabane shall be adopted or not And
 being put, The Voices standing 6 ayes and 11 noes Voted
 and Resolved in the Negative

Read till the 23^d Article inclusive, Article by Article in
 both Languages.

M^r Fraser moved That the farther reading of the Ordinance
 3^d Q.ⁿ might be postponed till monday. Resolved That the Question
 be put and being put The Voices standing 14 ayes and
 3 noes Voted and Resolved in the Affirmative

Adjourned till Monday at 10 oClock__

* The Voices on the Several Questions of this day
 were as follows __

	1 st Question		2 ^d Question		3 ^d Question		
	Ayes	Noes	Ayes	Noes	Ayes	Noes	
M. ^r Davison		1	1		1		
M. ^r Holland	1			1	2		
M. ^r Longueuil	2		2		3		
M. ^r Baby	3			2	4		
M. ^r S. ^t Ours	4			3	5		
M. ^r Caldwell	5			4		1	
M. ^r Fraser	6		3		6		
M. ^r Belestre	7		4		7		
M. ^r Gagy	8			5		2	
M. ^r Delery	9		5		8		
M. ^r Pownal		2		6	9		
M. ^r Mabane	10		6		10		
M. ^r Collins	11			7	11		
M. ^r Harrison	12			8	12		
M. ^r Levesque	13			9	13		
M. ^r Dunn	14			10	14		
M. ^r President	15			11		3	

Monday 11.th Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esquire President and the
other Members as before
Resolved to proceed to the further reading of the Ordinance
for regulating the proceedings in the Courts of Civil Judicature
Read till Article 34.th in both Languages

M^r Fraser proposed an Amendment on the 33^d Article
which was unanimously Agreed to

M^r Caldwell also proposed an Amendment in the following
words viz.^t “And that Lands en roture shall be sold at the

“ door of the Church of the parish where Seized”

Resolved That the Question be put Whether the

1st Q.ⁿ Amendment Proposed shall be adopted or not And
being put The Voice Standing 14 ayes and 3 noes____

Voted and Resolved in the Affirmative

Read the 34.th Article in both Languages

M^r Fraser proposed an Amendment of this Article
which was unanimously Agreed to

Read till Article 37.th in both Languages

M^r Fraser also proposed an Amendment of this Article
which was Unanimously Agreed to

Read Articles 38.th and 39.th in both Languages

Resolved That the Question be put upon M^r,

Mabanes proposition of yesterday, “Whether the Article

2^d Q.ⁿ “ by him proposed shall make part of the Ordinance
or not The Question being put and the Voices standing
8 ayes and 9 noes Voted and Resolved in the Negative

Settled the Title of the Ordinance to be as follows

viz.^t “An Ordinance To regulate the proceedings in

“ the Courts of Civil Judicature and to Establish Trials

“ by Juries in Actions of a Commercial nature and

“ personal wrongs to be Compensated in Dammages

The Ordinance having been now read a Third time

Resolved That the Question be put whether

this Ordinance shall pass into a Law _ And

3^d Q.ⁿ being put the Voices Standing 13 ayes and 4 noes

Voted and Resolved in the Affirmative

Ordered that the Ordinance be Ingross'd with
the Amendments voted.
Deferr'd the Reading of the Registry Ordinance till Wednesday
next
Deferr'd also the Consideration of M^r Caldwell's two Motions
for the Committment of the Heads of two Ordinances by
him proposed & laying upon the Table till Wednesday

Adjourned till Wednesday at 11 oClock

The Voices on the Several Questions of this day were
as follows Viz^t

	1. st Question ayes noes		2. ^d Question ayes noes		3. ^d Question ayes noes		
M. ^r Davison	1		1			1	
M. ^r Holland	2			1	1		
M. ^r Longuetil	3		2		2		
M. ^r Baby	4		3		3		
M. ^r S. ^t Ours	5		4		4		
M. ^r Caldwell	6			2	5		
M. ^r Fraser	7		5			2	
M. ^r Belestre	8		6		6		
M. ^r Gudy	9			3	7		
M. ^r Delery		1	7			3	
M. ^r Pownal	10			4	8		
M. ^r Mabane		2	8			4	
M. ^r Collins	11			5	9		
M. ^r Harrison		3		6	10		
M. ^r Levesque	12			7	11		
M. ^r Dunn	13			8	12		
M. ^r President	14			9	13		

Wednesday 13 Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President __ and
the other Members as before except M^r Gagy
Deferr'd the 3.^d Reading of the Registry Ordinance
till Friday,

M^r Delery moved That the Ordinance for __
Regulating Surveyors be read a Second time
tomorrow Resolved unanimously and Ordered
Accordingly

Resolved That the Ordinance for the Establishment
and Regulation of Fees which expires with
the present Sessions be taken into Consideration
on Monday next.

Read the heads of an Ordinance For The
more Effectual and Speedy Collecting His Majestys
Quints Lods et Ventes &.^a

M^r Caldwell moved That these Heads may be
Referr'd to a Committee.

Resolved That the Question be put, Whether the
Heads shall be Committed or not. And being put

1.st Q.ⁿ The Voices Standing 4 Ayes and 12 noes Voted and
Resolved in the negative

Deferr'd the Consideration of M^r Caldwels motion for
Committing the heads of an Ordinance Concerning
High Ways and Bridges, till tomorrow

M^r President Moved "That the Heads of an Ordinance
by him proposed & laying upon the Table for _
Regulating the Court of Appeals, and also the
Heads of another Ordinance by him proposed for
preventing the Exportation of Unmerchantable Grains &.^{ca}

Be taken into Consideration tomorrow

Resolved Unanimously and Ordered Accordingly

In English & French

M^r Mabane presented & read ^ His reasons of ____
dissent from the Resolutions of the Council upon
the Ordinance for regulating the proceedings in the Courts
of Civil Judicature &.^{ca} as follow viz.^t

Having

“ Having during the Course of the Sessions declared myself
 “ averse to Innovations in general in the present Circumstances
 “ of the Province, I think it my Duty now to enter upon the
 “ Journals my reasons of dissent from a Resolution of the Council
 “ whereby the Trial by Jury in Civil Causes is adopted under
 “ restrictions

The Ground work of this Material Change in the municipal Laws of Canada is said to be the 12.th and 16.th Articles of The Kings Instructions, the first of which was sent to His Excellency Governor Carleton in the year 1774 or 5 Soon after the Act of Parliament which regulates the province of Quebec had been pass'ed, and the second of Aprile 1778 was transmitted in that year to His Excellency Governor Haldimand subsequent to the Ordinances which had been made by the Legislature of this Country. I Therefor put a very different Construction upon the Royal Instruction from that, which those who have voted for the Innovation have done. The 12.th Article of the Instruction recommends to the Consideration of the Council, Whether the Law of England may not be at least in part the rule of decision in personal Actions &.^{ca} And the 16.th Article, Transmitted to the Governor in 1778 Makes mention of Ordinances having been framed and Ordained for Establishing Courts and directing a proper mode of administering Civil and Criminal Justice conformable to the Spirit & Intention of the Act of Parliament therein mentioned, And Recommends the Continueing amending or inforcing such Ordinances or making any farther and necessary change and regulation in the Courts Established or in the modes of Administring Justice Provided That such Ordinances be Strictly conformable to the Act of Parliament and the Tenor of these Instructions I am therefor fully persuaded however inclined His Majesty might be to recommend useful and necessary deviations from the Laws of this Province Established by the Quebec Act no Such material & fundamental Alteration as that of the Introduction of the Trial by Jury could be meant or intended, Because such would be Contrary to the Spirit and Intention of the Act of Parliament, which with a Generosity and liberality becoming the British Nation gives to the Canadiens their Own Laws, Customs, and usages

2.^{dly} Experience has Shewn numberless inconveniencies attending the Trial by Jury in this Province whilst that mode

mode Subsisted from the year 1764 to the year 1775. Few people who were then in the province can be ignorant of these inconveniences of how little Acceptable the mode of Tryal by Jury was to the People or how hurtful it _ was to their Interests. Juries were at that time ____ Optional but instead of being in repute, It is a fact well known That toward the latter years of the period in which they Subsisted few Causes were tried by Jury. It appears by an Authenticated list or Extract from the Records of the Court of Common Pleas for the District of Quebec laid before the Council That for upwards of seven years from October 1768 to February 1775 there were only 58 Causes tried by Jury in that Court and of these several were Absentee Causes or Suits brought against persons absent from the province, which by an Ordinance behooved to be laid before a Jury and therefor cannot be said to have been at the desire of either party. The Petitions of the Canadiens which procured the Quebec Act (14 Geo 3^d Cap 83) and the undeniable Evidence which the preamble of _ that Wise & Salutary Law affords of the Sense, _ which the Parliament of Great Britain at that time entertained with regard to the impropriety of _ Changing the Laws and usages of a numerous _ people and of an Extensive Country, as well as the inadequatness of the System which had been Introduced in room of the ancient Law, of which the Trial by Jury in Civil Cause at the Option of the Parties was a principal part, Is in my Opinion Conclusive, because every circumstance and every Argument against such a Change Operates as powerfully at this day as it did then, and perhaps more so from the late Revolution.

Revolution in America _ I therefor cannot agree with those who in making Regulations for this Country pay not Sufficient Attention to the total difference of Circumstances in almost every particular from those of England where the Trial by Jury has been Coeval with the Law itself _ Indeed nothing can afford more convincing proof of the impropriety of the Trial by Jury in Civil Causes than the Stretches that have been made to Accommodate it to these Circumstances Viz.^t By making the Agreement of nine of the Jurors a verdict, and by Changing the Qualification of Jurors _ from the Laws of England. These Circumstances suffice to Shew that this Province is unfitt to receive the Trial by Jury as practised in England. The unanimity of the 12 Jurors is considered by many Authors as one of the Excellencies of the Institution & from the difficulty of finding Jurors in this Country unconnected by Interest and friendships with the Parties this deviation from the Law of England appears to me peculiarly unfavorable to the London Merchant as well as to the Canadian _ Merchant or Trader. The Qualification of Jurors instead of being debased from what the English Law requires perhaps Ought to have been Augmented.

3.^{dly} The Changes from the French Law that were made by the Ordinance of 1777 in favour of____, Commerce, such as, the Introduction of the English Law of Evidence in Commercial Cases, and the Attachment of the person as well as of the Effects for Satisfaction of all Debts due to merchants for Goods by them Sold, Shew'd no want of Attention to the Interests of Trade and his Majestys 12th _ Instruction, And therefor no doubt could be entertained, That the Council would, as far as in Justice it Ought, Extend its Deliberations in favour of Commerce and in protection of the British Merchant

Merchant, But much might have been done without going so far as to Erect a new Tribunal in the Country _ unknown to its fixed Laws, and which in practise will be found in many respects incompatible with them. _ The Nomination of Experts known to the French Law served the useful purpose of Establishing the matter of fact independent of the Judges in difficult and uncommon Cases, as well as proving the practise therein and fixing Valuations on all disputed property and Workmanship; and in Settling intricate matters of Account &.^{ca} the French Law provides Arbiters _ In these Cases the Law is written and the decision of the Courts is Subject to Review, Whereas by the Introduction of Juries the Canadien Merchant or Trader sees no longer the rule of decision of— his property in litigation which is or may be absorbed in the General Verdict of a Jury

4.^{thly} Tho' Convinced by the Experience of 24 _ years constant residence in the Country and 20 years study and practice of the Law as a Judge That the Tryal by Jury in Civil Causes was improper in general; yet as the Council had voted the Contrary, I thought it my duty to propose in my turn that mode which I conceived the least prejudicial to the Canadiens, and Accordingly did make a proposition of the 9.th Instant entered upon the Journals, But the Council rejected it tho' it complied in every thing with the desires of the British Subjects, except that it gave to the Canadien Merchant in his disputes with them in Commercial Cases, the Choice of having his property decided Agreeable to the Laws & usages of his Native Country, which by the Act of Parliament are granted to him without reserve And that he should not be forced into a mode of Tryal to which he might be averse _

5.^{thly} When I consider the 9.th and 10.th Articles of the Ordinance proposed by the Committee of which a Copy is Annexed, I thought it my duty to propose an _ _ Additional Article which is inserted upon the Journals and which could serve no end but to quiet the minds of the Canadiens and reconcile them to the Change made in the Ordinance, by giving them the most positive assurances That nothing which was not clearly express'd was _ _ innovated _ This Article however Salutory was rejected solely by the same majority which at the Commencement of the Sessions Voted Against Postponing the Consideration of the new Ordinance till next Sessions. I have farther to observe That the time was improper for changes of this nature and that more compleat Evidence of the necessity or practicability of introducing Juries in Civil Causes than Vague Lists of names laid upon the Table, should have been produced to the Council, A minute enquiry ought to have preceded the business and every necessary preparation made before hand.

For these Reasons I dissent from the Resolution of the Council and shall be much satisfied of Experience shall prove that I am wrong in my Opinion and that the innovation will be found useful to the People

(signed) A Mabane

1.st

Copy Articles 9.th and 10.th referr'd to, as proposed by the Committee and rejected by the Council.

Art 9.th And Be it Ordained and Enacted That in all Causes, Suits, and Actions to be prosecuted in any of His Majestys Courts of Common Pleas or removed in Appeal therefrom, which shall be grounded upon Debts, promises, Contracts and Agreements of a mercantile nature the same shall be heard, Considered and adjudged according to the Ordinances of this Province in that respect particularly Provided and the Commercial and Common Law of England save and except as herein after Provided.

Art 10.th That all and every person having Suits at Law and

Actions

Actions in any of the said Courts of Common Pleas __
grounded on debts promises Contracts and Agreements
whether of a Mercantile or other nature, And also of
wrongs proper to be Compensated in damages, may at
the Option & Choice of either Party have and Obtain the
Trial and Verdict of a Jury as well for the Assessment
of Damages on personal wrongs Committed as the deter:
: mination of Matters of fact To be established in any such
Cause, and that the Verdict of such Jury shall be
Binding upon the parties in every respect and so far as
the same by the Laws of England; the verdict of a Jury
legally could or ought to be of validity force & Effect
Provided always That the Agreement of nine of the
twelve Jurors who shall compose such Jury shall
be Sufficient and Effectual to return a verdict and
that the same so made and returned Shall be held
as legal and Effectual to every intent & purpose in
as much as if the whole twelve Jurors had agreed
therein. And the Clerk of the Court shall Sett down the
names of the Jurors on the Register of the Court in every
Cause where Verdicts may be returned as abovesaid
Provided also That in all such Causes and actions _
That may be between His Majesty Natural born
Subjects of Great Britain, Ireland or the Plantation and
Province in America, The Juries in such Causes, shall
be Composed of such natural born Subjects as above
said, and in all Causes and Actions between His
Majestys Canadien or new Subjects the Juries shall
be Composed of such Canadien or new Subjects, and
in all Causes and Actions between natural born__
Subjects, and the Canadien or new Subjects, The
Jury shall be composed of an equal number of each
if such be required by either of the Parties in any
of the abovementioned Instances”

Adjourned till tomorrow at 11 oClock
The Voices on the Question of this day were as follows viz.^t

M. ^r Davison	1		M. ^r Delery		6
M. ^r Holland	2		M. ^r Pownal		7
M. ^r Longueüil		1	M. ^r Mabane		8
M. ^r Baby		2	M. ^r Collins		9
M. ^r S. ^t Ours		3	M. ^r Harrison	4	
M. ^r Caldwell	3		M. ^r Levesque		10
M. ^r Fraser		4	M. ^r Dunn		11
M. ^r Belestre		5	M. ^r President		12

Thursday 14th Aprile 1785_____

Present

The Hon^{ble} Hugh Finlay Esquire President and the other
Members as before except M^r Guky

Read the Ordinance concerning Land Surveyors Article by
Article in English and French

M^r Delery proposed an Amendment of the 5th Article by
adding the words “Scavoir, La Toise de six pieds mesure du Chatelet [^] de Paris

1st Q.ⁿ“ La perches de trois Toises ou dix huit pieds, L’Arpent de dix perches
“ et la lieus de Quatres vingt quatres arpens”

2^d Q.ⁿ Resolved that the Question be put whether the amendment
shall be adopted or not, and being put the Voices standing
7 Ayes and 9 noes Voted and Resolved in the negative
Resolved that the Question be put whether the 8.th Article
shall make part of the Ordinance or not ? And being put the
Voices Standing 2 ayes and 14 noes Voted and Resolved in
the negative

Ordered That the Ordinance be read a third time on Wednes
day next.

Resolved to Adjourn till tomorrow in order to Attend His
Honor the Lieutenant Governor as a Council of State, and
That the business of today be proceeded upon tomorrow.

Adjourned Accordingly

The Voices upon the Questions of this day were as follows

	1 st		2 ^d		
	Question ayes	noes	Question ayes	noes	
M. ^r Davison	1			1	
M. ^r Holland		1		2	
M. ^r Longueuil	2			3	
M. ^r Baby		2		4	
M. ^r S. ^r Ours		3		5	
M. ^r Caldwell	3		1		
M. ^r Fraser		4		6	
M. ^r Belestre	4			7	
M. ^r Delery	5		2		
M. ^r Pownal		5		8	
M. ^r Mabane	6			9	
M. ^r Collins		6		10	
M. ^r Harrison	7			11	
M. ^r Levesque		7		12	
M. ^r Dunn		8		13	
M. ^r President		9		14	

Friday 15.th Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esquire President and
the other members exept M^r Guky —

Resolved to Adjourn till monday at 11 oClock
in order to Attend His Honor the Lieutenant Governor
as a Council of State

Adjourned Accordingly

Monday 18.th Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esq.^r President and the
Members as before except M^r Guky M^r Collins
and M^r Levesque

The Order of the day being read Resolved
to proceed to the Consideration of the Ordinance for
the Establishment and Regulation of Fees —

1st Q.ⁿ

Resolved That the Question be put whether
the Ordinance shall be Committed or not, And
being put the Voices standing 7 ayes and 6 noes
Voted and Resolved in the Affirmative
M^r Pownal was absent when this vote pass'd _
Resolved That a Committee of the whole Council
do take the Ordinance into Consideration on thursday
next

On motion of M^r Pownal, Deferr'd the third
Reading of the Registry Ordinance till Wednesday
next.

Deferr'd the Consideration of M^r Caldwell's motion
for Commitment of the Heads of an Ordinance
concerning High Ways and Bridges till tomorrow

Read the Heads of an Ordinance to repeal the
4.th Article of an Ordinance, Intitled "An Ordinance
for Establishing Courts of Civil Judicature in the
Province of Quebec and to Constitute ^a a new Court
of Appeals in lieu of the Court of Appeals now—
existing, in conformity to His Majestys Instruction
of the 16.th July 1779 —

Resolved that the Question be put, whether
those

2^d Q.ⁿ those Heads shall be Committed or not, and being put
 the voices standing 4 ayes and 10 noes voted and _
 Resolved in the Negative
 Read the Heads of an Ordinance to prevent the Exportation
 of Unmerchantable Grain flour & Biscuit from the port of
 Quebec
 Resolved Unanimously That a Committee be appointed
 to Examine these Heads to consist of the following Members
 viz^t. M^r Dunn M^r Levesque M^r Harrison M^r Caldwell
 M^r Baby & M^r Longueuil with any other Member who
 may choose to attend thereat
 M^r President moved for leave to bring in “the heads of
 “ an Ordinance To Grant to the new Settlers at Cataraqui
 “ and the Townships above that place, and at Gaspey and
 “ the Bay of Chaleurs in the Lower parts of the Province
 “ the means of Settling differences and recovering small
 “ debts in a Summary way “ Unanimously Resolved in
 the Affirmative
 M^r President then presented the Heads of the Ordi:
 : nance which were Read. Ordered to lay upon the
 Table till Wednesday next and then to be taken into
 Consideration

Adjourned till Wednesday at 11 oClock

The Voices on the Questions of this day were as follows

	1 st		2 ^d		
	Question ayes	noes	Question ayes	noes	
M. ^r Davison		1		1	
M. ^r Holland	1			2	
M. ^r Longueuil		2		3	
M. ^r Baby		3		4	
M. ^r S. ^t Ours		4		5	
M. ^r Caldwell	2		1		
M. ^r Fraser	3			6	
M. ^r Belestre		5		7	
M. ^r Delery	4		2		
M. ^r Pownal (Absent 1 ^o Q ^e)			3		
M. ^r Mabane		6		8	
M. ^r Harrison	5			9	
M. ^r Dunn	6			10	
M. ^r President	7		4		

Wednesday 20th Aprile
1785

Present

The Hon^{ble} Hugh Finlay Esquire President and
 the other Members as before except M.^r Levesque
 M.^r Guky and M.^r Caldwell

M.^r Fraser Chairman of the Committee for Regulating
 Notaries Public and Attornies Presented their report
 with the Draught of an Ordinance for that purpose
 Ordered to be translated into French and read a
 first time tomorrow

Read the Registry Ordinance Article by Article
 in English & French 3^d Reading

M.^r Dunn proposed an Amendment as follows__

“ That the Obligation to Register Deeds be confined to
 “ all deeds whereby the Real or personal Estates of All
 “ persons concerned in Trade or Commerce are mortgaged
 “ or incumbered”

M.^r Davison moved as a previous Question, “That
 “ the Consideration of M.^r Dunns Proposition and the
 “ Question Whether the Registry Ordinance be passed
 “ into a Law, Be deferr’d till the 25.th Instant in order
 “ that the Members absent this day from Indisposition
 “ may have an Opportunity of being present thereat”

Resolved Unanimously and Ordered Accordingly
 Deferr’d the Consideration of M.^r Caldwell’s motion
 for Commitment of the Heads of an Ordinance
 concerning High Ways and Bridges till the
 25.th Instant

Read the Heads of an Ordinance proposed by
 M.^r President and laying upon the Table. To
 grant to the new Settlers at Cataraqui and the
 Townships above that place and at Gaspey and
 the Bay of Chaleurs in the Lower parts of the
 Province The means of Settling differences and
 recovering Small debts in a Summary way
 Resolved that the Question be put whether
 these

1st Q.ⁿ These heads shall be Committed or not? And being put
 The Voices Standing 8 ayes and 6 noes Voted & Resolved
 in the Affirmative
 Ordered that the Committee consist of the following
 members viz.^t M^r Dunn M^r Mabane M^r Fraser
 M^r Collins M^r Holland and M^r Davison ____
 Compared The French Translation of the Ordinance
 for regulating the proceedings in the Courts of Civil Judicature
 &. ^{ca} with the Ordinance and found the same to be just

Adjourned till tomorrow at 11 o Clock

The Voices upon the Question of this day were as
 follows

	ayes	noes	
M. ^r Davison	1		
M. ^r Holland	2		
M. ^r Longuetil		1	
M. ^r Baby		2	
M. ^r S. ^t Ours		3	
M. ^r Fraser		4	
M. ^r Belestre		5	
M. ^r Delery	3		
M. ^r Pownal	4		
M. ^r Mabane		6	
M. ^r Collins	5		
M. ^r Harrison	6		
M. ^r Dunn	7		
M. ^r President	8		

Thursday 21st Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esquire President

Thomas Dunn	John Fraser
Edward Harrison	Henry Caldwell
John Collins	Paul Roc S ^t Ours
Adam Mabane	Francis Baby
George Pownal	Joseph de Longueuil
J. G. C. Delery	Samuel Holland &
Picotte de Belestre	George Davison Esq. ^{rs}

Deferr'd going into a Committee upon the Ordinance
for the Establishment and Regulation of Fees

Read the Ordinance for Regulating Attornies
and Notaries Public, Article by Article in
English & French 1.st Reading

Read the Ordinance Concerning Land Surveyors
Article by Article in English & French 3^d reading

M^r Delery proposed as an addition to the 6th
Article what follows viz.^t Que les Arpenteurs soient
Obligés de faire leurs proces verbeaux dans la
forme ci apres prescrite, excepté lors qu'ils n'aient
pas fait l'operation de Mesurer une terre en entier,
dans lequel cas, Ils ne suivront de la dite forme,
que ce qui en seroit necessaire, Et que dans celui
ou ils auroient levé un plan Ils mettront dans
leurs dit proces Verbeaux les Rivières, Ruisseaux, leurs
Cours, Et aussi les montagnes qu'ils auront reconnue

“ L'An mille Sept cent. _____ le _____ du Mois de
“ a la requete de _____ Je _____ Juré Arpenteur
“ Sousigné me suis expres transporté en la Seigneurie
“ de (S'il i a une ou plusieurs rivières qui coupe le fief
“ Il fera mention de quel Coté il aura operé de meme
“ que si cel au bord du fleuve ou a quel rang de
“ Profondeur) Dans le District de Quebec ou de Montreal
“ Ou Etant apres avoir examiné Son Titre en datte
“ du _____ donné par _____ J'ai connué qu'il
“ lui Apartien _____ de terre de front sur
“ de

“ de profondeur/ J’ai Mesuré ____ de front sur une ligne
 “ allant du ____ au ____ par ____ degres de cor :
 “ rection de la Bousolle; ou declinaison, ou varriation
 “ Entre la Terre de ____ qui est du Coté du ____
 “ Et celle de ____ qui est du Coté du (ou aux terres non
 “ Concedés s’il ni a point de voisin) Et a Chaques Extremité de
 “ la dite distance j’ai planté une Borne de pierre de la
 “ longueur de ____ Et mis de Sous de la Potherie Plombé, de
 “ La Brique ou du Machefer, des quelles dites Bornes
 “ J’ai élevé des perpendiculaires allant en Profondeur sur le
 “ Rumb de Vent de ____ declinant &.^{ca} (comme c’y dessus)
 “ que j’ai mesuré jusqu a la distance de ____ des Susdites
 “ Bornes, pour remplir le dit Titre, le tout en presence et
 “ du Consentiment de ____ et de ____ partie Interressés
 “ ou de ____ Habitans de ____ temoins ou porte Chaine ____
 “ qui ont Signé ou ont déclaré ne scavoir Signé de ce
 “ Apres lecture faite Suivant L’Ordonnance, le tout pour
 “ Servir aux parties ce que de raison)

Resolved That M^r Delerys proposition lay upon the Table
till tomorrow

Resolved That the following Addition be made to the 7.th
 Article viz.^t And also to a fine of Twenty Pounds to be recovered
 By Bill Plaint or Information on His Majestys Court of Common
 Pleas for the District where the Offence shall be Committed, One
 half of which fine shall be to the Informer or prosecutor and
 the other to His Majesty

Adjourned to the Chatteau S^t Louis
 The Same 21.st April 1785
 At the Council Chamber in the Chatteau S^t Louis

Present

The Honb.^{le} Henry Hamilton Esquire Lieutenant Governor
 and Commander in Chief
 The Honb.^{le} Hugh Finlay Esquire President of the Council
 and the other Members. ____

2^d x Read an Ordinance Chapter 2^d Intitled an Ordinance
 to Regulate the Proceedings in the Courts of Civil Judicature and
to

to Establish Trials by Juries in actions of a Commercial Nature, and personal wrongs to be Compensated in Damages

+ 1.st Read an Ordinance Chapter 1st Intitled “An Ordinance for further Continueing An Ordinance made the twenty ninth day of March in the 17.th year of His Majestys Reign, Intitled An Ordinance for regulating the Militia of the Province of Quebec and rendering it of more General Utility towards the preservation and Security thereof”

His Honor the Lieutenant Governor Signed these two Ordinances and passed them under the Public Seal of the Province
Ordered to be Published in the Quebec Gazette
Adjourned till tomorrow at 11 oClock

Friday 22^d April 1785

Present

The Honb.^{le} Hugh Finlay Esquire President

Thomas Dunn	John Fraser
Edward Harrison	Henry Caldwell
John Collins	Paul Roc S. ^t Ours
Adam Mabane	Francis Baby
George Pownal	Joseph de Longueuil
J. G. C. Delery	Samuel Holland &
Picotte de Belestre	George Davison Esq. ^{rs}

The Council Resumed the Consideration of M.^r Delerys proposition of yesterday __
Resolved Unanimously that the Procés Verbal proposed by M^r Delery and now Amended by the Council Do make part of the Ordinance

Resolved Unanimously That this Ordinance Do pass. _

Read the Ordinance for Regulating Attornies and Notaries Public 2^d Reading

Unanimously Agreed to an Amendment of the 1st Article

Resolved That the Question be put upon the second Article whether the period of Service to entitle a person to be admitted Notary Public shall be five years or any lesser period of time. And being put the Voices Standing 9 for the 5 years and 6 against it voted and Resolved Accordingly __

1st Qⁿ

M^r Dunn proposed That those persons who hold At present the two Commissions of Attorney and Notary Public should remain unaffected by the Ordinance Resolved That the Question be put Whether

2^d Qu.ⁿ

M^r Dunns proposition shall be adopted or not, and being put the voices standing 4 ayes and 11 noes, Voted and Resolved in the negative

M^r Dunn presented the reports of the two _____ Committees on the Ordinances proposed for preventing the Exportation of Unmerchantable Grain Flour &. ^c and “For Granting to the new Settlers at Cataraqui and the Townships above that place, And at Gaspé and the Bay of Chaleurs in the Lower Parts of the Province the means of Settling differences & recovering small debts in a Summary way”, with the Draughts of these two Ordinances

Ordered to be translated and read a first time tomorrow

Deferr’d going into a Committee on the Ordinance for the Establishment & regulation of Fees till tomorrow _

M^r President moved as follows “I move (in Consequence
“ of the remarks made on the Militia Law by His
“ Majestys Representative in the Council of State on
“ Friday and Saturday last) For leave to bring in
“ An Ordinance for regulating the price of Public
work

“ work done for the Kings Service in time of
 “ peace, as a necessary Step towards attaching
 “ the Habitants more and more to the Kings
 “ Government”

Ordered to lay upon the Table till tomorrow

Adjourned till tomorrow at 10 oClock

The Voices on the Questions of this day were
 as follows _

	1 st		2 ^d		
	Question ayes	noes	Question ayes	noes	
M. ^r Davison	1			1	
M. ^r Holland	2			2	
M. ^r Longueüil	3			3	
M. ^r Baby		1		4	
M. ^r S. ^t Ours		2		5	
M. ^r Caldwell		3		6	
M. ^r Fraser	4			7	
M. ^r Belestre		4		8	
M. ^r Delery		5	1		
M. ^r Pownal	5			9	
M. ^r Mabane	6			10	
M. ^r Collins	7		2		
M. ^r Harrison		6	3		
M. ^r Dunn	8		4		
M. ^r President	9			11	

Saturday 23.^d Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esquire President

Edward Harrison

Henry Caldwell

John Collins

Paul Roc S^t Ours

George Pownal

Francis Baby

J. G. C. Delery

Joseph De Longueüil

Picotte de Belestre

Samuel Holland &

John Fraser

George Davison Esq.^{rs}

Read in English & French the Heads of

an

“ an Ordinance For Granting to the new Settlers at
 “ Cataraqui and the Townships above that place
 “ and at Gaspey and the Bay of Chaleurs in the
 “ Lower Parts of the Province, The means of—
 “ Settling differences and recovering Small debts in
 “ a Summary way _ 1st reading
 Read in English and French The Heads of an
 “ Ordinance for preventing the Exportation of—
 “ Unmerchantable Grain flour &. ^{ca} 1st Reading
 Ordered to be read a Second time on Monday
 next.

M^r President moved “That the Ordinance
 “ which empowers the Commissioners of the Peace
 “ to regulate the Police of the Towns of Quebec
 “ and Montreal for a limited time which expires
 “ at the end of this Session, be renewed” _

Resolved Unanimously that the motion be
 taken into Consideration on Tuesday next
 The Council Resumed the Consideration of
 M^r Presidents motion of yesterday _

Resolved That the Question be put “whether
 M^r Presidents motion Shall be granted or not?

1st Q.ⁿ and being put the Voices Standing 6 ayes and
 7 noes Voted and Resolved in the Negative

M^r Collins moved, “That as two Members, who were

“ present at the second Reading of the Ordinances respecting

“ Advocates Notaries &. ^{ca} are now absent, The third

“ Reading may be putt off till monday next _

Resolved That the Question be put whether

The (the) third Reading of the Ordinance be put off
 till monday, or not? And being put the Voices

2^d Q.ⁿ Standing 7 ayes and 6 noes Voted and Resolved
 in the Affirmative _

Ordered, that the Ordinance be read a third time
 on monday next.

The Council Resolved itself into a Committee
on the Ordinance for the Establishment and
Regulation of Fees.

Adjourned till Monday at 10 oClock

The Voices on the Question of this day were
as follows _

	1 st		2 ^d	
	Question ayes	noes	Question ayes	noes
M. ^r Davison		1	1	
M. ^r Holland	1		2	
M. ^r Longueüil		2		1
M. ^r Baby		3		2
M. ^r S. ^t Ours		4		3
M. ^r Caldwell	2			4
M. ^r Fraser		5		5
M. ^r Belestre		6		6
M. ^r Delery	3		3	
M. ^r Pownal	4		4	
M. ^r Mabane				
M. ^r Collins	5		5	
M. ^r Harrison		7	6	
M. ^r Dunn				
M. ^r President	6		7	

Monday 25.th April 1785

Present

The Hon ^{ble} Hugh Finlay Esquire President	
Thomas Dunn	John Fraser
Edward Harrison	Henry Caldwell
John Collins	Paul Roc S. ^t Ours
Adam Mabane	Francis Baby
George Pownal	Joseph de Longueüil
J G C Delery	Samuel Holland &
Picotte de Belestre	George Davison Esq. ^{rs}

M^r President as Chairman of
the Committee on the Ordinance for the
Establishment

Establishment and regulation of Fees Presented
their Report recommending the renewal of the
Ordinance for One year only

Resolved Unanimously That the Ordinance
be renewed for one year, And That the Attorney
General be directed to prepare a Draught of
an Ordinance for Renewing it Accordingly _
On motion of M^r Pownal Deferr'd the 3^d Reading
of the Registry Ordinance till tomorrow—.
Read the Ordinance for Regulating Attornies and
Notaries Public Article by Article in both Languages.
Unanimously Agreed to an Amendment of the
1st Article

Resolved on Motion of M^r Harrison That
1st Q.ⁿ the Question be put whether Attorneys &. ^{ca} shall
Serve a Clerkship of 5 years, to be entitled to ad:
mission, or not? And being put the Voices standing
nine Ayes and 6 noes Voted and Resolved in the
Affirmative

M^r President moved That the Clause in the
“ 8.th Article Requiring those who at present _ _
“ hold the two Commissions of Attorney and
“ Notary within the space of Six months ____
“ to make choice of which profession to ____
“ Continue in Should be left Out”

Resolved that the Question be put, whether
2^d Q.ⁿ the proposition in M^r Presidents motion
be adopted or not, and being put The Voices
Standing 7 ayes and 8 noes Voted an Resolved
in the Negative

M^r Mabane proposed an Amendment of
the

the 8.th Article by making the period of—
Election 12 months, to those who at present
hold the Two Commissions of Attorney and
Notary

Resolved that the Question be put whether
the Amendment proposed by M^r Mabane
3.th Q.ⁿ be adopted or not? And being put the
Voices Standing 9 ayes and 6 noes Voted _
and Resolved in the Affirmative

On motion of M^r Caldwell, Unanimously
Agreed to a farther Amendment of the
8.th Article. _

Resolved That the Question be now put
Whether this Ordinance shall Pass? And
4.th Q.ⁿ being put the Voices standing 8 ayes and
7 noes Voted and Resolved in the Affirmative

Ordered to be prepared by the Attorney General
and Ingross'd _

Read the Ordinance for preventing the
Exportation of Unmerchantable Grain Flour &. ^{ca}
Article by Article in both Languages ____
2^d Reading

Resolved That the Question be put Whether
5.th Q.ⁿ the Inspectors shall receive One penny or two
pence per Barrel for flour Inspected by them?
and being put, the Voices stood 10 for the
two pence and five for the penny, Voted and
Resolved Accordingly

Resolved that the Question be put whether
6th Q.ⁿ the Inspectors shall be named by the Justices
of the Peace their Quarter Sessions or not?
and

and being put the Voices standing 12 ayes and
3 noes Voted and Resolved in the Affirmative

M^r Harrison moved That the Ordinance
be Confined to Flour only and that so far thereof
as relates to Bread or Biscuit be left Out _
Resolved that the Question be put, and
being put the Voices standing 1 aye and 14 noes
Voted and Resolved in the Negative

7.th Q.ⁿ

Ordered to be read a third time tomorrow
Read ^{in both Languages} the Ordinance for Granting to the New—
“ Settlers at Cataraqui and the Townships above that
“ place and at Gaspey and the Bay of Chaleurs in
“ the lower parts of the Province the means of Settling
“ differences and recovering small debts in a Summary
“ way”.

M^r Caldwell proposed an Amendment of this
Ordinance” By giving to the Justices of the peace a
“ Jurisdiction and power to hear and determine matters
“ of debt to the Extent of forty Shillings in all parts of
“ the Province four leagues distant from the Towns of
“ Quebec and Montreal”

Ordered to lay upon the Table till tomorrow when
the Ordinance will be read a third time

Adjourned till tomorrow at 10 oClock

The Voices on the Questions of this day were as follows___

	1 st		2 ^d		3 ^d		4 th		5. th		6. th		7 th		
	Quest. ⁿ		Quest. ⁿ		Quest. ⁿ		Quest. ⁿ		Quest. ⁿ		Quest. ⁿ		Quest. ⁿ		
	Ayes	noes	ayes	noes	ayes	noes	ayes	noes	ayes	noes	ayes	noes	ayes	noes	
M. ^r Davison		1		1		1		1		1		1		1	
M. ^r Holland		2	1		1		2		2		2			2	
M. ^r De Longueuil	1			2	2		1			3		3		3	
M. ^r Baby		3		3	3		2			4		4		4	
M. ^r S. ^r Ours	2			4	4		3			5		5		5	
M. ^r Caldwell	3			5	5		4		1			1		6	
M. ^r Fraser	4			6	6		5			6			2	7	
M. ^r Belestre		4		7	7		6		2		6			8	
M. ^r Delery		5	2			2		3		3		7		9	
M. ^r Pownal	5			3		8		7			7		8		10
M. ^r Mabane		6		8	9		8			8			3		11
M. ^r Collins	6		4			3		4			9				12
M. ^r Harrison	7		5			4		5		10		10		1	
M. ^r Dunn	8		6			5		6	4			11			13
M. ^r President	9		7			6		7	5			12			14

Tuesday 26th Aprile 1785

Present

The Honb. ^{le} Hugh Finlay Esquire President	
Thomas Dunn	John Fraser
Edward Harrison	Henry Caldwell
John Collins	Paul Roc S ^t Ours
Adam Mabane	Francis Baby
George Pownal	Joseph de Longueuil
J G C Delery	Samuel Holland &
Picotte de Belestre	George Davison Esq. ^{rs}

The Council resumed the Consideration of
M^r Caldwell's proposition of yesterday

1. Q.ⁿ Resolved that the Question be put Whether
It shall be adopted or not, and being put
the Voices standing 1 aye and 14 noes Voted
and Resolved in the Negative.

Resolved Unanimously, That the two
Ordinances, for preventing exportation of—
Unmerchantable Flour & Biscuit &^{ca} and
for Granting to the new Settlers at Cataraqui
and the Townships above that place and
at Gaspey and the Bay of Chaleurs in the
Lower parts of the Province the means of
Settling differences and recovering small debts
in a Summary way, Be sent to the Attorney
General to be prepared, And that the third
Reading of them be putt off till tomorrow
M^r Attorney General presented the Draught
of an Ordinance for Continueing for one year
the Ordinance for the Establishment and
Regulation of Fees, which was Read
in both Languages 1.st reading

M^r Davison presented a Representation of Fifty one Merchants of Quebec setting forth the advantages that would result from a Registry Ordinance, and praying that such a Law might pass; with a paper containing Reasons in Support thereof.

Read the Registry Ordinance Article by Article in English & French

2.^d Q.ⁿ

Resolved that the Question be put upon M.^r Dunns proposition of the 20.th Instant, leaving out the word Personal viz.^t whether the same shall be adopted or Not? And being put the voices standing 7 ayes and 8 noes voted and Resolved in the Negative

M^r Caldwell moved That the following Clause be adopted as part of the Ordinance Viz.^t “That nothing
“ in this Ordinance shall be understood to give preference
“ to any Mortgage or Deed of Sale by such Registration as
“ aforesaid, to the Mortgages or Rights of the Seigneur
“ in virtue of the Dees of Concession by him Granted”

3.^d Q.ⁿ

Resolved That the Question be put, upon this motion, and being put the Voices Standing 10 ayes and 5 noes Voted and Resolved in the Affirmative

Mr Caldwell again moved That the following Clause be added to the Ordinance viz.^t “It is hereby
“ Enacted by the Authority aforesaid, And the true
“ intent and meaning of this Ordinance is, not to
“ Oblige any person to Register any of the above
“ mentioned Acts, but as far as they think may
“ be for the Security of the persons Interested, And
“ that those who advance their money or mortgages
“ may be Secured” —

4th Qⁿ

Resolved That the Question be put whether this addition shall be made to the Ordinance or not? And being put the Voices standing 3 ayes and 12 noes Voted and Resolved in the Negative —

5 Qⁿ

Resolved That the Question be put Whether This

Whether this Ordinance shall pass?
 And being put the Voice standing 6 ayes
 and 9 noes Voted and Resolved in the
 Negative.

Adjourned till tomorrow at 11 oClock
 The Voices upon the Questions of this day were as follows

	1 st		2 ^d		3 ^d		4 th		5 th		
	Q. ⁿ		Q. ⁿ		Q. ⁿ		Q. ⁿ		Q. ⁿ		
	aye	no	aye	no	aye	no	aye	no	aye	no	
M. ^r Davison		1		1	1		1		1		
M. ^r Holland		2	1		2			1	2		
M. ^r Longueuil		3	2			1		2		1	
M. ^r Baby		4	3			2		3		2	
M. ^r S. ^t Ours		5	4			3		4		3	
M. ^r Caldwell	1			2	3		2			4	
M. ^r Fraser		6		3	4			5		5	
M. ^r Belestre		7	5			4		6		6	
M. ^r Delery		8		4	5			7		7	
M. ^r Pownal		9		5	6			8	3		
M. ^r Mabane		10		6		5		9		8	
M. ^r Collins		11	6		7			10	4		
M. ^r Harrison		12		7	8			11	5		
M. ^r Dunn		13	7		9			12		9	
M. ^r President		14		8	10		3		6		

Wednesday 27th Aprile 1785

Present

The Honb.^{le} Hugh Finlay Esquire President
 Thomas Dunn John Fraser
 Edward Harrison Henry Caldwell
 John Collins Paul Roc S.^t Ours
 Adam Mabane Francis Baby
 George Pownal Joseph de Longueuil
 J.G.C. Delery Samuel Holland &
 Picotte de Belestre George Davison Esq.^{rs}

Read the Heads of an Ordinance laying
 upon the Table for the more Effectual Repairing
 and amending the High Ways and Bridges
M^r

M^r Caldwell moved That, seeing the Session is so far Advanced, These Heads should remain upon the Table till next Session

Resolved Unanimously and Ordered Accordingly
M^r Caldwell moved for leave to bring in the heads of an Ordinance for repealing certain Article in the Ordinance for repairing and Amending the Public High ways and Bridges in this Province, and To Substitute other regulations in lieu thereof,” which He read.

Ordered to be translated into French and taken into Consideration tomorrow

M^r Delery moved also for leave to bring in the Heads of an Ordinance for the same purpose which he read in French

Ordered to be translated into English and taken into Consideration tomorrow also—

Read the Ordinance “For Granting a limited Civil Power
“ and Jurisdiction to His Majestys Justices of the Peace in the
“ remote parts of this Province” as now prepared by M^r Attorney
“ General, Article by Article in English and French 3^d Reading.

M^r Davison proposed That the words, “From and after
“ the 1.st day of September next ensueing be inserted in the
“ 1.st Article”.

Resolved that the Question be put upon M^r Davisons
1st Q.ⁿ motion, And being put the Voices Standing 10 ayes and 5 noes Voted and Resolved in the Affirmative

Resolved That the Question be put Whether this
Ordinance shall pass? And being put The voices
2^d Q.ⁿ Standing 10 ayes and 5 noes Voted and Resolved in the Affirmative

Read The Ordinance to prevent the Exportation of
of

“ of Unmerchantable Flour and the false Taring
 “ of Bread and Flour Casks” as prepared by M^r—
 Attorney General 3^d Reading

Resolved Unanimously That this ____
 Ordinance do pass

Read an Ordinance for Continueing an
 Ordinance made the ninth day of March in
 in the 20th year of His Majestys Reign ____
 Intituled An Ordinance for the Regulation
 and Establishment of Fees” 2^d Reading

The Council resumed the Consideration of M^r
 Presidents Motion of the 23^d Instant.
 Resolved Unanimously, That the Ordinance
 which empowers the Commissioners of the Peace
 to regulate the Police of the Towns of Quebec
 and Montreal for a limited time, Be renewed
 for two Years

Read [^] the draught of an Ordinance for [^] renewing or Continueing the
 same, in English and french 1st reading

Adjourned till tomorrow at 11 oClock

The Voices on the Questions of this day were as follows

	1 st		2 ^d		
	Quest. ⁿ		Quest. ⁿ		
	a	n	a	n	
M. ^r Davison	1		1		
M. ^r Holland		1	2		
M. ^r Longueuil	2			1	
M. ^r Baby	3			2	
M. ^r S. ^t Ours	4			3	
M. ^r Caldwell		2	3		
M. ^r Fraser	5		4		
M. ^r Belestre	6			4	
M. ^r Delery	7		5		
M. ^r Pownal	8		6		
M. ^r Mabane	9			5	
M. ^r Collins		3	7		
M. ^r Harrison		4	8		
M. ^r Dunn	10		9		
M. ^r President		5	10		

Thursday 28.th Aprile 1785
Present

The Honb. ^{le} Hugh Finlay Esq. ^r President	
Thomas Dunn	John Fraser
Edward Harrison	Henry Caldwell
John Collins	Paul Roc S. ^t Ours
Adam Mabane	Francis Baby
George Pownal	Joseph de Longueuil
J. G. C. Delery	Samuel Holland &
Picotte de Belestre	George Davison Esq. ^{rs}

The Council resumed the Consideration of M^r Caldwell's motion of yesterday, with the heads of the Ordinance by him proposed which were read in English & French Resolved. That the Question be put whether these Heads be Committed or not? And being put the voices

1st Qⁿ Standing 2 ayes and 13 noes Voted and Resolved in the Negative

The Council also resumed the Consideration of M^r _ Delery's Motion of yesterday with the Heads of the Ordinance by him proposed, which were read in English & French.

Resolved, That the Question be put whether these Heads shall be Committed or not, And being

2^d Qⁿ put the voices Standing 3 ayes and 12 noes Voted and Resolved in the Negative

Read an Ordinance _____ Intituled "An Ordinance for Continuing an Ordinance made the ninth day of March in the 20.th year of His Majestys Reign," Intituled "An Ordinance for the Regulation and Establishment of Fees. 3^d Reading

Resolved Unanimously That this Ordinance do pass _

Read

Read the Ordinance for further [^]Continueing the Ordinance
to empower the Commissioners of the Peace to
Regulate the Police of the Towns of Quebec and
Montreal for a limited time. 2^d Reading

M^r Caldwell presented His reasons of Dissent
from the Resolution of Council which rejected M^r
Presidents motion of the 22.^d Instant, _ Read the
same in English & French as follows viz.^t
Because the 7.th Article of the Militia Ordinance
is the only Article of that, or of any other Ordinance
of this Province under which any services have
been required of the Canadians since the year 1777
Because that Article provides for no other Services
(independent of Military Service) except the _
furnishing of Carts, Sleighs, and other Carriages for
the Kings Service, notwithstanding which the
Canadiens have been employed on many and
various other Services the uncertainty even of
which were oppressive, and the payment also
uncertain, depending (by Law) on the will of
the Commander in Chief.
Because these is no provision made by the Law
to prevent Abuses or the ill treatment & oppression
the people are lyable to, from the Troops or other
people sett over them in the performance of those
services and of which they had Sad Experience
while the German Troops remained in the Province
and which they will always think themselves
lyable to during the Existence of this Law
Because the Chief service now Required of the
Canadiens, Viz^t The Navigating the Kings—
Batteaux with provisions &^c. To the upper
Posts

Posts and Settlements) is nowhere provided for by Law of Course any Obligation to perform such services is in fact illegal, however Adequate the wages allowed for such services may be_

Because a King of Great Britain should Reign in the hearts as well as over the persons of His Subjects and His Majestys Gracious Intention (made known to us by His Royal Instructions) and enforced by the Prayers of His People are frustrated as long as this Law remains unreformed, for He wishes to secure to them as far as may be, as well the benefit of their ancient Laws as that of the English Contitutions.

Because that as during the late War from the Situation and danger of this Province as well as from the In: expediency of this Law. The Canadiens, unavoidably experienced many Oppressions: I think now in times of Public tranquility, It is the duty of this Council to take the earliest opportunity of reforming the Law under which they Suffer'd, and by giving them mild moderate, and certain Laws, declaratory of what is required of them __ The minds of the people of late years Estranged from their misconception of the English Government, may be again Conciliated and having nothing to hope for_ from a Change they may be engaged (under effectual Laws providing for times of Danger) To Defend and Support that Government under which they enjoy such Blessings

Because It is my Opinion That this Province can only be secured as a dependency on the Crown of— Great Britain, by adopting (as far as Circumstances will admitt) the British Constitution for a Despotism which might Effect the same purpose would be incompatible with that Constitution and incom: patible with that Constitution and incompatible with the Ideas of a number of Old English Subjects now Settled in and on the frontiers of the Province

Quebec 23th April 1785
(Sign'd / Henry Caldwell

The voices on the Questions of this day were
as follows

		1 st		2 ^d	
		Q. ⁿ yes	no	Q. ⁿ yes	no
M. ^r	Davison		1		1
M. ^r	Holland		2		2
M. ^r	Longueuil		3		3
M. ^r	Baby		4		4
M. ^r	S. ^t Ours		5		5
M. ^r	Caldwel	1		1	
M. ^r	Fraser		6		6
M. ^r	Belestre		7		7
M. ^r	Delery		8	2	
M. ^r	Pownal		9		8
M. ^r	Mabane		10		9
M. ^r	Collins		11		10
M. ^r	Harrison		12		11
M. ^r	Dunn		13		12
M. ^r	President	2		3	

Friday 29.th April 1785

The Honb.^{le} Hugh Finlay Esquire President
 Thomas Dunn Paul Roc S^t Ours
 John Collins Francis Baby
 Adam Mabane Joseph de Longueuil
 George Pownal Samuel Holland &
 J G C Delery George Davison___ Esq.^{rs}
 Picotte de Belestre
 John Fraser

Read the Ordinance for further Continueing the
 Ordinance to empower the Commissioners of the
 Peace To regulate the Police of the Towns of
 Quebec and Montreal for a limited time 3^d Read.^g

Resolved Unanimously That this Ordinance
 do pass ___

Compared The Ordinances with the French
 Translation and found them to be just
 M^r Fraser presented his Dissent from the
 Resolutions of the Council relative to the Introduction
 of the Tryal by Jury, which was read in English
 and

and French as follows __ Viz.^t

“ I have waited till this late day to enter my dissent
 “ to that part of the Ordinance that Grants the Tryal
 “ by Jury, because I was willing to insert the number
 “ of Causes that had been tried at Montreal in that
 “ manner during a former period (from 1765 to 1775) and
 “ in what proportion that trial stood with respect to the
 “ business in General __ Time has not permitted the Clerk
 “ to be Sufficiently Accurate and I am at two great a
 “ distance, But I am Confident the number is triffling
 “ for the space of time and the Quantity of business
 “ I have heard the Honb^{le} M^r Mabanès dissent
 “ read and I have read it with Attention _ His
 “ Principles and reasons Coincides so exactly with
 “ my Own That I will not trouble this Council nor
 “ the Register with a Repetition. I have had the
 “ same Experience at Montreal that he has had
 “ at Quebec __ The Tryal by Jury there operated
 “ formerly in the same manner and I do not see
 “ that increase of numbers or change of Circumstances
 “ that can promise better success.
 “ The Sherriff of Montreal has forwarded two lists
 “ of Jurors, Of these only I’ll take notice _ The
 “ English List amounts to 141. I reckon it a
 “ great allowance to say that And half of that
 “ list is fitt to try a Mercantile Cause of any
 “ moment __ The Canadian List amounts to
 “ 200. If I allow one fourth, I allow a great
 “ deal __ If the Sherriff had been required to—
 “ return Jurors fit to try a Cause of a Mercantile
 “ Nature, he certainly would not have returned
 “ any more __
 “ I opposed at the Commencement of the Sessions
 “ innovations

“ innovations of all kinds on account of the Times.
 “ I opposed the Report made by the Committee
 “ because It was not Agreeable to His Majestys
 “ most Gracious intentions in the 12.th Article of
 “ Instruction and because It was totally repugnant
 “ to the Sixteenth _ I even Objected to the
 “ Trial by Jury in the manner that the 9th &
 “ 10.th Article of the Report were new modelled
 “ Because even in that Shape, when well
 “ understood It is dangerous to the Municipal
 “ Laws of Canada __ In the most Confined
 “ Sense I do not look on that tryal as __
 “ Eligible or Equal _ I am then affraid
 “ It will not Answer any happy ex:
 “ pectations and I do therefor dissent.”

(sign'd) J. Fraser Judge

Com Pleas

in Council
 28 Apl 1785

M^r Dunn M^r Collins & M^r Harrison
 delivered in their Joint dissent from the
 Resolution of Council which pass'd the Ord.^{ce}
 Concerning Advocates Attornies & Notaries __
 which was read in English & French as follows viz.^t

A Law, by which the property of an Individual
 “ is to be affected cannot be considered with too much
 “ care and Attention, and altho the Interest of Indi:
 “ viduals must and Ought to give way to the Public
 “ Good It should clearly appear to be so, and not taken
 “ for granted on mere Surmise

We may Assert That no Injury hath
 “ resulted to the Inhabitants of this Province from
 “ the Notaries being permitted to plead at the Barr
 “ of the Courts of Civil Judicature, notwithstanding
 “ It

“ It has been the Common Practices under the french Govern:
 “ ment prior to the Conquest and since on producing a Com:
 “ mission from His Majestys Governor or Commander in
 “ Chief of the Province, for that purpose; It must be ad:
 “ mitted That many have made both professions their
 “ Study in Confidence That they would be permitted to the
 “ Practice of them, But this Council without any Complaint
 “ from the Public have thought proper to deprive them
 “ from Acting in Conformity to their Commission in both
 “ professions _ It is well known the Law precludes them
 “ from pleading in any Cause depending on Acts or Deeds
 “ drawn up by them, and of Course if they were so inclined
 “ they could have no inducement to put any thing am:
 “ biguous in their Acts with a view to produced Laws Suits
 “ without the participation of some other Practitioner which
 “ the present Ordinance does not Prevent

“ Will it not give just Cause of complaint to every one
 “ who in Confidence of being permitted to reap the benefit
 “ of His Talents, hath with labour and Expence gone
 “ through the Study of both professions, and after the
 “ practise of many years, under Commissions from the
 “ Kings Representative, to be told at this day, Let his
 “ Abilities be what they may. That he must give up
 “ one of His Commissions __ It is natural to Suppose
 “ they will all Stick to the Barr as being the most lucrative
 “ and as it must be known to every member of this
 “ Board that there are not more than five or Six
 “ Notaries in the province possessed of the necessary
 “ Abilities to Settle the Intricate parts of their profession
 “ such as Complicated Succession &^{ca} &^{ca} Will not the
 “ Public with the greatest reason Complain on being
 “ deprived of the Assistance of the only persons in the
 “ Country that are Qualified to Settle their family
 “ affairs and forced to have recourse to Such as are
 “ unequal

“ unequal to the Task by which they or their
 “ Children must be involved in tedious and
 “ Expensive Law Suits, which too frequently
 “ happens even now from the Country Notaries
 “ undertaking to Settle matters of intricacy ____
 “ beyond their Abilities.

“ We have no Objection to the preventing any
 “ one infuture from being permitted to the
 “ practice of both professions, But we have
 “ many to the taking away the Commissions
 “ of such as have practised therein for many
 “ years: And Surely an Ordinance such as
 “ the present requires more mature consideration
 “ than we have had time to give this. It is
 “ true a Committee was appointed so long ago
 “ as the 14.th March last to draw up the
 “ heads of an Ordinance for the Regulation
 “ of Notaries Public but their Report was not
 “ made until the 20.th Instant and the Ordi:
 “ nance was passed the 25.th ____

“ For these Reasons and many others
 “ that might be offered We are Sorry to be
 “ under the necessity of withholding Our _
 “ Assent from the passing an Ordinance ____
 “ which in every other respect appears reasonable
 “ and just. And we humbly trust It will
 “ appear so to His Majestys Ministers, And
 “ that the Clause taking away one of the
 “ Commissions from the Notaries now practicing
 “ At the Bar will by His Majestys Command
 “ be repealed”____, Council Chamber_ Quebec

28th Aprile 1785---

Signd Thom^s Dunn

John Collins

Edw^d Harrison

M^r Mabane gave notice that he intends next Sessions to propose an Ordinance for preventing Fishermen & others from throwing Overboard the Offals of Fish on the fishing Grounds in this Province
 Also in Ordinance to prevent the importation of Slaves into the Province and to Declare those who have already been imported free at the Expiration of seven years. An Ordinance the more necessary as doubts may be entertained how far the Law at present permits it the Code Noir having never been introduced into Canada by the French Government, but the Practice of importing & Selling Slaves only authorised by an Ordinance of one of the Intendants till the Kings pleasure should be known _

Adjourned till tomorrow at 10 oClock

Saturday 30.th Aprile 1785

Present

The Honb. ^{le} Hugh Finlay Esquire President	
Edward Harrison	Paul Roc S ^t Ours
John Collins	Francis Baby
Adam Mabane	Samuel Holland &
George Pownal	George Davison Esq. ^{rs}
J. G. C. Delery	
Picotte de Belestre	
John Fraser	

Messieurs Belestre S^t Ours Baby ^{&Longueuil} presented their joint dissent from the Resolution of Council which passed the Ordinance “for granting a limited civil Power and Jurisdiction to His Majestys Justice of the Peace in the remote parts of this Province, which was read as follows viz.^t
 “ Ayant donné nos voix contre L’Ordonnance qui
 “ Etablit une nouvelle Jurisdictions dans les
 “ Etablissements

- “ Etablissements que les Royalistes commencent
 “ a former dans les Seigneuries que le Roy
 “ leur a Accordé au dessus de la point à Baudet
 “ et aux concessions de la Baie des Chaleurs &.^{ca}
 “ nous croyons necessaire de faire inserer notre
 “ desaveu et d’en dire les raisons ____
 1.^{mo}“ Cette espece de Jurisdiction, n’ayant pas lieu
 “ ailleurs, ces Etablissements ne nous paroissent
 “ pas assez avances pour exiger une telle in :
 “ novation
 2.^{do}“ en nous rappelant que la Meme introduction
 “ fut autrefois admise dans ce pais, nous ne
 “ pouvons oublier que les abus et les Vexations
 “ multiplies Obligerent le Gouvernement a
 “ l’abolir entierement. Sur quel principe ose t’on
 “ se flatter que les Consequences, n’en seront
 “ pas aussi funestes
 3.^{tio}“ Cette Jurisdiction en facilitant le payement
 “ des cantiniers et autres Gens qui vendent des
 “ Boissons, le nombre en Augmentera, alors les
 “ pauvres Habitants, engages, Sollicites s’en =
 “ detéront : qu’en resulterat’ il ? La vente forcée
 “ du plus necessaire qu’a peine ils possèdent
 “ destitués de tous moyens indispensables a des
 “ terrains, ils ne pourront ny defricher ny cultiver
 “ Cette liberalités trop premature de notre Legislation
 “ loin de concourir a l’avancement de ces ____
 “ nouveaux Etablissements les retardera donc
 “ et indubitablement sera la Cause que plusieurs
 “ seront abandonnés
 4.^{to}“ Suivant nos idées il auroit été plus Sage et
 “ d’une politique plus reflechie tant pour la
 “ sureté a venir de cette province que pour le
 “ bonheur de ceux qui se joignent a nous, dé
 “ tablir pour le present des Capitaines et autres
 “ Officiers de Milices avec quelques Juges a paix
 “ pour faire Executer les Ordres du Gouvernement
 “ et

“ et les reglements de Police : Une Autre avantage qui
 “ auroit resulté de cette methode etoit de faire connoitre
 “ a ces nouveaux concetaires du Roy qu’ils sont sur
 “ le meme pied que les Autres Habitants du pais de
 “ tous egards sujet aux memes loix et Ordonnances
 5^{to} “ Cet avec regret que nous Voyons adopter des mesures
 “ qui tendent a faire des distinctions entre les anciens
 “ Colons du pais et les autres sujets du Roy qui _
 “ Viennent s’y Etablir, c’est pourquoi nous qui avons
 “ l’honneur d’etre comme Canadiens membres du
 “ Conseil Legislatif croyons qu’il est de notre devoir
 “ de temoigner notre opposition pour tout ce qui peut
 “ contribuer a cette fin.” a Quebec 30th Avril 1785

Signé/ Picotee de Belestre
 P. R. S^t Ours
 Joseph de Longueuil
 F. Baby

M^r Davison presented his dissent from the Resolution
 of Council which passed the Ordinance Establishing
 the Tryal by Jury which was read in English &
 French as follows viz.^t

“ It was not without surprise that I observed the
 “ Majority of the Legislative Council upon the Question
 “ respecting passing the Ordinance which Establishes
 “ the Tryal by Jury in this Province, to be much
 “ greater than I had reason the expect from the
 “ conduct and known Sentiments of some of the
 “ Members who compose it. I therefor feel myself
 “ called upon more forcibly to assign the reasons for
 “ my Opinion and dissent from that Majority upon
 “ a Question of so great importance.

“In the present unsettled State & Circumstances
 “ of the Province, I confess myself an Enemy to____
every

“ every material change in the Laws or Customs
 “ of the Country and much more to such as we
 “ have reason to apprehend might create dis:
 “ content in the minds of the Canadiens, already
 “ I fear too much irritated & prepared for every im:
 “ pression of prejudice and dissafection against
 “ the present Legislature & the Government under
 “ which they live _ The Example of the American
 “ Revolution ought to teach us Apprehension
 “ and Jealousy of the first beginnings of dis:
 “ content in the people. From this Consideration
 “ alone I should have opposed for the present
 “ the passing any Law which could make any
 “ material alteration in the Constitution of this
 “ Province, however much I might think such
 “ a Change expedient and desirable, But when
 “ I reflect upon what I have heard openly
 “ declared by two Honb^{le} Members, whose
 “ information Ought to be indisputable (M^r
 “ S^t Ours & M^r de Longueuil) That the Tryal
 “ by Jury would be extremely ill received by the
 “ Canadiens in general, And that several res:
 “ pectable families to their knowledge had al:
 “ ready taken the resolution to quitt the Province
 “ if such a Law should pass . I am Confirm’d
 “ in my Opinion
 “ Granting that the Trial by Jury which
 “ every one allows in preferable to every other, as
 “ it is practised in England would be equal
 “ & practicable in this Country I am nevertheless
 “ induced to think it improper to introduce
 “ it at this Juncture. The Sentiments of
 “ the

“ the Honb.^{le} Judges of the Courts of Common Pleas
 “ for both districts whose long experience and known
 “ probity make their Testimony unquestionable, together
 “ with the Proofs I have seen laid upon the Table
 “ in support of the Arguments made use of by them
 “ added to those Suggested by my Own Observations
 “ during a Residence of of Twelve years in the Province
 “ and the Examination of the Sherrieff of the District
 “ of Quebec, all concur to convince me that no
 “ advantages can be expected from this mode of Tryal
 “ which could Justify the making so material an
 “ innovation at this period

“ I have only to add as a General Observation
 “ That in all Small Communities as well as in this
 “ there must necessarily be a degree of Connection or
 “ dependence thro’ Interest, alliance or friendship
 “ which Argues strongly against the impartiality
 “ of the Trial by Jury, in which the greatest precau:
 “ tions have been found necessary to be taken even
 “ in England to prevent Bias or prejudice. I trust
 “ no one will Suspect me of meaning to reflect on
 “ any of my fellow Citizens many of whom of the
 “ Mercantile Body, particularly, on whom the burden
 “ of Jurys will fall, are of respectable Character ____
 “ I will suppose them as Virtuous, just, honorable
 “ and as enlighten’d as those of any other Country
 “ But their members is few in Comparison of what
 “ would in my Opinion be necessary to the practice of
 “ the Trial by Jury in civil & Mercantile Causes; and
 “ in Causes wherein One of the parties is resident in
 “ England or some other distant part I think the
 “ Trial is not Equal” _ C^l Chamber 30.th Aprile 85
 (Signd) Geo Davison

M^r President delivered a paper entitled “Reasons
 “ of dissent from the Opinion of the Honorable members
 “ of this Council who rejected the 9.th 11.th and 12.th Articles
 “ of the Ordinance for regulating the proceedings in __
 “ the Courts of Civil Judicature as prepared by a __
 “ Committee of Council and reported by their Chairman
 which was read in English & French as follows

“ I dissent from the Majority of this Honb.^{le}
 “ Board who rejected the 9.th Article of the Ordi:
 “ nance for regulating the proceedings in the Courts
 “ of Civil Judicature as reported by the Committee.
 “ Sound Policy dictates That it Ought to have been
 “ adopted; It is necessary for this as a Commercial
 “ province Our prosperity depending on the extent
 “ of our Credit in England, It ought to be the
 “ first care of this Council to render the recovery
 “ of British Property in this Country easy, and
 “ According to the Commercial Laws of England.

“ The 11th Article as brought in by the Committee
 “ Ought to have been wholly adopted _ Juries in
 “ this province should receive and hear every kind
 “ of testimony & proof that by [^]the Laws of England may
 “ be Submitted to Juries

“ No Sufficient reason can be given why con:
 “ viction should take place in a Criminal prosecution
 “ for assault and Battery on legal Evidence, which
 “ Evidence shall not be Considered as legal on a
 “ Civil prosecution for damageshé

Relations to the 3^d Degree, and Servants
 “ are excluded from giving testimony by the Civil
 “ Law and the General Rules of Evidence in
 “ this Province

It could never have been intended that

The

“ the Laws of Evidence used in the French Colonies should
 “ be the Rule before a Jury here on trial to assess ____
 “ damages for personal wrongs, On that a Jury must
 “ Acquitt on a Civil where they had condemned on a
 “ Criminal prosecution.

“ I Dissent from the Resolution of this Council
 “ to reject the 12.th Articles also reported by the Committee
 “ because I am of Opinion that irregularities of Juries
 “ may arise from want of proper Charges on the
 “ matter Submitted to them.

“Erroneous and unjust Verdicts have happened
 “ from such Causes in Great Britain __ They may happen
 “ in this-Country _ What guard has the Subject against
 “ the Misdirections of the Judge unless the Charge can
 “ be reviewed in a Superior Court? What remedy
 “ otherwise for willful or unintended injuries? That
 “ Article would have secured such redress as the Law
 “ of England affords

“ I cannot admit, as some members have
 “ said That this is not the time to alter any of Our Law
 “ nor can I by any means admit That “ The Ordinance
 “ as passed by this Honb^{le} Council being an innovation
 “ on the fundamental Law, of the Country will dis-
 “: gusts the Kings new Subjects and be hurtful to both
 “ new & old.”

“ That the Circumstances & Situation of the
 “ Province render the Trial by Jury very unfit”

“ That Experts or Arbitors, knows to the
 “ French Laws would answer all the purposes proposed
 “ by Juries in the English Law”

“ That the irregularities of Juries – ten
 years ago Ought to deter us from Establishing that
 mode of Tryal at this day, since the reasons against
 Juries Operate as Strongly now, as at any former-,
 period” And there is superadded another reason
The Revolution of America

“ That the Verdict of nine out of Twelve
Jurors

“ Jurors in Civil Causes will be an Alteration of the
 “ manner of Tryal hurtful to the rights and Interests of ____
 “ His Majestys Subjects
 “That the list of persons Qualified to Serve as Jurors
 “ residing in the Cities of Quebec and Montreal are vague
 “ and do not furnish evidence of a Sufficient number of
 “ Qualified persons to Serve as Jurors”
 “That Sufficient means have not been used to obtain
 “ an Adequate knowledge of the necessity of adopting as
 “ the Law of this Province, the Articles which form the
 “ Ordinance passed by this Council for regulating the
 “ proceedings in the Courts of Civil Judicature”

It would be a wise measure to Introduce
 the whole of the Comercial Laws of England into this
 Province and perfectly consistent with the Spirit of
 the Quebec Act. _ His Majestys Subjects enjoyed
 the Laws of England for ten years previous to 1775. The
 Legislature of this Province has had Power and
 Authority to re establish the Comercial Laws. If—
 we have not done it according to the most liberal
 Construction of the Quebec Act. The Council is in
 fault not the British Legislature

It is as essential to the Interest of Great
 Britain in a Comercial light that the Laws____
 respecting personal property should take place in
 this Province as that the Criminal Law should be
 here in force in a political Consideration.

Our Sovereign most Graciously considered
 the Situation of His ancient Subjects when he
 gave his assent to the Quebec Bill, and least
 we should misapprehend the intention of the
 British Legislature a Royal Instruction Accom=
 panied the Act of Parliament, directing that “as
 “The Establishment of Courts and a proper mode
 “of

“ of Administering Criminal and Civil Justice throughout
 “ the whole Extent of Our Province according to the
 “ principles declared in the said Act ““for making more
 “ effectual provision for the Government thereof”” demand
 “ the greatest care and Circumspection, For on the one
 “ hand, It is Our Gracious purpose conformable to the
 “ Spirit and intention of the said Acts of Parliament
 “ that our Canadien Subjects should have the benefit
 “ and use of their Own Laws usages & Customs in all
 “ Controversies respecting titles of Lands and the tenure
 “ descent, allienation, incumbrances & settlements of real.
 “ Estates and the distribution of personal property of—,
 “ persons dying insterstate, so in the other hand It –
 “ will be the duty of the Legislative Council to Consider
 “ well in framing such Ordinances as may be necessary
 “ for the Establishment of Courts of Justice and for the
 “ better administration of Justice whether the Laws of
 “ England may not be, if not altogether at least in part
 “ the rules ^{^for the} decision in all cases of personal actions ____
 “ grounded upon debts promise Contracts & Agreements ____
 “ whether of a Mercantile or other nature, And also
 “ of wrongs proper to be Compensated in Damages ____
 “ (and more especially where Our natural born
 “ subjects of Great Britain, Ireland or our other ____
 “ Plantations residing in Quebec or who may resort
 “ thither or have Credits or property within the same
 “ may happen to be either Plaintiff of Defendant in
 “ any Civil suit of such a nature”

It is Strange, but true, that after frequent
 readings of this Instruction It has been Strongly asserted
 and insisted on in this Honb^{le} Council. That it is con:
 : trary to the Spirit and intention of the Statute ^{of the 14th} of
 His present Majesty Cap 83. That Juries should be
 Introduced in mercantile Causes, and that the Instruc
 : tion is but Slightly Recommendatory of a Small degree
 of Consideration, whether the Law of England may
not

not be the rule of decision in personal Actions.
 But the words of the Instruction convey the
 Royal Intention in language so pointed so Clear,
 that it is a matter of astonishment that they
 should be Construed to mean less than the Kings
 recommendation to His Council of Quebec to Enact
 That all debts, Promises Contracts and Agreements
 whether of a Mercantile or other nature should
 be decided by the Laws of England; The words of
 the Instruction confirm the rights of the new Subjects
 by securing to them the benefit of their ancient Laws
 usages and Customs respecting Titles and tenure
 of Lands descent allienation, incumbrances and
 Settlements of real Estates, likewise the distribu-
 : tion of Intestates Estates

This Honb^{le} Council has in part followed
 up His Majestys most gracious Intention towards
 his natural Born Subjects,

If there is any member who wishes to see
 the System of Government which prevailed before
 1759 fully Re established in the Province, His
 Majestys Instruction when well considered will
 be death to His Hopes. That System, incompatible
 with the freedom which British Subjects enjoy, &
 unfriendly to Commerce on the liberal plan of the
 parent States can never again take place ___
 whilst the Province remains in Great Britains
 possession

The Quebec Bill, hitherto ill understood, &
 consequently enforced in a manner to give discontent
 to many of His Majestys faithful Subjects, new
 as well as old, Has by no means tended to attatch
 the Canadiens to English Government. But if
 this Honb^{le} Board possesses the will It is not too
 late to remedy every evil complained of
The

The Journals of this Session will shew His Majestys Ministers, That the Legislative Council has made a good beginning in easing the minds of the Kings natural born Subject by granting Optional Juries in mercantiles Causes This Justice was due to the British Merchant: London is the fountain head of Our Commerce, the Credit given there to the Canadian Trader is the sole support of Our traffic _ We did well then to Establish a Mode to render easy the recovery of British property in this Province by Law known to those who give us Credit. _ This Law will have happy Effects notwithstanding the many Arguments used by some Honb^{le} Members of this Council to Shew that the Trial of Mercantile Causes by Jury in the present circumstances of the province will be prejudicial. Let it be remarked, That the Tryal by Juries will but rarely affect a Canadien peasant. Their Causes seldom exceed Ten pounds in value and few or none of them are of a Commercial nature. The Tryal by Jury then will Concern only those commercially Connected.

The Irregularities of Juries at a former period has been held up in terrorem but instances of mis:
: conduct in individuals may be furnished as well from the records of Westminster Hall as from the records of our Courts: But, shall the Kings Subjects have forfeited their right to obtain Law & Justice by the verdict of a Jury because of the misdemeanour of some former Jurymen _ no Surely!

When Instances are offer'd to Strengthen _ reasons, they should be detailed with every attendant circumstance

The Irregularities to which an Honb^{le} Member alludes, ought not to be imputed solely to the incapacity of the Jurors _ But if on time to come a Judge shall deem the Jury before whom a Cause is tried, to be ignorant, He will instruct & direct them in Summing up the Evidence _ If Juries shall

shall fall into disrepute, no person will desire to be tried by a Jury, they are at present optional

It has been advanced that Experts or Arbitres are preferable to Jurors, but whilst the Court may reject their reports they cannot stand in Competition with the verdict of a Jury Jurors are a Component part of the Court. The first is consonant to the Civil Law or as an Honorable Member has said is known to the French Law and therefore may be better suited to the principles of an Absolute Government the other to a limited or Free Constitution

The Revolution of America has___ been held forth by an Honb^{le} member as an additional motive for rejecting the Tryal by Jury, But I am at a lop to apply this reason

In Criminal matters, the unanimity of the Jury in their verdict constitutes a Substantial part of the Excellence of the English Government To require that twelve Jurors in Civil causes___ should be unanimous is not necessary but might clog the happy Effects of that excellent mode of Tryal: The most Sensible and best informed of the Commercial Body in this province have will consider'd the matter, They have had as many opportunities to remark on the true Circumstances of this Province as any Member of this Council; They are desirous of removing every Obstacle, and they will readily Accept of the Verdict of nine out of twelve good and Lawful men on oath.

I most positively protest against the Assertions of the Sheriffs who advanced before this Council, That not above Ten or fifteen of His Majestys new Subjects in the City & Suburbs of

of Quebec are fit to serve on Juries on Civil Causes and that the number of the Kings natural Born _____ Subjects is not more than Sixty. His Examination appears on the Journals He has judged of the fitness of the Kings new Subjects to serve on Juries in Civil Causes from His conjectures concerning what he calls mental Qualifications, His bare Opinion is the Criterion by which the Abilities of the Canadiens his fellow Citizens are to be measured. _ Those who may be induced to make use of the Sherriffs testimony in order to strenghten their Objections against Tryals by Jury in mercantile Causes will reap but little advantage from its aid in Quebec, with me at least his assertions have not the smallest weight, nor can it Bias any person who has as I have, lived four and twenty years in this City _ I have had many Opportunities of a more intimate knowledge of the Canadians in General than the Sherriff and I Join those who know them best in saying, That nature has been peculiarly kind to them, Their parts but want Cultivation to put them on a level with any people on Earth; a Canadien bids fair to Outshine ^{^ many} when they shall have the advantage of a Liberal Education; Tis pity the peasants are kept in ignorance

The List of the Old and new Subjects which I laid on the Table containing 113 Canadians and 183 of natural born Subjects, if not Compleat is very near the Truth: The list returned by the Sherriff of Montreal contains Two hundred and Thirty nine persons returnable to serve on Juries on Criminal Cause

Will any man say that a person fit to Judge of facts on which Life or Death depend, is from his mental Capacity unfitt to determine a matter of fact in a Cause of Ten or twelve pounds in Civil cause and yet the advances of the Sherriff are given as reason why this Council Ought to have refused assent

assent to His Majestys Will. But notwithstanding:
 : standing the Arguments press'd upon this Council
 by the Opposers of Tryal by Jury The Law
 has gone forth with only four dissenting
 Voices

The Justice, the Policy, the necessity of
 granting Optional Juries in mercantile Causes
 appeared so forcibly to His Majestys new—
 Subjects Members of this Honb^{le} Council ____
 That there is but one of our Canadian Brethren
 among the dissenters

I differ widely from the Honb^{le}
 Member who proposed by an additional
 Article to give positive Assurances To His
 Majestys new Subjects who may have suits
 at Law in Commercial Concerns, or on personal
 wrongs porporting that the Judges shall be
 Obligated to decide according to the Legal words
 of the French law. This would have been a
 stranger Clause indeed: the most ignorant know
 that English Judges must decide according to—
 the true intent and meaning of the Plain words
 of the Law we have passed which is Clean and
 cannot be misconstrued

Another Article has also been proposed
 which was likewise refused, because It would
 have defeated the intention of the Ordinance
 which is founded on the Kings will as ex:
 pressed in His Majestys 12th Instruction. It
 would have unjustly deprived the British
 Merchant of the means of an easy & Speedy
 recovery of His Property according to the
 known Commercial Law, of England.

A sense of my duty, considering my
 present Situation has led me to State these
matters

matters on the Journals of this Honb^{le} Council That
 His Majestys Ministers may see the real motives ____
 which induced the Legislature to adopt by a Law
 of this Province the mode of Trial by Jury in ____
 mercantile Cases at the Option of the Parties and in
 Actions of damages ____

*Ommitted an Addition

referred to in M^r Finlays dissent
 which should have come in here

Vide next folio A. G. a c c

Quebec 30th April 1785
 (Signd) Hugh Finlay

Adjourned to the Castle of S^t Lewis

The same 30.th April 1785

At the Council Chamber in the Castle of ____
 S^t Lewis

Present

The Honb^{le} Henry Hamilton Esq^r Lieut Governor,
 and Commander in Chief

The Honb^{le} Hugh Finlay Esq^r President of the Council
 and the other members as before _____

“ Read An Ordinance Chap 3.^d Intitled “an Ordinance
 “ Concerning Land Surveyors and the Admeasurement of
 “ Lands

“ Read an Ordinance Chap 4.th Intitled “An Ordinance
 “ concerning Advocates, Attornies, Solicitors and notaries
 “ and for the more easy Collection of His Majestys ____
 “ Revenues”

“ Read an Ordinance Chap 5.th Intitled “An Ordinance
 “ for granting a Limited Civil Power & Jurisdiction to—
 “ His Majestys Justices of the peace in the remote
 “ parts of this Province ”

“ Read an Ordinance Chap 6th, Intitled “An Ordinance
 “ to prevent the Exportation of unmerchantable flour
 “ and the false Taring of Bread and flour Casks”

“ Read an Ordinance Chap 7.th Intitled “An Ordinance
 “ For Continueing an Ordinance made the ninth day
 “ of march in the 20.th year of His Majestys Reign
Intitled

“ Intitled “An Ordinance for the Regulation &
 “ Establishment of Fees”
 Read an Ordinance Chap 8.th Intitled _
 “ An Ordinance for further Continueinga An_
 “ Ordinance made the Twenty third day of—
 “ April in the seventeenth year of His
 “ Majestys Reign “Intitled “ An Ordinance
 “ to empower the Commissioners of the Peace to
 “ Regulate the police of the Towns of Quebec
 “ and Montreal for a Limited time”

His Honor the Lieutenant Governor
 Signed these Six Ordinances and
 passed them under the Public Seal
 of the Province

Ordered to be Published in the Quebec Gazette

His Honor prorogued the Council
 Till farther notice ____

* Omitted to be annexed to M^r Finlays dissent.

Articles therein referred to of the Ordinance for regulating the proceedings in the Courts of Civil Judicature &^{ca} as reported by the Committee _

Art. 9.

And be it Enacted and Ordained That in all Causes, Suits and Actions to be prosecuted in any of His Majestys Courts of Common Pleas or removed on Appeal therefrom which shall be grounded upon Debts promises Contracts and Agreements of a Mercantile nature, The same shall be hear'd Considered and Adjudged According to the Ordinances of this Province in that Respect parti:
: cularly provided, and the Comercial and Common Law of England, save and except as herein after provided

Art 11.th

{ The words under which the
Lines are drawn
were left out in the Ord.^{ce} }

That in all Causes to be tried by a Jury as abovesaid,
and in the proof of all facts concerning comercial matters the rules of Evidence by the Laws of—
England and of the present Ordinance shall _
determine the Validity of the proof or testimony to be
offered to Such Jury or taken in proof

Art 12.th

That the Judges of the Court before whom any Tryal shall be had by Jury shall at the day of Tryal sett down in Writing in Open Court and sign the Charge or Charges given by the respective Judges of such Court to the Jury, and the same shall be preserved in the Records of the said Court in the Cause so tried. _

At the Council Chamber in The Castle of S.^t
Lewis.

On Monday
the 6.th of February 1786

Present

The Honorable, Henry Hope Esq. ^{re} Lieu. ^t Governor	
Hugh Finlay ____	James Cuthbert
François Levesque _	Edward Harrison
John Collins ____	Adam Mabane
George Pownall _	J. G. C. De Lery
John Fraser ____	Henry Caldwell
François Baby ____	Joseph De Longueüil
Esquires	

The Lieu.^t Governor's His Honor opened the Sessions with the following Speech
Speech. in English and French, viz,

“ Gentlemen,

“ Having reason to believe that an arrangement
“ is in agitation at this time, if not already concluded, in England,
“ of such an extensive nature, respecting the general government
“ of His Majesty's possessions in North America, as that the
“ interior affairs of this province will, in all probability, be
“ influenced by it, in some degree; I am with held by this
“ consideration from proposing at present to The Legislative
“ Council, some matters which otherwise had appeared to Me
“ as subjects worthy of their deliberation, where in improvem.^{ts}
“ might undoubtedly be made in some particular parts of the
“ Law as they are framed for this province. I shall confine
“ myself therefore, Gentlemen, to recommending solely to your
“ attention in this Session the temporary renewal, for one
“ year, of Three Ordinances which will expire in May next;
“ as without a continuance of them, even in their present
“ shape, much inconvenience would, I apprehend, under our
“ actual circumstances, result to the province and to His Majesty's
“ service; I mean particularly, without a renewal of the

- Ordinance

“Ordinance for regulating the Militia.

“ Your President will, by my desire, Gentlemen, lay –
 “ before You an additional Instruction under the royal Signet–
 “ which was received by my Predecessor, and delivered by Him
 “ to me; but in which, for various reasons, it is probable I think,
 “ that You will see occasion to deliberate beyond the period of–
 “ the present Sessions. _ I shall only add then that it will be
 “ a pleasing circumstance to Me to find that Unanimity__
 “ shall have prevailed in a concurrence with my recommenda=
 “ =tions to The Legislative Council on these several Subjects.”

Harangue du
 Lieutenant Gouverneur

Translation of The Lieu.^t Governor’s speech

“ Messieurs,

“ Aiant raison de croire qu’il s’agit actuellement d’un
 “ arrangement, s’il n’est point déjà fait, en Angleterre, d’une nature si
 “ étendue pour le gouvernement général des domaines de sa Majesté
 “ en L’Amérique septentrionale, qu’il est de toute probabilité que
 “ les affaires concernant cette province seront réglées. Je ne propose
 “ point actuellement, par ces considérations, au Conseil Législatif
 “ plusieurs objets, qui autrement paroîtroient dignes de sa délibération,
 “ tels que des améliorations qui pourroient indubitablement être _
 “ faites dans quelques parties des Loix qui ont été passées pour cette
 “ province. Je me bornerai donc, Messieurs, à recommander seulement
 “ à votre attention dans cette séance, la continuation de trois Ordon=
 “ =nances qui expireront en Mai prochain; car sans cette continu=
 “ =ation, même dans leur forme actuelle, Je craindrois qu’il n’en
 “ résultat dans les présentes circonstances, un mal pour la province,
 “ et le Service de sa majesté. J’entends particulièrement, si _
 “ L’Ordonnance qui régle les milices n’étoit point continuée.

“ Votre Président, à ma demande, mettra devant Vous, Messieurs,
 “ un ajouté d’Instruction sous le Seing du Roi, qui a été reçue par
 “ mon Predecesseur, et qu’il m’a remis; mais pour laquelle, il est, Je
 “ crois, probable, que vous verrés à en délibérer après le tems de la
 “ présente Séance. _ J’ajouterai seulement que Je serai très flatté_
 “ de trouver que vous pensés unanimement avec Moi, sur mes _
 “ recommandations au Conseil Législatif de ces differens sujets.”

His Honor withdrew.

The

The President, M.^r Finlay, took the Chair, and the several members their respective Seats, as follows, viz,

The Honorable Hugh Finlay, President

James Cuthbert	___	François Levesque
Edward Harrison	___	John Collins
Adam Mabane	_	George Pownall
J. G. C. De Lery	___	John Fraser
Henry Caldwell	___	François Baby
Joseph De Longueuil	_____	Esquires

M.^r President laid before The Council the additional ___ Instruction referred to in the Lieutenant Governor's Speech, which was read, together with His Majesty's Proclamation whereof—mention is made in the said Instruction

Ordered that The Instruction be translated into French.

Colonel Caldwell moved that an Humble Address of Thanks
“ be made by this Council to His Honor The Lieutenant Governor for his Speech this day from the Chair.

Resolved unanimously in the Affirmative, and that the whole house be a Committee to prepare the Address.

Adjourned to Tuesday The 7.th at The Council Chamber in The Bishop's Palace at eleven o'clock.

At The Council Chamber in The Bishop's Palace

On Tuesday the 7.th of February 1786

Present

The Honorable Hugh Finlay, President

James Cuthbert	___	Francois Levesque
Edw. ^d Harrison	___	John Collins
Adam Mabane	_	George Pownall
J. G. C. De Lery	___	Picottée De Bellestre
John Fraser	_____	Francis Baby
Joseph De Longueuil	_	Samuel Holland _ Esq. ^{rs}

The Council in Committee

Read the Journal of Yesterday _ _ _ Read The Lieutenant Governor's speech of yesterday, together with [^]the french Translation of it. The Board proceeded to prepare Their Address of Thanks ___ which being done, M.^r President took the Chair. Then Read the Address in English and French, and being approved of by The Council, it was Ordered that a fair Copy of it be made out, which being ingrossed, The Council Resolved that M.^r Cuthbert

Cuthbert, M^r Collins, M^r De Lery and M^r Baby should wait on The Lieutenant Governor therewith, and to request His Honor to name the time when The Council should wait on Him to present Their Address. — The said Gentlemen having waited on The Lieutenant-Governor, reported, that His Honor would receive their Address at half past Two o’ clock this afternoon.

At the time appointed The Council presented Their Address to the Lieutenant Governor at The Castle of S.^t Lewis, whereof— follows a Copy, viz,

Address of Thanks
of The Legislative
Council.

“ To Henry Hope Esquire, Lieutenant Governor and –
“ Commander in chief in and over the province of–
“ Quebec, and the territories thereon depending; –
“ Brigadier General and Commander in chief of His
“ Majesty’s forces in the said province and the
“ frontiers thereof, &c, &c, &c.

“May it please Your Honor,

“ We The Members of The Legislative Council beg leave to –
“ express to Your Honor our warmest thanks for the Speech that
“ You delivered to Us yesterday.

“ The three Ordinances which are about to expire will be
“ taken immediately under consideration.

“ We further beg leave to assure Your Honor that whatever
“ You will think proper to recommend, will meet with immediate
“ and chearful attention.

“ It will always give us particular satisfaction when our
“ deliberations will be agreeable to Your Honor’s recommendations.”

Council Chamber, Bishop’s Palace /signed/ Hugh Finlay Pres.^t
7.th February 1786.

L’Adresse de
Remerciements
du Conseil Législatif

Translation of The Address.

“ À Henri Hope Ecuier Lieu.^t Gouverneur et Commandant
“ en Chef de toute la province de Québec et territoires
“ en dépendans; Brigadier Général et Commandant
“ en Chef des Troupes de sa Majesté en la dite province,
“ et frontières, &c,&c, &c.

“ Si Votre Honneur veut bien le permettre

“ Nous Les Membres du Conseil législatif prenons la
“ Liberté d’exprimer à Votre Honneur nos plus vifs et sincères –
“ remerciemens de la Harrangue que vous nous avés délivré hier.

“ Nous

“ Nous prendrons immédiatement en consideration les trois Ordonnances
 “ qui sont sur le point d’expirer.

“ Nous demanderons aussi la permission d’assurer Votre Honneur
 “ que tout ce que vous jugerez à propos de nous recommander aura
 “ immédiatement notre plus serieuse attention.

“ Nous aurons toujours une veritable satisfaction lorsque nos
 “ délibérations se trouveront conformes aux recommandations de
 “ votre Honneur.”

/ signé / Hugh Finlay Pres.¹

Chambre du Conseil à l’Eveché
 7 Fevrier 1786.

The Lieutenant Governor’s
 Answer

To which Address His Honor was pleased to return the
 following Answer, viz,

“ Gentlemen of the Legislative Council
 “ I return You my best thanks for the very cordial and
 “ obliging Address that You have thought proper to present on
 “ what I had occasion to say to You yesterday; and at the
 “ same time that I receive with pleasure the chearful —
 “ assurances of your attention to what I shall recommend,
 “ I beg to take this opportunity of expressing to You,
 “ Gentlemen, that it will not give me less satisfaction to
 “ have it in my power to concur at all times with what
 “ shall be the Sense of The Legislative Council.”

Quebec Feb.^{ry} 7.th 1786.

/signed/ Henry Hope

Translation of The Lieutenant Governor’s Answer
 Messieurs du Conseil legislatif

“ Je vous fais mes remerciemens Sincères de la très gracieuse & obligeante
 “ adresse que vous avez jugé à propos de me présenter, Sur ce que J’ay eü
 “ d’occasion de vous dire hier, et dans le même tems que je reçois avec
 “ plaisir les meilleures assurances de donner Votre attention à ce que je
 “ vous recommanderoy, Je prens cette Occasion de vous assurer,
 “ Messieurs, que je n’aurai point de Satisfaction moindre, de
 “ concourir en tous tems de tous mon pouvoir aux Sentimens
 “ du Conseil législatif

(Signé) Henry Hope

Québec 7 Février 1786.

The President adjourned The Council to Friday the 10.th at 11 o’clock

At the Council Chamber in The Bishop's Palace
On Friday the 10.th of February 1786
Present

The Hon^{ble}, Hugh Finlay, President

James Cuthbert__	François Levesque
Edw. ^d Harrison__	John Collins
Adam Mabane __	George Pownall
J. G. C. De Lery __	Conrad Gugy
Picottée De Bellestre.	John Fraser
Henry Caldwell__	François Baby
Joseph De Longueuil .	Samuel Holland _

Read the Journal of the 7.th _

Read__ The militia Ordinance, article by article, in English & French.

Read__ The Ordinance which continues that Ordinance to the 30.th of—
April next.

Resolved that The Attorney General be directed to prepare
an Ordinance to continue, for one year longer, the
Ordinance intituled, “An Ordinance for regulating
“ the Militia of the province of Quebec, and rendering
“ it of more general Utility towards the preservation
“ and Security thereof.”

Read_ The Fee Ordinance, article by article, in English & French.

Read__ The Ordinance which continues that Ordinance to the end of the
present Session.

Resolved That The Attorney General be directed to -
prepare an ordinance to continue, for one year
longer, the ordinance, intituled, “ An Ordinance
“for the regulation and establishment of
“Fees.”

Read_ The Post _ Ordinance, article by article, in English & French.

Read_ The Ordinance which continues that Ordinance to the end of
the present Session.

Resolved That The Attorney General be directed to prepare
an ordinance to continue, for one year longer, the
ordinance, intituled, “An Ordinance for regulating
“ all such persons as keep horses and carriages to
“ let and hire for the accommodation of Travellers,
“ commonly called and known by the name of_
“ maîtres de poste .”

Adjourned to Monday the 13.th at 11 o'clock.

At the Council Chamber in the Bishop's Palace

On Monday the 13.th of February 1786

Present

The Hon^{ble} Hugh Finlay _ President

James Cuthbert __ François Levesque

Edward Harrison __ John Collins

Adam Mabane __ George Pownall

J. G. C. De Lery ____ Conrad Guty

Picottée De Bellestre_ John Fraser

Henry Caldwell __ Paul Roc S.^t Ours

François Baby __ Joseph De Longueuil

Samuel Holland _____ Esquires

The Attorney General having delivered the three ordinances (at the Office) which he was directed on the 10.th instant to prepare __ Read the same twice, both in English and French. __

Ordered that they sho.^d be engrossed.

The Council resolved itself into a Committee of the whole board, in order to take into Consideration His Majesty's _ additional Instruction mentioned in The Lieutenant Governor's speech at the opening of this Session.

The board in Committee

Read in English and French, His Majesty's additional Instruction to His Excellency Frederick Haldimand Governor of this province dated at S.^t James's the 26.th of May 1785 concerning the proposing to this Council to pass an Ordinance to regulate the intercourse by land and inland navigation between this province and the united states of—America.

The Committee after taking into consideration the said additional Instruction, and weighing the subject therein proposed; _ and deliberating upon the present situation of Affairs respecting the province, and the frontiers of it, are of opinion that it will require much more information than they are at present possessed of, to enable them to frame a Law which shall effectually meet the object mentioned in the Instruction: and therefore they **resolve** unanimously that it shall be on the table till next Session.

The President resumed the Chair, and The Council ratified the said Resolve.

Adjourned to Thursday the 16.th at 12 o'clock.

_ At The Council Chamber in The Bishop's Palace _
On Thursday the 16.th of February 1786.
Present

The Hon^{ble} Hugh Finlay President

James Cuthbert____ François Levesque
Edward Harrison____ John Collins
Adam Mabane____ J. G. C. De Lery
Conrad Gugy____ Picottée De Bellestre
John Fraser____ Henry Caldwell
P. R. S.^t Ours _____ Fr.^s Baby
Jos. De Longueuil____ Samuel Holland__ Esquires

+ Read_ The ingrossed Ordinance Ch. I. intituled “An Ordinance for—[^] +
^ “further continuing “ regulating the militia of the province of Quebec, and rendering it
“an Ordinance made “ of more general utility towards the preservation and security ____
“the twenty ninth day “ thereof” in English and French_ The President proposed from the
“of March in the 17.th “ Chair, that the Question be put, “Whether the said Ordinance, Ch. I
“year of His Majesty’s “ shall pass the Council, or not?” And being put, Voted unanimously
“reign, intituled, An in the Affirmative. _____ M.^r Finlay The President handed the
“Ordinance for following paper to be entered in the Journals, viz, “Although the
“ reasons assigned by Me in the last Session of The Legislative Council
“ why the Ordinance for regulating The Militia ought not to pass ____
“ unamended be still of equal force in my opinion; Yet as we have
“ reason to believe that some alterations for the better Government—
“ of this country are now in contemplation at home, and may—
“ probably take place before the next meeting of this Honorable
“ board, it will be advisable to let matters remain as they are
“ at this day. Therefore have I given my voice for continuing the
“ militia Ordinance another Year. ”

Read_ The ingrossed ordinance Ch. II. intituled, “An Ordinance for further—
“ continuing an Ordinance made the ninth day of March in the twentieth
“ year of His Majesty’s reign, intituled, An Ordinance for the regulation
“ and establishment of fees” in English and French ____ The President ____
“ proposed that the Question be put, “Whether the said Ordinance Ch. II. ____
“ shall pass the Council or not, ” And being put Voted unanimously_
in the Affirmative.

Read_ The ingrossed Ordinance Ch. III. intituled, “An Ordinance for further—
“ continuing an ordinance made the ninth day of March in the twentieth
“ year of His Majesty’s reign, intituled. “An Ordinance for regulating_
“ all such persons as keep horses and carriages to let and hire for the
“ accommodation of travellers, commonly called and known by
“ the name of maîtres de poste” in English and French _ The President

proposed

proposed that the Question be put “Whether the s.^d Ordinance_Ch. III. _
 “ shall pass the Council, or not?” And being put, Voted unanimously in
 the Affirmative.

M.^r Mabane read from these Journals under 29.th April
 1785 the Notice He then gave of His intentions to propose two ____
 Ordinances at the present Sessions; One concerning Fisher men and the
 other concerning the importation of Slaves. And now gave Notice
 that He intends to propose the s.^d two Ordinances at the next Session.
 of this Legislative Council, deferring it for the present Session.

At the Council Chamber in the Castle of S.^t Lewis

On Monday the 20.th of February 1786

Present

The Honorable Henry Hope Esquire Lieutenant Governor
 and Commander in Chief –

The Honble Hugh Finlay____ James Cuthbert
 François Levesque Edw.^d Harrison
 John Collins____ Adam Mabane
 George Pownall __ J. G. C. De Lery
 Conrad Guty____ Picottée De Bellestre
 John Fraser____ Paul Roc S.^t Ours
 François Baby____ Jos. De Longuëuil
 Samuel Holland____ Esquires

Read the Three Ordinances which passed the Legislative Council
 the 16.th instant, in English and French __ His Honor the
 Lieutenant Governor and Commander in Chief signed them
 and passed them, in their order, under the public seal of the
 province; and it is ordered that they be published in the
 next Gazette.

His Honor laid before The Council a Petition, addressed
 to Him, from M.^r David Ross of Montreal, praying a Commission
 to be admitted to practice as an Attorney and Solicitor in His
 Majesty’s Courts of Law in this province __ And likewise a Petition
 which He had just received, addressed to The Members of The Legislative
 Council, from M.^r Pierre Bedard, praying in like manner to be
 commissioned to practice in the same Courts as Solicitor and
 Attorney. The former was read, and the latter handed to the _

several

several members for their perusal _ And finally His Honor recommended to the consideration of The Legislative Council the said two Petitions, together with the ordinance Ch. 4 passed in the year 1785 referred to therein severally to the end that at an early day in the next Session of The Legislative ____ Council it may be Resolved Whether some Amendment of that Law is, or is not necessary to be made upon the ground stated in those petitions. And in the mean time He recommended that the said Petitions should lie on the Table.

The Lieutenant Governor and Commander in Chief then prorogued The Legislative Council, till further Notice.

=====

Memorandum

The Petition of M. ^r David Ross	}	lie on the Table.
&		
The Petition of M. ^r Pierre Bedard		
		JWilliams
		20. th February
		1786

M. A certified Copy of the Journals of the ____
 Session in February 1786 was delivered
 to His Honor The Lieu.^t Governor, by JW. 25.th Feb^{ry} 1786

This Book contains three hundred and eleven____
 written pages JWilliam C. L. C.

Cahier E (VOLUME 2)

Du 15 janvier 1787

au

30 avril 1789

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Journals
of
The Legislative Council

=====

At the Council Chamber in the Castle of Saint Lewis
On Monday the 15.th day of January 1787

Present

His Excellency

The Right Honorable Guy Lord Dorchester
Governor

The Honourable, Henry Hope Esquire Lieutenant Governor

William Smith Esquire, Chief Justice

Hugh Finlay Esq.^{re} _____ Edward Harrison Esquire

John Collins Esq.^{re} _____ Adam Mabane Esq.^{re}

George Pownall Esq.^{re} _____ Joseph Gaspard Chausse=
=gros De Lery, Esq.^{re}

Henry Caldwell Esq.^{re} _____ William Grant Esq.^{re}

Paul Roc S.^t Ours Esq.^{re} _____ Francis Baby Esq.^{re}

Samuel Holland Esq.^{re} _____ Sir John Johnson Bar.^t

René Amable Boucher=

=ville Esq.^{re} _____ Le Conte Dupré Esq.^{re}

His Excellency opened the Session with the following Speech
Which he was pleased to deliver in English and French.

Gentlemen,

“I have assembled You as The Legislative Council
“ for the Affairs of the province.

“The whole of the business which, on my arrival, I
“ recommended to the consideration of the several Committees of—
“ Council, from its great importance and extent, is not yet ____
“ finished. It is necessary, for the greater dispatch of what—
“ remains unfinished, that The Council should be adjourned.

“I shall order the Reports concerning the Courts of
“ Justice; and the Militia; and Highroads and Communications;
“ which have already been presented to Me, to be translated.

“When I receive the Rest of the Reports, I shall lose
“ no time in laying before You the whole, or such parts of
“ them as I shall judge necessary to make the subject of your
“ Deliberations, in your Legislative Capacity.”

His Excellency adjourned The Council till Monday the
22.nd instant, at 11 o'clock, at The Bishop's Palace.

At the Council Chamber in the Bishops Palace.
Monday 22.nd January 1787.

Present

The Honorable, Henry Hope Esq.^{re} Lieutenant Governor, President
 William Smith, C. J. ____ Hugh Finlay
 Edward Harrison ____ John Collins
 Adam Mabane ____ George Pownall
 J. G. C. De Lery ____ Picottee de Bellestre
 Henry Caldwell ____ William Grant
 Paul Roc S.^t Ours ____ Francis Baby
 Joseph De Longueuil ____ Samuel Holland ____ Esquires
 Sir John Johnson Bar.^t ____ Rene Amable Boucherville
 Le Conte Dupré ____ Esquires

The President signified to The Council that He was authorised by His Excellency, The Right Honourable Lord Dorchester to acquaint them, that His Lordship had nothing to add, at this time, to what He mentioned on Monday last. But that having received the Translations of the Reports of the Committees, for Courts of Justice; for The militia; and Highroads and Communications; He had been pleased to transmit them to be laid before the House.

* sixteen in Number

A paper subscribed by several *Gentlemen “humbly requesting ____ admittance to The Legislature Council, if the same be conformable to the Rules thereof” being brought in by the Door-keeper, was read in English and French. Upon which Colonel Caldwell moved “That every Member of the Council shall have leave to introduce any Gentlemen to hear the Debates, at any time, except when the House is ordered to be cleared.” The motion was seconded by M.^r Grant. Debated. The Question put. ____ Voted in the Negative_ 8 Ayes, 10 Noes . ____ Resolved that the Request of the Gentlemen be refused, being contrary to Rule. The ____ Clerk to report to them this Resolve, verbally.

Read the Rules, heretofore agreed upon, for the business of the House, in both Languages.

Read the Report of The Committee for Courts of Justice in both languages, together with a List of the papers accompanying it. Ordered to lie on the Table for the Consideration of the House.

Adjourned till to-morrow at 11.

Votes on the Question

	Ayes	Noes
M. ^r Dupré		1
M. ^r Boucherville		2
Sir John Johnson	1	
Major Holland	2	
M. ^r De Longueuil		3
M. ^r Baby		4
M. ^r S. ^t Ours		5
M. ^r Gant	3	
M. ^r Caldwell	4	
M. ^r Bellestre		6
M. ^r De Lery		7
M. ^r Pownall	5	
M. ^r Mabane		8
M. ^r Collins	6	
M. ^r Harrison		9
M. ^r Finlay	7	
The Chief Justice	8	
The President		10

Tuesday 23.rd January 1787

Present

His Honour The President, and the other Members, as yesterday.

The Chief Justice moved for leave to bring in a Bill “for the Relief of the poor, by the easy dispensation of Justice, in small causes.” __
Seconded by M.^r Finlay.

M.^r Harrison moved “that the word House be not made use of upon the Journals, but Legislative Council, agreeable to the Act of Parliament”. __
Seconded by M.^r Mabane. _ Question put. Voted in the Affirmative _ 13 Ayes
5 Noes.

Leave being obtained, the Chief Justice brought in his Bill. Moved that it be read. _ Read in both languages. The Chief Justice moved a __ second reading for a future day, but in the mean time to lie on the Table for the Consideration of the members. _ Ordered accordingly.

The Chief Justice moved for leave to bring in a Bill “to secure the Royal Revenue, to regulate the proceedings in Crown Causes, and to give the subjet the benefit of Appeal from large fines.” _ Seconded by M.^r Finlay.
The Bill being brought in was read in both languages. _ The Ch. Justice moved a second reading, in a few days, and in the mean time to lie on the Table for the consideration of the Members. __ Ordered accordingly.

The Chief Justice moved for leave to bring in a Bill “ for protecting the province, by increasing the Security of the public peace. ” _ Seconded by M.^r Finlay. Assented to.

M.^r Mabane, agreeable to the notice entered in the Journals _ of the 29.th of April 1785, moved for leave to bring in a Bill “to abolish _ Slavery in the province of Quebec.” Seconded by M. Harrison. _ Agreed to.

M.^r Pownall moved “that a Committee be appointed to take into consideration, and to report to The Council such Bills as expire this Session, as well as such other Bills as remained at the last Session, referred over— to the consideration of the present Session.” __ Seconded by M.^r Collins. _ __
Ordered accordingly. _ And M.^r Pownall, M.^r Collins, M.^r De Lery, M.^r Baby, and Sir John Johnson, are named a Committee for that purpose.

Adjourned to Thursday the 25.th at 11.

Votes on the Question	Ayes	Noes
M. ^r Dupré	1	
M. ^r Boucherville	2	
Sir John Johnson		1
Major Holland	3	
M. ^r De Longueuil	4	
M. ^r Baby	5	
M. ^r S. ^r Ours	6	
M. ^r Grant		2
M. ^r Caldwell		3
M. ^r Bellestre	7	
M. ^r De Lery	8	
M. ^r Pownall	9	
M. ^r Mabane	10	
M. ^r Collins		4
M. ^r Harrison	11	
M. ^r Finlay		5
The Chief Justice	12	
The President	13	

Thursday 25.th January 1787

Present

His Honor The President, and the other Members, as on
the 23.rd _

“ The Bill “for protecting the province, by increasing the security of the public peace” was brought in by The Chief Justice. _
Read in both languages. _ Moved a second reading, but to lie on the table, for the consideration of the Members, for a few days.
Ordered accordingly.

The Bill “for abolishing slavery in the province of Quebec”, was brought in by M.^r Mabane. Read in both languages. _ Moved a second reading, in a few days, and in the interim to lie on the table, for the consideration of the Members . _ Ordered accordingly.

M.^r Pownall moved for leave to enter on the Journals His _
Dissent to the Vote of Council of Monday last, which he presented. _
Read the same. _ Ordered to be entered. _ Follows a Copy, viz,

“ M.^r Pownall’s Reasons of Dissent to the Vote of Council of–
“ Monday last, the 22.nd of January 1787.

“ Question as voted, That it is contrary to the Rule of this _
“ Council, to admit strangers to hear the Debates.”

“Dissent

“ ____ 1.st _ From the conception I shall ever retain that every ____
“ Gentleman, as a British Subject, has a Right (upon Application)
“ to have access to the Debates of that Legislature, which is framing
“ Laws or Ordinances, by which his property and Interests are to be
“ bound, and to which, he is himself to be bound in Obedience; more
“ particularly, in a time of peace and public tranquility as the–
“ present. At the same time, under certain Restrictions, and in such
“ numbers only as the space of the Legislative Council Room, and
“ the Conveniency of the carrying on the business of The Legislative
Council can conveniently admit.

“ “ 2.^{ndly} Because, as the impression which lay on the minds of–
“ some of The Hon^{ble} Members of this Council, of their being bound by their
“ Oath of Councillor, to secrecy, in all Affairs transacted here, is now–
“ entirely done away; and as a general and liberal Idea, seems now
“ in some degree adopted, of our debates being intirely of public nature,
“ and fit to be communicated without doors to a certain extent; I cannot
“ but conceive, how much more politic and judicious it would have been at
“ this time, to have done away and rooted out that Jealousy and Misconfidence
“ that has been so generally entertained of our Debates without doors, from
“ keeping our Door shut, and carrying on our proceeding (on such high public
concerns) intirely in secret.

“ “ 3.^{rdly} Because, I am convinced of the good that might result from _
“ the presence of an attentive Audience, at the reading over and debating on the
“ new laws or ordinances brought into Council; from the following circumstances;
“ first, the smallness of our numbers, some of whose minds may be engaged; _
“ perhaps, in Objects of their own before Council. _ 2.^{ndly} the circumstance of the _
“ two languages; and 3.^{dly} Because I am convinced, and could point out an _
“ instance, where this Council have been lead astray, by nothing but inattention,
“ to do an Injustice, in omitting a saving clause in one of their Ordinances past
“ two Years since; which circumstance might perhaps have been avoided, had some
other attentive persons been present, than ourselves. /signed/ Geo. Pownall

Adjourned to Monday the 29.th at 10.

Monday 29.th January 1787.

Present

The Honourable William Smith Esquire, Chief Justice

Hugh Finlay _____ Edward Harrison

John Collins _____ Adam Mabane

George Pownall _____ J. G. C. De Lery

Picotee De Bellestre _____ John Fraser

Henry Caldwell _____ William Grant–

Paul Roc S.ⁱ Ours _____ Francis Baby

Joseph De Longueuil _____ Samuel Holland _____ Esquires

Sir John Johnson B.^t _____ R. A. Boucherville

Le Conte Dupré _____ Esquires

M.^r Mabane moved for leave to bring in a Bill “declaratory of the _____ Criminal laws of England,” mentioned in the Report of The Committee for the Courts of Justice. _ Seconded by M.^r Fraser. _ Read in English _ Ordered to be translated.

1.st. Question “ Proposed from the Chair, that the Bill “for the Relief of the poor, by the easy dispensation of Justice in small causes” be committed _ Question put _ Voted in the Affirmative. _ 15 Ayes, 3 Noes.

2.nd Question “ Proposed from the Chair that the Bill “to secure the Royal _ Revenue, to regulate the proceedings in Crown Causes, and to give the _ subject the benefit of Appeal from large fines”, be committed. _ Question put _ Voted in the Affirmative _ 17 Ayes, 1 No.

3.rd Question “ Proposed from the Chair that the Bill, “for protecting the _ province, by increasing the security of the public peace”, be committed. Question put. _ Voted in the Affirmative. _ 17 Ayes, 1 Noe

4.th Question “ Proposed from the Chair that the Bill “to abolish slavery in the province of Quebec,” be committed. _ Question put. _ Voted in the Affirmative _ 13 Ayes, 5 Noes.

The Committee appointed to report upon the Bills which _____ expire with this Session, and those referred over since the last Session, _____ presented their Report _____ Read the same in both languages. _ Ordered to lie on the Table.

Adjourned to Thursday the 1.st of February.

Votes on the Questions	1. st Quest.		2. nd Qu.		3. rd Qu.		4. th Qu.	
	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes
M. ^r Dupré	1		1		1		1	
M. ^r Boucherville	2		2		2			1
Sir John Johnson	3		3		3		2	
Major Holland	4		4		4		3	
M. ^r De Longueuil	5		5		5			2
M. ^r Baby		1		1		1		3
M. ^r S. ⁱ Ours	6		6		6			4
M. ^r Grant	7		7		7		4	
Colonel Caldwell	8		8		8		5	
M. ^r Fraser		2	9		9		6	
M. ^r Bellestre	9		10		10			5
M. ^r De Lery	10		11		11		7	
M. ^r Pownall	11		12		12		8	
M. ^r Mabane		3	13		13		9	
M. ^r Collins	12		14		14		10	
M. ^r Harrison	13		15		15		11	
M. ^r Finlay	14		16		16		12	
The Chief Justice	15		17		17		13	

Thursday 1.st February 1787

Present

The Honourable Henry Hope Esquire Lieutenant Governor, Pr

William Smith, C, J. ____ Hugh Finlay

Edward Harrison ____ John Collins

Adam Mabane ____ George Pownall

J. G. C. De Lery ____ Picottee De Bellestre

John Fraser ____ Henry Caldwell

William Grant ____ P. R. S.^t Ours

Francis Baby ____ Joseph De Longueuill

Samuel Holland ____ Sir John Johnson, Bar.^t

R. A. Boucherville ____ Le Conte Dupré ____

His Honour The Lieutenant Governor signified to The Council, That His Excellency The Right Honourable Lord Dorchester had put— into his hands a Petition signed by a great number of respectable subjects of His Majesty resident at and near Quebec. That His Lordship had directed His Honour to inform the Council that upon receiving the Petition He was on the point of returning it to the Gentlemen who had presented it, not seeing to what ____ purpose it tended. That His Lorship remained for some time undecided whether He should not return the Petition; but, having received the Report of The Committee of Merchants at Quebec, and that of those at Montreal, accompanying the Report of The ____ Committee of Council named by His Lordship on the 6.th of November last, to take into consideration and report upon commercial matters, His Lordship perceived the Reason of the Alarm taken by the Petitioners. That His Lordship had sent the Petition, and the Report of The Committee of Commerce, together with all the papers that were therewith delivered to Him, for the information of The Council. That His Lordship recommends to The Legislature Council, when considering such of those papers as they should judge fit to — make the subject of their deliberations, in forming Regulations, that they would keep in view the Objects contained in the said Petition; to the end, that the minds of the people may be ____ quieted, and that peace and tranquility may, by their prudence, be promoted.

The Petition was read

A son Excellence Le Très Honorable, Guy, Lord Dorchester
Capitaine Général et Gouverneur en Chef des Colonies —
de Québec, Nouvelle Ecosse, et Nouvelle Brunswick,
et de leurs dépendances, Vice Amiral d'icelles; ____
Général et Commandant en chef de toutes les troupes

de

de Sa Majesté dans les dites Colonies, et dans l'Isle de Terre-neuve, &c, &c, &c.

L'Humble Supplique des Citoyens Canadiens de Quebec.

Qu'il plaise à Votre Excellence,

Nous, Citoyens Canadiens, de la Ville de Québec, prenons la Liberté de faire à Votre Excellence nos très humbles Représentations sur un Objet qui intéresse essentiellement notre tranquillité et le bonheur de cette province.

Une juste et précise exécution de nos loix civiles est notre Voeu, et les alterations qu'elles ont souffertes, et qu'elles pourront encore souffrir font nos Craintes et nos Peines. Ces Loix ont ___ établi les titres de nos biens et de nos familles, au nombre de Cent Vingt mille Ames, qui forment les dix neuf vingtièmes de la population actuelle. La Capitulation, en nous maintenant _ expressement dans l'entière et paisible propriété et possession et de nos biens nobles et innobles, meubles et immeubles, nous a nécessairement conservé ces loix civiles qui les définissent; Et l'un des articles de l'acte de Parlement de la quatorzième ___ année du regne de Sa très Gracieuse Majesté, considerant avec justice ce pays comme conquis, nous a si clairement accordées, qu'il ne doit y avoir dans les cours de justice aucune doute ___ qu'il ait sous-entendu d'y introduire, en outre, d'autres loix; _ qui n'ont jamais été publiées en cette province, puisque leurs plus célèbres Commentateurs déclarent qu'elles n'ont aucune force en Pays conquis et déjà habités. Nous ne pouvons même imaginer que l'acte du Parlement qui nous accorde nos Propriétés et ces loix ait entendu autoriser des alterations réitérées qui détruiraient leurs principes ___ fondamentaux, ou meler avec ces loix d'autres loix, soit générales, soit particulieres, qui ont des principes differens, et qui sont peu convenables à ce pays, dans la Vue de favoriser une certaine classe d'individus seulement; ___ parce que du mélange de diverses loix, en un même pays, il ne peut résulter qu'une confusion, la désunion entre les sujets, et des incertitudes ruineuses aux familles.

L'Alteration de nos Loix civiles, coûtumes et usages mérite la plus grande moderation, et les précautions les plus importantes. Ces Loix sont simples, claires, connues, et justes, même pour le Commerce, puisqu'elles favorisent ___ beaucoup le prompt recouvrement des dettes; la Justice et l'Egalité entre les Créanciers. Elles consistent en

Ordonnances

Ordonnances, que les Rois n'ont voulu faire, lorsqu'elles touchaient aux propriétés et aux droits de citoyens, que sur les Résolutions des Etats ; c'est-à-dire les trois ordres du Peuple. Nos coutumes n'ont aussi été rédigées par—
 Ecrit que de cette manière, et leur rédaction n'a été faite que sur les résolutions des mêmes Etats. C'est pourquoi — les lettres patentes de la dernière rédaction les déclarent, et garantissent expressement, comme loi et édit perpétuelles et irrévocables; et que l'ancien gouvernement n'a, pendant plusieurs siècles fait que peu d'ordonnances, dont aucune ne donne atteinte à ces loix. Telles sont les loix, coutumes et usages pour nos droits réels et personnels, dont les ___ anciens et notables, même les nouveaux Canadiens qui sont en cette province, sans distinction de naissance, ont ___ d'accord entre Eux, demandé l'exacte exécution à sa ___ Majesté, en la suppliant de remédier à l'Etat actuel de cette province.

Nous supplions donc, très respectueusement—, Votre Seigneurie, de vouloir bien ne donner aucune sanction à ce qui tendrait à détruire les principes fondamentaux des loix, coutumes, et usages qui régissent nos Propriétés, ou qui voudraient introduire d'autres loix, attendu que toutes innovations en loix ne devraient se faire qu'avec les — mêmes précautions qui les ont établies.

L'ancienne et constante protection que Votre Excellence a bien voulu accorder à nos droits, les — plus précieux, nous assure de celle qui doublera notre reconnaissance, et nos Vœux pour votre conservation et prospérité.

Québec le 19.^e Janvier 1787.

NB_ The foregoing Petition was signed by 345 —
 Persons —

The Petition being read, The Lieutenant Governor moved that an humble address of thanks be presented by This Council to His Excellency The Governor, for His gracious message to them, and for His communication of the several Reports and Papers; which motion he delivered in _ writing, in the words following, viz, ____ “The Lieutenant Governor –
 “ moves that an Address be presented from The Legislative Council to
 “ His Excellency The Governor in Chief, returning Him our humble
 “ and hearty thanks for the full and ample communications
 “ that He has thought fit to give to this Council of all the several
 “ Reports that have been made to Him; and particularly of the _
 “ Petition lately presented to His Lordship on the part of a number
 “ of His Majesty’s respectable and faithful subjects of the Town of
 “ Quebec; as well as for His Excellency’s gracious Message thereon: _
 “ And assuring His Excellency that this Council will not fail, in
 “ their Deliberations upon such part of the various matters, annexed
 “ to the several Reports, as may appear, to them, to be Objects of–
 “ Public Good, within their sphere and powers, to meet His Excellency’s
 “ wishes in the fullest manner, by a due attention, on their part,
 “ to avoid any thing that may give the Alarm again to that
 “ Class of His Majesty’s subjects described in the petition; whose
 “ minds cannot but be restored to perfect tranquility, by the
 “ measures that His Excellency has thus, in his wisdom and
 “ Justice, taken on the occasion: And to this Effect that a Committee
 “ be named to proceed immediately in framing the Address to _
 “ His Excellency accordingly.” _____ Seconded by M.^r De Longueüil
 1.st Question _ Question put. _ Voted in the Affirmative, unanimously. _
 The Council resolved itself into a Committee, for the purpose
 of framing the Address.

In Committee

An Address being made out__ The Title was agreed
 to. _ The first paragraph was agreed to. _ The second paragraph
 beginning with the words, and particularly, being read, the
 2.nd Question Question was put _ Voted to stand, 11 Ayes, 8 Noes. ____ The
 3.rd Question third paragraph, being read, the Question was put _ Voted to
 stand _ 12 Ayes, 7 Noes. _____ The Chief Justice moved to
 add an Amendment, in the following words, viz, “We have
 “ nevertheless the Honor to add for Your Lordship’s great Satis=
 “ =faction, that the only Evidence before us of any Alarm, is the
 “ Petition referred to Us this day, with the Report of The Committee
 “ of the Council upon the subject of Commerce and Police; which, for
 “ want of time, we have not yet been able to read, nor to inquire
 “ into the End of the said Petition, and the authenticity of the ____
 4.th Question“ Signatures to the same.” _____ Question put _ Voted in the
 Negative 9 Ayes, 10 Noes.

In Council

The same Members present

The Address was reported _ and Read _ Ordered to be ingrossed. ___ M.^r Mabane, M.^r Pownall, M.^r De Lery, and M.^r De Longueuil, are named a Committee to wait on His _ Excellency with a Copy of it, requesting to know the time when His Lordship will be pleased to receive to Address.

M.^r Grant delivered a motion, in the following words, viz,
 “ His Honor The Lieutenant Governor having delivered a Message
 “ from His Excellency The Right Honourable Lord Dorchester, and a
 “ Petition from a number of His Majesty’s new Subjects to His
 “ Excellency, which Petition, only, was read, in the french language,
 “ previous to the Address just voted to His Lordship, M.^r Grant
 “ moves, That the Report of the Committee of Council on Commerce
 “ and Police, together with its Appendix, be now read; that The
 “ Legislative Council may forthwith, or as soon as possible, _
 5.th Question “ proceed to take the Petition and Report into their consideration”.
 ___ Seconded by M.^r Collins. ___ Question put. _ Voted in the
 Negative. ___ 5 Ayes, 14 Noes.

6.th Question “ M.^r Pownall moved, “That the Report, alone, of The
 Committee of Council on Commerce and Police, be read.” _
 Question put. _ Voted in the Affirmative, _ 10 Ayes, 9 Noes.
 ___ Read that Report ___ Ordered to be translated into _
 French.

The Committee, who waited on His Excellency, requesting
 to know the time when His Lordship would be pleased to
 receive The Address; reported to The Council that His Lordship
 had fixed on 12 o’clock to _ morrow.

adjourned to Saturday at 10.

Votes on the Questions	1. st Quest.		2. nd Qu.		3. ^d Qu.		4. th Qu.		5. th Qu.		6. th Qu.		
	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	Ayes	Noes	
M. ^r Dupré	1		1		1		1		1		1		
M. ^r Boucherville	2		2		2		2		2		2		
Sir John Johnson	3		1		3		1		1		1		
Major Holland	4		3			1	2			3		3	
M. ^r De Longueuil	5		4		4		3		4		4		
M. ^r Baby	6		5		5		4		5		5		
M. ^r S. ^r Ours	7		6		6		5		6		6		
M. ^r Grant	8		2		2	3		2		2		2	
Col. Caldwell	9		3		3	4		3		3		3	
M. ^r Fraser	10		7		7		6		7		7		
M. ^r Bellestre	11		8		8		7		8		8		
M. ^r De Lery	12		4		9		8		9		9		
M. ^r Pownall	13		5		4	5			10	4			
M. ^r Mabane	14		9		10		9		11	5			
M. ^r Collins	15		6		5	6		4		6			
M. ^r Harrison	16		7		6	7			12	7			
M. ^r Finlay	17		8		7	8			13	8			
The Chief Justice	18		10		11		9		5		9		
The President	19		11		12		10		14	10			

Saturday 3.rd February 1787

Present

The Honourable Henry Hope Esquire, Lieu.^t Governor, President

M.^r Finlay _____ M.^r Harrison

M.^r Collins _____ M.^r Pownall

M.^r De Lery _____ M.^r Fraser

Col. Caldwell _____ M.^r Grant

M.^r S.^t Ours _____ M.^r Baby

M.^r De Longueüil _____ Major Holland

Sir John Johnson B.^t _____ M.^r Boucherville

M.^r Dupre _____

Colonel Caldwell moved, "that The Address presented yesterday
"to His Excellency The Governor, with His Answer, be entered on the
"Journals." _____ Seconded by M.^r Grant. _____ Ordered accordingly.

The Address

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

May it please Your Excellency,

We, the Members of The Legislative Council for the
Affairs of the province of Quebec, in Council assembled, return Your
Excellency our humble and hearty thanks for the full and ample
Communications that You have thought fit to give to this Council,
of all the several Reports which have been made to Your Excellency;
and particularly of the petition lately presented to Your Lordship on
the part of a Number of His Majesty's respectable and faithful _____
subjects of the Town of Quebec; as well as for Your Excellency's gracious
message thereon.

We beg Leave to assure Your Excellency that this Council
will not fail, in our deliberations upon such part of the various
matters annexed to the Reports, as may appear to us to be objects
of Public Good, within our sphere and powers, to meet Your Excellency's
wishes, in the fullest manner, by a due attention, on our part, to
avoid any thing that may give the Alarm again, to that class _____
of His Majesty's subjects, described in the petition, whose minds _____
cannot but be restored to perfect tranquility, by the Measures that
Your Excellency has thus, in your wisdom and justice, taken on the
occasion. signed Henry Hope P.^t

Council Chamber

1.st February 1787

The Answer_

Gentlemen of The Legislative Council,

I return you thanks for Your obliging Address; I have no
doubt but I shall always find your ready assistance in promoting
the prosperity and happiness of His Majesty's subjects of this _____
province.

Read, in both languages, the Report made to His Excellency by The Committee for, The Militia; and for The High - roads and Communications : together with a Schedule of the Papers which accompany The Report. ____ Read the Project of a Militia _ – Ordinance proposed by Colonel Caldwell ____ And likewise that proposed by M.^r Baby _ in both Languages.

M.^r Baby observed that He perceived a Necessity of making some Alterations in the Project of The Militia _ Ordinance proposed _ by him; and particularly the dividing the Matter thereof into Two Ordinances; and therefore moved “that the same be submitted to _ the Consideration of a Committee, to be named for that purpose”. ____ Seconded by Colonel Caldwell, who proposed that His Project of a Militia – Ordinance, be likewise submitted to the Consideration of the same Committee . ____ Ordered accordingly . _ And M.^r Fraser, Colonel Caldwell, M.^r Baby, M.^r De Longueüil, # # Major—Holland, and M.^r Boucherville to compose that Committee.

Question “ Colonel Caldwell moved “that M.^r Grant and Sir John_ Johnson be added to the Committee just named.” ____ Seconded by M.^r Finlay ____ Question put _ Voted in the Negative ____ 7 Ayes 9 Noes

adjourned to Monday the 5.th at 11.

Votes on the Question

	Ayes	Noes	
M. ^r Dupré ____		1	
M. ^r Boucherville _		2	
Sir John Johnson _	1		
Major Holland _	2		
M. ^r De Longueüil		3	
M. ^r Baby ____		4	
M. ^r S. ^r Ours ____		5	
M. ^r Gant ____	3		
Colonel Caldwell	4		
M. ^r Fraser ____		6	
M. ^r De Lery ____		7	
M. ^r Pownall ____		8	
M. ^r Collins ____	5		
M. ^r Harrison ____	6		
M. ^r Finlay ____	7		
The President ____		9	

Monday 5.th February 1787

Present

The Honourable Henry Hope Esquire Lieu.^t Governor, P.

M.^r Fraser

M.^r De Longueuil

Sir John Johnson B.^t

M.^r Boucherville

M.^r Dupré

The absent Members being engaged on the Bench of the Court of Appeals, adjourned till to - morrow at 10. _

Tuesday the 6.th of February 1787.

Present

The Honourable Henry Hope Lieu.^t Governor, Pr.

William Smith, C. J. _ Hugh Finlay

Edward Harrison _ John Collins

Adam Mabane _ George Pownall

J. G. C. De Lery _ John Fraser

Henry Caldwell _ William Grant

Paul Roc S.^t Ours _ Francis Baby

Joseph De Longueuil _ Samuel Holland

Sir John Johnson B.^t _ Rene Amable Boucherville

Le Conte Dupré _ _ _

Colonel Caldwell moved “for leave to bring in a Bill for the
“ more effectual making and repairing the Highroads and Bridges
“ in this province” _ Seconded by M.^r Boucherville _ Ordered to be
read _ Read in both languages. _ Col. Caldwell moved “that the Bill
“ be committed” _ Seconded by Sir John Johnson _ Question put _ Voted
in the negative _ 7 Ayes, 11 Noes.

Votes on the Question

	Ayes	Noes
M. ^r Dupré		1
M. ^r Boucherville		2
Sir J. Johnson	1	
M. ^r Holland		3
M. ^r De Longueuil		4
M. ^r Baby		5
M. ^r S. ^t Ours		6
M. ^r Grant	2	
M. ^r Caldwell	3	
M. ^r Fraser		7
M. ^r Bellestre absent		
M. ^r De Lery		8
M. ^r Pownall	4	
M. ^r Mabane		9
M. ^r Collins	5	
M. ^r Harrison		10
M. ^r Finlay	6	
The Chief Justice	7	
The Lieu. ^t Governor		11

Read in both languages, the Report of The Committee of Council for Population; Agriculture; and the settlement of The Crown Lands; including Sir John Johnson’s Dissent from that part of the Report which makes mention of The Tenure under which the Grants of Lands are to be made to The Loyalists. _ Read likewise a List of the papers referred to in the Report.

Read the french translation of The Report of The Committee of Council for Commerce and Police.

Ordered that the Reports of the Merchants of Quebec and Montreal be translated. _ As well as the Reports of The Magistrates of Quebec, and of the Magistrates and Merchants of Three Rivers.

adjourned till to-morrow at 11.

Wednesday the 7th

The Council next, but there was no business done.

adjourned to Monday the 12.th at 11.

Monday the 12.th of February 1787

Present

The Honourable, Henry Hope Esq.^{re} Lieu.^t Governor, P.

M.^r Finlay _____ M.^r Harrison

M.^r Collins _____ M.^r Pownall

M.^r De Lery _____ M.^r Bellestre

M.^r Fraser _____ M.^r Caldwell

M.^r Grant _____ M.^r S.^t Ours

M.^r Baby _____ M.^r De Longueüil

M.^r Holland _____ Sir John Johnson

M.^r Boucherville _ M.^r Dupré

His Honour, The Lieutenant Governor, signified to The _ Council, that He had it in command from His Excellency The _ Governor in Chief to communicate to them An Address which His Lordship had received from Montreal, signed by a great number of His Majesty's subjects there ____ It was read, and ordered to be entered in the Journals.

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

Qu'il plaise à votre Excellence,

Dans un tems, où l'arrivée de Votre Seigneurie sembloit ne devoir faire penser aux anciens et nouveaux sujets de Sa Majesté qu'a se feliciter réciproquement de cet heureux événement : Dans un tems, où nous ____ pensions qu'il y auroit un accord mutuel à se réjouir des douceurs d'un Gouvernement heureux : Dans un tems, enfin, où nous croïons la tranquillité rétablie, les ____ anciens sujets revenus d'un Système qu'un opposition générale des loïaux sujets Canadiens devoit leurs faire

regarder

regarder comme inadmissible, dans un païs où les opposans, par droit, nombre, fortunes, et propriétés doivent emporter la balance; C'est avec la surprise la plus grande, que nous voyons les ___ nouvelles demandes des anciens sujets de Sa Majesté qui ne tendent à rien moins qu'à bouleverser les Loix fondamentallés des nouveaux, à les anéantir, et par là, leurs propriétés. Cette Commotion seroit alarmante, si les loyaux sujets ___ Canadiens de Sa Majesté n'étoient persuadés qu'elle a les Vuës les plus favorables pour son peuple Canadien; Que ___ lors qu'elle verra, par l'Entremise de Votre Seigneurie, au pied de son auguste trône, l'opposition generale et formelle de ses loyaux Sujets Canadiens aux demandes injustes et outrées de ses anciens Sujets; Que quand Notre très gracieux Souverain sera instruit que tout un peuple qui n'a jamais cessé de lui être fidel, se réunit pour réclamer sa justice et son ___ équité, pour lui conserver ses Loix municipales, ses Loix, sur lesquelles sont fondés ses biens, fortunes, et propriétés; ___ ses Loix, que le droit Des Gens assure, que la Capitulation, a promise, qu'une Proclamation a solennellement ratifiée, et que le Bill émané de Son August Parlement dans la quatorzième année de son Regne bienfaisant, a maintenu, et nous garantit; Que, quand sa très Digne Majesté daignera promener ses regards sur cette étendue de païs qu'habite un peuple qui désire le lui conserver, et qu'ensuite elle comparera cette quantité de personnes qui lui sont si ___ fidèlement attachées, les biens et les propriétés de tant d'individus, dont on veut renverser les principes fonda= mentaux, avec le nombre, si petit, des anciens sujets, et de si peu de propriétés; ne devons nous pas esperer, que Notre Très gracieux Souverain, bien loin d'acquiescer, à des demandes aussi injustes, affirmera encore et rendra plus stables les Loix constitutionnelles et municipales de ses ___ fidels et loyaux Sujets Canadiens.

Nous supplions Votre Excellence de vouloir bien jeter un regard sur les deux Addresses envoyées ci-devant, pour être mises au pied du Trône auguste de Sa Majesté, dont nous avons l'honneur de Vous transmettre les Copies; de les considerer comme le Voeu unanime et invariable de la nation: Et que par votre illustre Protection

Notre

Notre Très Gracieux Souverain veuille bien y avoir ____
 référence. Nous espérons que Votre Excellence n'aura
 aucun égard à ces demandes, de Chambre d'assemblée;
 de Charte d'Incorporation, dont le But est à peu près
 le même; d'un Enrégistrement des contrats; de Gréniers
 et marchés publics pour les Grains, &c; d'un Commerce
 avec Vermont; de ces Innovations pour les Douaïres, ____
 Hypothèques, &c ; Ces points étant assés clairement ____
 expliqués dans nôtre Loi : Le tout ne tendant qu'à la
 sapper, et nous paroissant contraire et préjudiciable
 à l'avantage de la province. Que tout autres Articles de
 ces demandes qui ne regardent pas le Commerce seul,
 méritent un Désaveu de notre part, comme opposés au
 bien, aux intérêts, aux droits, et aux privilèges les plus _
 sacrés des divers états qui composent cette province, et à
 qui, sans daigner les consulter, on veut imposer des Loix
 dont Eux-seuls sentiront tout le poid.

Nous osons nous flatter que Votre Seigneurie voudra
 bien faire valoir notre opposition par tout où besoin sera.
 Qu'elle voudra bien l'appuier de son Crédit : Ses connois=
 =sances dans la province des Sujets qui l'habitent la
 rendent plus capable que tout autre de faire, avec cette
 intégrité et cette impartialité, qui en tout tems, ont
 caractérisé Votre Excellence, un rapport fidel et exact
 des vrais sentimens de notre nation; et de pointer cette
 distinction que l'on doit mettre entre la futilité des _
 demandes, et les droits réels des Opposans . Et c'est avec
 la confiance la plus sincere que nous nous attendons
 encore aux marques de cette protection bienfaisante, si
 souvent reiterée à notre égard; qui fait, que sous un
 Gouvernement chéri, Le Plus Auguste des Roix est
 adoré, et ne peut qu'augmenter notre Amour en se
 faisant représenter parmi ses loyaux sujets Canadiens
 par Votre Seigneurie, pour la prospérité de
 laquelle nous ne cesserons de prier.

Montréal le 3.^{me} Fevrier 1787

NB. The foregoing Address was signed by 283
 Persons . ____

2.nd Nov.^r 1787 –
 Upon examining the Names
 this day, I find there are inserted
 315--- I took the former number
 from a computation made
 by my Clerk.
 JWilliams

The Address being read, Colonel Caldwell moved “that this
 “ as well as the Petition of a number of His Majesty’s Subjects
 “ at Quebec, which was entered on the Journals the first of this
 “ month, may be ordered to be translated into English. ____
 ____ Ordered accordingly.

Read the Translation of the Bill declaratory of the
 Criminal Law of England.

The Lieutenant Governor mentioned that he meant to
 have made a motion this day, tending to advance the business
 of The Sessions; but not seeing the Chief Justice in his place,
 whom it might more particularly concern, on account of—
 some Bills, brought in by Him, which lie on the table; _
 He will postpone the motion till to-morrow.

M.^r Grant, after “observing” that The Chief Justice was
 “ absent from indisposition”, moved “that a Committee be _
 “ appointed to take into consideration the Bill or Act to ____
 “ secure the royal revenue, regulate the proceedings in crown
 “ causes, and to give the Subject the benefit of Appeal from
 “ large Fines.” ____ Seconded by M.^r Finlay. _ The Chief Justice,
 M.^r Finlay, M.^r Mabane, M.^r Bellestre, M.^r Grant, and M.^r S.^t
 Ours, were named a Committee accordingly.

adjourned to the 13.th at 10.

Tuesday the 13.th February 1787.

The Honourable Henry Hope Esquire Lieutenant Governor, P.

M. ^r Finlay _____	M. ^r Harrison
M. ^r Collins _____	M. ^r Mabane
M. ^r Pownall _____	M. ^r De Lery
M. ^r Bellestre _____	M. ^r Fraser
M. ^r Caldwell _____	M. ^r Grant
M. ^r S. ^t Ours _____	M. ^r Baby
M. ^r De Longueüil ____	M. ^r Holland
Sir John Johnson ____	M. ^r Boucherville
M. ^r Dupré _____	

The Lieutenant Governor moved “that the Ordinance which regulates
 “ the forms of proceeding in the Courts of Civil Judicature, passed in Council
 “ in the Year 1785, and which expires this Sessions, may be read and taken_
 “ into consideration by a Committee of the whole Council, on Friday next.”
 Seconded by M.^r S.^t Ours. _ Resolved accordingly.

Read, in both languages, “The Report of the Merchants of Quebec”
 “ intitled “Report of the Merchants of Quebec, by their Committee, to The
 “ Honourable Committee of Council on commercial Affairs.” dated 5.th
 January 1787.

adjourned to Friday the 16.th at 10.

Friday 16.th February 1787

The Honourable Henry Hope Esq.^{re} Lieutenant Governor P.

M. ^r Smith C. J. _____	M. ^r Finlay
M. ^r Harrison _____	M. ^r Collins
M. ^r Mabane _____	M. ^r Pownall
M. ^r De Lery _____	M. ^r Bellestre
M. ^r Fraser _____	M. ^r Caldwell
M. ^r Grant _____	M. ^r S. ^t Ours
M. ^r Baby _____	M. ^r De Longueüil
M. ^r Holland _____	Sir John Johnson
M. ^r Boucherville _____	M. ^r Dupré

Read, in both languages, the Ordinance passed in the Year 1785 for regulating the forms of proceeding in the Courts of Civil Judicature, which expires on the 30.th of April next.

The Chief Justice moved for leave to bring in a Bill intituled
 “ An Act or Ordinance for the better Administration of Justice, and to
 “ regulate the practice of the Law” _____ Seconded by Colonel Caldwell _
 He moved that it might be read, and after reading, to remain on
 the table for the consideration of the Members till towards the
 Close of the Sessions. _____ Read the Bill in both languages _
 Ordered to lie on the Table.

Resolved that the Order of the 12.th instant, by which a
 particular Committee was named to take into consideration the Bill
 “ for securing the royal revenue, regulating the proceedings in Crown Ca^uses,
 “ and to give the subject the benefit of Appeal from large fines” be _
 rescinded; and that that Bill be referred to a Committee of the whole
 Council, on Monday next.

Read the English translation of the Quebec Petition of the
 19.th of January last, and of the Montreal Address of 3.rd of February
 instant.

adjourned to Monday the 19.th at 10.

Monday 19.th February 1787

The Honourable Henry Hope Esq.^{re} Lieu.^t Governor P.

M. ^r Smith C. J. _____	M. ^r Finlay
M. ^r Harrison _____	M. ^r Collins
M. ^r Mabane _____	M. ^r Pownall
M. ^r De Lery _____	M. ^r Bellestre
M. ^r Fraser _____	M. ^r Caldwell
M. ^r Grant _____	M. ^r S. ^t Ours
M. ^r Baby _____	M. ^r De Longueüil
M. ^r Holland _____	Sir John Johnson B. ^t
M. ^r Boucherville _____	M. ^r Dupré

The Council resolved themselves into a Committee
 The Council in Committee_ The Chief Justice in the
 Chair _

Read, in both languages the Bill “for securing the royal revenue, to
 “ regulate the proceedings in the Crown Causes, and to give the subject–
 “ the benefit of Appeal from large fines”. _____

The Committee went through the business of that Bill
 and broke up.

The Lieutenant Governor resumed the Chair–
 M.^r S.^t Ours moved as follows, viz “L’Ordonnance que M.^r
 De

“ De Longueüil avoit projeté pour regler la forme de proceder dans les
 “ Cours civiles de Judicature, ayant été précédé par celle qui a été
 “ proposé par l’honorable Juge en chef; J’ai crû qu’il étoit de _
 “ mon devoir, comme étant un membre du Committé qui avoit été
 “ nommé le 6 de Novembre à ce sujet, de soumettre au Conseil
 “ Législatif les resultats de mes reflexions dans une ordonnance
 “ qui; ne parlant pas, ni des anciens, ou nouveaux Sujets, me
 “ paroît très propre à abolir sous peu de tems des distinctions
 “ qui tendent si évidemment à créer des mécontentemens _
 “ parmi le peuple de cette province” concluding verbally for
 leave to bring in his Bill ____ Seconded by M.^r De Longueüil ____
 Read the Bill in French ____ Ordered to be translated__ To lie on the Table.

adjourned to Wednesday the 21.st at 10.

Wednesday 21.th February 1787

The Honourable Henry Hope Esq.^{re} Lieutenant Governor P.

M. ^r Smith C. J	____	M. ^r Finlay
M. ^r Harrison	____	M. ^r Collins
M. ^r Mabane	____	M. ^r Pownall
M. ^r De Lery	____	M. ^r Bellestre
M. ^r Fraser	____	M. ^r Caldwell
M. ^r Grant	____	M. ^r S. ^t Ours
M. ^r Baby	____	M. ^r De Longueüil
M. ^r Holland	____	Sir John Johnson
M. ^r Boucherville	____	M. ^r Dupré

The Chief Justice from the Committee ~~from the Committee~~ to—
 whom the Bill was referred, intituled “ An Act or Ordinance to ____
 “ secure the Royal Revenue, regulate the proceedings in Crown Causes,
 and to give the Subject the Benefit of Appeal from large fines” ____
 reported that the Committee had made divers alterations in the
 same, by leaving out several Clauses, and introducing divers ____
 amendments, and had changed the Title, and he delivered in the
 Report and Bill with the Amendments at the Table

The Report

____ Report of the Committee on the Bill, intituled,
 “ An Act or Ordinance to secure the royal revenue, ____
 “ regulate the proceedings in Crown Causes, and to —
 “ give the Subject the Benefit of Appeal from
 “ large fines,” committed to a Committee of the
 whole Council .

Monday 10 o’ clock A. M. 19.th February 1787
 M.^r Smith, the Chief Justice, in the Chair.

The Bill was read, and then the Translation in French; after
 which

which the Chairman proceeded to the reading of it by paragraphs.

The Preamble was read again in these words,

“Whereas the province remains to this day without a Court of Exchequer, and though it may not be immediately requisite to create an expensive establishment of the various offices employed in the Conservation of the royal revenue, yet since the smallness of the income (which His Majesty has been graciously pleased, territorial as well as casual, to devote to the support of the government of the province) strongly ____ enforces the duty of attending to this important concern”

1.st Question

The Question was then put

“Whether it stand in the Bill or not?”

Debates then arose, and it was carried in the Negative against the Preamble by 10 Nays against 8 Ayes, viz

For the Affirmative

Sir John Johnson

Major Holland

M.^r Grant

Colonel Caldwell

M.^r Sec.^{ry} Pownall

M.^r Collins

M.^r Harrison

M.^r Finlay

For the Negative

M.^r Dupré

M.^r Boucherville

M.^r De Longueüil

M.^r Baby

M.^r Saint Ours

M.^r Justice Fraser

M.^r Bellestre

M.^r De Lery

M.^r Justice Mabane

His Honour Lieu.^t Governor

Hope

The Chairman then read the first enacting clause in those words,

“Be it therefore enacted by His Excellency The Governor and The Legislative Council, and it is hereby enacted by the authority of the same, that until His Majesty shall be pleased in his royal wisdom to erect a Court of Exchequer, the Cognizance of all causes touching the Revenue of the Crown in this province, be, and hereby is committed to His Majesty’s Court of King’s ____ Bench; and for this purpose all the other Courts shall make ____ due, and regular Estreats of all fines and forfeitures into ____ the same Court of King’s Bench, to be there duly proceeded ____ upon and recovered for His Majesty’s use: and for the ____ further security of the Crown, as to such fines and forfeitures as may happen and grow due in the said Court of King’s Bench, the same shall from time to time be estreated there= =from into such one of His Majesty’s Courts of Common Pleas, as the case may require, to be there proceeded upon, and recoved in the manner, and for the uses aforesaid.”

The

2.nd Question

The Question was put
 “ Whether it should stand in the Bill, or not?”

Debates arose, and it was carried in the Negative by 10 Nays, against 8 Ayes, viz,

For the Affirmative	For the Negative
Sir John Johnson	M. ^r Dupré
Major Holland	M. ^r Boucherville
M. ^r Grant	M. ^r De Longueüil
Colonel Caldwell	M. ^r Baby
M. ^r Sec. ^{ry} Pownall	M. ^r S. ^t Ours
M. ^r Collins	M. ^r Justice Fraser
M. ^r Harrison	M. ^r Bellestre
M. ^r Finlay	M. ^r De Lery
	M. ^r Justice Mabane
	His Honour Lieu. ^t Governor Hope

The Chairman then read the second enacting Clause, in the words following,

“ And be it further enacted by the same Authority that in all Inquests
 “ and Trials by Jury, of Causes wherein the Crown is immediately ____,
 “ concerned, it shall be no good challenge or exception that the Juror
 “ is not a Freeholder, if such Juror, being otherwise qualified, is in
 “ the actual occupation of Lands, Tenements, or Real Estate, charged _
 “ with, and paying an annual rent of fifteen pounds sterling and
 “ upwards. And upon every such Inquest and Trial, the one half
 “ at least of the Jurors to be sworn, shall be persons in the Judgm^t.
 “ of the Court competently acquainted with the English language;
 “ and the defect of the pannel in petty Jurors so qualified, may be
 “ supplied, as often as it happens by a Tales, as in other ordinary
 “ cases, at the discretion of the Court.”

3.rd Question

The Question was then put,
 “ Whether it should stand in the Bill, or not ? ”

M.^r Justice Mabane then moved to adopt an ____
 Amendment, in the Words following, to wit,

“ Whereas it is difficult to find Jurors in the Towns of Quebec
 “ and Montreal, who are Proprietors of Freehold, It is enacted by
 “ the authority aforesaid, that in all Inquests of Trials by Jury
 “ in criminal cases, it shall be no good challenge or exception
 “ that the Juror is not a Freeholder, if such Juror being otherwise
 “ qualified, is in the actual possession of Lands, Tenements, or Real
 “ Estate, charged with and paying an annual rent of fifteen pounds
 “ or upwards, ad upon any such Inquest or Trial the defect of-
 “ the pannel in petty Jurors, so qualified, may be supplied, as –
 “ often as it happens by a Tales, as in other ordinary cases at
 “ the discretion of the Court.”

The Committee agreeing to dispose of the question upon the second enacting Clause of the Bill, prior to the putting of the Question, upon the Amendment proposed, the Question was ____ accordingly put on the second enacting clause, and it was carried in
 Negative

Negative by 10 Ayes, against 8 Nays, viz,

For the Affirmative,	For the Negative
Sir John Johnson	M. ^r Dupré
Major Holland	M. ^r Boucherville
M. ^r Grant	M. ^r De Longueüil
Colonel Caldwell	M. ^r Baby
M. ^r Sec. ^{ry} Pownall	M. ^r S. ^t Ours
M. ^r Collins	M. ^r Justice Fraser
M. ^r Harrison	M. ^r Bellestre
M. ^r Finlay	M. ^r De Lery
	M. ^r Justice Mabane
	His Honour L. ^t Governor Hope

4.th Question

The Amendment proposed was then read, and the Question put,

“Whether it be inserted in the Bill or not?”

Debates arose, and it was carried in the Affirmative by

13 Ayes against 5 Nays, viz

For the Affirmative	For the Negative
M. ^r Dupré	Sir John Johnson
M. ^r Boucherville	M. ^r Grant
Major Holland	M. ^r Collins
M. ^r De Longueüil	M. ^r Harrison
M. ^r Baby	M. ^r Finlay
M. ^r S. ^t Ours	
Colonel Caldwell	
M. ^r Justice Fraser	
M. ^r Bellestre	
M. ^r De Lery	
M. ^r Sec. ^{ry} Pownall	
M. ^r Justice Mabane	
His Honour Lieu. ^t Governor Hope	

M.^r Grant then moved the following as an Amendment—of the adopted Amendment, viz, that to the preamble of the adopted Amendment be added these words,

“Whereas Tradesmen and others, Masters of families, ___
 “paying ten pounds yearly leasehold rent, are in general as ___
 “much qualified as to learning and understanding, for being ___
 “Jurymen, as * * Proprietors of some Fiefs, and almost all___
 “roture tenements, whether in Towns, or in Country;” and that ___
 the word fifteen be struck out of the enacting clause, and the
 word ten inserted.

5.th Question

The Question being then put on M.^r Grant’s Amendment

“Whether it stand in the Bill or not?”

Debates arose, and it was carried in the Negative, viz

For the Affirmative	For the Negative
M. ^r Grant	Messrs Dupré
Col. Caldwell	Boucherville
M. ^r Pownall	S. ^r John Johnson
	Major Holland
	M. ^r De Longueüil
	M. ^r Baby
	M. ^r S. ^t Ours
	M. ^r Fraser
	M. ^r De Lery
	M. ^r Mabane
	M. ^r Collins
	M. ^r Harrison
	M. ^r Finlay
	His Honour Lieu. ^t Governor Hope.

The

The Chairman then read the third enacting Clause, in these words,

“And to the end that the said Court of King’s Bench may proceed ___
 “ regularly and effectually in the Crown Causes, Be it also enacted by the
 “ some Authority, that the terms thereof be limited to ten days from the
 “ first day inclusive, and that the Return _ days in the Terms, be such as
 “ the said Court shall by rule or order fix and appoint, to bring the ___
 “ practice thereof in all pleas of the Crown as nearly similar as the ___
 “ condition of the Colony will permit to the course of administering ___
 “ Justice in like cases in the King’s Bench of Westminster Hall, And if
 “ it shall so happen that Offenders brought up from very remote distance
 “ of the Western country in the District of Montréal, or the Witnesses may
 “ not arrive in time for the Trials, while the Court is sitting at _____
 “ Montreal, then the Bodies of the prisoners and their causes may be
 “ carried to Quebec, and be there proceeded in to Trial. Judgment, and
 “ Execution, as fully to all intents and purposes as the same might
 “ have been had in the said District of Montreal, and by a Jury of—
 “ the same, and the Witnesses be as compellable to attend at Quebec
 “ as they were before to appear at Montreal; and new recognizances
 “ may be taken for that purpose accordingly.”

On putting the Question, whether it stand in the Bill or not?

The Lieutenant Governor moved in the words following,

That the words, “to bring the practice thereof as nearly ___
 “ similar as the condition of the Colony will permit, to the course of
 “ administering Justice in like cases in the King’s Bench of Westminster
 “ Hall” be left out of this Clause as unnecessary to the Effect
 proposed thereby.

6.th Question

Debates arose, and the Question being put, it was
 carried in the Affirmative, to strike out those words in the Clause, ___
 by 11 Ayes against 7 Nays.

For the Affirmative

M.^r Dupré
 M.^r Boucherville
 M.^r De Longueuil
 M.^r Baby
 M.^r S.^t Ours
 M.^r Judge Fraser
 M.^r Bellestre
 M.^r De Lery
 M.^r Judge Mabane
 M.^r Harrison
 His Honour Lieu.^t Governor Hope

For the Negative

Sir John Johnson
 Major Holland
 M.^r Grant
 Col. Caldwell
 M.^r Pownall
 M.^r Collins
 M.^r Finlay

The Chairman then read the Preamble to the last Clause of
 the Bill, in these Words,

“ And in as much as His Majesty in his year Grace to the
 “ Subject has been pleased to signify it to be His Royal Pleasure
 “ that Appeals be admitted to Himself in Privy Council, in all cases
 “ of fines imposed for misdemeanors, provided the fines so imposed
 “ amount to, or exceed the sum of One hundred pounds sterling, the
 Appellant

- 7.th Question
 “ Appellant first giving good security that he will effectually ____
 “ prosecute the same, and answer the condemnation, if the Sentence
 “ by which such fine was imposed in this province, be affirmed”
 The Question being put,
 “Whether the said Preamble stand in the Bill, or not?”
 It was voted in the Affirmative, unanimously.
 The Chairman then read the last enacting Clause of the
 Bill, these Words,
 “ Be it therefore enacted by the same Authority, that as
 “ often as such case may happen, the Execution and all proceedings
 “ in the nature of Execution, shall be stayed as to such fine, ____
 “ whenever such security shall be offered by Recognizance filed
 “ for that purpose; and that whenever a doubt shall arise ____
 “ concerning the sufficiency of the Security, it shall be deemed to
 “ be valid and stay Execution, unless the Governor, or Commander
 “ in Chief, for the time being, shall in twenty days from the
 “ filing of the said Recognizance, certify in writing to the
 “ Court, his disapprobation of the Security so offered, and so—
 “ toties, quoties, until sufficient Security shall be given in—
 “ manner aforesaid.
- 8.th Question
 The Question being put,
 “ Whether the same stand a Part of the Bill, or not?
 It was voted in the Affirmative, unanimously.
 The whole Bill being gone through, except the Title, the
 Chairman then read the same as above written.
 The Question was put, Whether it stand or not?
 M.^r Justice Fraser then moved, that the Title of the Bill
 be in the words following, to wit,
 “ An Ordinance to regulate the proceedings in certain ____
 “ Cases in the Court of King’s Bench, and to give the
 “ Subject the benefit of Appeals from large fines.”
- 9.th Question
 Debates arose on the Question for adopting the Title moved
 for by M.^r Justice Fraser, and it was carried in the Affirmative
 by 13 Ayes ag.st 5 Nays.
- | | |
|---|-------------------------|
| For the Affirmative | For the Negative |
| M. ^r Dupré | Sir John Johnson |
| M. ^r Boucherville | Major Holland |
| M. ^r De Longueüil | M. ^r Grant__ |
| M. ^r Baby | M. ^r Collins |
| M. ^r S. ^t Ours | M. ^r Finlay |
| Colonel Caldwell | |
| M. ^r Judge Fraser | |
| M. ^r Bellestre | |
| M. ^r De Lery | |
| M. ^r Sec. ^{ry} Pownall | |
| M. ^r Mabane | |
| M. ^r Harrison | |
| His Honour Lieu. ^t Governor Hope | |
- all which is submitted to The Council, by Order of the Committee, ____
 signed at the Council Chamber 19.th February 1787
 /signed/ W.^m Smith, Chairman__

Upon reading the Report, the following Questions were put.

1. st Question	Upon reading the first Amendment, “ Do You concur with the Committee? Voted in the Affirmative _ 10 Ayes, 9 Noes.
2. nd Question	_____ On reading the second Amendment, “ Do You concur with The Committee? Voted in the Affirmative __ 10 Ayes 9 Noes.
3. rd Question	_____ On reading the third Amendment, “ Do You concur with The Committee? Voted in the Affirmative __ 10 Ayes, 9 Noes.
4. th Question	_____ On reading the fourth Amendment, “ Do You concur with The Committee? Voted in the Affirmative __ 13 Ayes, 6 Noes.
5. th Question	_____ On reading the fifth Amendment, Do You concur with The Committee? Voted in the Affirmative __ 16 Ayes, 3 Noes
6. th Question	_____ On the sixth Amendment, Do You concur with the Committee? Voted in the Affirmative __ 11 Ayes, 8 Noes.
7. th Question	_____ On the seventh Question put in the Report, Do you concur with The Committee? Voted in the Affirmative _ 17 Ayes, 2 Noes.
8. th Question	_____ On the eighth Question put in the Report, Do You concur with The Committee? Voted in the Affirmative _ 17 ayes, 2 Noes.
9. th Question	_____ On the 9.th Question put in the Report, being a Title proposed by M.^r Fraser, for the Ordinance, Do You concur with the Committee? Voted in the Affirmative __ 13 Ayes, 6 Noes.
10. th Question	_____ The Question was put from The Chair, “ Whether the Bill shall be engrossed? Voted in the Affirmative____ 14 Ayes, 5 Noes adjourned to the 22.nd at 10.

see the Voices, on the other Side.

	1. ^{re} Qu.		2. ^{de} Qu.		3. ^{de} Qu.		4. ^{de} Qu.		5. ^{de} Qu.		6. ^{de} Qu.		7. ^{de} Qu.		8. ^{de} Qu.		9. ^{de} Qu.		10. ^{de} Qu.	
	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N
M. ^r Dupré	1		1		1		1		1		1		1		1		1		1	
M. ^r Boucherville	2		2		2		2		2		2		2		2		2		2	
Sir John Johnson		1		1		1		1	3			1	3		3			1		1
Major Holland		2		2		2		3	4			2	4		4			2		2
M. ^r De Longueuil	3		3		3		4		5		3		5		5		3		3	
M. ^r Baby	4		4		4		5		6		4		6		6		4		4	
M. ^r S. ^t Ours	5		5		5		6		7		5		7		7		5		5	
M. ^r Grant		3		3		3		2		1		3		1		1		3		3
Colonel Caldwell		4		4		4		7		2		4		8		8		6		6
M. ^r Fraser	6		6		6		8		8		6		9		9		7		7	
M. ^r Bellestre	7		7		7		9		9		7		10		10		8		8	
M. ^r De Lery	8		8		8		10		10		8		11		11		9		9	
M. ^r Pownall		5		5		5	11			3		5	12		12		10		10	
M. ^r Mabane	9		9		9		12		11		9		13		13		11		11	
M. ^r Collins		6		6		6		3	12		6	14		14			4		4	
M. ^r Harrison		7		7		7		4	13		10		15		15		12		12	
M. ^r Finlay		8		8		8		5	14		7	16		16			5		13	
The Chief Justice		9		9		9		6	15		8		2		2		6			
The Lieu. ^t Governor	10		10		10		13		16		11		17		17		13		14	

adjourned to Thursday the 22.nd

Thursday 22.nd February 1787

The Honourable Henry Hope Lieu.^t Governor, P.

M.^r Finlay _____ M.^r Harrison

M.^r Collins _____ M.^r Mabane

M.^r Pownall _____ M.^r De Lery

M.^r Bellestre _____ M.^r Fraser

M.^r Caldwell _____ M.^r Grant

M.^r S.^t Ours _____ M.^r Baby

M.^r De Longueuil _____ M.^r Holland

Sir John Johnson _____ M.^r Boucherville

M.^r Dupré _____

Read, in French, the Ordinance brought in by M.^r S.^t Ours, “for regulating the forms of proceeding in the Courts of Civil Judicature .

Read, in both languages, the ingrossed Ordinance, intituled, “An

“ Ordinance to regulate the proceedings in certain Cases, in the

“ Court of King’s Bench, and to give the Subject the Benefit of Appeal

“ from large fines.” _____ First reading

M.^r Baby, from the Committee upon the Militia Bills, _____ presented their Report; and he delivered the same, with an amended Bill at the Table.

Le Rapport

“ Rapport du Comitté sur deux projets _____

“ d’Ordinance de Milice.

“ Le Committé s’étant assemblé diverse fois pour prendre

“ en considération les deux projets d’Ordonnance qui leur ont été

“ soumis rapporte au Conseil un projet dans la forme qu’il

“ estime la plus convenable aux circonstances, et la plus conforme

“ à la Méthode suivie autrefois dans ce país.

Le 22 Fevrier 1787. (signé) F. Baby, Président du Committé

Read this Militia Bill, in both languages _____ First reading

adjourned to Friday the 23.rd at 10.

Friday 23.rd February 1787

The Honourable Henry Hope Esquire Lieu.^t Governor P.

Hugh Finlay _____	Edward Harrison
John Collins _____	Adam Mabane
George Pownall _____	J. G. C. De Lery
Picottée de Bellestre ____	John Fraser
Henry Caldwell _____	William Grant
Paul Roc S. ^t Ours _____	Francis Baby
Joseph De Longueuil ____	Samuel Holland
Sir John Johnson _____	Rene Amable Boucherville
Le Comte Dupré _____	_____

Read in both languages, Article by Article, the Bill, intituled, “An Ordinance to regulate the proceedings in the Court of King’s Bench, and _____
 “ to give the Subject the benefit of Appeal from large Fines.” 2.nd reading

Read, in both languages, the Report of the Merchants of Montréal intituled “Report of the Merchants of Montreal, by their Committee, to the Honourable Committee of Council for Commerce and Police; dated _____
 “ Montréal 23.rd January 1787.” _____ Upon which The Lieutenant Governor moved “for permission of the Council to insert upon their Journals that
 “ the Report of the Merchants of Montréal, to the Committee of Council appointed the 6.th of November 1786, having been transmitted to The _____
 “ Legislative Council by His Excellency The Governor, and read this day in the English and French languages, His Honour The Lieutenant Governor
 “ of the province has thought it his duty to inform this Council, in _____
 “ observation upon those parts of the Report regarding the Trade to the Upper Country,
 “ First _____ That an additional insertion was made with his Signature in the
 “ margin of every trading Pass that was issued in the course of last Year—
 “ to such Traders as took out passes to go into the Indian Country by the way of the Grand River.
 “ Secondly _____ That Orders have been given, and strictly observed, during the last
 “ year (for any thing that was ever reported to him to the contrary) on all the Lakes, where the King’s Vessels navigate, for Rotation Lists to be _____
 “ regularly kept of all Merchants Goods, as they arrived, and to be open to the Inspection of them, or their Agents.
 “ Thirdly _____ That measures have already been taken by Government many months ago, to authorize the purchase of Flour, on terms most advantageous and liberal to the Settlers in the neighbourhood of the posts of Detroit and
 “ Niagara to a considerable amount, both for the supply of the Garrison _____
 “ and of the Loyalists in those Quarters.

and

“ Fourthly _____ That permission has lately been given by His Excellency Lord _____
 “ Dorchester, the Commander in Chief, to build a Vessel to navigate Lake Superior; as well as to a company of Merchants trading to the _____
 “ North-West, to transport their Goods and Provisions in a Vessel of their own from Detroit, across Lake Huron _____ Seconded by M.^r Mabane. _____

M.^r Grant

See The Report of the Committee of Council from page 157 to 170 –
 See the Report of the Committee of merchants at Quebec from page 171 to 200 –
 See the Report of the Committee of Merchants at Montreal from page 204 to 254.

See Extracts of Imports & Exports from page 262 to 265. being part of the Report of The Committee of Merchants at Quebec.

See Copy of the Petition of His Majesty's antient and new Subjects from page 266 to 272. being part of the Reports of the Committees of Merchants both of Quebec & Montreal.

See copy Papers concerning the Fisheries from page 286 to 292.

See those concerning the Navigation & Pilotage of the River S.^t Lawrence from page 292 to 308.

See M.^r Collin's Information for raising Hemp & Flax, page 324 & 325.

M.^r Grant moved "That Whereas the petition from a certain number of His Majesty's New Subjects of the Town of Quebec, and the Address of a certain number also of His Majesty's New Subjects of the Town of Montreal, have been inserted on the Journals of this Council. That the Report of the Merchants of Quebec and Montreal and of the Committee of Council on Commerce and Police, may also be inserted. To the End that His Excellency The Governor in Chief; His Majesty's Ministers; and through them His Majesty and His Parliament may be thoroughly informed of the Wishes and desires of His Commercial and other Subjects in this His Colony of Quebec. More especially as it is not in the power of this Legislative Council to remedy the whole of the Wants, complained of, or acquiesce in the whole of the desires of so useful and so faithful a Body as His Majesty's commercial subjects in this province, have at all times proved themselves to be." Seconded by The Lieutenant Governor. Voted unanimously that the papers mentioned in the motion, be inserted in the Journals.

adjourned till monday the 26.th at 10.

Monday the 26.th February 1787

The Honourable Henry Hope Lieutenant Governor P.

M.^r Finlay _____ M.^r Harrison
 M.^r Collins _____ M.^r Mabane
 M.^r Pownall _____ M.^r De Lery
 M.^r Bellestre _____ M.^r Fraser
 M.^r Caldwell _____ M.^r Grant
 M.^r S.^t Ours _____ M.^r Baby
 M.^r De Longueuil _____ M.^r Holland
 Sir John Johnson _____ M. Boucherville
 M.^r Dupré _____

Proceeded to the third reading of the Bill, intituled, “ An Ordinance to regulate the proceedings in the Court of King’s Bench, and to give the subject the benefit of Appeal from large Fines.” _____ The Lieutenant Governor moved” an amendment to follow the first enacting clause, and to conclude the same, in these words, viz,

“ in such manner as the said Court shall adjudge proper, to give the party prosecuted, in any criminal cause, Jurors for his Trial, one half of whom at the least, may, in the Judgment of the Court, be competently skilled in the language of his defence, if the same be either the English or— French language”.

Seconded by M.^r Dupré _____ Question put _____ “Whether the amendment shall stand?” _____ Voted in the Affirmative unanimously. _____

Question

_____ The third reading of the Bill having been gone through; the Question was put from the Chair _____ “Whether the Ordinance just now read a third time, shall pass?” _____ Voted in the Affirmative _____ 12 Ayes, 6 Noes. _____ M.^r Finlay & M.^r Grant gave notice that they would file their Dissent from this Vote. M.^r Collins did the same. Colonel Caldwell and Sir John Johnson intimated that they would do so likewise.

adjourned till Tuesday the 27.th at 10

Votes on the Question.	Ayes	Noes
M. ^r Dupré	1	
M. ^r Boucherville	2	
Sir John Johnson		1
Major Holland		2
M. ^r De Longueuil	3	
M. ^r Baby	4	
M. ^r S. ^t Ours	5	
M. ^r Grant		3
M. ^r Caldwell		4
M. ^r Fraser	6	
M. ^r Bellestre	7	
M. ^r De Lery	8	
M. ^r Pownall	9	
M. ^r Mabane	10	
M. ^r Collins		5
M. ^r Harrison	11	
M. ^r Finlay		6
The Lieu. ^t Governor	12	

The Dissent

“First _____ Because, the Bill as altered in the Committee and passed by the Council
 “ is less friendly to the Interests of the Crown and the Nation; the deficiency _
 “ of the support of the King’s Governor, beyond the Crown revenue from the

- “ the Province being defrayed by Great Britain.
- “Second _____ “ Because after having struck out of the Bill the clause advantageous
 “ to the Royal Revenue, assured by the present Acting Receiver General
 “ and the Gentlemen who lately acted as such to be necessary for the recovery –
 “ of the Crown rights, there appeared to be great impropriety in ____
 “ retaining the last clause of the Bill enacting that the Subjects of this
 “ province shall have an Appeal on the Condemnation in large ____
 “ Fines, notwithstanding both are recommended by His Majesty’s instructions
- “Third _____ “ Because there was a manifest utility in Admonishing the Court
 “ of King’s Bench to dispense Justice in the causes of the Crown to –
 “ His Majesty’s Subjects here, after the lenient and beneficial manner of its –
 “ Exemplar in Westminster Hall, to the Native Subjects of that happy and
 “ enlightened Kingdom; and the alteration therefore in the Third Enacting,
 “ clause of the Bill can be supported by no Arguments, in our opinion, ____
 “ sufficient to Countervail the prudential considerations that recommend –
 “ to an assimilation with the spirit and manners of a Nation, to whose
 “ liberality this Province is so eminently indebted; & upon whose protection
 “ the numbers, necessities, & temper of its Neighbours considered, every man
 “ of this Country depends, for the safety of his private Estate.
- “Fourth, _____ “ Because the alterations of a Bill so materially affecting the ____
 “ Interests both of the Crown and the Subject, tend to the disparagement
 “ of the Province, us differing upon points in which all should be agreed
 “ at a moment of general joy, leading most persuasively for these numerous –
 “ internal regulations, heretofore suspended, essential to the prosperity of the Colony,
 “ as a branch of the British Dominions, and conducive to the common _
 “ welfare of the Empire.
- “Last, _____ “ Because the short preamble to the first enacting Clause implies
 “ a gross mistake of the nature of the Estates of the Class called Habitans
 “ and of the Inhabitants of the Towns of this Colony which were real
 “ Estates, and as such are all Freeholds, because the Lands and tenements
 “ are all inheritable, and infinitely divisible, & alienable for any quantum
 “ of Estate and for ever.”

26.th February 1787 (signed) Hugh Finlay Will.^m Grant
 John Collins * Sa.^l Holland
 Henry Caldwell John Johnson
 * On the 28.th of April 1787, The Honourable Samuel
 Holland

Holland Esquire prayed
leave to strike out his
name, from this Dissent
the ends for which he
signed the same being
obtained, in the Ordinances
which have been passed
by the Council; and it
was ordered accordingly.

See page } JWilliams
119 } 28.th April 1787
in Council

Tuesday 27.th February 1787

35

The Honourable Hugh Finlay, presiding

Edward Harrison	___	John Collins
Adam Mabane	___	George Pownall
J. G. C. De Lery	___	Picottée De Bellestre
John Fraser	___	Henry Caldwell
William Grant	___	P. R. S. ^t Ours
Francis Baby	___	Joseph De Longueüil
Samuel Holland	___	Sir John Johnson
R. A. Boucherville	___	Le Comte Dupré

Settled the marginal notes to the Bill, intituled, An Ordinance
“ to regulate the proceedings in certain Cases, in the Court of King’s
“ Bench, and to give the Subject the benefit of Appeal from_
“ large fines.”

The same day, at the Castle of S.^t Lewis
Present

His Excellency The Right Honourable Guy Lord Dorchester
Governor—

The Honourable M. ^r Finlay	___	M. ^r Harrison
M. ^r Collins	___	M. ^r Mabane
M. ^r Pownall	___	M. ^r De Lery
M. ^r Bellestre	___	M. ^r Fraser
M. ^r Caldwell	___	M. ^r Grant
M. ^r S. ^t Ours	___	M. ^r Baby
M. ^r De Longueüil	___	M. ^r Holland
Sir John Johnson	___	M. ^r Boucherville
		M. ^r Dupré

Having read the Ordinance, intituled, “An Ordinance to regulate the
“ proceedings, in certain cases, in the Court of King’s Bench, and to give
“ the subject the Benefit of Appeal from large Fines”, His Excellency
The Governor in Chief was pleased to sign the same, and to pass it
under the public Seal of the province. ___ Ordered to be published in
the next Quebec Gazette.

adjourned to Friday the 2.nd of March

Friday 2.nd March 1787.

Present

The Honourable Hugh Finlay Esq.^{re}

M. ^r Harrison ____	M. ^r Collins
M. ^r Mabane ____	M. ^r Pownall
M. ^r De Lery ____	M. ^r Bellestre
M. ^r Fraser ____	Colonel Caldwell
M. ^r Grant ____	M. ^r S. ^t Ours
M. ^r Baby ____	M. ^r De Longueüil
Major. Holland ____	Sir John Johnson
M. ^r Boucherville	M. ^r Dupré.

Proceeded to the reading of the several Papers mentioned and referred to in the Report of The Committee of Council for—
Population, Agriculture, and the Settlement of The Crown Lands.

Read the following papers,

- N^o1__ General Observations by M.^r De Lery __ dated 30.th November 1786
- 2__ General Observations by M.^r Boucherville _ 1.st Decem.^r 1786
- N^o3, bring Observations by M.^r Shoolbred relative to Ristigouche in french, was not read; A particular Committee having that — object under consideration.
- 4__ Letter from M.^r James Fisher, Garrison_Surgeon at Quebec, to The Committee, _ upon the subject of population. __ 19.th December 1786.
- 5__ General Observations by M.^r De Longueüil—
- 6__ French translation of M.^r Fisher's Letter, 19.th December 1786
- 7__ Observations by M.^r Taschereaux upon Agriculture and population, 4.th Janry 1787.
- 8__ Reflections by M.^r Vincelotte & M.^r Couillard upon Agriculture, no date
- 9__ Extract from the Report of the Committee of Merchants to the Committee of—
Council on Commerce & Police concerning the Settlem.^t of the Crown Lands.
- 10__ Observation by M.^r Dumas _ December 1786
- 11__ Letter & General Observations on Population, from M.^r Blake, Surgeon at Montreal 8.th January 1787.
- 12__ Observation's concerning the Fisheries by M.^r Shoolbred, in English,
- 13__ Letter to Sir John Johnson Bar.^t from Six Magistrates at Cataraqui 22.nd December 1786
- 14__ Letter to Sir John Johnson Bar.^t from Fourteen magistrates or Principal Inhabitants at New Oswegotchi __ 18.th December 1786.
- 15__ Observations by Doctor Connor, on Population.
- 16__ Remarks by Major Holland Surveyor General, concerning the Line of—
Division between this province and New Brunswick.
- N^o.17, has been delivered to The Chief Justice, as Chairman of—
a particular Committee, being a Paper transmitted by Lieu.^t Governor Cox
- 18__ List of Petitions for Lands filed in the Council Office.

Resolved by the Council that the ¹Report of The Committee of Council upon Courts of Justice and ²that of The Committee of Council upon Population, Agriculture, and the Settlement of the Crown Lands, _ be inserted in the Journals.

adjourned to Saturday the 3.rd at 11.

1. See Page 125 to 156
2. See Page 309 to 324

Saturday the 3.rd of March 1787

The same Members as Yesterday.

Read the Report of the Magistrates of Quebec to the Committee of—
Council for Commerce and Police __ Read likewise the Translation of it.

Read a paper, in the Appendix to the Report of The Committee of—
Council on Commerce and Police, being Observations by M.^r Aaron Hart,
M.^r Samuel Sills, M.^r Malcolm Fraser, and M.^r Jean Baptiste La
Framboise of Three Rivers, upon Trade and Commerce __ Read also
the translation of it.

1. Page 273 to 276 M.^r Pownall moved “That the ¹Report of The Magistrates
“ of the City of Quebec, to The Committee of Council on Commerce and
“ Police, on the subject of Police, be inserted in the Minutes of—
2. Page 278 & 279 “ Council; together with the ²Report of the Merchants at Three Rivers
“ on Trade and Commerce.” _____ Here M.^r De S.^t Ours made the
3. Page 280 to 285 following motion, viz, “Je propose que la Représentation de la
“ Majorité des Citoyens des Trois-Rivieres soye lue, ayant un très
“ essentiel rapport avec les demandes illimitées d’un plus petit
“ nombre des Habitans de cette Ville” ____ The same Representation, _
“ which is in French, was read __ Resolved unanimously that
these two Papers be inserted in the Journals.

Read, in the Appendix to the Report of The Committee of Council for—
Commerce and Police, Papers relating to the Fisheries, from Page 1 to—
16 __ Papers concerning the navigation of the River S.^t Lawrence from
page 16 to 36 _ Observations by M.^r Collins on the Cultivation of—
Hemp and Flax ^{at the New Settlements} pages 93 & 94 __ And Letters from Committees of—
Merchants, Magistrates, and others, of Quebec, Montreal, and Three Rivers
which accompanied their Reports to the Committee of Council, from
page 146 to 160 ____ ^{Ordered}, On the motion of M.^r De S.^t Ours that the ____
English papers concerning the Navigation of the River S.^t Lawrence ____
from page 16 to 36, together with the English Letters from Page 146
to 160, be translated.

M.^r Finlay moved for leave to bring in a Bill “to prevent
“ persons from practising Physic, Surgery or Midwifry in the province
“ of Quebec, without Licence” __ Seconded by M.^r Mabane __ Read the ____
Bill in English __ Ordered to be translated, and to lie on the Table for
the Consideration of The Members.

M.^r Finlay moved for leave to bring in a Bill “for—
“ encouraging Agriculture” __ Seconded by M.^r Grant __ Read the Bill in
English; Ordered to be translated, and to lie on the Table for the ____
Consideration of the Members.

Motion by M.^r De S.^t Ours ____ “Mons.^r De S.^t Ours propose
“ qu’après la lecture d’une Ordonnance qui règle la forme de ____
procéder

1.st Question2.nd Question

“ proceder dans les Cours des Jurisdictions civiles, que telle soïe
 “ prise en consideration par un Committé de tout le Conseil ____
 “ après l’arrivé du Juge en Chef”__ Seconded by M.^r De Longueüil
 _ Read the Ordinance in English._____ M.^r Grant, after _
 stating, that “as the motion now made by M.^r De S.^t Ours for—
 “ taking into consideration the Ordinance proposed by him, intituled,
 “ An Ordinance for regulating effectually the proceedings in the Courts
 “ of civil Judicature in the province of Quebec, on the return of The _
 “ Chief Justice from Montreal, tends, in his apprehension to prevent
 “ the consideration of the Ordinance previously proposed by that _
 “ Honourable and Learned Member, intituled, An Act or Ordinance _
 “ for the better Administration of Justice, and to regulate the _
 “ practice of the Law; moved, that the previous Question be
 “ put, Whether the Question shall be put on M.^r De. S.^t Ours’s ____
 “ motion”__ Seconded by M.^r Collins ____ Voted in the Affirmative
 9 Ayes against 8 Noes. ____ Then the Question was put—
 on M.^r De S.^t Ours’s Motion, “Whether the Bill or Ordinance, __
 “ intituled, An Ordinance for regulating effectually the proceedings
 “ in the Courts of Civil Judicature in the province of Quebec, shall
 “ be referred to a Committee of the whole Council, after the Return
 “ of The Chief Justice from Montreal, or not?” ____ Voted in the
 Affirmative 9 Ayes, 8 Noes.

adjourned to Monday the 5.th at 10

Votes on the Question	1. st Quest		2. nd Quest	
	A	N	A	N
M. ^r Dupré	1		1	
M. ^r Boucherville	2		2	
Sir John Johnson		1		1
M. ^r Holland		2		2
M. ^r De Longueüil	3		3	
M. ^r Baby	4		4	
M. ^r De S. ^t Ours	5		5	
M. ^r Grant		3		3
Colonel Caldwell		4		4
M. ^r Fraser	6		6	
M. ^r Bellestre	7		7	
M. ^r De Lery	8		8	
M. ^r Pownall		5		5
M. ^r Mabane	9		9	
M. ^r Collins		6		6
M. ^r Harrison		7		7
M. ^r Finlay		8		8

Monday 5.th March 1787

The Honourable Henry Hope Esquire Lieuten.^t Governor, P.

M.^r Finlay_____ M.^r Harrison
 M.^r Collins_____ M.^r Mabane
 M.^r Pownall_____ M.^r De Lery
 M.^r Bellestre_____ M.^r Fraser
 Colonel Caldwell__ M.^r Grant
 M.^r De S.^t Ours_____ M.^r Baby
 M.^r De Longueüil__ Major Holland
 M.^r John Johnson__ M.^r Boucherville
 M.^r Dupré

Read the Translation of the Letter addressed to Sir John Johnson____
 from the magistrates at Cataraqui, dated 22.nd December 1786

Read the Translation of the Letter addressed to Sir John Johnson from the
 magistrates and principal Inhabitants of New Oswegotshi, dated ____
 18.th December 1786.

Read the Translation of the Bill “to prevent persons from practising Physic,
 Surgery, & Midwifry in the province of Quebec, without Licence.

Read the Translation of the Bill “for encouraging Agriculture.”

M.^r Finlay moved “that the Ordinance for regulating all
 “ such persons as keep Horses and Carriages to let and hire for the
 “ accommodation of Travellers, commonly called and known by the name
 “ of Maîtres de poste; which is near expiring, be read, and that a _
 “ Committee be named for the purpose of considering Whether it may
 “ not be amended, and to report such Amendments as to them may _
 “ appear necessary” __ Seconded by M.^r Pownall _____ Read the Ordinance
 in both languages ____ Resolved accordingly, and M.^r Finlay, M.^r Pownall,
 M.^r Harrison, M.^r Baby, and M.^r Dupré, are named a Committee for-
 that purpose.

Sir John Johnson moved “that the Letters addressed ____
 “ to Him, as a Member of the Committee of Council appointed for-
 “ taking into consideration the population, agriculture, and Settle=
 “ =ment of The Crown_lands, from the Magistrates of ¹Cataraqui, _
 “ and ² Oswegotchi, be inserted in the Journals of this Council.” ____
 Seconded by M.^r Grant ____ Resolved unanimously in the Affirmative.

adjourned till Friday the 9.th at 10.

1. Page 316 to 322

2. Page 322 to 324

Friday 9.th March 1787

The Honourable Henry Hope Esq.^{re} Lieu.^t Governor P.

M. ^r Finlay _____	M. ^r Harrison _____
M. ^r Collins _____	M. ^r Mabane _____
M. ^r Pownall _____	M. ^r De Lery _____
M. ^r Bellestre _____	Col. Caldwell _____
M. ^r Grant _____	M. ^r S. ^t Ours _____
M. ^r Baby _____	M. ^r De Longueüil _____
Major Holland _____	Sir John Johnson _____
M. ^r Boucherville _____	M. ^r Dupré _____

See page 327 to 331. M.^r Baby Chairman of the Committee upon the Militia _
Ordinances, presented to The Council their second Report, and _
laid on the Table an Ordinance, intituled, “An Ordinance for
“ quartering the Troops, upon certain Occasions, in the Country
“ parishes, and providing for the Conveyance of Effects belonging
“ to Government.” _____ Read the Report _____ Ordered to be
entered in the Journals.

The Report _____ “ Le Committé chargé de l’examen de deux projets _____
“ d’ordonnance de milice, ayant déjà fait son rapport pour—
“ la première partie des dits objets, propose aujourd’hui à
“ ce Conseil la lecture de la seconde partie qui comprend le
“ logement des troupes, et le transport des effets du Gouvernem.^t

Quebec le 8 Mars 1787

/ signé / F. Baby Président

d. C. _____

Read that Ordinance in both languages. _ 1.st reading

adjourned till Tuesday the 13.th at 10.

Tuesday 13.th March 1787
 The Honourable Henry Hope Esquire, Lieu.^t Governor P.
 M.^r Finlay _____ M.^r Harrison
 M.^r Collins _____ M.^r Mabane
 M.^r Pownall _____ M.^r De Lery
 M.^r Bellestre _____ M.^r Fraser
 Colo.^l Caldwell _____ M.^r Grant
 M.^r De S.^t Ours _____ M.^r Baby
 M.^r De Longueüil _____ Maj.^r Holland
 Sir John Johnson _____ M.^r Boucherville
 M.^r Dupre _____

“The Lieutenant Governor, by direction from His _____
 Excellency Lord Dorchester, communicated to The Council
 See Page 255 to 260“ a Letter from M.^r Joseph Howard, a Merchant at Montreal,
 “ addressed by him to M.^r James Walker Secretary to The
 “ Committee of Commerce lately assembled in that Town:
 “ Which Letter, the Lieutenant Governor from Himself thinks
 “ proper to acquaint The Council, that both that Com=
 “ =mittee of Merchants, as well as the Committee of—
 “ Council for commercial matters /as He is informed
 “ from good authority) had declined receiving and _____
 “ transmitting to The Governor with their other Reports
 “ and Information on the same Subject; so that the
 “ Letter in Question had only been laid before His _____
 “ Excellency within these few days, tho’ certainly containing
 “ matter, in His, The Lieutenant Governor’s opinion as _____
 “ deserving of Attention; and much more within the _____
 “ Sphere of the Committee of Merchants than many other
 “ matters comprized in their Report.” _____ The Lieutenant
 Governor then moved, “that the Letter be read” and it _____
 was read accordingly. _____ His Honour proposed “that it
 “ should be translated and inserted in the Journals.” _____
 _____ Ordered accordingly.

They are inserted“ M.^r Grant moved “that the Letters written by the
 with the Reports. “ late Committee of Council on Commerce and Police to
 “ The Magistrates and Merchants of Quebec, Three Rivers, —
 “ and Montreal, be read, and inserted in the Journals” _____
 Seconded by M.^r Collins _____ M.^r Grant read from the minutes
 of that Committee Three Letters under date 13.th November, _____
 and One, dated the 8.th of December, 1786 _____ To be inserted.

Ordered

Ordered from the Chair, that the Ordinance, intituled,
 “ An Ordinance to empower The Commissioners of the peace
 “ to regulate the Police of the Towns of Quebec and Montreal
 “ for a limited time”, which expires on the 30.th of April
 next, be read. __ Read the same in both languages. __
 __ M.^r Mabane moved “that a Committee be named to
 “ take it into consideration, and to report to The __
 “ Council, whether it should be renewed, or whether—
 “ any and what Amendments should be made in it.”
 __ Seconded by M.^r Harrison __ Resolved accordingly.
 And M.^r Mabane, M.^r Harrison, M.^r Collins, M.^r De
 Lery, and M.^r Dupré are named a Committee for that
 purpose.

The Clerk of the Council, sitting in his place,
 having received a Letter from M.^r James Johnston, __
 John Antrobus, John Melvin, and John Blackwood, __
 requesting him to deliver to The President of This __
 Honourable Council a Petition, inclosed therein, His
 Honour ordered the same to be read_ And being read, it
 was ordered to be translated, and the council to adjourn
 till to morrow at 10. __

Copy of the Petition

To The Honorable the Legislative Council of the
 Province of Quebec.

The Petition of the Subscribers Merchants of Quebec and Montréal
 Humbly Sheweth,

That Your Petitioners being informed that the Chief—
 Justice had proposed some amendments in the present practice
 of the Law, which had connection with the Commercial interest
 of this Province, and that some Merchants of Quebec had __
 applied for and obtained copy of his proposed Bill, for the __
 purpose among others, of Communicating to the Merchants in __
 both Districts the regulations thereby intended to be introduced

in

in which Your Petitioners consider themselves materially interested. _

You Petitioners having heard that another Bill _____
Embracing the same objects has been brought forward in Council _
they earnestly pray That The Honorable The Legislative Council _
will grant them a Copy thereof, to enable them to propose with due _
deference and Submission such additions or alterations as from their
Mercantile experience may to them appear necessary for the commercial
Interest of the Country _

And Your Petitioners as in duty bound will ever pray. _

Montréal 8. th March 1787	Ig. Lacroix fils	Thomas Fraser
	James M ^c Gill	John Lilly
Québec 10. th March 1787	John M ^c Kindlay	P. Bouthillier
/signed/	Edw. ^d Pollard	M. ^{ee} Blondeau
James Johnston	John M ^c Gill	J. B. ^{te} Lemoine
Tho. ^s Aylwin	Laurence Ermatinger	D. Beaubecy
John M ^c Cord	Robert Lester	William Kay
J. Melvin	S. Fraser	P. ^{re} Guy
J. Blackwood	Thomas M ^c Cord	J. Grant
Geo. Allsopp	Matthew Lymburner	Isaac Todd
Robert Morrogh	Rosseter Hoyle	Nicholas Berthelet
Jn. ^o Purss	Will. Goodall	A. Willard
John Antrobus	Alex. ^r Auldjo	
Peter Stuart	Simon Fraser	
John Young	L. Duniere	
Andrew Cameron	John Pagan_	
W. ^m Burns	Rich. ^d Dobie	
John Crawford	Alex. ^r Henry	
W. Roxburgh	Benj. ⁿ Frobisher	
Constant Freeman	William Taylor	

Wednesday 14.th March 1787.

The Honourable Henry Hope Esquire, Lieu.^t Governor P.

M.^r Finlay _____ M.^r Harrison
 M.^r Collins _____ M.^r Mabane
 M.^r Pownall _____ M.^r De Lery
 M.^r Bellestre _____ M.^r Fraser
 Col. Caldwell _____ M.^r Grant
 M.^r S.^t Ours _____ M.^r Baby
 M.^r De Longueuil _____ Major Holland
 Sir John Johnson _____ M.^r Boucherville
 M.^r Dupré _____

Read the translation of the Letter mentioned in the Journal of yesterday to have been received by the Clerck of The Council from M.^r Johnston and three more Gentlemen __ and read likewise a translation of the Petition that was inclosed in it . __ Resolved _ that the Question be put __ “Whether the prayer of the Petition is of a nature to be granted by The Council?” __ The Voices being __ equal, _ The prayer is not to be acceded to.

1.st Question

See Page 202.

“M.^r Grant produced, and desired to have read and inserted in the Journal of Council, the letter of the Committees of Magistrates and Merchants of Montreal, dated the 23.rd November last; it being introductory to the Letter of the 8.th of December last of the Committee of Council on Commerce and Police to those Gentlemen : which letter was read and inserted yesterday, in consequence of the motion of His Honor The Lieutenant Governor, respecting the Letter of M.^r Howard _ Merchant in Montreal, dated..... and addressed to M.^r _ James Walker Secretary to the said Committee of Magistrates & Merchants of Montreal” __ It was read, and ordered to be inserted _ in its place on the Journals.

2.nd Question

Colonel Caldwell moved “that it be resolved as the Opinion of this Council, that no application to this Council shall be admitted, in future, except by Petition, and through a Member” _ Seconded by M.^r De S.^t Ours __ The Question being put _ Voted in the Affirmative 17 Ayes _ 1 No __ adjourned to Friday the 16.th at 10–

	1. st Qu.		2. nd Qu.	
	A	N	A	N
M. ^r Dupré		1	1	
M. ^r Boucherville		2	2	
Sir John Johnson	1		3	
M. ^r Holland	2		4	
M. ^r De Longueuil		3	5	
M. ^r Baby		4	6	
M. ^r S. ^t Ours		5	7	
M. ^r Grant	3			1
Col. Caldwell	4		8	
M. ^r Fraser		6	9	
M. ^r Bellestre	5		10	
M. ^r De Lery		7	11	
M. ^r Pownall	6		12	
M. ^r Mabane		8	13	
M. ^r Collins	7		14	
M. ^r Harrison	8		15	
M. ^r Finlay	9		16	
The Lieu. ^t Governor		9	17	

Friday 16.th March 1787

The Honourable Henry Hope Esquire Lieu.^t Governor P.

M. ^r Finlay _____	M. ^r Harrison
M. ^r Mabane _____	M. ^r Pownall
M. ^r De Lery _____	M. ^r Bellestre
M. ^r Fraser _____	M. ^r Caldwell
M. ^r Grant _____	M. ^r S. ^t Ours
M. ^r Baby _____	M. ^r De Longueüil
M. ^r Holland _____	Sir John Johnson
M. ^r Boucherville _____	M. ^r Dupré

Read in both languages the 5.th and 6.th Articles of an Ordinance passed in the year 1777, intituled, “An Ordinance for repairing & amending the public Highways and Bridges in the province of Quebec” __ His Honour The Lieutenant Governor moved for have to bring in a Bill, intituled, “An Ordinance to explain and amend an Ordinance, intituled, An Ordinance for repairing and amending the public Highways and Bridges in the province of Quebec” __ Seconded by M.^r Finlay __ Read the Bill in both languages Moved by His Honour to be committed __ Seconded by M.^r Finlay __ Resolved, unanimously, in the Affirmative __ And M.^r Finlay, M.^r Fraser Col. Caldwell, M.^r Boucherville, and M.^r Bellestre are named a Committee.

Read, in both languages, the 1.st and 2.nd Articles of an Ordinance passed in the year 1785, intituled, “An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries; and for the more easy collection of His Majesty’s revenues” __ His Honour The Lieu.^t Governor moved for leave to bring in a Bill, intituled, “An Ordinance, to amend an ordinance, intituled An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries; and for the more easy collection of His Majesty’s Revenues” __ Seconded by M.^r Baby __ Read the Bill in both languages __ His Honour proposed to let the Bill lie on the table for a few days, for the consideration of the Members __ Resolved accordingly.

adjourned to Wednesday the 21.st at 10.

Wednesday 21.st March 1787

His Honour The Lieu.^t Governor, The Chief Justice, and the other Members met_ No business proceeded upon __ adjourned to Thursday the 22.nd at 10.

Thursday 22.nd March 1787

The Honourable Henry Hope Esquire Lieut. Governor Pr.

Will. ^m Smith Esq. ^r C. J. _____	M. ^r Finlay
M. ^r Harrison _____	M. ^r Collins
M. ^r Mabane _____	M. ^r Pownall
M. ^r De Lery _____	M. ^r Bellestre
M. ^r Fraser _____	Col. Caldwell
M. ^r Grant _____	M. ^r De S. ^t Ours
M. ^r Baby _____	M. ^r De Longueüil
M. ^r Holland _____	Sir John Johnson
M. ^r Boucherville _____	M. ^r Dupré

The Chief Justice moved for leave to bring in a Bill, intituled
 “ An Act or Ordinance for the Erection of Court houses & Prisons ____
 “ for the security of Creditors, and the safe custody of Criminals” ____
 _ Seconded by M.^r Mabane ____ Read the Bill in both languages ____
 Moved that it be referred to a Committee of the whole Council ____
 Resolved accordingly; and Monday next is fixed for proceeding ____
 upon this Bill.

M.^r Finlay, from the Committee upon the Post Ordinance
 presented their Report ____ Read in both languages ____ Ordered to lie on ____
 the Table.

The Chief Justice moved that the Bills which were ____
 brought in by him, and now lying on the Table, may be referred
 to a Committee of the whole Council, in the order they were ____
 brought in, viz,

1st ____ The Bill for the relief of the poor by the easy dispensation of ____
 Justice, in small Cases,

1.st Question That this bill be committed to a Committee of the whole
 Council for Tuesday next_ Question put_ Voted in the ____
 Affirmative 18 Ayes, 1 No.

2^{ndly} ____ The Bill for protecting the province by increasing the Security
 for the public peace

2.nd Question That this Bill be committed to a Committee of the
 whole Council, for Thursday next ____ Question put ____
 Voted in the Affirmative ____ 18 Ayes, 1 No.

3^{rdly} ____ The Bill for the better Administration of Justice, and to ____
 regulate the practice of the Law,

3.rd Question That this Bill be committed to a Committee of the ____
 whole Council for Friday the 30.th instant_ Debated ____
 _ Question put _ Voted in the Negative 9 Ayes, 10 Noes

Ordered from the Chair that the Ordinance, intituled, “An ____
 “ Ordinance for regulating more effectually the proceedings in the
 “ Courts of civil Judicature in this province” which had been ____
 committed to a Committee of the whole Council, be taken into
 Consideration on Friday the 30.th instant.

adjourned to Monday the 26.th

see the Voted in Page 47.

Votes on the three foregoing Questions	1. st Question		2. nd Question		3. rd Question	
	A	N	A	N	A	N
M. ^r Dupré	1		1			1
M. ^r Boucherville	2		2			2
Sir John Johnson	3		3		1	
Major Holland	4		4		2	
M. ^r De Longueuil	5		5			3
M. ^r Baby		1		1		4
M. ^r De S. ^t Ours	6		6			5
M. ^r Grant	7		7		3	
M. ^r Caldwell	8		8		4	
M. ^r Fraser	9		9			6
M. ^r Bellestre	10		10			7
M. ^r De Lery	11		11			8
M. ^r Pownall	12		12		5	
M. ^r Mabane	13		13			9
M. ^r Collins	14		14		6	
M. ^r Harrison	15		15		7	
M. ^r Finlay	16		16		8	
M. ^r Smith Ch. Justice	17		17		9	
The Lieu. ^t Governor P. ^t	18		18			10

Monday 26.th March 1787

His Honor The Lieutenant Governor, and all the other Members as above.

M.^r Mabane, from the Committee upon the Ordinance, “em=
 “=powering the Commissioners of the peace, to regulate the police of the Towns
 “of Quebec and Montreal” presented their Report. __ Read the same in __
 both languages. __ Ordered to lie on the Table.

The Chief Justice presented a Protest signed by Him and the eight other Members against the Vote of the Council upon the Question of—the 22.nd instant for Commitment of the Bill for the better Administration of Justice, and to regulate the practice of the law. _ Read the same ____
 Ordered to be translated, and entered on the Journals.

The Council resolved itself into a Committee of the whole ____

Council, to proceed upon the Bill, intituled, “An Act or Ordinance
 “for the erection of Court_houses and Prisons, for the Security of—
 “Creditors, and the safe Custody of Criminals.” _ And the President
 left the Chair.

The President resumed The Chair.

The Chief Justice reported Progress made by The Committee of the whole house, and desired that the Committee may meet to_morrow at 10 o'clock __ Ordered accordingly.

The Lieutenant Governor proposed that the Ordinance for—
 amending an Ordinance concerning Advocates, &c, shall be referred
 to a Committee of the whole Council, for Wednesday next. _ Ordered
 accordingly. adjourned till to_morrow /Tuesday 27.th/ at 10 ____

The Protest—

The Protest

- First__ _____ Because the refusal to commit the Bill, implies a disapprobation of every part of it as incapable of being so altered as to retain a single Clause, and amounts as clearly to a rejection of every paragraph of it, as if each had been separately Voted to be struck out; and it was so explained and understood, and _ that intention avowed, by every Speaker against the Commitment.
- Second__ _____ Because the regulations for the Administration of Justice in all the Courts of Common Pleas, as well as in _ the Monthly Court of Appeals, were so obviously expedient to the Eye of meer abstract Theory, as to require only to be _ read to be approved, and might have been contended for by _ the Judges, without any disparagement of Character or Office, _ and served for no mean defence against the Clamours and _ Complaints, to which Courts, where the Judges find both Law- and fact, are obnoxious; and especially in such a Country as this, where they also hold the mighty trust of settling the Question, _ what was or was not, the custom and usage, as well as the _ Law of the Colony, antecedent to the Conquest.
- Third____ _____ Because one of the best securities for the permanent _ duration of the privileges granted by the Statute, commonly _ called the Quebec Act, to His Majesty's Canadian Subjects, is their ready manifestation of a Correspondent Liberality to His Majesty's Native born subjects, thro' the voice of that Legislature which the Statute erects, and of which His _ Majesty has constituted so many of the Canadian Gentlemen to be Members. The Bill pointed to a measure for _ shewing such a disposition, without the smallest Infringement of the benefits granted by the British Parliament to themselves, and it had succeeded, if only one of them, had given his voice for the Commitment, the Question being decided by the Chair. _

Fourth__ _____ Because the postponing the Relief which according to this Bill the Governor was to be enabled to afford to the American Loyalists settled on Our Frontiers, to us appears ~~appears~~ inconsistent with the interests of the Crown, and repugnant to every motive of _ sound policy, as well as the sympathy we ought to have for those, who with so much honor to themselves have sacrificed every _ consideration of private Interest, to their faithful affection for their Sovereign and the British cause, and to whom as Subjects of _ tried Loyalty, & men of Arms, this Province may one day be _ obliged to look for its defence & protection; to say nothing of what _ because the Kings Servants here to have done for Sufferers of _ such distinguished Merit, in obedience to the Royal commands, _ communicated to General Haldminand, by a letter from Lord North, of which the following is a Copy.

“ Whitehall 24.th July 1783

“ The distressed situation to which many of His Majestys
 “ faithful subjects in the Provinces and Colonies, now the United
 “ States of America, are reduced by adhering to their Loyalty and _
 “ supporting the British Consitution, has induced his Majesty _
 “ to afford them every encouragement due to their zeal and sufferings, _
 “ and as Numbers of those deserving Loyalists may wish to settle _
 “ in Quebec, it is His Majesty’s pleasure that every assistance and _
 “ support should be held out to them.”

Fifth__ _____ Because the Bill was framed to heat the divisions _ and animosities which have so long subsisted in the Colony to its disgrace and detriment, and we are fearful that the rejection of it _ will not only revive a spirit, which as a party one, in the trite game of selfish ambition and avarice, for petty consequence, Place and Profit, is always contemptible, and sometimes harmless, is nevertheless to the last degree dangerous, in a Country of mixed Nations

Habits

Habits and Languages, where the name party, if the contests respects the Substantial interests of the Crown and Native, will be changed into the serious discrimination of the Loyal and ___ the disaffected: and we are the more anxious for the general harmony, as the discords by increasing the debility of the Province, predisposes _ it to become a Theatre for the malignant machinatives of the internal malcontents of Great Britain and the hostile views of ___ foreign powers.

Sixth___ _____ Because without some regulations to quiet the ___ murmurs against the course of administring Justice which _ has obtained here for years past, expressed in the Reports on _ Our Table, from the Magistrates and Merchants of the Province, and the Complaints to the King's Ministers by the Merchants of London, the commerce and settlement of the Colony cannot ___ advance, in the course necessary to give it strength for its own security, and cover the two other Provinces, fortunately for all of ___ them, committed to the wisdom and vigilance of the Noble Lord, _ who is so well disposed and qualified to raise them to safety ___ and prosperity, if their own cheerful co=operation shall not be wanting. _

Last___ _____ Because thro' the whole debate for the noncommittment of the Bill, which has had but a singly reading (it being ___ the course of this Council contrary to Parliamentary usage ___ to commit it before a second reading) nothing was offered in _ our Opinion, of the last weight against the Bill, unless there be supposed good cause for the insinuation of the Honourable Judge of the Common pleas who was alone in it, that the ___ Preamble was exceptionable on account of its having recited ___ that part of the Quebec Act, excluding the Religious houses and Communities from the benefit of the Laws and usages ___ given to other Catholics; to which the Speaker added his regret at the bare mentioning in Conversation without doors as

another

another matter tending to dissatisfy the Catholick Inhabitants, _
 the King's late gift or intended munificence out of the Estates of _
 the dissolved and banished order of Jesuits to an Individual, ____
 meaning the Right Honourable Lord Amherst. __ Respecting
 which, we are persuaded and think it just to declare, that the _
 ill Temper and Spirit implied by the suggestion, as existing in
 the Colony, has as yet neither that degree of Inveteracy nor-
 extent, to require any timid condescensions from the executive and
 Legislative Authority subversive of the Government; and we ____
 conceive that if the fears of the Speaker, really had any foundation,
 the Bill stood for that reason upon the stronger ground, not only
 for the Committment he opposed, but the enacting it, to all the
 extent of its objects for gratifying the reasonable expectations of His
 Majesty's good and Loyal Subjects, for the promoting the population
 of the Country, and the speediest removal of every cause of discontent
 upon the interesting points of Commerce, and the right administration
 of Justice; without which no people can exist in safety and peace, -
 and a Commercial people the least of all others.

We lament therefore the loss of this Bill as embarrass=
 =ing, if not defeating the provisions expedient for the Interests of __,
 the Crown, as unfriendly to the Commerce of the Nation, as ____
 distressing to the Loyalists who have fled to our Borders for _
 refuge, and have the most unexceptionable Claim, at least to
 Legislative regulations for their comfort, as tending to distract the _
 minds of the Inhabitants with Jealousies, to the reducing of the _
 force of the Colony; and as the consequence of all, the exposing of it
 to the Operation of foreign principles, smoothing the way to an __
 Invasion. And this Protest we make in Vindication of __
 Ourselves to His Majesty and his Representative, and __

with

with the sincerest desire to preserve the tranquility of the Province, and the Interest of every order of Men in it, __ Protestants and Catholics, by all the means that may __ consist with our duty to the Crown, and a warm and __ affectionate regard for the general weal of the British empire . __

/signed/ W.^m Smith

Quebec Mond. 9 o'clock
A. M. 26.th March 1787

Hugh Finlay
* Edw.^d Harrison_,
John Collins
Geo Pownall
Henry Caldwell
William Grant
*_ Samuel Holland_
John Johnson. __

* _ _ On the 28.th of April 1787. The Honourable Edward Harrison and Samuel Holland Esquires, prayed leave to strike out their names, from this Dissent; the ends for which they signed the same being obtained, in the Ordinances which have been passed this Session, by The Council. And it was ordered accordingly.

see Page } JWilliams
120 }

Tuesday 27.th March 1787

The Council met, and adjourned to Wednesday the 28.th at 10 o'clock__

Wednesday

Wednesday 28.th March 1787

The Honourable Henry Hope Esquire Lieutenant Governor Pr

M. ^r Smith, Ch. Justice ____	M. ^r Finlay
M. ^r Harrison _____	M. ^r Collins
M. ^r Mabane _____	M. ^r Pownall
M. ^r De Lery _____	M. ^r Bellestre
M. ^r Fraser _____	Col. Caldwell
M. ^r Grant _____	M. ^r De S. ^t Ours
M. ^r Baby _____	M. ^r De Longueüil
Major Holland _____	Sir John Johnson
M. ^r Boucherville _____	M. ^r Dupré

The Chief Justice from The Committee of whole house upon the Bill, intituled, “An Act or Ordinance for the erection of Court_houses and Prisons, for the Security of Creditors, and “ for the safe Custody of Criminals,” reported that the Committee had altered the same, and submitted certain Blanks to be filled up by the Council; and he delivered in the Bill and Report with the Amendments at the Table . ____ Resolved to be taken into Consideration on Wednesday the 4.th of April.

See the Report in the next Page, say from 54 to 60.

The Council resolved themselves into a Committee of The whole Council to proceed upon the Bill, intituled, “ An Act or Ordinance for the Relief of the poor “ by the easy dispensation of Justice in small Causes” _ and The President left The Chair .

His Honour The President resumed the Chair .

The Chief Justice reported Progress made by The ____ Committee of the whole Council upon the Bill, intituled, “ An Act or Ordinance for the Relief of the Poor &c;” And ____ desired that the Committee may meet again too morrow— at 10 o’ clock ____ Ordered accordingly.

adjourned to Thursday the 29.th at 11 o’clock

The Report_

Report of the Committee on the Bill intituled ____
 “ An Act or Ordinance for the erection of Court
 “ Houses and Prisons for the security of Creditors
 “ and the safe custody of Criminals” committed to a
 “ Committee of the whole Council

Monday 10 o’clock A. M. 26 March 1787.

M.^r Smith the Chief Justice in the Chair

The Bill was read and the Translation into the French ____
 Language & then again by paragraphs separately for the Question
 on each.

And the Question being put on the Preamble the Lieu.^t
 Governor moved to strike out the words “and the deficiency has been
 “ the Subject of repeated presentments by the Grand Juries of both districts
 and also the words _ “And the security of the Subject by the effectual
 “ execution of the Laws as well as the honor and stability of the Government
 “ require the erection of proper Court Houses and Prisons and the _
 “ charge of the civil establishment greatly exceeds the Royal Revenue ____
 “ from the Province, which His Majesty has been graciously pleased _
 “ to devote in the whole, Territorial as well as Casual to the support ____
 “ of the Government thereof, and the necessity of an immediate Provision ____
 “ being manifest not only by the ruinous charge of Escapes against the ____
 “ Sheriff of one District and the refusal of the Sheriff of the other district
 “ to take charge of Debtors without an Indemnity from their Creditors
 “ but also by”.

And the Question being put (Whether the words stand as part of –
 the Preamble or not ? ____ Debates arose & it was carried for the Motion
 that the words aforementioned be struck out by Eleven Ayes against ____
 seven Nays. viz,

For the Affirmative

Mess.^{rs} Dupré
 Boucherville
 Holland
 De Longueuil
 Baby
 Judge Fraser
 Mess.^{rs} Bellestre
 De Lery

Judge Mabane
 M.^r Harrison_
 The L.^t Gov.^r

For the Negative

Sir John Johnson
 Mess.^{rs} S.^t Ours &
 Grant
 Col. Caldwell
 M.^r Sec.^y Pownall
 M.^r Collins
 M.^r Finlay

The Lieu.^t Governor then moved that the word And “be added to the Preamble immediately succeeding the last words Voted to be struck out _

And the Question being put thereon Debates arose, and it was carried in the Affirmative by seventeen Ayes against M.^r S.^t Ours’s sole voice for the Negative.

The Chairman then read the first Enacting Clause _ of the Bill in those words,

Be it therefore Enacted by His Excellency the Governor _ and the Legislative Council, and it is accordingly hereby enacted by the authority of the same that the Commissioners or Justices of the peace of the said districts of Québec and Montréal respectively, may at one of their general Quarter _ Sessions proceed to deliberate upon the Subject of building a proper Court _ House and Goal, the plan and Estimate of the Expence whereof shall be laid before the Governor and Commander in Chief for the time being; and when _ approved by the Governor and any five of His Majesty’s Council, the said _ Justices or the Major part of them, in or out of Sessions, may proceed to _ Contract for the ground or Scite thereof, and the execution of the work _ And for depaying the expence thereof, they are hereby and in pursuance of _ the Statute aforementioned authorized to assess and levy the same expence by _ all such ways and means as they or the Majority of them may think _ requisite for a fair impartial equitable and proportionable Contribution _ amond all the Inhabitants of such District according to their respective Abilities _ And for that purpose may issue Warrants to raise the same and if necessary by distress and sale of the Lands Goods & Chattells _ of the Defaulter with the necessary charges of executing the same returning _ to the Owner the Overplus if any there be _ And of the Tax List and _ Sums to be levied and the expenditure thereof and also the Vouchers _ for the same the said Justices shall render full fair and just accounts upon oath, fiting the same Accounts and Vouchers with the Clerk of the Council who shall lay the same before the Legislative Council at their _ then next ensuing convention and the said Justices are hereby enabled _ to include in the said Levies the reasonable allowances to be made to such Treasurers Clerks and Collecters to be by them necessarily employed in the business aforesaid and when the Court house and Goal shall be compleat

the

the Sheriff of the District shall take the charge thereof and _____
preserve the same for the public uses for which they were constructed

And the Question being put Whether this clause stand in
the Bill or not ? _ Debates arose and it was carried against it by _
seven Ays & Eleven Nays.

For the Affirmative

Sir John Johnson	M. ^r Sec. ^y Pownall_
Major Holland	M. ^r Collins
M. ^r Grant	M. ^r Finlay
Col. Caldwell	

For the Negative

Mess. ^{rs} Dupré	Judge Fraser
Boucherville	M. ^r Bellestre
De Longueüil	M. ^r De Lery
Baby	Judge Mabane
S. ^t Ours	M. ^r Harrison_
	L. ^t Governor

The Committee agreed to adjourn, report progress & ask have to
sit again to _morrow morning at 10 o'clock.

Tuesday Morning 10'clock

The Committee met and M.^r Justice Mabane moved to adopt
the following clause, after the Preamble,

“ Be it therefore enacted by His Excellency the____
Governor by and with the consent of the Legislative Council that
Rates should be assessed and Levied upon the Inhabitants of the _____
Districts of Quebec and Montreal for the purpose of building proper
Court houses and Goals in the following manner; first for the ____
Towns of Quebec and Montréal that Mess.^{rs}

for the Town of Quebec and Mess.^{rs}

be appointed Commissioners for the Town of Montreal and are
or any five of them are hereby required and Authorized to deliberate
upon the subject of building a proper Court house and Goal in

the

the Towns of Quebec and Montréal the plan and estimate of the _
 expence thereof shall be laid before the Governor or Commander in
 chief for the time being and when Approved by the Governor and any
 five of His Majesty's Council the said Commissioners or any five
 of them may and shall proceed to contract for the Ground or Scite
 and the execution of the work and for defraying the expence thereof they _
 are hereby in pursuance of the Statute above mentioned to assess the _
 Proprietors of Houses in the Towns of Quebec and Montréal and _
Banlieus thereof, in proportion to the Rates at which said Houses
 are rented; and in cases where the Proprietors occupy the Houses,
 themselves in proportion to the rates at which the said Commissioners
 shall estimate those Houses would be rented.

Which assessment if approved by His Excellency the _
 Governor and Council as above, the said Commissioners or any five _
 of them are Authorized to issue Warrants to Levy the same and if
 necessary by distress and sale of the Lands Goods and Chattels of the _
 defaulter with the necessary charges of Executing the same returning _
 to the Proprietors the overplus if any there be _ and of the Tax List and _
 sums so to be levied and the Expenditure thereof and also the Vouchers _
 for the same, the said Commissioners shall render full and just _
 accounts upon Oath filing the same accounts and Vouchers with the _
 Clerk of the Council who shall lay the same before the Legislative Council
 at their then next Ensuing Sessions and the said Commissioners are _
 hereby Enabled to include in the said Assessment the Reasonable _
 allowances to be made to such Treasurers Clerks and Collectors to be
 by them necessarily employed in the business aforesaid. And When the
 Court house and Goal shall be compleat the Sheriff of the District _
 shall take the charge thereof and preserve the same for the public uses
 for which they were Constructed . And it is further Ordained and Enacted
 that the Commissioners abovementioned shall make oath that to the _
 best of their skill and knowledge they will execute the trust reposed in
 them as Commissioners for assessing the rates to be paid for the

building

building of Court Houses and Prisons with fidelity & impartiality.”

And the Question being put whether the Clause before _ mentioned be adopted Debates arose thereon and it was carried _ in the Affirmative by Sixteen Ayes against two Nays.

For the Affirmative

M. ^r Boucherville	Col. Caldwell
Sir John Johnson	Judge Fraser
Major Holland	M. ^r Bellestre
M. ^r De Longueüil	M. ^r Sec. ^y Pownall_
M. ^r Baby	M. ^r Mabane
M. ^r S. ^t Ours	M. ^r Collins
M. ^r Grant	M. ^r Harrison_
	M. ^r Finlay
	The L. ^t Governor—

For the Negative

M.^r Dupré
M.^r De Lery

M.^r Grant then moved to insert as an Addition to the adopted clause between the word (rented) and the word (which) the following clause, viz,

“ And the Commissioners or the Majority of them shall
“ assess and appertion in their equity and Judgment all the other
“ Inhabitants of such District according to their respective abilities
“ or annual incomes __ The said Assessment in the District
“ of Montréal to extend from the River S.^t Maurice on the
“ North & the River Godfroy on the South of the S.^t Lawrence to
“ the Long Sault on the Ottawa River and the West side of New __
“ Longueüil and Beauharnois __ And in the district of Quebec from
“ Cap Cat & the Saguenay to the said Rivers S.^t Maurice & Godfroy”—

And the Question being put thereon debates arose and it was carried in the Negative by Eleven voices against seven.

For the Affirmative

Sir John Johnson_
Major Holland
M.^r Grant
Col. Caldwell
M.^r Pownall
M.^r Collins
M.^r Finlay

For the Negative

Mess.^{rs} Dupré
Boucherville
De Longueüil
Baby
S.^t Ours
Judge Fraser

Bellestre

De Lery
Judge Mabane
M.^r Harrison
The Lieu.^t Governor

Col. Caldwell then moved that the following Clause succeed that which was adopted on M.^r Mabane's motion viz,

“ And be it further enacted by the same Authority that the ____
 “ Parishes be taxed from the Number of Land holders in each parish taken
 “ from the Curé's tythe List & the Livres Terriers of the Seigneurs, who are
 “ hereby required to procure the same to the said Commissioners, who are ____
 “ hereby directed & Authorized to require the Inhabitants of each parish
 “ at a Meeting assembled for that purpose to elect Assessors or Syndics upon ____
 “ Oath to make such Assessment as shall be directed in proportion to the
 “ Cleared Land, Arable or Pasture, of the respective Possessors”.

And the Question being put thereon debates arose and it was ____
 carried in the Affirmative by seventeen Voices against one for the Negative.

For the Affirmative

Mess. ^{rs} Dupré	Judge Fraser
Boucherville	M. ^r Bellestre
Sir John Johnson	M. ^r Pownall
Major Holland	Judge Mabane
M. ^r De Longueüil	M. ^r Collins
M. ^r Baby	M. ^r Harrison
M. ^r S. ^t Ours	M. ^r Finlay
M. ^r Grant	Lieu. ^t Governor
Col. Caldwell	

For the Negative

M.^r De Lery

Col. Caldwell then moved as Addition to the last adopted Amendment that the words following succeed it

“ The said Assessment in the District of Montréal to extend
 “ from the River of S.^t Maurice on the North and the River Godfroy on the
 South of the S.^t Laurence to the Long Sault on the Ottawa River and the
 West Line of New Longueüil & Beauharnois ____ And in the District of Quebec
 from Cape Cat and the Saguenay to the said River S.^t Maurice and
 Godfroy”

And the Question being put thereon it was carried in the
 Affirmative by seventeen voices against one as on the last Question, M.^r
 De Lery being alone for the Negative .

The

The Chairman there proceeded to the last enacting clause of the ___ Bill and read the same in the words following

“And be it also enacted by the same Authority that no suit shall be
 “ Commenced against any person Acting under the Authority of this Act
 “ after six Months from the time of Committing the fact for which the
 “ same suit is brought _ And if the Defendant shall prevail in any ___
 “ Action brought against him for any matter authorized by this Act the
 “ Plaintiff shall pay treble costs to be taxed . And the Defendant may _
 “ plead the general issue for his defence and give this Act in Evidence, and _
 “ the said Act shall for that purpose be deemed in all Courts to be a ___
 “ public Act.”

And the Question being put thereon it was in like ___ manner carried by Seventeen voices in the Affirmative, the only ___ Voice in the Negative being M.^r DeLery’s.

The Chairman then proceeded to the Questions for filling, up the Blanks but the Committee agreed Nem. Contrad. to report the Bill and the Alterations & have the Blanks to be filled up in Council after the Report.

Submitted and signed by order the 27.th March 1787.
 /signed/ W.^m Smith Chairman.

Thursday 29.th March 1787

The Honourable Henry Hope Esquire Lieu.^t Governor Pr

M.^r Smith Ch. J. _____ M.^r Finlay
 M.^r Harrison _____ M.^r Collins
 M.^r Mabane _____ M.^r Pownall
 M.^r De Lery _____ M.^r Bellestre
 M.^r Fraser _____ M.^r Grant
 M.^r De S.^t Ours _____ M.^r Baby
 M.^r De Longueüil _____ Maj.^r Holland
 Sir John Johnson _____ M.^r Boucherville

and

M.^r Dupré

The Chief Justice from the Committee of the whole Council, upon
 “ the Bill, intituled, “An Act or Ordinance for the relief of the poor, by the
 easy dispensation of Justice in small Causes.” brought in the Report of the
 Committee, which with the Bill He delivered at the Table ____ The Report
 was read and ordered to be inserted on the Journals.

See the Report page 62 to 64 _

Question

“ Ordered from the Chair that the Question be put “Whether the Council
 concur with The Committee, in rejecting the Bill” ____ Voted in the Affirmative
 10 Ayes against 8 Noes.

The Council resolved themselves into a Committee of the whole
 Council, to proceed upon the Bill, intituled, “An Act or Ordinance
 “ for protecting the Province by increasing the Security for the
 “ public peace” ____ And the President left the Chair.

His Honour the President resumed the Chair.

The Chief Justice from the Committee of the whole Council, reported
 “ Progress made in the Bill, intituled, “An Ordinance for protecting the province
 by increasing the Security for the public peace” and desired the Committee
 would meet to _morrow at 10 o'clock.

The Council resolved themselves into a Committee of the whole
 Council to proceed upon the Bill, intituled, “An Ordinance
 “ to amend an Ordinance, intituled, An Ordinance concerning
 “ Advocates, Attornies, Solicitors and Notaries; and for the
 “ more easy Collection of His Majesty's Revenues.” _ The ____
 President left the Chair.

His Honour The President resumed The Chair—

M.^r Finlay from the Committee of the whole Council, upon the Bill
 “ intituled, “An Ordinance to amend An Ordinance, intituled, An Ordinance con=
 =cerning Advocates, Attornies, &c “reported that the Committee had made no Alterations
 in the Bill; and he delivered it at the Table. ____ It was read, _ Ordered to be
 ingrossed.

Adjourned to Friday the 30.th at 10.

Votes on the Question	A	N
M. ^r Dupré	1	
M. ^r Boucherville	2	
Sir John Johnson		1
M. ^r Holland		2
M. ^r De Longueüil	3	
M. ^r Baby	4	
M. ^r S. ^t Ours	5	
M. ^r Grant		3
M. ^r Fraser	6	
M. ^r Bellestre	7	
M. ^r De Lery		4
M. ^r Pownall		5
M. ^r Mabane	8	
M. ^r Collins		6
M. ^r Harrison	9	
M. ^r Finlay		7
The Chief Justice		8
The Lieu. ^t Governor	10	

Report

Report of the Committee on the Bill intituled, “An _
 “Act or Ordinance for the relief of the poor by the easy_
 “dispensation of Justice in small causes “committed to a
 “Committee of the whole Council.

Wednesday 28 March 1787 10 o'clock A. M.

M.^r Smith Chief Justice in the Chair.

The Bill was read in both the English and French Languages _
 after which the Chairman proceeded to the reading it paragraph _
 by paragraph, and having read the preamble in these words, _

“ Whereas the impartial Administration of Justice (essential to the
 prosperity and safety of all Countries and most eminently so to such
 as are Commercial) requires a tender attention to the conveniency _
 of the poor, who as the Law now stands, are Compellable to go _
 for process to the Capitals of the Districts of Quebec and Montréal
 which may be in many instances a distance of about one hundred
 miles, and that for debts of the smallest value, down to a single _
 shilling; and the Inconveniencies are very distressing and nearly
 amount to a denial of Justice to the poor : and the quick cheap
 and easy means of recovering small debts tends to the promotion
 of Industry, in which the public is also deeply concerned .”

The Question was put thereon that the same stand a part
 of the Bill? Debates arose and it was carried in the Negative
 by ten voices against eight.

For the Affirmative

Sir John Johnson

Major Holland

M.^r Grant

Col. Caldwell

M.^r De Lery

M.^r Sec.^y Pownall

M.^r Collins

M.^r Finlay

For the Negative,

M.^r Dupré

M.^r Boucherville

M.^r De Longueuil

M.^r Baby

M.^r De S.^t Ours

Judge Fraser

M.^r Bellestre

Judge Mabane

M.^r Harrison

L.^t Governor

The

The Chairman then read the first enacting Clause in the words following,

“ Be it therefore Enacted by His Excellency the Governor and
 “ the Legislative Council and it is hereby Enacted by the authority of the
 “ same that it shall be Lawful for His Excellency the Governor _
 “ or the Commander in Chief of the province for the time being to grant
 “ Commission to such and so many of the principal Inhabitants of _
 “ any Precinct as he may in such Commission describe and name _
 “ consisting of one or more parishes in his Judgment qualified for _
 “ the Enjoyment of the benefits by the exercise of the Trusts by this Act
 “ created, who shall have Authority to hear and determine all such _
 “ matters of Debt as are herein aftermentioned, at a Court to be _
 “ called the Court of Requests of such Precinct and to be held at such _
 “ convenient place or places, as the said Commissioners or the major _
 “ part of them may at first appoint and at their Courts afterwards adjourned
 “ to, which is to be at such time or days as they shall find most for the _
 “ advantage of the Precinct, but never exceed the Interval of one Month _
 “ And to the intent of supplying vacancies in the Commission by death, _
 “ removal from the Precinct or otherwise the Surviving and resident-
 “ Commissioners shall continue to have authority, to hold the same Court
 “ untill the Vacancy is supplied; and to that end every Vacancy shall
 “ be forthwith Notified by them under their hands, to the Clerk of the
 “ Legislative Council, to be by him Communicated to the Governor or _
 “ Commander in Chief for the time being.”

And the Question being then put thereon that it stand a part
 of the Bill it was carried in the Negative by the same voices ten Nays & _
 Eight __ays .

The Chairman then read the second Enacting Clause __
 and put the Question thereon and it was also carried in the Negative
 by the same ten Voices against Eight _ ays.

The Chairman then read the Third enacting_ Clause_
 _ But previous to the putting of the Question thereon submitted it to
 the Committee Whether if the Members had formed their sentiments __

upon_,

upon all the remaining Clauses of the Bill, & that those who had already Voted for the rejection of the Preamble & two first Enacting clauses had determined also to decide for the Negative ag.st every one of the rest it was not their pleasure to omit reading_ them, and authorize the Chairman's reporting every clause as rejected by the same Voices, & as voted for in the Affirmative by those who had already Voted in the Affirmative for the Preamble ? The__ Committee thereupon unanimously ordered the Chairman to report accordingly, that those who had Voted against the Preamble __ would vote for rejecting every other clause in the Bill, and that __ those who had Voted for the Preamble were in the Affirmative __ for their standing in the Bill_.

Signed by order of the Committee

Council Chamber— /signed/ W.^m Smith Chairman_
28.th March_ 1787.

Friday the 30.th March 1787

The Honourable Henry Hope Esquire Lieu.^t Governor P.

M. ^r Smith, Ch. Justice__	M. ^r Finlay
M. ^r Harrison_____	M. ^r Collins
M. ^r Mabane_____	M. ^r Pownall
M. ^r De Lery_____	M. ^r Bellestre
M. ^r Fraser_____	Col. Caldwell
M. ^r Grant_____	M. ^r S. ^t Ours
M. ^r Baby_____	M. ^r De Longueuil
Major Holland_____	Sir John Johnson__
M. ^r Boucherville_____	M. ^r Dupré

The Chief Justice from the Committee of the whole Council, upon the Bill, intituled, "An Act or Ordinance for
" protecting the province, by increasing the Security for the __
" public peace" reported, that the Committee had altered the
samed, together with the Title; and He delivered the Bill and _
Report, and the Amendments at the Table. __ Read the same _
The Question was put _ "Whether The Council concurred with
" the Committee" __ Voted in the Affirmative 13 Ayes, 6 Noes.
__ Ordered to be ingrossed.

See the Report, page 65 to 71 ____.

Question

Read the Translation in French of the Protest entered
on the Journals, of the 26.th instant_

The Order of the day being read, for going _
into the Consideration of the Bill, intituled,
“ An Ordinance for the better regulating the
“ proceedings in the Courts of civil Judicature
“ in this province ” __ The President left the _
Chair.

His Honor the President resumed The Chair .

M.^r De S.^t Ours, from The Committee of The whole Council,
upon the Bill, intituled “ An Ordinance for the better regulating
“ the proceedings in the Courts of Civil Judicature in this province”_
Reported Progress; and desired the Committee to meet to_morrow at—
10 o’ clock.

adjourned to Saturday the 31 at 11.

Votes on the Question	A	N
M. ^r Dupré	1	
M. ^r Boucherville	2	
Sir John Johnson		1
M. ^r Holland	3	
M. ^r De Longueuil	4	
M. ^r Baby	5	
M. ^r De S. ^t Ours	6	
M. ^r Grant		2
M. ^r Caldwell		3
M. ^r Fraser	7	
M. ^r Bellestre	8	
M. ^r De Lery	9	
M. ^r Pownall		4
M. ^r Mabane	10	
M. ^r Collins		5
M. ^r Harrison	11	
M. ^r Finlay		6
The Chief Justice	12	
The Lieu. ^t Governor	13	

Report

Report of the Committee on the Bill intituled, ____
 “An Act or Ordinance for protecting the Province
 “by increasing the security for the public peace”, referred
 to a Committee of the whole Council.

Thursday 29 March 1787 10 o'clock A. M
 M.^r Smith Chief Justice in the Chair
 The Bill was read in both Languages (English and French)
 & then by Paragraphs,
 The Preamble was in these words,

“ Whereas the whole Province of Quebec of hundreds of ____
 “ Leagues in Extent, is at present comprehended by two vast _
 “ Districts, the more antient settled parts of which extend three
 “ hundred miles and upwards, along the Banks of the River _
 “ S.^t Laurence; to wit from below the village Kamouraskas to above
 “ the City of Montréal: and Whereas many thousands of Souls have
 “ been added to this Province by suffering Loyalists from the ____
 “ old Colonies and Provinces, who are chiefly collected together, on
 “ the waste lands of the Crown not yet granted to the westward
 “ of Montréal towards Lake Ontario and beyond it nearly to
 “ Lake Erie ____ And it will not only be expedient for His
 “ Majesty's Interest, and the growth and strength of the ____
 “ Province, to pass grants and Patents from time to time to
 “ them and to such other of his faithful & Loyal subjects from
 “ Great Britain and Ireland and other parts of the British
 “ Dominions, as may be desirous to become Inhabitants of this
 “ Province, and to make due provision for the Government of ____,
 “ such new Districts and the due administration of Justice in the
 “ same. And it has so happened that there is not, nor for
 “ years past has been a Bailiff or Constable in the whole
 “ province, and Sheriffs have been obliged for the Guard of —

Prisoners

- “ Prisoners to the King’s Courts of Justice, to call in the aid of
 “ Armed Soldiers up to the very bar upon the arraignment and _
 “ Trials of Criminals.

On which the Chairman put the Question Whether it should stand as part of the Bill or not _ Debates arose, and it was carried in the Negative for rejecting the same by ^{eleven} ~~ten~~ Nays and Six Ays

For the Affirmative	For the Negative
Sir John Johnson	Mess. ^{rs} _Dupré
M. ^r Grant	Boucherville
M. ^r Sec. ^y Pownall	Major Holland
M. ^r Collins	M. ^r De Longueüil
M. ^r Finlay	M. ^r Baby
M. ^r Harrison	M. ^r De S. ^t Ours
	Judge Fraser
	M. ^r Bellestre
	M. ^r De Lery
	Judge Mabane
	His Honor The Lieu. ^t Governor—

The Chairman next read the first enacting clause in those words,

- “ Be it therefore enacted and Ordained by His Excellency
 “ the Governor and the Legislative Council, and it is hereby enacted by
 “ the Authority of the same, that the Organization Jurisdiction and _
 “ Limits of such new Districts, shall be such, as His Excellency _
 “ the Governor and Commander in chief for the time being shall
 “ assign & describe and name by Patent or Patents, under the _
 “ Great Seal of the Province, any thing in any former Act or Ordinance
 “ contained to the Contrary notwithstanding.”

And the Question being put that it stand in the _ Bill,—Debates arose and it was carried in the Negative for rejecting the same by Eleven voices against six

For the Affirmative	For the Negative
Sir John Johnson—	Mess. ^{rs} _Dupré
M. ^r Grant	Boucherville
M. ^r Pownall	Holland
M. ^r Collins	De Longueüil
M. ^r Harrison_	Baby
M. ^r Finlay	De S. ^t Ours
	Judge Fraser
	Mess. ^{rs} Bellestre
	De Lery
	Judge Mabane
	L. ^t Gov. ^r

The Chairman then read the Enacting clause in these words.

And for procuring a sufficient Number of Subordinate Peace_ Officers for the security of the Subject, and the confinement of Debtors and the Punishment of Offenders,

“ Be it further Enacted by the same Authority that it
 “ shall be Lawful for the Commissioners or Justices of the peace _
 “ of the present Districts of Quebec and Montréal, and of every _
 “ new District hereafter to be erected, and they are hereby required __
 “ as soon as conveniently may be, at a general or special Quarter __
 “ Sessions of the peace, by the Major voice of such of them as shall
 “ be there concerned to name and appoint such and so many persons
 “ within their Districts respectively, as they may think sufficient __
 “ and fit to be high Constables and Constables thereof, for protecting
 “ the Inhabitants and preserving the peace of their District; every __
 “ of which persons so Appointed, shall faithfully perform the Duties __
 “ of the Office for which he may be so appointed for the space _
 “ of one year : previous to the expiration whereof, it shall be the duty of _
 “ the said Commissioners or Justices of the peace, annually to appoint
 “ others to serve in their stead; and to increase or diminish the __
 “ number first appointed, as to them shall appear to be most
 “ for the public weal and safety.”

And the Question being put thereon that it stand a part
 of the Bill, it was carried in the Negative by 10 Nays
 against seven Ays.

For the Affirmative		For the Negative
Sir John Johnson	Mess. ^{rs} __	Dupré
Major Holland		Boucherville
M. ^r Grant		De Longueüil
M. ^r Sec. ^y Pownall		Baby
M. ^r Collins		De S. ^t Ours
M. ^r Harrison		Judge Fraser—
M. ^r Finlay	Mess. ^{rs}	Bellestre
		De Lery
		Judge Mabane
		L. ^t Gov. ^r

His

His Honor Lieu.^t Gov.^r Hope then moved to adopt the following Amendment in the place of the rejected Clause.

“Whereas it is expedient, that public Officers should be ___ established in the several Parishes of this Province under the ___ denomination of peace Officers,

“It is enacted and Ordained by His Excellency ___ the Governor and the Legislative Council, that all and every ___ the Captains and other Officers of Militia in the said several ___ Parishes of this province, duly commissioned by His Excellency the ___ Governor or the Commander in chief for the time being and likewise the Serjeants named and appointed by the said Captains, and other Officers in their respective parishes be and they are hereby declared to be public and peace Officers within their respective parishes, and ___ Authorized and enjoined to do and exercise all and singular the duties and services of Public and Peace Officers, within their respective ___ Parishes, according to Law And Be it further enacted by the ___ same authority that it shall be Lawful for the Commissioners or- Justices of the peace assembled in Quarter Sessions or by a Majority of the same, and they are hereby required as soon as conveniently may be, to name and appoint such and so many persons as ___ they may think sufficient within the Towns and Banlieus of ___ Quebec and Montréal, for carrying into Execution the orders and ___ decrees of the several Courts and to preserve the public peace therein; every of which persons so appointed shall faithfully perform the ___ Duties of the Offices, for which he may be so appointed for the space of one year, previous to the expiration ^{whereof} it shall be the Duty of the said Commissioners or Justices of the peace, annually to ___ appoint others to serve in their stead; and to increase or diminish the number first Appointed, as to them shall appear to be next ___ for the public weal and safety .”

And that no such Appointment shall be valid in ___

Quebec

Quebec or Montreal & their Banlieus respectively, in the case of a civil or Military Officer, or any person in Priests orders in the Profession or practice of Physic or Surgery, or any Millar Ferryman Schoolmaster, or the Student of any College or Seminary, or any Person not of full age _ and for neglecting or refusing to perform the said Office or Offices there shall be the forfeiture of Twenty Pounds, to be recovered in any Court of Record with costs of suit by Bill Plaint or Information, in which no Essoin, Wager _____ of Law or any more than one Imparlance shall be allowed. _

And the Question being put thereon debates arose and it was carried to adopt the said Amendments by twelve yeas ag.^t five Nays.

For the Affirmative

Mess. ^{rs} Dupré	W. ^m Bellestre
Boucherville	M. ^r De Lery
Holland	Judge Fraser
De Longueüil	M. ^r Harrison_
Baby	The Lieu. ^t Governor—
De S. ^t Ours	
Judge Mabane	

For the Negative

Sir John Johnson	M. ^r Collins
M. ^r Grant	M. ^r Finlay
M. ^r Pownall	

The Chairman then put the Question upon the last clause of the Bill and it was carried to reject the same, by the same twelve voices ags.^t the five, who had voted for the _ Negative to the Amendments moved for by the Lieu.^t Gov.^r

And proceeding to the Question respecting the title of the Bill,

The Lieu.^t Gov.^r moved that the title of the Bill be An _ Ordinance to explain and amend an Ordinance for Establishing Courts of Criminal Jurisdiction in the Province of Quebec?

The

The Question being put thereon it was carried in the Affirmative
by 13 Ayes ags.^t 5 Nays

For the Affirmative

Mess. ^{rs} Dupré	Judge Fraser
Boucherville	M. ^r Bellestre
Holland	M. ^r De Lery
De Longueüil	Judge Mabane
Baby	L. ^t Governor.—
De S. ^t Ours	

For the Negative

Sir John Johnson	M. ^r Collins
M. ^r Grant	M. ^r Finlay
M. ^r Pownall	

Council Chamber_, All which is submitted,
29.th March 1787. signed by order of the Committee
/signed/ W.^m Smith Chairman.

Saturday 31.st March 1787

The Honourable Henry Hope Esq.^{re} Lieu.^t Governor P.
and all the other Members, as yesterday.

M.^r Finlay, from the Committee upon the Bill, intituled

“ An Ordinance to explain and amend an Ordinance, intituled, An—
“ Ordinance for repairing and amending the public Highways & Bridges
“ in the province of Quebec”, reported the Opinions of the Members of The
Committee thereupon, which with the Bill he delivered at the Table.
___ Read the Report; ordered to be translated into french, & entered—

See the Report, Page 72 to 73 —

The Order of the day being read, The Council resolved ___
themselves into a Committee of the whole Council to proceed
further upon the Ordinance, intituled, “An Ordinance for the better
“ regulating the proceedings in the Courts of Civil Judicature in
“ the province of Quebec.” ___ The President left The Chair.

His

His Honour, The President resumed The Chair

M.^r S.^t Ours, from The Committee of The whole Council, upon the Bill “for regulating the proceedings” ____
 “ in the courts of civil Judicature”, reported further Progress.
 and desired the committee to meet on Wednesday next _ Ordered accordingly.
 adjourned to Wednesday the 4.th of April at 10.

The Report referred to in Page 71.

The Committee for examining the draught of an Ordinance brought into Council by the Honourable The Lieutenant Governor intituled, _
 “An Ordinance for repairing and Amending the public highways and ____
 “ Bridges in the Province of Quebec.”

Report that reference ought also to be had to the 13.th ____
 Article of the Ordinance which is proposed to be amended, and that the words following these words hereby extended & referred at the end of the Enacting clause viz,
 “ in the absence of the Governor in chief to the decision and direction of ____
 “ the Lieutenant Governor, and in his absence likewise of the Chief Justice
 “ and the Council” should be left out and the following be inserted in their place,
 “ in all new cases to the decision and direction of the Justices of the peace
 “ in their respective districts, or a Board of any three of them, together with
 “ such of His Majesty’s Council as are resident in the District, or a ____
 “ Major part of the said Board, who are hereby directed and required
 “ to assemble for this purpose in the Court houses of Quebec and ____
 “ Montréal on the first Tuesday of every Month, and the Senior Councillor
 “ present shall preside, and to the order and decision of which Majority in
 “ every case the Consent of one of His Majesty’s Council at the least ____
 “ shall be necessary, and the Clerk of the peace shall attend the said ____
 “ Board and keep a Register of the proceedings thereof : but for the ____
 “ security of the Subject in his property, it shall nevertheless be lawful
 “ for any of the Inhabitants conceiving themselves aggrieved by any order
 “ or decision of such Board to appeal therefrom in twenty days after ____
 “ the same is made to the Lieu.^t Governor, Commander in chief

for

“ for the time being, or Chief Justice and Council, who shall have com=
 “ =pleat authority to ^{annul} confirm or alter the same, or to give such new order as_
 “ they in their discretion shall from time to time conceive to be fit, just _
 “ and most for the public utility, with power to allow Costs against __
 “ Appellants for a vexations appeal, and every Act of the said Council or the
 “ Major part of them, at which the Lieutenant Governor the Commander
 “ in Chief for the time being or the Chief Justice shall preside, shall _
 “ be as effectual in Law as if the Governor and the whole Council had
 “ concurred in the same, any thing in this Law or Ordinance or in __
 “ any other Law to the Contrary in any wise notwithstanding.”

On the Question being put

Shall this proposed amendment be adopted by the Committee ?

For it, Colonel Caldwell

Against it, Messieurs Fraser

Boucherville

and Dupré

Who on their part agreed to leave out the words proposed as above
 to be left out and to insert the following words in their stead.

to the Governor Lieutenant Governor, Commander in Chief
for the time being, or to the Chief Justice and Council .

Council Chamber

31.st March 1787

By order of the Committee

/signed/ Hugh Finlay Chairman.

Wednesday 4.th April 1787
His Honour The Lieutenant Governor,
and the other members met.

M.^r De S.^t Ours from the Committee of the whole
Council upon the Bill, intituled, “An Ordinance for the ___
“ better regulating the proceedings in the courts of Civil ___
“ Judicature in this province ,”reported further Progress ___
and prayed Leave to meet again ___ Ordered accordingly .
His Honour The Lieutenant Governor proposed ___
that the Reports of The Committee upon the Militia
Bills be taken into Consideration on Saturday next. _
_ Ordered accordingly .
adjourned to Saturday the 7.th at 10.

Saturday 7.th April 1787
His Honour The Lieutenant Governor
and The other members met

Colonel Caldwell moved “that a Petition signed by _
“ some of the Citizens of Quebec, as well on the behalf of them =
“ =selves and others His Majesty’s ancient Subjects residing
“ in the province; as on behalf of His Majesty’s subjects in ___
“ Great Britain, and particularly of those trading to the said _
“ province,” be ordered to be read ___ Seconded by Sir John Johnson _
_ Read the same_ Ordered to be translated into French.

Read, in both languages, the Bill, intituled, “An Ordinance
“ for better regulating the Militia of this province, and rendering
“ it of more general utility towards the preservation and ___
“ Security thereof,” together with the Report of the Committee
“ thereupon. ___ The Question was put, “Whether the Council ___
“ concur with The Committee? “ Voted unanimously in the _
Affirmative _ Ordered a second reading of the Bill on Tuesday
next.

Read, in both languages, the Bill, intituled, “An Ordinance
“ for quartering the Troops, upon certain occasions, in the Country
“ parishes, and providing for the Conveyance of Effects belonging to _
“ Government ___ Read also the Report of The Committee thereupon_
___The Question was put, “Whether the Council concur with the
“ Committee? “Voted unanimously in the Affirmative. ___ A second
reading ordered for Tuesday next.

M.^r Mabane moved that the Bill for abolishing Slavery
which has been ordered to be committed, may be taken into ___
Consideration by a Committee of the whole Council on Friday
next the 13.th instant ___ Seconded by M.^r Harrison___ Ordered ___
accordingly.

Adjourned till Tuesday the 10.th _ at 10 o’clock __,

Tuesday the 10.th of April 1787
His Honour The Lieutenant Governor
and the same Members met.

Read a Translation, in french, of the petition of—
some of The Citizens of Quebec, moved upon, last Saturday,
by Colonel Caldwell ____ The Colonel moved now, that the
Prayer of The Petition be granted ____ Seconded by Sir John
Johnson ____ Question put ____ Voted in the Affirmative, 18 Ayes
ag.st* 1 Nay ____ Ordered that the Petitioners be heard on ____
Saturday next at ten o'clock.

* M.^r Boucherville

Proceeded to another reading, in both languages, of—
the Bill, intituled, “An Ordinance for better regulating the
“ Militia of this province, and rendering it of more general
“ utility towards the preservation and security thereof” ____

Read the Preamble ____ No objection was made to it.

Read the 1.st Article ____ amended

Read the 2.nd ____ amended

Read the 3.rd ____ amended

Read the 4.th ____ amended

Adjourned till to_morrow at 10 o'clock, to
resume the Militia Ordinance.

Wednesday the 11.th of April 1787
His Honour The Lieutenant Governor
and the same Members met.

Proceeded upon the Militia Ordinance .

Read Articles 5. 6. 7. 8. 9. 10. 11. 12. 13. & 14. in
which some Amendments were made. ____ Read a new—
Articles concerning the disposition of the fines, which
was adopted, and to stand for a 15.th Article.

Ordered that this Bill be ingrossed, for a
third reading, to morrow.

adjourned to Thursday the 12.th at 10.

Thursday the 12.th of April 1787.

His Honour The Lieutenant Governor– P ____

M. ^r Harrison _____	M. ^r Collins _____
M. ^r Mabane _____	M. ^r Pownall _____
M. ^r De Lery _____	M. ^r Bellestre _____
M. ^r Fraser _____	Col. Caldwell _____
M. ^r Grant _____	M. ^r De S. ^t Ours _____
M. ^r Baby _____	M. ^r De Longueüil _____
Major Holland _____	Sir John Johnson _____
M. ^r Boucherville _____	M. ^r Dupré _____

Proceeded to another reading, in both languages, -

“ of the Bill, intituled, “An Ordinance for quartering the Troops
 “ upon certain occasions, in the country parishes, and providing
 for the conveyance of Effects belonging to Government. ____

+ proposed by The
 ^ Lieutenant Governor

____ Read the Preamble, and afterwards the Articles ____
 1. 2. 3. 4. 5. 6 & 7. in most of which some Amendments
 were made. ____ Read a new Article ^ + concerning the ____
 disposition of the fines, which was adopted, and is to stand
 for an 8.th Article ____ Read an additional Article, proposed
 by M.^r Mabane, empowering The Captain General, or The ____
 Commander in Chief to make other and further Regulations
 which was adopted, and is to stand for a 9.th Article.

Ordered to be engrossed for a third reading ____
 to_morrow.

Ordered that the third reading of the Militia Ordinance
 be postponed till to_morrow–

adjourned to Friday the 13.th at 10.

Friday the 13.th of April 1787

The Honble Henry Hope Esq.^{re} Lieu.^t Governor P.

W. ^m Smith Esq. ^r Ch. Justice ____	M. ^r Finlay _____
M. ^r Harrison _____	M. ^r Collins _____
M. ^r Mabane _____	M. ^r Pownall _____
M. ^r De Lery _____	M. ^r Bellestre _____
M. ^r Fraser _____	M. ^r Grant _____
M. ^r De S. ^t Ours _____	M. ^r Baby _____
M. ^r De Longueüil _____	Maj. ^r Holland _____
Sir John Johnson _____	M. ^r Boucherville _____

&

M.^r Dupré

Read the Militia_Bill, a third time, in both ____
 languages.

His Honour The President put the Question ____
 “ Whether

“ Whether the Bill just now read, intituled, “An Ordinance for better
 “ regulating the Militia of this province, and rendering it of more
 “ general utility towards the preservation and security thereof—”
 shall pass, or not? ___ Voted unanimously in the ___
 Affirmative. ___

Ordered that the Engrossment of this Ordinance be presented to His Excellency The Governor, by M.^r Baby and Sir John Johnson.

Read the Ordinance, intituled, “An Ordinance for
 “ quartering the Troops, upon certain occasions, in the
 “ country parishes, and providing for the conveyance –
 “ of Effects belonging to Government” ___ in both languages.
 ___ His Honours The President put the Question ___
 “ Whether the Ordinance just now read shall pass, ___
 “ or not?” = ___ Voted unanimously in the Affirmative.

Ordered that the Ingrossment of this Ordinance likewise, be presented to –
 His Excellency The Governor by M.^r Baby and Sir John Johnson.

The Order of the day being read, the Council resolved themselves into a Committee of the whole Council, to proceed upon the Bill “for abolishing ___
 “ Slavery” _ And the President left the Chair.

His Honour The Lieutenant Governor resumed the Chair.

M.^r Mabane from the Committee of the whole Council upon the Bill, “for abolishing Slavery in –
 “ this province” reported progress, and prayed the Committee to meet again to_morrow morning.
 Ordered accordingly.

adjourned to Saturday the 14.th at ½ past 9.

Saturday 14.th April 1787
His Honour The Lieutenant Governor
and all the other Members met.

The order of the day was read for hearing __
Counsel upon the petition of some of the Citizens of—
Quebec upon the Bill now before a Committee of the __
whole Council, intituled, “An Ordinance for the better __
“ regulating the proceedings in the courts of civil __
“ judicature in the province of Quebec. The Petitioners
being called in, and the Door left open; Read the Petition
in both languages; the Petitioners were asked “Whether—
“ they were prepared, by themselves or by Counsel, to __
“ speak upon the subject of the Petition”, when The Attorney
General advanced for that purpose, and the Council __
proceeded to hear him __ Having heard Him,
adjourned to Monday the 16.th at 10 _

Monday 16.th April 1787
The Honble Henry Hope Esq.^r Lieu.^t Gov.^r P.
M.^r Finlay _____ M.^r Harrison
M.^r Collins _____ M.^r Mabane
M.^r Pownall _____ M.^r De Lery
M.^r Bellestre _____ M.^r Fraser
M.^r Caldwell _____ M.^r Grant
M.^r S.^t Ours _____ M.^r Baby
M.^r De Longueüil _ M.^r Holland
Sir John Johnson__ M.^r Boucherville
M.^r Dupre _____

The Council resolved themselves into a Committee __
of the whole Council to proceed further upon the Bill __
for abolishing Slavery. _ And the President left The Chair—
His Honour The Lieutenant Governor resumed The_
Chair.

M.^r Mabane from the Committee of the whole Council
upon the Bill for abolishing Slavery presented their Report—
and laid the same with the Bill and the Amendments _
proposed in the Committee, upon the Table. After reading __
the same the Question was put, “Whether the Council __
“ concur with the Committee ” Voted in the Affirmative __
15 Ayes ag.st 3 Noes _ Ordered to be entered in the __

Question

Journals

Journals._ M.^r Mabane read and filed his Dissent from this
Vote of the Council _ Ordered to be entered.

See the Report page 80 _
to 82 _ See the dissent in
Page 82.

Votes on the Question	A	N
M. ^r Dupré	1	
M. ^r Boucherville	2	
Sir John Johnson	3	
Major Holland	4	
M. ^r De Longueuil	5	
M. ^r Baby	6	
M. ^r S. ^t Ours		1
M. ^r Grant	7	
Colonel Cladwell	8	
M. ^r Fraser	9	
M. ^r Bellestre	10	
M. ^r De Lery		2
M. ^r Pownall	11	
M. ^r Mabane		3
M. ^r Collins	12	
M. ^r Harrison	13	
M. ^r Finlay	14	
The Lieu. ^t Governor	15	

The Council resolved themselves into a Committee
of the whole Council to proceed further upon the Bill, intituled,
“ An Ordinance for the better regulating the proceedings in the
“ Courts of Civil Judicature in the province of Quebec”_ And the
President left The Chair.

His Honour The Lieutenant Governor resumed The
Chair.

M.^r De S.^t Ours from The Committee of the whole Council
upon the Bill, intituled, “An Ordinance for the better regulating
“ the proceedings in the Courts of civil Judicature in the province
“ of Quebec,” reported progress, and prayed leave to meet again;
Ordered accordingly.

adjourned till Tuesday the 17.th at 10.

Report

Report of a Committee of the whole Council_,
upon the Bill Intituled, An Ordinance to __
abolish Slavery in the province of Quebec

Friday 13.th April 1787.

M.^r Mabane in the Chair.

The Bill was read in both Languages.

The Chairman read the Preamble in these words.

“ Whereas Slavery is contrary to Religion and is in ____
“ contradiction to the spirit and Liberality of the Laws & usages
“ of Canada which are Established in the province by the Statute
“ of the 14.th of His Majesty.”

The Question being put whether that preamble ____
should stand and make part of the Ordinance and the voices
standing 14 Ayes and 3 Nays Voted in the Affirmative

For the Affirmative

For the Negative

M.^r Dupré

M.^r Grant

M.^r Boucherville

M.^r Pownall &

Sir John Johnson

M.^r Finlay

M.^r Holland

M.^r De Longueüil

M.^r Baby

M.^r S.^t Ours

M.^r Fraser

M.^r Bellestre

M.^r De Lery

M.^r Collins

M.^r Harrison

M.^r Chief Justice &

The Lieu.^t Governor

The Chairman then read the first Enacting Clause
in these words. “It is Enacted by His Excellency the

Governor—

“ Governor by and with the advice and consent of the Legislative ____
 “ Council That every person or persons who shall after the publication
 “ of the present Ordinance be brought or who shall come into this
 “ province, shall be considered as free and be Entitled to claim their
 “ freedom, notwithstanding he she or they may have been slaves
 “ in the Country where they last resided.”

Debates arose on which the Question being put and
 the voices standing 14 Nays and 3 Ays Voted in the Negative. _
 For the Negative

M.^r Dupré
 Sir John Johnson
 M.^r Holland
 M.^r Baby
 M.^r S.^t Ours
 M.^r Grant
 M.^r Fraser
 M.^r Bellestre
 M.^r De Lery
 M.^r Pownall
 M.^r Collins
 M.^r Finlay
 M.^r Chief Justice &
 The Lieu.^t Governor—

For the Affirmative
 M.^r Boucherville
 M.^r De Longueuil
 M.^r Harrison.

M.^r De S.^t Ours proposed a Substitute or Amendment in the ____
 following words.

Qu’il soit statué par son Excellence &c, que du jour __,
 de la passation de cette Ordonnance, que nul Esclave ne soit ____
 importé à l’avenir par mer ou par terre, et que tout Esclave __,
 importé ne sera vendu par qui que ce soit, que tout personne
 à l’avenir qui importera aucun Esclave contraire l’intention de cette
 Ordonnance payera la somme de cent Livres pour chaque Esclave
 importé, et qui que ce soit qui fera vendre aucun Esclave payera
 aussi Cent Louis pour chaque Esclave vendu ou acheté, et qu’il ____
 soit en outre statué que tout Esclave importé dans cette province
 contraire au vrai sens de cette Ordonnance à son arrivé sera _
 déclaré libre.” ____ Debates arose and the Question being put upon
 the Substitute or Amendment and the voices standing 12 Nays

and

and 5,— nays Voted in the Negative

For the Negative

M.^r Dupré

M.^r Boucherville

Sir John Johnson

M.^r Holland

M.^r De Longueüil

M.^r Baby

M.^r Grant

M.^r Fraser

M.^r Bellestre

M.^r Pownall

M.^r Chief Justice &

The Lieu.^t Governor

For the Affirmative

M.^r De S.^t Ours

M.^r De Lery

M.^r Collins

M.^r Harrison &

M.^r Finlay

The Committee having proceeded thus far upon the Bill
Sir John Johnson proposed that the farther Consideration _
of the Ordinance should be postponed till next Sessions and
that the Chairman should be directed to report accordingly,
Seconded by the Lieutenant Governor.

The Question being put and Voices standing 16 Ays
and 1 Nay, Voted in the Affirmative.

M.^r De Lery being the Negative voice. __

By order of the Committee

April

/signed/ A. Mabane. _

The Dissent, by M.^r Mabane, }
referred to in page 79. ____ }

I dissent from the vote of the L. Council which concurred with the Report of
the Committee upon the Bill for abolishing slavery for the following reasons
1.st __Slavery is so repugnant to humanity that it cannot be too soon abolished by Law—
in any Country where it has been either Established or tolerated.
2.^{dly} __Because the difficulties /if any ought to have been made to such a Salutory Law/
Must as the numbers of slaves encrease, be augmented by delay.
3.^{dly} __Because the argument adduced from the Impolicy of giving umbrage to the
United States & especially that of Virginia is frivolous in the extreme, when it is considered
that several of the United States have already abolished slavery, tho' more Contiguous to Virginia
that this Province is, and that the large Tract of Indian Country thro' which fugitive slaves
must pass before they can reach any part of this province from Virginia renders it
almost impossible for them to attempt an escape by that way.

(signed) A. Mabane

Council Chamber
April 16.th 1787

Tuesday 17.th April 1787
 His Honour The Lieu.^t Governor P.
 &
 The other Members as yesterday

Read, in both languages, the Ingrossement of the ___
 Ordinance, intituled, “An Ordinance to amend an Ordinance
 intituled, An Ordinance concerning Advocates, Attornies, _
 Solicitors and Notaries &c.” ___ Then proceeded to read the
 same by Paragraphs. _ Read the Preamble___ The Question
 was put, “Whether it shall stand” For the Affirmative
 nem. con. ___ Read the enacting Clause _ The Question was
 put, “Whether it shall stand” _ Voted affirmatively nem. con.
 ___ M.^r Grant moved an Amendment, by inserting after
 the word Ordinance, the words, “or in the Judgment of the
 “ persons directed to examine them by the said Ordinance.”—
 1.st Question, debated ___ Seconded by M.^r Baby___ The Question was put “Whether
 “ the amendment shall be adopted” Voted in the Affirmative
 by 12 Ayes against 6 Nays. ___ Major Holland moved a
 further Amendment by adding a Clause for authorising___
 2.nd Question debated Surveyors of Land to act as Notaries in the country ___
 put _ Debates arose _ Voted in the Negative by 13 nays _
 ag.st 5 Ayes. ___ Ordered a third reading at another day.

Read the Report of the Committee upon the ___
 Ordinance, intituled “an ordinance to explain and amend an
 “ Ordinance, intituled, an ordinance for repairing and ___
 “ amending the public Highways and Bridges in the ___
 “ province of Quebec”. ___ The Question was put “whether the
 “ Council concur with The Committee” _ Voted affirmatively
 nem. con. ___ Ordered that the Bill be engrossed.

Read the Report of the Committee upon the
 Ordinance concerning the Maîtres de Poste ___ Ordered
 that the amendment reported there in be engrossed .

Read the Report of the Committee upon
 the Ordinance, empowering the Commissioners of the

peace

“ peace to regulate the police ” __ The Council ____
concurred with the Committee.

	1. st Quest		2. nd Quest	
	A	N	A	N
M. ^r Dupré	1			1
M. ^r Boucherville	2		1	
Sir John Johnson	3			2
Major Holland	4		2	
M. ^r De Longueuil		1		3
M. ^r Baby	5			4
M. ^r S. ^t Ours	6			5
M. ^r Grant	7			6
Col. Caldwell		2	3	
M. ^r Fraser		3		7
M. ^r Bellestre	8			8
M. ^r De Lery		4		9
M. ^r Pownall	9			10
M. ^r Mabane		5		11
M. ^r Collins	10		4	
M. ^r Harrison		6	5	
M. ^r Finlay	11			12
The Lieu. ^t Governor	12			13

adjourned to Wednesday the 18.th at 10.

Wednesday 18.th April 1787

The Hon^{ble} Henry Hope Esq.^r Lieu.^t Gov.^r P.

Will.^m Smith Esq.^r C. J. __ M.^r Finlay

M.^r Harrison _____ M.^r Collins

M.^r Mabane _____ M.^r Pownall

M.^r De Lery _____ M.^r Bellestre

M.^r Fraser _____ Col. Caldwell

M.^r Grant _____ M.^r S.^t Ours

M.^r Baby _____ M.^r De Longueuil

Major Holland _____ Sir John Johnson

M.^r Boucherville _____ M.^r Dupré

Colonel Caldwell moved, that a Supplement to the
 “ Petition of the Merchants heard by their Counsel on Saturday
 “ last containing the Heads of what was offered by their Counsel
 “ on that day be read” _ Ordered accordingly _ The same was
 “ read _ Col. Caldwell moved, “that that paper may be translated
 “ and lie on the Table for the consideration of the members.” _
 Ordered accordingly. _

The Chief Justice moved “that the Council resolved that
 “ the high charges brought by His Majesty’s Attorney ____
 “ General, as Counsel for the merchants in the Hearing on
 “ their Petition at our Bar last Saturday, relating to the conduct–
 “ of the Judges in the administration of public Justice for–
 “ several years past, make it our indispensible duty as faithful
 “ Councillors to The Crown, to enquire into the proofs referred to, and
 “ to lay the Result of the Examinations before the Noble Lord at the
 “ Head of the Government. That it will be fair and just to give the
 “ Judges of the Common Pleas, who are so deeply affected by those_
 “ accusations, an opportunity to be heard, before any Report is
 “ made to his Lordship; and that the Council take order for–
 “ producing the Records and Witnesses for such examination, _
 “ with all convenient speed, and that the progress upon the Bill
 “ in the Committee against which the merchants were heard, _
 “ be in the interim suspended .” _____ Seconded by Sir John_
 Johnson ____

adjourned to Thursday the 19.th at 10.

Thursday the 19.th of April 1787

His Honour The Lieutenant Governor P.
 and

All the other Members, as yesterday.

Read the Translation of the paper moved upon
 yesterday by Colonel Caldwell.

adjourned to Friday the 20.th at 10.

Friday the 20.th of April 1787

His Honour and the other Members met, and
 adjourned to Saturday the 21.st at 10 ____,

Saturday

Saturday the 21.st of April 1787

His Honour The Lieutenant Governor P.

M. ^r Smith Ch. Justice _	M. ^r Finlay
M. ^r Harrison _____	M. ^r Collins
M. ^r Mabane _____	M. ^r Pownall
M. ^r De Lery _____	M. ^r Bellestre
M. ^r Fraser _____	Col. Caldwell
M. ^r Grant _____	M. ^r De S. ^t Ours
M. ^r Baby _____	M. ^r De Longueüil
Major Holland _____	Sir John Johnson_
M. ^r Boucherville _____	M. ^r Dupré

1.st Question

Read the motion made by The Chief Justice _
the 18.th instant_ The Question was put_ Debated_ Voted in
the Negative by 10 Nays ag.st 9 Ayes.

M.^r Mabane moved in the following words, viz,
 “ Whereas James Monk Esq.^r His Majestys Attorney Gene=
 “ =ral did, on the 14.th of this month, as Counsel on the Pe=
 “ =tition of some of the Antient Subjects Citizens of Que=
 “ =bec, openly and Publicly, at the Bar of this Council,
 “ in the presence & hearing of many of His Majesty’s
 “ Subjects, after hating that the Right Honorable the _
 “ Lords of- His Majesty’s Privy Council had, in their
 “ Decisions lately in appeal before their Lordships, of
 “ S.^t Ange ag.^t Grant & Barack Hayes ag.st L’Aimé;
 “ acted with Inconsistency, alledging that the Principles, which
 “ should have directed their Lordships upon both Appeals
 “ were one and the Same, Yet that their Lordships had
 “ given Different decisions; and, after stating, that the _
 “ Judges of the Court of Appeals for the Province, as well
 “ as those of the Courts of Common Pleas for the two Districts
 “ had, in many Cases, acted with such Inconsistency and Uncer=
 “ tainty, that he had Gained Causes for his Clients Contrary
 “ to Law by misleading the Judges, did publickly
 “ accuse the Judges of the Courts of Common Pleas of Que=
 “ =bec of partiality, in having thro’ Grace and favor gran=
 “ =ted to John Fraser of London, in a Suit instituted by him
 “ against Shaw and Thompson, a Writ of Saisie Conser-

vatoire

“ =vatoire, which they afterward denied to M.^r Goodall, of the House
 “ of Watson and Rashleigh, in a suit of a Similar Nature, which
 “ he had Instituted aga.^t Daniel & Dalton Mercha.^{ts} of Quebec; all
 “ which Charges & Reflexions are injurious to his Majestys Courts
 “ and Judges, and Derogatory to the Honor & dignity of Govern ____
 “ -ment, having a Tendency, if credited, to the disparagement and
 “ Disgrace thereof. I therefore, in the first place, move, that the
 “ Clerk of the Court of Common Pleas, and the Clerk of the Court
 “ of Appeals, in whose Custody the Records of these two Causes _ _
 “ remain, be ordered to attend, Instanter, the Council with the
 “ same, as the Inspection of the Declarations in these Causes
 “ will be a Complete Justification of the Judges, who refused
 “ M.^r Goodall the Saisie Conservatoire (one of whom is absent
 “ from His place in the Council, & the other has no Seat in it,
 “ & therefore Cannot Speak for himself) from the Charge of
 “ Partiality so publicly and so maliciously brought against them.”

2.nd Question

____ Seconded by M.^r Fraser ____ The Question was put. _
 _ Debated _ Voted in the Negative by 16 Nays ag.st
 3 Ayes.

His Honour The Lieutenant Governor moved _
 as follows, viz, “That James Monk Esq.^r His Majestys ____
 “ Attorney General be order’d immediately to appear at the
 “ Bar of this Council and to state whether he now Avows the
 “ Substance of the Charge of partiality against the Court of _
 “ Common pleas as stated in the Motion Just dismissed; &
 “ Whether he is ready, if called upon, to offer proof of it, as well
 “ as to the other Charges and Accusations against the proceed=
 “ =ings of the Several Courts of Justice, which he advanced
 “ in his pleadings before us, last Saturday, on the Petition of
 “ the Merchants, in presence of a numerous Audience, ____
 “ Consisting of the petitioners and of others his Majesty’s
 “ subjects, in order that his Answer may be taken down
 “ in writing_” ____ Seconded by M.^r Harrison ____ The Question ____
 was put _ Debated ____ Pending this debate The Chief Justice _
 retired _ Voted in the Affirmative by 15 Ayes ag.st 3 Nays _
 _ Ordered, that in consequence of this Vote a Letter be ____

3.rd Question

written

written to James Monk Esquire by the Clerk of the _
 Council __ Copy of the letter, viz. “Council _ Chamber 21.st __
 “ April 1787, 20 minutes past 3 o’clock, Sir, By the __
 “ command of The Honourable The President and The Members
 “ of The Legislative Council, I am to signify to You, that _
 “ they require your immediate attendance upon them in _
 “ Council. I have the honour of being, Sir, your most obed.^t _
 “ humble servant, /signed/ Jenkin Williams C. L. C. addressed to _
 “ James Monk Esquire Attorney General.” ____ Whilst the Messenger
 was gone with the Letter, The Council agreed upon the Questions
 which sho.^d be asked to M.^r Monk __ He attended at the Bar
 of the Council, and His Honour The President addressed him
 in these words, viz, “ M.^r Attorney General, I deliver the sense
 “ of the Legislative Council, at the Bar of which you appear’d
 “ on Saturday last, as Counsel on a petition from the Merchants
 “ and others of His Majesty’s Subjects, when I call upon you to
 “ State whether you now avow the Substance of the charge
 “ of partiality against the Judges of the Courts of Common pleas,
 “ in having thro’ Grace and favor granted to John Fraser of
 “ London in a Suit instituted by him against Shaw & __
 “ Thompson, a writ of Saisie Conservatoire, which they _
 “ afterwards denied to M.^r Goodall of the House of Watson
 “ and Rashleigh, in a Suit of a Similiar nature, which
 “ he had instituted against Daniel and Dalton Merchants
 “ of Quebec; and whether you are ready (if called upon)
 “ to Offer proof to it, as well as to the other charges and –
 “ accusations against the proceedings of the Several Courts
 “ of Justice, which you advanc’d in your pleadings before
 “ us last Saturday on the foresaid petition, in the presence
 “ of a Numerous Audience, Consisting of the Merchants
 “ who petition’d and of others of His Majesty’s Subjects”
 ____ to which, the Attorney General gave his answer–
 “ in writing, in the following words, viz, ____ __ __
 “ M.^r Monk the Advocate of # petitioners who was
 “ heard on their behalf on Saturday the 14.th of April
 “ last - and as advocate for the petitioners prays the
 “ Honb.^{le} Council will on their behalf, grant him
 “ Communication of the questions made by the Honb.^{le}

Council

“ Council respecting the Argument used on behalf of the
 “ petitioner on the day abovesaid and under Communica=
 “ =tion he will stand advised of an Answer to be made there=
 “ to with all diligence” _____ Whereupon The Lieutenant
 Governor moved in these words, viz, “ The Lieutenant _
 Governor in consequence of the answer Stated in writing
 “ given at the Bar of the Council by James Monk Esq.^{re}
 “ His Majesty s Attorney General moves that the Legisla=
 “ =tive Council do address his Excellency the Governor in _
 “ Chief to direct such investigation of this business as he
 “ shall in his Wisdom see fit and proper That justice
 “ may be fully done to the Public and to all who are com=
 “ =prehended by charges of so high and serious a nature.”
 _____ Seconded by M.^r Harrison _ The question was put ____
 Debated __ Pending the Debate, M.^r Grant moved in _
 these words, viz, “M.^r Grant moved the previous ____
 “ Question, on The Hon.^{ble} Lieutenant Governors motion
 “ in the following words [referring to the motion now=
 “ inserted] may lay on the table for consideration, __
 “ until M.^r Monk who appeared before us on the 14.th
 “ instant as advocate for certain petitioners, and who=
 “ appeared a few minutes ago, on the Call of the Council,
 “ and answered in the following words [referring to the Answer
 “ entered above] shall have given his Answer to the Ques=
 “ =tions communicated to him” _ The Question was put
 4.th Question_ on M.^r Grant’s motion_ Voted in the Negative by 14 __
 Nays, ag.st 4 Ayes. _____ Then the Question_ was put=
 5.th Question_ a new upon The Lieutenant Governor’s motion _ Voted in
 the Affirmative by 13 Ayes, ag.st 5 Nays __ Ordered
 that M.^r Harrison, Colonel Caldwell, M.^r Pownall, M.^r
 Baby and M.^r De Longueuil, be a Committee to draw—
 up The Address.

adjourned to Monday the 23.rd at 10.

The Votes are entered in the next page.

Votes on the five foregoing Questions

Votes on the five foregoing Questions

	1. st Quest.		2. nd		3. rd		4. th		5. th	
	A	N	A	N	A	N	A	N	A	N
M. ^r Dupré		1		1	1			1	1	
M. ^r Boucherville		2			2			2	2	
Sir John Johnson	1			3		1	1			1
M. ^r Holland	2			4	3			3	3	
M. ^r De Longueuil		3		5	4			4	4	
M. ^r Baby		4		6	5			5	5	
M. ^r De S. ^t Ours		5		7	6			6	6	
M. ^r Grant	3			8		2	2			2
M. ^r Caldwell	4			9	7			7	7	
M. ^r Fraser		6	1		8			8	8	
M. ^r Bellestre		7		10	9			9	9	
M. ^r De Lery	5		2		10			10	10	
M. ^r Pownall	6			11	11			11		3
M. ^r Mabane		8	3		12			12	11	
M. ^r Collins	7			12	13		3			4
M. ^r Harrison		9		13	14			13	12	
M. ^r Finlay	8			14		3	4			5
The Chief Justice	9			15	absent		absent		absent	
The Lieu. ^t Governor P		10		16	15			14	13	

Monday 23.rd April 1787The Hon.^{ble} Henry Hope Esquire, Lieu.^t Gov.^r P.M.^r Finlay _____ M.^r HarrisonM.^r Collins _____ M.^r MabaneM.^r Pownall _____ M.^r De LeryM.^r Bellestre _____ M.^r FraserCol. Caldwell _____ M.^r GrantM.^r De S.^t Ours _____ M.^r BabyM.^r De Longueuil _____ Major HollandSir John Johnson _____ M.^r Boucherville

&

M.^r Dupre

- M.^r Harrison from the Committee for drawing up an Address to His Excellency, under the Order of Council of Saturday last, reported that a Draught was prepared and he delivered the same at the Table __ Read it, in
- 1.st Question both languages _ Question put _ “Whether the Council concur
 “ with the Committee, in adopting the Draught reported,
 “ or not? Voted in the Affirmative by 14 Ayes ag.st
 4 Nays. __ Ordered an Ingrossment to be made out, __
 and a Copy of the Papers referred to therein, in order
 that M.^r Harrison and M.^r Pownall may wait on His __

Excellency

therewith, and

Excellency ^ to request of His Lordship to name the time __
when He will be pleased to receive the Address.

The Lieutenant Governor moved “that the Committee
“ of which M.^r S.^t Ours is Chairman be dissolved; and for leave to—
“ bring in an Ordinance, intituled, An Ordinance for continuing in _
“ force, for a limited time, an Ordinance made in the twenty fifth
“ year of His Majesty’s reign, intituled, An Ordinance to regulate
“ the proceedings in the Courts of Civil Judicature, an to establish_
“ Trials by Juries in actions of a commercial nature, and personal
“ wrongs to be compensated in damages; with such additional Regu=
“ =lations as are expedient and necessary.” __ Seconded by M.^r Baby.

2.nd Question_

The Question was put _ Voted in the Affirmative, 16 Ayes, ag.st
2 Nays. ____ M.^r Mabane and M.^r Fraser read and filed a Dissent
_ Ordered to be entered. _ follows the Dissent, viz, _ M.^r Mabane and
“ M.^r Fraser dissent from the vote of Council, dissolving the Committee
“ of which M.^r De S.^t Ours is Chairman, for the sole reason, that the
“ Ordinance before The Committee is ready to be reported, after having
“ undergone such Amendments and Additions, as would, with very—
“ little alterations answer the purposes mentioned in the title of—
“ the new Ordinance proposed to be brought in, and would therefore
“ accelerate the public business, which in the advanced state of the
“ Sessions is certainly an Object of very great consequence . /signed/
“ A. Mabane, J. Fraser.”

His Honour, The Lieutenant Governor, delivered in the Chair, a
Message from His Excellency The Governor in Chief, in writing, com=
=prised in the following words, viz, “Quebec 21.st April 1787. Having
“ reason to think that it might be of advantage to the trade and
“ commerce of this province, and to that of Great Britain, to ____
“ permit leaf-tobacco, pot and pearl Ashes, to be brought into—
“ Canada from the neighbouring states, by the inland communica=
“ =tion, for exportation; I am to recommend that the Legis=
“ =lative Council prepare an Ordinance, with the proper Regulations
“ for that purpose. ____signed, **Dorchester** __ Brigadier General
“ Hope, Lieutenant Governor, &c, &c, &c.” ____ Then The Lieutenant
Governor moved for Leave to bring in a Bill intituled, “An Act
“ or Ordinance for the Importation of Tobacco, Pot and Pearl Ashes
“ into this province by the inland Communication on the side
“ of Lake Champlain, and the Sorel” __ Seconded by M.^r Dupré _
Read the Bill in English _ Ordered to be translated _ And
resolved that the same be taken into Consideration by a
Committee of the whole Council, on Wednesday next.

Read

3.rd Question

Read, a third time, the Ordinance concerning_
 Advocates, Attornies, Notaries, &c _ The Question was _
 put, “Whether it shall pass?” _ Voted in the Affirmative
 13 Ayes ag.st 5 Nays.
 adjourned till Tuesday at 9 o’clock_

Votes on the Three foregoing Questions.

	1. st Quest.		2. nd		3. rd	
	A	N	A	N	A	N
M. ^r Dupré	1		1		1	
M. ^r Boucherville	2		2		2	
Sir John Johnson		1	3		3	
M. ^r Holland	3		4		4	
M. ^r De Longuetil	4		5		5	
M. ^r Baby	5		6		6	
M. ^r De S. ^t Ours	6		7		7	
M. ^r Grant		2	8		8	
M. ^r Caldwell	7		9			1
M. ^r Fraser	8			1		2
M. ^r Bellestre	9		10		9	
M. ^r De Lery	10		11			3
M. ^r Pownall	11		12		10	
M. ^r Mabane	12			2		4
M. ^r Collins		3	13		11	
M. ^r Harrison	13		14			5
M. ^r Finlay		4	15		12	
The Lieu. ^t Governor	14		16		13	

The

The same, 23.rd April 1787

At The Castle of S.^t Lewis

Present

His Excellency, The Right Honourable Guy Lord

Dorchester __ Governor__

The Honble Henry Hope Esquire Lieu.^t Governor

M.^r Finlay _____ M.^r Harrison_

M.^r Collins _____ M.^r Mabane

M.^r Pownall _____ M.^r De Lery

M.^r Bellestre _____ M.^r Fraser

M.^r Caldwell _____ M.^r Grant

M.^r S.^t Ours _____ M.^r Baby

M.^r De Longueüil _ M.^r Holland

Sir John Johnson__ M.^r Boucherville

&

M.^r Dupré

Read, in both languages, the engrossed Ordinance
intituled, “ An Ordinance for better regulating the Militia
“ of this province, and rendering it of more general Utility
“ towards the preservation and security thereof ”

Read likewise, in both languages, the ingrossed
Ordinance, intituled, “An Ordinance for quartering the Troops,
“ upon certain Occasions, in the Country parishes, and __
“ providing for the conveyance of Effects belonging to __
“ Government.”

His Excellency The Governor signed these two
Ordinances, and passed the same under the public Seal
of the province . Ordered to be entered and filed, and __
published in the next Quebec Gazette.

Tuesday 24.th April 1787

The Hon.^{ble} Henry Hope Esq.^{re} Lieu.^t Governor P.

M. ^r Smith Ch. Just ^e _____	M. ^r Finlay
M. ^r Harrison _____	M. ^r Collins
M. ^r Mabane _____	M. ^r Pownall
M. ^r De Lery _____	M. ^r Bellestre
M. ^r Fraser _____	Colonel Caldwell
M. ^r Grant _____	M. ^r De S. ^t Ours
M. ^r Baby _____	M. ^r De Longueüil
Major Holland _____	Sir John Johnson
M. ^r Boucherville _____	M. ^r Dupré

Read the translation of the Ordinance brought in yesterday by His Honour The Lieutenant Governor, for the importation of Leaf - Tobacco, Pot and Pearl ashes, which stands referred to a Committee of the whole Council, and to be considered of to-morrow.

Read, in both languages the Bill likewise brought in yesterday by His Honour, for continuing and amending the Ordinance for regulating the proceedings of the Courts of civil Judicature . And the Council resolved themselves into a Committee of the whole Council to proceed immediately upon this Bill . The President left the Chair.

His Honour resumed The Chair

The Chief Justice from the Committee on the last ment.^d Bill, reported Progress, and desired leave to meet again. Ordered accordingly.

adjourned till to-morrow at 9.

Wednesday 25.th April 1787

His Honour The President, and the same Members, met.

The Chief Justice from the Committee of the whole Council, upon the Bill for regulating the Proceedings &c, reported further progress, and prayed Leave to meet again Ordered accordingly.

M.^r Harrison, having with M.^r Pownall, waited on His Excellency The Governor, from The Council, with a Copy of the Address which was voted to be presented to His Lordship reported, that His Excellency will receive their Address on Friday next between 10 and 11 o'clock.

The order of the day being read for proceeding upon the Bill for importing Leaf Tobacco, Pot and Pearl Ashes; The Council resolved themselves into a Committee of the whole Council, for that purpose; and the President left The Chair.

His Honour resumed The Chair

M.^r Finlay from The Committee upon the last mentioned Bill, reported that they had gone through the Bill, and prayed leave to meet to-morrow, to settle the Report. Ordered accordingly.

adjourned till Thursday the 26.th at 9.

Thursday 26.th April 1787
His Honour The Lieutenant Governor
and the same Members met—

1.st Question

The Chief Justice, from the Committee of the whole _
Council upon the Bill for continuing and amending the Ordinance
for regulating the proceedings in the Courts of civil Judicature, brought
in their Report, which with the Bill, and the Amendments made to
it, he delivered at the Table. _ Read the Report _ Question put “Whe.^r
the Council concur with The Committee, and it was carried in the
Affirmative by 16 Ayes ag.st 3 Nays _ Ordered that the Bill be
engrossed, for a second reading, and the Report entered on the _
Journals. _

See the Report from Page 97 to 112.

The Council resolved themselves into a Committee, to ____
proceed further upon the Bill for permitting the importa=
=tion of Leaf Tobacco, Pot and Pearl Ashes from the neighbouring
States of America. _ The President left The Chair .

His Honour resumed The Chair.

M.^r Finlay, from the Committee of the whole Council
upon the last mentioned Bill, brought in their Report, which with
the Bill and an Amendment in the Body of the Bill and in the
Title, he delivered at the Table. _ Read the Report _ Question put.
“ Whe.^r The Council concur with The Committee, or not? And it was _
unanimously Voted in the Affirmative ____ Ordered that the Bill
be engrossed, for a second reading to_morrow; and the Report entered
in the Journals.

See the Report from Page 113 to 115

M.^r Mabane gave notice that He will move next—
Sessions to bring on the consideration of the Bill brought in by
him the 29.th of January last, for promulgating the criminal Laws
of England.

2.nd Question, debated“ Read, in both languages, the Bill for amending the
Ordinance for repairing the Highways and Bridges _ Upon which_
M.^r Grant moved “that the words, “and in his absence likewise of
“ the Chief Justice and the Council” be struck out, and following
words inserted in their stead “or eldest Councillor, other than The Chief—
Justice” _ Seconded by The Chief Justice _ Question put, Voted in the
Affirmative, 18 Ayes, ag.st 1 Nay. _ Ordered for a third reading.

3.rd Question_ Read, in both languages, the Bill for continuing the Past
Ordinance _ Question put, for a third reading _ Voted in the Affirmative
17 Ayes ag.st 1 Nay [Colonel Caldwell being absent upon this Question]
Ordered accordingly.

Read in both languages the Bill for explaining _
and amending the Ordinance establishing courts of criminal_
Jurisdiction in this province _ Question put for a third _
reading _ Voted unanimously in the Affirmative, and it is _
Ordered accordingly.

Read, in both languages, the Bill for the Erection __
of Court - houses and Prisons _ M.^r Grant moved and Amendm.^t
to the third enacting ^ clause, by inserting after the Words “respective
Possessors” the following words,” And all other Proprietors of Lands
“ or other fixed Residents or Citizens of the Towns or Province __
“ within the limits aforesaid, in proportion to their respective __
“ faculties and abilities, in the Judgment and Estimation of the
“ Commissioners aforesaid, or any five of them; except the Convents
“ of Women, and the order of Recollects. _ Question put, ^ Voted in the __
Affirmative, 18 Ayes ag.st 1 Nay __ Then the Question was _
put for a third reading of the Bill _ The Voices being the same as
on the last Question, viz, M.^r De Lery alone being in the Negative
It is ordered accordingly.

4.th Question5.th Question

Read the Bill, in both languages, for further continuing
and amending the ordinance empowering the Commissioners of–
the peace to regulate the Police of the Towns of Quebec & Montreal
for a limited time . __ The Lieu.^t Governor moved that the words “and
“ that the powers and authorities therein granted to the said –
“ Commissioners be extended to regulate the police throughout the
“ respective Districts of Quebec and Montreal” be struck out of __
the enacting Clause; as well as the last paragraph of the same
viz, “And this Ordinance be in full force for the same period” _ __
Seconded by Colonel Caldwell _ Question put _ Voted in the affirmative
16 ayes ag.st 3 Naves _ Then the Lieu.^t Governor moved that the
words “and to amend” in the Title, be left out __ Question put. __
The Voices were the same as on the last Question _ Then the Quest.ⁿ
was put for a third reading of the Bill _ Not objected to _ __
Ordered accordingly. adjourned to Friday the 27.th at 9.
Votes on the 7 foregoing Questions.

6.th Question7.th Question

Votes on the Questions	1. st Quest.		2. nd		3. rd		4. th		5. th		6. th		7. th	
	A	N	A	N	A	N	A	N	A	N	A	N	A	N
M. ^r Dupré	1		1		1		1		1		1		1	
M. ^r Boucherville	2		2			1	2		2		2		2	
Sir John Johnson		1	3		2		3		3		3		3	
Maj. ^r Holland	3		4		3		4		4			1		1
M. ^r De Longueuil	4		5		4		5		5		4		4	
M. ^r Baby	5		6		5		6		6		5		5	
M. ^r De S. ^r Ours	6		7		6		7		7		6		6	
M. ^r Grant	7		8		7		8		8		7		7	
Col. Caldwell	8		9		absent		9		9		8		8	
M. ^r Fraser		2	10		8		10		10		9		9	
M. ^r Bellestre	9		11		9		11		11		10		10	
M. ^r De Lery	10		12		10			1		1	11		11	
M. ^r Pownall		3	13		11		12		12		12		12	
M. ^r Mabane	11			1	12		13		13			2		2
M. ^r Collins	12		14		13		14		14		13		13	
M. ^r Harrison	13		15		14		15		15			3		3
M. ^r Finlay	14		16		15		16		16		14		14	
The Chief Justice	15		17		16		17		17		15		15	
The Lieu. ^t Governor	16		18		17		18		18		16		16	

Report of the Committee upon the Bill, intituled, ____
 An Ordinance to continue in Force for a limited time
 an Ordinance made in the twenty fifth year of
 his Majesty's reign, intituled, An Ordinance to regulate
 the proceedings in the Courts of civil Judicature ____
 and to Establish trials by Juries in actions of a
 Commercial nature, and personal wrongs to be
 compensated in damages, with such additional
 regulations as are expedient and necessary; ____
 committed to a Committee of the whole Council.

Tuesday April 24.th 1787.

M.^r Smith in the Chair

The Bill read in the English and French Languages. ____
 after which the Chairman proceeded to the reading of it by paragraphs
 He read the first Clause in the words following viz,

Be it enacted and ordained by his Excellency the Governor
 and the Legislative Council, and by the authority of the same it is
 hereby enacted and ordained, that an Ordinance made and passed the
 twenty fifth day of April in the twenty fifth year of His Majesty's
 reign intituled, "An Ordinance to regulate the proceedings in the Courts
 of civil Judicature and to establish trials by Juries in actions of a_
 Commercial nature, and personal wrongs to be compensated in_
 Damages," –and every clause and article therein contained be con=
 =tinued and the same is hereby continued from the expiration ____
 thereof, to the end of the Sessions of the Legislative Council which ____
 will be held in the year of our Lord one thousand seven hundred and
 Eighty nine.

And the Question being put "whether it stand a ____
 part of the Bill or not?" ____Debates arose, and it was carried in the
 Affirmative by seventeen ays ag.st one nay.

“

For

For the Affirmative

Mess. ^{rs} Dupré	M. ^r Bellestre
Boucherville	M. ^r De Lery
Sir John Johnson	M. ^r Pownall
Major Holland	Judge Mabane
M. ^r De Longueüil	M. ^r Collins
M. ^r Baby	M. ^r Harrison_
M. ^r De S. ^t Ours	M. ^r Finlay
M. ^r Grant—	The Lieu. ^t Governor—
Col. Caldwell	

For the Negative
Judge Fraser

The Chairman then read the second Enacting clause in the words following,

And whereas additional regulations are at this time found to be expedient and useful,

“Be it further enacted by the same authority that in every instance, where the fact is not verified by a verdict of ___ the Jury, but by other proof or the testimony of Witnesses the same shall be inserted in the record of the cause, that in case of Appeal ___ the whole proceedings may go up to be adjudged in the superior tribunal as regularly and as fully as the same was before the Court of Common pleas.”

And proceeding to put the question thereon M.^r Grant moved to insert as a Preamble to that Clause the words following to wit,

Whereas his Excellency the present Governor_ hath been pleased to communicate to the Legislative Council ___ divers articles of his Majesty’s Instructions respecting the ___ Administration of Justice, the twelfth article whereof is in the words following to wit

The

“The Establishment of Courts, and a proper mode ____
 “ of Administring civil and criminal Justice throughout the whole
 “ extent of our province, according to the principles declared in the said
 “ Act for making more effectual provision for the government thereof, _
 “ demand the greatest care and circumspection for on the one hand it is
 “ our gracious purpose conformable to the spirit and intention of the
 “ said of ^ Act Parliament that our Canadian Subjects should have the
 “ benefit and use of their own Laws ^ usages & Customs in all Controversies ____
 “ respecting the titles of Land and the tenure descent alienation incumb=
 “ =rances and settlement of real Estates & the distribution of personal property
 “ of persons dying intestate, so on the other hand it will be the duty of
 “ the Legislative Council to consider well in framing such Ordinances
 “ as may be necessary for the Establishment of Courts of Justice, and for
 “ the better Administration of Justice, whether the Laws of England may
 “ not be, at least in part the rule of decision in all cases of personal _
 “ Actions grounded upon Debts, promises, contracts, & agreements whether
 “ of a Mercantile or other nature, and also of wrongs proper to be ____
 “ compensated in damages, and more especially where our natural born
 “ Subjects of Great Britain, Ireland, or other Plantations residing
 “ at Quebec, or who may resort thither, or have credit or property
 “ within the same, may happen to be either Plaintiff of Defendant
 in any civil suit of such a nature.”

The Chairman then put the Question whether
 the amendment moved for, stand a part of the Bill _ Debates arose,
 and it was carried in the negative by twelve nays ag.st six ays. _

For the Affirmative	For the Negative	
Sir John Johnson_	M. ^r Dupré	M. ^r De Lery
M. ^r Grant	M. ^r Boucherville	M. ^r Mabane
Col. Caldwell	Major Holland	M. ^r Harrison_
M. ^r Pownall	M. ^r De Longueüil	The Lieu. ^t Gov. ^r
M. ^r Collins	M. ^r Baby	
M. ^r Finlay	M. ^r De S. ^t Ours	
	Judge Fraser	
	M. ^r Bellestre	

The

The question being then put on the second enacting clause above=
=mentioned, the same was carried unanimously without Debate. __

The Chairman then read the third Clause of the Bill in_
the words following to wit,

And wherever the opinion or Judgment of the said _
Court of Common pleas is pronounced upon any law, usage or __
custom of the Province, the same shall in like manner be stated
upon the Minutes or Record of the Court, and referred to, and ascertained,
that the real ground of the Opinion or Judgment may also appear
to the Court of Appeals. And upon all opinions conceived by any
party to be to his injury, he shall be allowed his exception to be
preserved in the Minutes. All which proceedings shall be trans=
=mitted under the signatures of the Judges, or any two of them, and _
the seal of the Court, that all His Majesty's Subjects, and __
especially his Canadian Subjects by these means may be protected
in the enjoyment of all the benefits secured to them for their property
and civil rights by the Statute passed in the fourteenth year
of his Majesty's reign, intituled " An Act for making more __
" effectual provision for the Government of the province of Quebec
" in North America and by the Ordinance abovementioned." _

And the question being put thereon it was carried
in the Affirmative that it stand a part of the Bill by
seventeen Ayes ags.^t one nay.

For the Affirmative

All the members of the Council abovenamed except M.^r Justice
Fraser who voted in the negative.

M.^r Grant then moved that the following words be
inserted as an addition to the said last mentioned clause.

" And in all causes of which the Common pleas
have Cognizance above thirty pounds Currency, the same
shall be proceeded in, heard, and determined only in regular

terms

terms, consisting of the first fifteen days / Sundays and holy=
=days excepted/ in the months of January, March, & July, and
the last fifteen days of September yearly: the first return days
whereof, shall always be the first day of the term, and the rest—
of the return days, and the general rules of practice, such as the
respective Judges of the Common pleas shall fix in a formulary.

The Question being put thereon Debates arose, and the
said Clause was carried in the affirmative by ten ays ag.st 8 nays.

For the Affirmative	M. ^r Pownall
M. ^r Dupré	M. ^r Collins
Sir John Johnson	M. ^r Harrison_
Major Holland	M. ^r Finlay
M. ^r De S. ^t Ours	L. ^t Governor—
M. ^r Grant	
For the Negative	Col. Caldwell
M. ^r Boucherville	M. ^r Justice Fraser
M. ^r Bellestre	M. ^r De Lery
M. ^r De Longueüil	M. ^r Justice Mabane
M. ^r Baby	

M.^r Grant then moved that the following Clause
be adopted to the Clause so carried viz,

and that the parties respectively in Causes not tried
by a Jury, shall have the full benefit of all the legal ____
Challenges or Exceptions to any of the Judges of the said Court
of Common pleas, according to the antient Law, usage or _
custom of the Province.

The question being put thereon Debates arose,
and his honor the Lieu.^t Gov.^r put the previous question on
M.^r Grants' motion, who thereupon withdrew the same with
consent, and thus both motions dropped.

The Chairman then read the fourth enacting clause
in the words following to wit,

And to take away all doubts and scruples with

respect

respect to the right of Appeal in any cause before the said Courts of Common pleas, Be it enacted and declared by the same authority, that the Court of Appeals shall be deemed ___ and adjudged to have an Appellate Jurisdiction, with all the powers necessarily annexed to such Jurisdiction; and that it shall henceforth belong to the provincial Court of Appeals to determine the question when security shall be requisite, and the sufficiency thereof, and the admission, Dismission, or ___ Remission of Appeals, and the supply of the Defects of the record, and of the effect of the appeal as a supersedeas of all or any proceedings in the lower Courts for the stay of ___ execution on the Judgment of the same, or any process of the ___ nature of Execution; with authority also to make rules, and orders to regulate, effectuate, and accelerate, the proceedings in all causes of Appeal, for the advancement of Justice, and ___ to prevent unnecessary delays and expence in the same ___ And where appeals are brought by Executors Administrators or Guardians, the Plaintiff shall not have execution, nor any process in the nature of Execution, without such security ___ first given as the Court of Common pleas in their discretion shall direct, to refund the Damages and costs in case the Judgment shall be reversed, together with such costs as _ the Court of Appeal may award. ___

The Question was put thereon and it was carried in the Affirmative unanimously, that it stand a part of the Bill.

The Chairman then read the fifth and last clause of the Bill in the words following to wit

And for the more convenient dispensation of justice in small causes, It is Enacted and ordained by the same authority, that it shall and may be lawful for his

Excellency

Excellency the Governor or the Commander in Chief of the province for the time being by hand with the advice and consent of _ his Majesty's Council, to appoint by Commission such and so _ many persons as he shall judge fit, and for such parts of the province as he shall think proper to hear summarily and to determine finally without appeal, all matters of debt of ten pounds or under, and it shall likewise be Lawful for his Excellency the Governor or the Commander in Chief for the time being by and with the advice and consent of His Majesty's Council, to regulate the fees to be taken by the persons so Commissioned, and by their subordinate Officers, and to direct a mode of proceeding for them, whereof and the extent of their Jurisdiction respectively, a notification shall be published in the Quebec Gazette for the Information of all persons whom it may concern. _

The Question was put thereon and it was carried unanimous=
=ly that the same stand a part of the Bill.

Sir John Johnson then moved that the following Clause be inserted as an addition to the Bill, viz,

“And whereas many Thousands of His Majesty's faithful Natural born subjects, who have taken refuge in this province are become objects of the national Consideration, and are chiefly settled together upon divers parcels of the Crown Lands, distinct and distant from the antient settlements; and their relief, comfort and convenience, require very special provision, suited to their circum=
=stances, Be it therefore Enacted by his Excellency the Governor and the Legislative Council, and it is accordingly hereby enacted and ordained by the authority of the same, that for the better encourage=
=ment of his Majesty's subjects, and their ease & convenience _ under a due administration of Justice, it shall be lawful for his Excellency and the Commander in Chief for the time being, with the advice of the Council, by Patent, under the Great seal _, of the Province, to form one or more new Districts therein, to be _ afterwards Organized by Commission & Commissions for the creation and Appointment of all such Offices and Officers, within the

same

same as may appear to be most necessary or conducive to the purposes aforesaid; any thing in any Law or Ordinance of the province contained to the contrary thereof notwithstanding

And the question being put whether the same be a part of the bill or not, it was Carried in the negative by ten nays agst eight ays.

For the affirmative	Colonel Caldwell
Sir John Johnson	M. ^r Pownall
Major Holland	M. ^r Collins
M. ^r Grant—	M. ^r Harrison
	<u>M.^r Finlay</u>
For the Negative	Judge Fraser
M. ^r Dupré	M. ^r Bellestre
M. ^r Boucherville	M. ^r De Lery
M. ^r De Longueüil	Judge Mabane
M. ^r Baby	The Lieu. ^t Gov. ^r
M. ^r De S. ^t Ours	

M.^r Grant then moved that the following ____ Clause be adopted in addition to the Bill

“And because his Majesty’s Canadian subjects cannot suffer detriment by trials according to the English Laws and course of practice, in controversies in which they are not concerned, between his Majesty’s Natural born subjects who have their predelection and attachment to the modes of trial conformed to their own customs,

Be it also enacted that as often as the Plaintiff in a cause being one of His Majesty’s natural born subjects shall commence an action against another person, that is not one of His Majesty’s Canadian subjects, according to the Course of the Common Law, the same cause shall proceed to the end thereof: in the same course, and have all its legal consequences and effects, as if the same had been begun and prosecuted in the Common pleas of Westminster

hall

hall as nearly as the Condition of the province will permit.”_

And the Question being put thereon it was carried in the negative by the same ten voices ag.st the same eight as on_, the Clause moved for by Sir John Johnson. __

The Lieu.^t Gov.^r then moved to add the following_ clause to the Bill.

Be it further enacted by the authority aforesaid that the additional regulations hereby enacted shall be in force until the end of the Sessions that shall be held in the year of our Lord one thousand seven hundred and eighty nine,— or as long as the Ordinance hereby renewed; and that the___ Ordinance passed in the twenty fifth year of the reign of his present Majesty, entitled, “An Ordinance for granting a limited civil power and Jurisdiction to his Majesty’s Justices of the peace, in the remote parts of this province” be no longer in force than until such small Jurisdictions __ as by this Act are Authorized shall be actually erected. __

And the Question being put thereon it was carried unanimously to adopt the same as part of the Bill. __

In this stage of the proceedings the Committee adjourned, to nine o’clock to morrow morning with orders _ to report progress, and pray leave to sit again .

Wednesday 25 April 1787.

The Committee met and M.^r Mabane moved that the following Clause be adopted as part of the Bill

“ Whereas there are many thousands of Loyalists and others settled in the upper Countries above Montréal and in the Bays of Gaspey and Chaleurs below Quebec, whose ease and convenience may require that additional Districts should be erected as soon as circumstances will permit it is

Enacted

Enacted and ordained by the authority aforesaid, that it may___
 be Lawful for the Governor or Commander in chief for the ^vtime being
 with the advice and consent of the Council, to form by patent
 under the seal of the province one or more new Districts
 as his discretion shall direct, and to give Commission to such
 Officer or Officers therein, as may be necessary or conducive to
 the ease and convenience of his Majesty's Subjects residing
 in the remote parts of the Province."

The Question was put thereon debates arose, and
 it was carried in the affirmative to adopt the said Clause
 by 15 Ays against 3 nays

For the affirmative

M. ^r Dupré	Judge Fraser
M. ^r Boucherville	M. ^r Bellestre
Sir John Johnson_	M. ^r De Lery
Major Holland	Judge Mabane
M. ^r De Longueüil	M. ^r Collins
M. ^r Baby	M. ^r Harrison_
M. ^r S. ^t Ours	The L. ^t Gov. ^r
M. ^r Caldwell	

For the Negative

M.^r Grant
 M.^r Pownall
 M.^r Finlay

M.^r Finlay then moved that the following clause be
 adopted as part of the bill

And because his Majesty's Canadian subjects
 cannot suffer detriment by trials according to the English
 Laws and course of practice in controversies in which ___
 they are not concerned between his Majesty's natural born
 subjects, who have their predilection and attachment to the
 modes of Trial conformed to their own Customs and in deference
 to His Majesty's twelfth Instruction to the present Governor

Be

Be it also enacted that as often as the party Plaintiff in a cause being one of his Majesty's natural born subjects, shall commence an action against another person that is not one of his Majesty's Canadian subjects, according to the course of the Common Law, the same cause shall proceed to the end thereof in the same course, and have all its legal consequences and effects, as if the same had been begun and ___ prosecuted in the Common pleas of Westminster hall, as ___ nearly as the Condition of the Province will permit; And for the fullest security of ~~security~~ of His Majesty's Canadian Subjects, in the enjoyment of the antient Laws, Usages and Customs of Canada, every such suit shall abate, wherever the Defendant shall plead or alledge that he is one of his Majesty's Canadian subjects, or descended from any person_ that was so at the Conquest in the paternal or maternal Line; and the question of Fact whether he is or is not? shall be tried by the Court without a Jury, unless the Defendant shall have agreed to waive the same; and if the fact shall be found by the Court for the Defendant in manner aforesaid, Judgement of non-process shall be entered against such Plaintiff for the Defendant and___ the Defendant recover his Costs.

The Chairman accordingly put the question thereon _ Debates arose, and it was carried in the negative to reject the Clause by 10 Nays ag.^t 8 Ays.

For the Affirmative	For the Negative	
Sir John Johnson_	M. ^r Dupré	Judge Mabane
Major Holland	M. ^r Boucherville	The Lieu. ^t Gov. ^r
M. ^r Grant	M. ^r De Longueüil	
Col. Caldwell	M. ^r Baby	
M. ^r Pownall	M. ^r De S. ^t Ours	
M. ^r Collins	Judge Fraser	
M. ^r Harrison	M. ^r Bellestre	
M. ^r Finlay	M. ^r De Lery	

M.^r

M.^r Grant then moved to adopt the following clause
as part of the Bill

And that it be further declared & enacted by the
authority aforesaid, that in all causes of a mercantile nature,
or of wrongs to be compensated in damages triable by a ___
Jury under the Ordinance aforesaid, the evidence and ___
proceedings shall be according to the course of the Laws
of England, any law usage or custom notwithstanding_

The Question was put thereon _ Debates arose
and it was carried to reject the clause by ten nays ___
ag.st 8 Ays.

For the affirmative	For the Negative
Sir John Johnson_	M. ^r Dupré
Major Holland	M. ^r Boucherville
M. ^r Grant	M. ^r De Longueüil
Col. Caldwell	M. ^r Baby
M. ^r Pownall	M. ^r De S. ^t Ours
M. ^r Collins	Judge Fraser
M. ^r Harrison	M. ^r Bellestre
M. ^r Finlay	M. ^r De Lery
	Judge Mabane
	The L. ^t Gov. ^r

M.^r Grant then moved that the following clause be
adopted as part of the Bill,

And be it further enacted and ordained by the authority
aforesaid that none of the Members of the Court of Appeal
shall presume to sit on the Bench thereof, until he shall
have taken the Oath of Office before the Governor for the
time being, according to the usage heretofore had, and appear=
=ing on record in the office of the Clerk of the Council of
this province, and that it shall be sufficient to disqualify
any Member of the Legislative Council from sitting as ___

Judge

Judge in any cause of Appeal that he is interested in the event of it, or related to any of the parties interested in the same, or that he is a Judge of either of the Courts of Common pleas _ or that he was absent at any former hearing in such cause of Appeal.

The Question was put thereon _ Debates arose and it was carried in the Negative to reject the same by ten nays ag.^t Eight ays.

For the Affirmative	For the Negative
Sir John Johnson	M. ^r Dupré
Major Holland	M. ^r Boucherville
M. ^r Grant	M. ^r De Longueüil
Col. Caldwell	M. ^r Baby
M. ^r Pownall	M. ^r S. ^t Ours
M. ^r Collins	Judge Fraser_
M. ^r Harrison	M. ^r Bellestre
M. ^r Finlay	M. ^r De Lery
	Judge Mabane
	The L. ^t Gov. ^r

M.^r Grant then moved to adopt the following Clause as part of the Bill

“ And be it also enacted that in all civil causes _ in which any of the Judges of the Court of Common _ pleas shall be Plaintiff or Defendant, the same shall be prosecuted, heard and determined and executed in his Majesty’s Court of King’s Bench according to the course of the common Law, with a saving to him if he is one of his Majesty’s Canadian Subjects of all the benefits and priviledges ____ granted to him by the Statute.”

The Question was put thereon __ Debates arose __ and it was carried in the negative to reject the same by Eleven nays ag.^t seven ays.

For

For the Affirmative	For the Negative
Sir John Johnson_	M. ^r Dupré
Major Holland	M. ^r Boucherville
M. ^r Grant	M. ^r De Longueüil
Col. Caldwell	M. ^r Baby
M. ^r Pownall	M. ^r De S. ^t Ours
M. ^r Collins	Judge Fraser
M. ^r Finlay	M. ^r Bellestre
	M. ^r De Lery
	Judge Mabane
	M. ^r Harrison_
	The L. ^t Gov. ^r

M.^r Grant then moved to adopt the following clause as part of the Bill,

“ And be it also enacted and ordained by the same authority that as often as the Court of Common pleas of ___ either District is incompetent to the trial of any cause ___ from the recusations or Challenges which either of the parties may have against all or any ~~or any~~ of the Judges, the said Cause shall be ^{prosecuted} heard, and determined, and executed in His Majesty’s Court of King’s Bench in the due course of the Law”

The Question was ^{then} put thereon _ Debates arose, and it was carried to reject the same by twelve nays ags.^t six ays.

For the Affirmative	For the Negative	
Sir John Johnson	M. ^r Dupré	
M. ^r Grant	M. ^r Boucherville	
M. ^r Pownall	M. ^r Holland	Judge Mabane
M. ^r Collins	M. ^r De Longueüil	The L. ^t Governor
M. ^r Harrison	M. ^r Baby	
M. ^r Finlay	M. ^r De S. ^t Ours	
	Col. Caldwell	
	Judge Fraser	
	M. ^r Bellestre	
	M. ^r De Lery	

M.^r Grant then moved to adopt the following clause as part of the Bill,

And be it further enacted by the authority aforesaid that no process shall hereafter be issued for attacking the Estate debts and effects of what nature so ever of any person or persons____, whomsoever, whether in the hands of the Owner, the debtor or of a third person prior to trial and Judgement except there be due proof on oath (to be endorsed on the writ of attachment) to the Satisfaction of one of the Judges of the Court issuing the same, that the Defendant or proprietor of the said Estate debts and effects is indebted to the plaintiff in a sum exceeding Ten pounds, and hath secreted the same, or doth abscond in, or doth ____ suddenly intend to depart the province with an intent to defraud his Creditor or Creditors, and that the Defendant is then indebted to the plaintiff, and he doth verily believe that he shall lose his debt or sustain damage without the benefit of such attach=
=ment.

Provided always that nothing herein contained shall be construed to the prejudice of the rights of Land-lords in their legal course, for the recovery of rents according to any former mode of proceeding by any Law usage or custom whatsoever And provided also that whenever the Defendant or Debter shall either pay the debt and costs or give security to the Sheriff or Officer for the goods so attached, as in cases of bail on _ personal arrests subject to Justification in Court to answer the value of the Goods and abide the Judgement of the Court the same shall be forthwith restored and for that purpose the Defend.^t or Debtor shall be allowed forty eight hours _ after which period if the debt and costs be not paid nor security given the goods so seized shall remain attached _ & held by the Sheriff or Officer to answer the judgement of Law.

The

The question was accordingly put thereon _ Debates arose
and it was carried in the affirmative that the said Clause
be inserted in the bill by ten ays ags.^t eight nays. __

For the affirmative	For the Negative
Sir John Johnson	
Major Holland	M. ^r Dupré
M. ^r Baby	M. ^r Boucherville
M. ^r Grant-	M. ^r De Longueüil
Col. Caldwell	M. ^r S. ^t Ours
M. ^r Pownall	Judge Fraser
M. ^r Collins	M. ^r Bellestre
M. ^r Harrison	M. ^r De Lery
M. ^r Finlay	Judge Mabane
The Lieu. ^t Gov. ^r	

The Chairman in this stage of the Bill was
ordered to report the progress & pray leave to sit again.
_ And the Committee adjourned accordingly to 9 o'clock _
to_morrow Morning.

Thursday 26.th April 1787. __

The Chairman put the question on the title & it is
voted nemine contradicente to stand as in the Bill

Signed by order

/signed/ W.^m Smith Chairman. _

Report of the Committee of the whole
Council upon the Bill for the importation of
Tobacco & Pot & Pearl ashes. ____

M.^r Finlay in the Chair—

The Bill for the Importation of Tobacco, Pot & Pearl ____
Ashes into this province by the inland communication on the
side of Lake Champlain & the Sorel was read in English &
French, after which the Chairman proceeded to read it by
Paragraphs

He read the first clause in the words following
Be it enacted by his Excellency the Governor and the Legislative
Council, and it is hereby enacted by the authority of the same, _
that the trade and intercourse between this province and the
Neighbouring States or any of them by the route afore-mentioned
for the Importation of Leaf Tobacco, Pot and Pearl ashes shall
be free, if the same be of the growth and produce of any of the
said States, and bona fide for the re=exportation of the same
from this province to Great Britain. And no Tobacco shall
be so, as aforesaid, imported, otherwise than in Hogsheads, ____
Casks, Chests, or Cases, each hogshead, Cask, Chest, or Case,
whereof shall contain four hundred and fifty pounds weight
net of Tobacco, at the least, not packed in bags or in any
other packages within such Hogshead, Cask Chest or Case ____
nor separated or divided within such Hogshead, Cask, or Case
respectively, by any package or otherwise howsoever, upon for=
=feiture of all such Tobacco, as shall be so imported contrary to this
Act, together with the Hogsheads, Casks, Chests, Cases or
other packages containing the same,

And the question being put, whether it stand a
part of the Bill or not? Voted in the affirmative without

a

a Dissenting voice. __

Read the second enacting clause in these words. __

Provided always and be it further enacted that nothing in this Act shall extend or be construed to extend to forfeit any Tobacco imported or brought in loose by the Communication aforesaid, by water or by _ land for the use of the person or persons employed in __ bringing in the same, or any passenger in the Boat or __ carriage, not exceeding two pounds weight for each person or passenger.

On the question being put, whether this clause stand a part of the bill or not? _ It passed unanimously in the affirmative

Read the third Enacting clause in these words

And the regulations aforesaid requiring due entry of __ such Tobacco, Pot, and Peal Ashes, at the Custom house at S.^t Johns on the said Communication: Be it also enacted by the same Authority that all Boats, carriages and conveyances shall be subject to visitation by the Officers of the customs or either of them at S.^t Johns aforesaid, and Bond given for the re-exportation of such Tobacco, Pot and Pearl ashes, to be void upon proof thereof by Certificate or otherwise and that no higher fees shall be exacted for such entry and __ bond, and the Office expedition of the Ladings aforesaid respective= ly, than the sum of a Spanish Milled Dollar for the cargo of a Boat of the burden of Fifteen Tons, and the half of such Dollar for any smaller vessel or other conveyance, __ And in the case of such lading by a raft the fee of two shillings and nine pence on the entry of every separate Importer.

All

All which forfeitures shall be recoverable and divided in the ___ manner directed by the Statute regulating the forfeitures under the Statute regulating the Importation of any spirits or other Articles by the port of S.^t Johns aforesaid: And to the intent that if it shall be found by experience that the Provisions of this Act work any inconveniences to the public Interests, the same shall cease and be void on proclamation to be issued by the Governor or Commander in chief with the advice of the ___ Council, under the great seal of the Province declaring the same

And being put to the vote, the voices were unanimous _ that the Clause should stand.

Agreed immediately that the title of the Ordinance be, “An Act or Ordinance for the Importation of Tobacco _
“ Pot and Pearl ashes into this Province by the Inland ____
“ Communication by Lake Champlain and Sorel. ____

By order of the Committee

Council =Chamber } /signed/ Hugh Finlay Chairman_
26.th April 1787 }

Friday 27.th April 1787

The Honble Henry Hope Esquire, Lieu.^t Governor P.^t

M.^r Finlay _____ M.^r Harrison

M.^r Collins _____ M.^r Mabane

M.^r Pownall _____ M.^r De Lery

M.^r Bellestre _____ M.^r Fraser

M.^r Caldwell _____ M.^r Grant

M.^r De S.^t Ours _____ M.^r Baby

M.^r De Longueüil _____ M.^r Holland

Sir John Johnson _____ M.^r Boucherville

&^a

M.^r Dupre

Read, a third time, in both languages, the Bill, ___
intituled, “An Act or Ordinance for the importation of Tobacco, ___
“ Pot and Pearl Ashes into this province, by the inland communica=
“ =tion by Lake Champlain and Sorel” ___ The Question was put
“ Whether this Bill shall pass?” and it was voted unanimously
in the Affirmative.

Read

Read, a third time, in both languages, the Bill, intituled
 “ An Ordinance to explain and amend an Ordinance, intituled, An_
 “ Ordinance for repairing and amending the public Highways __
 “ and Bridges, in the province of Quebec”, The Question was put
 “ Whether it shall pass” _ Voted unanimously in the _____
 Affirmative.

Read, a third time, in both languages, the Bill, intituled,
 “ An Ordinance further to continue, and to amend an Ordinance
 “ made on the ninth day of March in the twentieth year of
 “ His Majesty’s Reign, intituled, An Ordinance for regulating _
 “ all such persons as keep horses and carriages to let and hire _
 “ for the accommodation of Travellers, commonly called and _
 “ known by the name of Maîtres de poste”. The Question was
 put, “Whether it shall pass? _ Voted unanimously in the
 Affirmative.

Read, a third time, in both languages, the Bill, intituled,
 “ An Ordinance further to continue an Ordinance, intituled, An__
 “ Ordinance to empower the Commissioners of the peace to regulate
 “ the police of the Towns of Quebec and Montreal, for a limited _
 “ time.” The Question was put, “Whether it shall pass?. Voted
 in the Affirmative, unanimously.

Read, a third time in both languages the Bill, intituled,
 “ An Act or Ordinance for the Erection of Court_houses and Prisons
 “ for the Security of Creditors, and the safe Custody of Criminals” __
 The Question was put, “Whether it shall pass?” Voted in the
 Affirmative, 17 Ayes ag.st 1 Nay. _ M.^r De Lery in the Negative.

Read, a third time, in both languages, the Bill, intituled,
 “ An Ordinance to explain and amend an Ordinance for establishing
 “ Courts of Criminal Jurisdiction in the province of Quebec” __ __
 The Question was put, “Whether it shall pass? Voted in the
 Affirmative unanimously.

The Chief Justice took his Seat at The Board.

His Honour [^] The President and The Council having waited on His _
 Excellency The Governor to present their Address, and His _
 Lordship having been pleased to return an Answer to __
 it __ Ordered that the Address and Answer be inserted on__
 the Journals.

The

The Address

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

The Address of His Majesty's Legislative Council.

May it please Your Excellency,

The Extract from the minutes of our Journals, _
which accompany this Address, will show to Your Excellency
the reasons and grounds, which have engaged The Legislative
Council, humbly to request, that Your Lordship will take such
steps, as in your wisdom You will judge best calculated, to
promote the ends of public Justice, and to vindicate the
Honour of Government, which are both so essentially interested
in an Inquiry into the Charges and Accusations, so publicly
brought before The Legislative Council against the past _
administration of Justice, in the Court of Common Pleas,
for the two districts, as well as against the Judges of the
same; and that of Inconsistency in some of the Judgments
of the Court of Appeals.

/signed/ Henry Hope. President

Council Chamber }
27.th April 1787 }

The Answer

Gentlemen of The Legislative Council,

The Subject of Your Address shall have all
due consideration, and such Inquiry ordered, as I shall
judge best calculated to promote the ends of public
Justice, forever inseparably connected with the Honour
of Government.

Read, in both languages, a second time, the Bill,
intituled, "An Ordinance to continue in force, for a limited
" time, an ordinance made in the twenty fifth year of His
Majesty's

“ Majesty’s reign, intituled, an Ordinance to regulate the ____
 “ proceedings in the Courts of civil Judicature, and to establish
 “ Trials by Juries, in actions of a commercial nature, and ____
 “ personal wrongs to be compensated in damages, with ____
 “ such additional regulations as are expedient and necessary.”
 ____ M.^r Mabane moved an Amendment, by striking out ____
 the third clause, and substituting the following, instead ____
 of it, viz, “And when any of the parties shall make Exceptions
 “ to any Rules of Court, previous to Judgment, those Exceptions
 “ shall be preserved amongst the Records, and transmitted
 “ in case of Appeal, under the signature of The Judges; and
 “ whenever the Opinion or Judgment of the Courts of Common____
 “ Pleas, or of the Court of Appeals is pronounced upon any ____
 “ law, usage, or custom of the province, the same shall be stated
 “ upon the minutes or record of the court, and referred to, and
 “ ascertained, that the real grounds of the opinion or judgment
 “ may appear, and by that means All His Majesty’s subjects,
 “ and especially His Canadian Subjects may be protected in the
 “ Enjoyment of all benefits secured to them for their Property
 “ and civil Rights by the statute passed in the fourteenth Year–
 “ of His Majesty’s reign, intituled, “An Act for making more
 “ effectual provision for the Government of the province of–
 “ Quebec” and by the Ordinance above mentioned” ____ Seconded by
 M.^r Fraser____Debated_ The Question being put_ Voted in the
 Negative by 15 Nays ag.st 4 Ayes, viz. M.^r Boucherville, M.^r
 Fraser, M.^r De Lery and M.^r Mabane only in the Affirmative.
 Then the Question was put “Whether the ^{Bill} shall be read a third ____
 time ____ Voted unanimously in the Affirmative ____ Ordered____
 accordingly. ____ adjourned to Saturday the 28.th at 9.

Saturday 28.th April 1787

His Honour The Lieutenant Governor P.

and all the Members, met, except The Chief Justice.

Read, a third time, in both languages, the Bill,
 intituled, “An Ordinance to continue in force, for a limited time,
 “ an ordinance, made in the twenty fifth year of His Majesty’s reign
 “ intituled, an ordinance to regulate the proceedings in the Courts of–
 “ civil Judicature, and to establish Trials by Juries, in actions of–
 “ a commercial nature; and personal wrongs to be compensated
 “ in damages, with such additional Regulations as are expedient
 “ and necessary ” ____ The Lieutenant Governor moved an Amendm.^t
 by way of Rider to the Bill, that the following be added to the ____
 third

third clause, viz, “ And be it further enacted by the authority ____
 “ aforesaid, that in all cases adjudged in the provincial court of ____
 “ Appeals, where the same may be appealed to his Majesty in his ____
 “ Privy Council, and where their opinion or judgment is pronounced
 “ on any law, custom or usage of the province, the same shall, in
 “ like manner, and for the same reason as herein before mentioned
 “ be stated upon the Record, or referred to and ascertained” ____
 Seconded by Major Holland _ The Question was put, “Whether it
 “ shall be adopted, or not?” _ Voted unanimously in the Affir=
 =mative ____ Then the Question was put, “Whether the Bill
 “ with the Rider, shall pass _ Voted in the Affirmative by
 16 Ayes ag.st 2 Nays. ____ M.^r Fraser and M.^r Mabane read
 and filed their Dissent _ Ordered to be entered on the Journals.

The Dissent

- “We dissent from the article of the present Ordinance which
 “ continues for two years an Ordinance intituled, an ordinance to ____
 “ regulate the proceedings in the courts of civil judicature, and to
 “ establish trial by Jury in actions of a commercial nature
 “ and personal wrongs to be compensated in damages, for the ____
 “ following reasons.
- 1.st ____ “ Because many things in the ordinance so to be continued _
 “ had, in a committee of the whole Council, of which M.^r S.^t Ours
 “ was chairman, been altered and amended after mature deliberation,
 “ the benefit of which alterations and amendments is lost by such_
 “ continuance,
 - 2.nd ____ “ Because Innovations from the laws and usages of Canada,
 “ against which our Dissents were entered on the Journals in April
 “ 1785, are still continued, though the Reasons given in those Dissents
 “ remain strengthened by the additional Experience of two Years, of the
 “ little benefit to be derived from those Innovations. And
- Lastly ____ “ We dissent from the Article of the Ordinance relative to the
 “ Writs of Saizie = Arret, and Saisie, commonly called Conservatoire,
 “ as from the Restrictions imposed, the same deprives His Majesty’s
 “ subjects, and particularly the trading part of them, from the benefit
 “ which the Laws and Usages of Canada give to Creditors against–
 “ such Debtors who wish to give undue Preferences, or to commit
 “ fraudulent practices. For these and many other reasons We
 “ consider the Article as detrimental to the Interest of the British_
 “ Merchants, and others who give Credits to the Colony, and therefore
 “ truly Anticommercial. ____ Council Chamber April 28.th 1787

/signed/ A. Mabane ____ J. Fraser

see Pages 34 52

Major Holland, in his place, prayed leave to strike out his
 } name from the two Dissents which are entered upon the Journals
 of this Council; the one under date 26.th of February, the other
 the 26.th of March last, the ends for which He signed the
 same having been obtained in the Ordinances which have since
 been passed by The Council. ____ Ordered accordingly.

See Page 52.

M.^r Harrison, in his place, likewise prayed ____
leave, for the same reason, to strike out his name ____
from the Dissent of the 26.th of March ____ Ordered accordingly.

His Honour The Lieutenant Governor moved for leave to
bring in a Bill for continuing the fee Ordinance for another
Year ____ Unanimously assented to ____ Read the Bill in both
languages. ____ Read the same a second time ____ Read the
same a third time ____ Then the Question was put “Whether
“ it shall pass, or not ? “ Noted, unanimously, in the Affirmative.
adjourned to Monday the 30.th at 10.

Monday the 30.th of April 1787
His Honour The Lieutenant Governor
And all the other members, met.

His Honour The President laid before The Council
a Paper he received this Morning from James Monk Esq.^r
inclosed in a Letter, dated this day; ____ The Paper was read ____
and translated into french ____ Ordered that the same be ____
entered on the Journals. ____ And that the Clerk of the Council
do signify to M.^r Monk that the same was laid by His
Honour before the Legislative Council, and will be ____
communicated to His Excellency The Governor in Chief.
Copy of The Paper just now mentioned

To The Honorable the Legislative Council of the
Province of Quebec.

The Answer of the Petitioners, Merchants and others, His ____
Majestys’ Subjects, by their Committee and Counsel, to a call and
demand of the Honourable Council on the 21.th Instant delivered
in writing to their said Counsel on the 24.th Instant, with respect
to the charge made touching the Administration of Justice in ____
this Province, and the reasons offered and adduced in support of
a certain Petition to the said Council bearing date the 6.th day
of April 1787, against passing an Ordinance “ for the better ____
“ regulating the proceedings in the Courts of Judicature in this province”

And first M.^r Monk, one of the Petitioners ____
 Counsel, begs have to state to this Honorable Council, that he
 did not appear at the bar of the Council on Saturday the 14.th ____
 day of April 1787, as Attorney General officially to charge or state ____
 any matter respecting the aforesaid petition of the Merchants and others
 His Majesty's Subjects bearing date the 6.th of April 1787 as Attorney
General, he obtained permission of Government / in the knowledge of ____
 the Honorable the Lieu^t. Governor / to act and appear as a private ____
 Advocate, and Counsel for the said Petitioners, and in support ____
 of the above petition; in that Character alone M.^r Monk made the
 charges and representations to the Honourable the Legislative ____
 Council, and in that Character, is he now permitted further to ____
 Appear on behalf of the Petitioners, in conjunction with Isaac ____
 Ogden Esquire, Barrister at Law, as Counsel for the Petitioners; ____
 and when called upon, will offer proof to, and support, ____

The representation made to His Majestys' Ministers
 on the 24.th January 1786 by the Merchants of London trading
 to Quebec, thereby assorting the distressed and deplorable state of this
 province, in that among other things, the present code of Laws of ____
 this province, not having been well understood, the execution of ____
 them is subject to much difficulty and uncertainty : That among
 other Inconveniencies, persons often claim the right of both, French
 and English Law, and take the advantage of that, which best ____
 suits their purpose, that by these and other means, the payment
 of debts is evaded, and right and properly are rendered uncertain
 and insecure.

And further, on the part of the Petitioners by a ____
 variety of Proofs, to shew, and support, the charge of an unfit ____
Administration of Justice in His Majesty's Courts in this ____

Province

Province, to wit the Courts of Common pleas, holding cognizance of causes above, and under ten pounds Sterling; and by fully exhibiting the Judicial proceeding of the said Courts, to shew the want of order, rule, regularity, certainty, and the great delays and procrastination therein; and to make appear the insecurity of civil rights, and the distress of His Majesty's Subjects under the present Laws and the power exercised, in the administration of Justice by His Majesty's said Courts.

And further to Substantiate the allegations contained in the heads of different subjects, offered to the consideration of the Honorable the Legislative Council, by a paper writing dated the 18.th day of April 1787, on the part of the Petitioners and their Counsel, and more particularly respecting the administration of Justice in this province.

All which is humbly submitted to the Honorable Council.

Quebec 30.th April 1787.

/signed/ J. Monk } Counsel for
Isaac Ogden _ } Petitioners

/signed/

Geo. Allsopp
Jno. Painter
John Young
David Barclay
James Johnston
J. Blackwood
L. Dunière
Will. Goodall. ____
Robert Lester. ____

The same Monday 30.th April 1787
 At the Castle of S.^t Lewis
 Present
 His Excellency the Right Honourable Guy Lord Dorchester
 Governor

The Honourable Henry Hope Esquire Lieutenant Governor
 William Smith Esquire Chief Justice
 Hugh Finlay _____ Edward Harrison
 John Collins _____ Adam Mabane
 George Pownall _____ J. G. C. De Lery
 Picottee De Belleshe __ John Fraser
 Henry Caldwell _____ William Grant
 Paul Roc De S.^t Ours__ Francis Baby
 Joseph De Longueuil [^] Samuel Holland Sir John Johnson B.^t
 René Amable Boucherville _ Le Comte Dupré _ Esquires

- 1.st Read the Bill, intituled, “An Ordinance to continue in
 “ force, for a limited time, an ordinance made in the twenty fifth
 “ year of His Majesty’s reign, intituled, An Ordinance to regulate
 “ the proceedings in the Courts of Civil Judicature, and to establish
 “ Trials by Juries in actions of a commercial nature, and personal
 “ wrongs to be compensated in damages, with such additional
 “ regulations as are expedient and necessary.”
- 2.^{ndly} Read the Bill, intituled, “An ordinance further to
 “ continue an ordinance, intituled, an ordinance to empower the ____
 “ Commissioners of the peace to regulate the police of the towns of
 “ Quebec and Montreal, for a limited time.”
- 3.^{rdly} Read the Bill, intituled, “An ordinance to explain
 “ and amend an ordinance for establishing courts of criminal ____
 “ jurisdiction in the province of Quebec.”
- 4.^{thly} Read the Bill, intituled, “An ordinance further to
 “ continue, for a limited time, the ordinance for the regulation ____
 “ and establishment of fees.”
- 5.^{thly} Read the Bill, intituled, “An act or ordinance
 “ for the importation of tobacco, pot and pearl ashes into this
 “ province by the inland communication by Lake Champlain
 “ and Sorel.”
- 6.^{thly} Read the Bill, intituled, “An ordinance to explain
 “ and amend an ordinance, intituled, an ordinance for repairing
 “ and amending the public highways and bridges in the ____
 “ province of Quebec.”

7.^{thly}

7.^{thly}

Read the Bill, intituled, “An ordinance further
 “ to continue, and to amend an ordinance made on the ninth
 “ day of March in the twentieth year of His Majesty’s reign,
 “ intituled, an ordinance for regulating all such persons as _
 “ keep horses and carriages to let and hire for the accommo-
 “ dation of travellers, commonly called and known by the
 “ name of Maîtres de poste.”

8.^{thly}

Read the Bill, intituled, “An ordinance to amend
 “ an ordinance, intituled, an ordinance concerning advocates, attornies,
 “ solicitors and notaries, and for the more easy collection of His _
 “ Majesty’s revenues.”

9.^{thly}

Read the Bill, intituled, “An act or ordinance for _
 “ the erection of court-houses and prisons, for the security of
 “ creditors, and the safe custody of criminals.”

His Excellency The Governor signed the nine _
 Ordinances above mentioned, and passed the _
 same, respectively, in the order they were read, _
 under the public seal of the province.

Then His Excellency prorogued the Legis=
 =lative Council, till further Notice.

JWilliams 30.th April 1787.

To His Excellency The Right Honorable Lord
Dorchester Governor in Chief of the Province of
Quebec &, &, &.

See Resolve Page 36.
N°1.

The Report of the Committee of the _
Council relating to the Courts of Justice. _

May it please Your Lordship,

The Committee from the indefinite reference of the
general subject of the Courts of Justice to their consideration, apprehend
that it is Your Lordships' wise and benevolent intention to bring the _
present Jurisprudence of the Colony into view, for the purpose of such _
Emendations as the public welfare may require, and to that end they
proceed.

First, to state what Courts there are for the administrat=
=tion of Justice, and then

Secondly to subjoin the Observations occurring to them,
as most deserving of Your Lordships' attention.

There are Courts for Criminal and Courts for civil ____
Jurisdiction.

Two Ordinances of this Province for instituting these Courts
were passed in 1777, and another in 1785 for regulating the Civil ____

Judicature

Judicature under the authority of the Statute of 1774 commonly called the __
Quebec Act,

That Ordinance which relates to the Criminal Jurisdiction
erects

I.st A Court of King Bench for the Cognizance of all pleas of the
Crown; and for the trial of all manner of offences whatsoever; to be held
before The Chief Justice / or Commissioners that may be appointed for -
executing the Office of Chief Justice for the time being / who shall hear _
& determine the said pleas of the Crown, and all manner of offences what=
soever according to the Laws of England, and the Ordinances of the ____
Governor and Legislative Council of the Province.

II.^{ly} Courts of General Quarter Session of the peace in each of the __
two Districts of Quebec and Montréal by so many Commissioners of _
each District, as are or shall be limited in the Commission of the __
Peace, who are to hear and determine all matters relative to the __
conservation of the peace, and whatsoever is by them cognizable ____
according to the Laws of England, and the Ordinances of the __
Governor and Legislative Council of the Province.

The two Districts of Quebec & Montreal comprehend the
whole Province, and are divided by the River Godfroy falling into the
S.^t Lawrence from the South, and the S.^t Maurice from the North;
so that the Eastern district is Quebec, and the Western Montréal: _
each district has a Sheriff and a Coroner. Special Commissions _
of Oyer and Terminer may issue for either; and the same Act __
provides

I.st ____ That the Captains of the Militia may arrest any person
“ guilty of any breach of the peace, or any Criminal offence within their
“ respective parishes, and convey or cause to be conveyed such person, ____
“ before the nearest Commissioner of the Peace, to be dealt with according
“ to Law” (1)

II.^{ly} ____ That the Captains of Militia may, when any marks of __
violence appear upon the dead body, summon together six reputable
(1) That this be a part of the Report,

For it M^r. Finlay

Ag.st it M^r. Mabane

M^r. S.^t Ours

Householders

Householders of his parish to inspect the same, and he shall accord=
=ing to their opinion report the manner and cause of such death in writing _
to the nearest Commissioner of the peace, that a farther Examination may _
be made therein if necessary.

No other law has been passed in the Colony so to organize it, _
as to give effect and operation to that part of the Statute, by which the ____
Criminal Laws of England were introduced, as the Law of the province
relating to Crimes and offences.

Under the two Ordinances respecting the dispensation of Justice in Civil _
causes, the Courts are,

I.st A Court for small causes of ten pounds sterling & under.

II.^d A Court for Causes exceeding that sum.

III.^d Courts to hear Causes in Appeal.

For Your Lordships' clearer discernment of the nature of these Judicatures
the Committee beg leave to present an Abstract of what appears to be ____
most material in the Ordinance with respect to each of these Judicatures _
and

1st ____ As to the Court for small causes ____

The Cognizance is committed to either of the Judges of the
Kings' Court of Common pleas. His decisions are final, and the rule _
Equity and Good Conscience, as often as Judgement is given by the default
of Appearance. In other cases the practice has been to determine by the
Law in general, as it was understood by the Judge to apply to the case.

The Court is held weekly. The process is a Declaration
and summons _ The return day as the Judge directs _ The proceedings are
summary _ Costs follow the Judgement _ The execution runs against
the moveables unless screen'd by the fraud or violence of the defendant
and then against his person _ It is to be executed by such person, as
the Judge nominates, and the sum may be levied by instalments but all
to run out within three months.

Confined to no place, the Judges alternately itinerate _

with

with their Clerk, twice yearly to the remoter settlements, within the bounds of their respective Districts.

II.^{ly} _ ____ And in all causes above Ten pounds two of the three. Judges for each district are required.

This is the great Court of the Country with original Jurisdiction; it has by the Ordinance.

“Full power jurisdiction and authority to hear and determine, all matters of controversy relative to property and civil rights.”

It sits weekly in each District; it may find fact and Law, but either party has the right in certain cases of electing _ a trial by Jury, and the formulary of practice is of course two-fold.

The first process is a declaration & summons, returnable at a day a Judge directs. It goes to the Sheriff of the District ____ On default of appearance at the two next successive Court days _ there is an Interlocutory Judgement __ There is no Jury of enquiry, the Court assesses the damages, and gives the final Judgement an execution follows, but int that case the Plaintiff gives security to refund, if by the reconsideration of the same Court that judgement shall be reversed; as it may be where the Defendant being an Inhabitant of certain remote distances, viz.¹ / beyond the Long “Sault on Ottawa River, or beyond Oswegatchie in the upper _ “parts of the Province, or in or upon any place below Cape Cat “on the South side, and the seven Islands on the North side of _ “the Rivert S.¹ Laurence” / had not been personally summoned

Where there is proof of the Defendants’ intention to leave the Country, the first process may be a capias and ____ require bail.

An issue may be raised ore tenus the Ordinance has these words on that subject,

“That every issue in law or fact, to be formed in any cause, shall be made & compleated by the declaration, answer

and

“ and replication, or by the plea answer and replication in cases of
 “ abatement and bar of the said parties, Plaintiff and Defendant, _
 “ and that no other or further pleadings or writings by way of plea _
 “ upon such issue or matter in dispute, whether of Law or Fact, _
 “ shall be received or admitted by the said Courts of Common pleas,
 “ as part of and to be put upon the record, in any case there ____
 “ instituted and to be heard and adjudged upon any thing to the
 “ contrary notwithstanding.”

The trial by Jury is at the option of either of the ____
 parties, in such suits as are

“Grounded on Debts, Promises, Contracts and Agreements
 “of a Mercantile nature only between Merchant and
 “Merchant, and Trader & Trader so reputed and _
 “understood, according to Law; and also of personal _
 “wrongs proper to be compensated in damages.”

The Jurers are to be
 “Merchants or Traders of Lawful age, and also all
 “persons of Lawful age being house-holders, or occupy=
 “=ing Lodgings of the value of Fifteen pounds per
 “annum rent”

They are to come only from the vicinages or Banlieus of Quebec
 or Montréal; the precise limits of which the Committee are ____
 not able to ascertain.

The Sheriffs are annually to file two lists in the
 Clerks office; the first to consist of all Merchants concerned ____
in trade, and the second of persons of other occupations. These lists
 may be remodelled by the Sheriff and Judges, and are to be _
 open to public resort.

In causes of Mercantile dispute or actions of damage

where

where the total amount sum dealing or matter of account, agree=
=ment or transaction between the parties, exceeds Fifty pounds __
a Jury is to be struck from the first list – and from the second
when the demand is of Fifty pounds and less, and the strikings
are to be in rotation, commencing for one cause, where the last __
ended.

Challenges are to be according to the Law of England; but
in ca ^ uses between Natural born subjects the Jurors are to be natural
born, Canadians if the parties are Canadians, and de medietate
where they are of different classes.

The English rules of evidence are to direct “in proof of all
Facts concerning commercial matters”

Depositions before a Judge, after notice to the adverse –
party, are Admissible in the case of a Witness about to leave the
Province, or being sick, or not able to attend, and as the Ordinance
adds, in cases of evident necessity.

The verdict is compleat, tho’ but nine Jurors –
concur.

On the seizure of personality in execution, it shall be
published at the Church-door of the Parish, the next following _
Sunday, notifying the time of sale __ That sale is to be whithin
the Parish and the time not within eight days from the seizure
At the request of the Plaintiff, the goods may be conveyed to
and sold at the Capital of the District, and the personal estate
is to be sold first.

The sale of the Realty is to be preceded by three __
Gazette advertisements, with an interval of four months, verbal and
written proclamations at the Church – door of the Parish, and _
a public call upon all incumbrancers to notify their demands at
the Sheriffs Office.

The body is liable to execution when the goods are

secreted

secreted or the seizure opposed, and to satisfy Judgements to Merchants and Traders. But upon the Oath of the imprisoned debtor after a _____ months confinement, swearing himself not worth Ten pounds, he is to have three shillings & six pence a week for his sustenance from _____ the Creditor, with a further augmentation to one shilling and six pence more by the discretion of the Judges, unless the Plaintiff proves a _____ concealment or subtraction of effects for the purpose of fraud.

And Creditors have the advantage of carrying the _____ process of execution from one District to the other. The
 III.^d _____ Civil Judicature is the Provincial Court of Appeals,

It is constituted by any five Members of the Council with either the Governor, the Lieutenant Governor, or the Chief Justice.

It has no original jurisdiction but only the hearing _____ and determining appeals in causes under ten pounds, where it relates _____ to a duty to the Crown, a fee of office or annual rent, or where a _____ future right is to be bound and in all cases above ten pounds. _____ But the Judgement below is final, and the right to appeal suspended, upon the Appellants' giving security to prosecute the appeal, and _____ pay the costs and damages, in case the first Judgement be affirmed. _____

It admits of a Question whether the Jurisdiction of the Court of Appeal is not made to depend on the giving such security: the security is left to the Judgement of the Court below.

From the Provincial Court of Appeals, the dernier resort is to the King in privy Council, but only in such cases under ten _____ pounds as might come to the Provincial Court of Appeals, and in those above five hundred pounds sterling.

The only remaining Court in the actual execution _____ of authority, is

The Prerogative Court; one in each of the two districts.

The Judges are constituted by Commission under the Province seal, and are the very same persons, that now sit on the Bench of the Common Pleas.

Their Commissions give them power to take
 the

the Probate of Wills, relating to real and personal Estates, and _
 issue letters of administration, prove Inventories & accounts, “and to
 “ transact whatever may be legal and right for the just execution
 “ of all Wills and Codicils, and touching estates, Lands Tenements,
 “ Goods, Chattels, Rights, Credits and Effets of all any and every
 “ Intestate; and to divide, apportion, appropriate and decree the _
 “ same, to such persons, and in such manner, as by Law it is _
 “ permitted, and directed to be done”

The Question implied by Your Lordships’ reference
 requiring, not only an enumeration of the Courts, and an analysis
 of their powers, but what may appear to be expedient for the _
 advancement of Justice, the Committee proceed next to that part
 of their report.

They are very sensible of the weight of that care _
 and circumspection, which His Majesty recommends, for the _
 Establishment of the proper mode of administering civil and _
 Criminal justice, in a Province so peculiarly circumstanced.

The Committee therefore mean as most likely to
 answer Your Lordship’s intention, barely to point at the most
palpable defects in its present Judicature. And beginning with
 that Branch which more immediately concerns the Crown, _
 further provision seems to be wanting.

I.st To introduce the subordinate & necessary Peace Officers known
 in the English Law, as Bailifs and Constables.

There are no Constables in the Province, and _
 the Captains of the Militia are meer Volunteers, from whom
 no service can be exacted as a duty. (2)

(2) On this Clause, For its standing M^r. Finlay.

Against it M^r. Mabane & M.^r S.^t Ours, who offered in its place _
 the following suggestion.

“Mess.^{rs} Mabane and S.^t Ours think the clause should run thus;
 there are no peace Officers in the Parishes of the Province as are _

known

II.^{ly} ____ Suitable Justice halls and prisons ____ the latter both ____ at Quebec and Montréal being in a condition neither consistent with humanity to the prisoners nor safety to the Sheriffs or the ____ Public, and having been repeatedly presented as insufficient by ____ the Grand Juries of both Districts.

III.^{ly} ____ As the Law stands there is great danger of a defect of Public justice, in the difficulty of obtaining free-holders to serve as Grand and Petty Jurors on trials in Criminal cases.

With a freehold estate, a competent knowledge ____ of the English language may be necessary, but very few unite ____ both these qualifications, and yet there are many Inhabitants very fit for this service who have no Freeholds. _____

(3)

 “ known in the English Law; by the name of Bailifs or Constables, the Captains of Militia being ____
 “ by the Ordinance authorized to act as such, without an obligation enjoined on them to do the ____
 “ duty”.

(3) Advanced to this length in the report M.^r Mabane insisted on taking in here, what he offers as his motion in the words following, and it was agreed that a Minute be made of it.

“M.^r Mabane agreeable to a motion which he made in Council the 6.th
 “ of last November, and which was withdrawn upon assurance given that the object
 “ of it would be taken into consideration by the Committee which was to be appointed –
 “ for the Courts of Justice, finding that in the Report proposed by the Chairman
 “ no notice taken of that important necessary business, had made out, tho’ very ____
 “ sensible of this want of sufficient abilities the Heads of an Ordinance for ____
 “ promulgating to the people of this Province the principal parts or articles
 “ of the English Law, which he will subjoin to the Report as soon as it can
 “ be copied, for His Lordships’ information.

IV.^{ly} The case of the Loyalists from the old Colonies, who to the number of several thousands have seated themselves since the last War in different parts of this Province calls, in the opinion of the Committee, for a very particular attention.

If this Chefs of the Inhabitants is to be severed from any other District, and erected into separate Counties, an Act of Legislation will be necessary for that purpose, the partition of the Province into two Districts, standing at present upon a Law, that must for that purpose be repealed. (4)

V.^{ly}

(4) On putting the Question as to making this Clause a part of the Report

For it M.^r Finlay

Ags.^t M.^r Mabane } a substitute to be offer'd next meeting

M.^r S.^t Ours }

The Substitute offered.

Tho' we are sensible that wary attention compatible with Law and the good Government of the Province should be given to the Loyalists, we beg leave to observe to your Lordship that by far the greatest part of the Loyalists who took up arms in defence of His Majestys' government during the course of the Rebellion, are already settled in this Colony or those of Nova Scotia New Brunswick and their dependences.

To this class of Men Government is bound by justice and Gratitude to give every protection and assistance. There may be of these meritorious people in this province / theirs Wives and Children comprehended / about six thousand; of them a great number are Emigrants from North Britain who served in the 84.th Regiment, the Provincial Corps of Sir John Johnson, and others; who assuredly cannot be supposed to have any predelection for Laws of which they are totally ignorant. Every precaution was taken to make the Loyalists and others before they were disbanded, acquainted with the conditions upon which the Kings' Lands were to be granted, and none of them could be ignorant that by fixing their residence in this Province they became subject to the laws of it.

In framing Laws for the Province consideration should certainly be had to the Opinions & Customs of 113000 natives rather than those of 6000 strangers.

The number of Loyalists settled above Montréal does not appear at present to require a separate District to be erected, tho' that measure may become necessary in a few years, but by that time the state of the upper Countries after the evacuation of the Posts without the limits of the province being known the Legislative Council will be better able to deliberate upon the measure with precision and certainty.

“With regard to the great ^{number} of Emigrants from the United States of America, who, we are told, may be expected to resort to this Province provided the Laws were made agreeable to them, We think it our duty to observe to Your Lordship, that as these men did not stand forth in defence of His Majesty's Government they can in general have no claim to its justice or gratitude, they are discontented with the taxes and other grievances which

abound

V.^{ly} The Committee conceive it to be their duty not to omit the ____ suggestion, that Province remains to this day, without a Court of _ Exchequer for the regular Estreat of His Majestys' casual Revenue _ of fines and for feitures in the other Courts; an object to which it ____ becomes the Legislature to attend not only in fidelity and gratitude, to the Crown, but in justice to the Colony, the King out of his Royal goodness having applied his whole Revenue Territorial & Casual to ____ the support of the Government of the Province. (5)

VI.^{ly}

abound in the American States, and are therefore willing to seek an asylum in the ____ British Colonies. It may be policy to admit them; but for many reasons they should _
 “ be encouraged to settle in the Colonies where the laws and form of Government _
 “ are most agreeable to their ideas, such as New Brunswick Nova Scotiat, the Islands
 “ of Cape Breton and S.^t Johns: the climate in the latter is temperate, and the Lands ____
 “ fertile. The insular situation makes it easy for Great Britain to protect & keep it _
 “ as a Colony. The Province of Quebec may be considered in many respects as a ____
 “ frontier to the remaining British Colonies. Its Inhabitants are numerous, &_
 “ by Religion, Language Laws & Customs are the class of men the least likely to _
 “ coalesce or unite with the Neighbouring States of America.”

“ It is most humbly submitted to Your Lordship whether or _
 “ not sound policy does not require that they should continue as they are” _

In 1766 when Governor Murray caused a recensement to
 “ be made, the Canadian Men Women and Children amounted to 65000.
 In 1784 when Governor Haldimand caused another Recensement to be ____
 made, their numbers amounted to 113000.

From this state of the Population during the period of 18 years, your Lordship may form an idea how much the Canadians will encrease in 30 years and there will not be wanting men to cultivate the Lands which remain to be conceded, _ or to carry on the trade of the Colony in all its different branches.

(5) On the Question whether this clause stand ?

For it _ M.^r Finlay

Against it. M.^r Mabane

Doubled by M.^r S.^tOurs

“ M.^r Mabane offers what follows. “There is certainly no Court of Exchequer in the ____
 “ Province; but to this day there has been no inconveniency felt from the want of it _ The Sheriff
 “ and Clerks of the Court accounting every six months to the Receiver General for the Casual
 “ Revenue _ With regard to the Territorial Revenue it has not been fully levied, it has
 “ not arisen from any deficiency of Law or authority in the Courts of Common Pleas, ____
 “ but from the indulgence of Government.

“

VI.^{ly} The Committee on the other hand cannot avoid the Remark ___ that tho' the present Ordinances enact what the King has been graciously pleased to recommend, Appeals for the security of the property of the subject _ in civil causes, a clause is still wanting to authorize what His Majesty ___ has enjoined, that Appeals be also allowed even in prosecutions in His _ Majestys' own name for any fine that shall exceed the sum of One ___ Hundred pounds sterling.

And as it is in the Crown side of the Kings' Bench Court that inferior jurisdictions are kept within the Bounds of their authority, and Magistrates held to their duty by the Writs of Quo Warranto and Mandamus &c, and the liberty of the Subject protected, and it should ___ neither be in the power of that Court, to adjourn nor prolong the Sessions at pleasure, it appears to the Committee to be requisite; that its terms ___ and Return days, should be fixed and ascertained. _____

On the civil Judicature, the Committee beg leave to observe,

I.st That it is in their opinion much to be regretted, that the Common Pleas, a Court so respectable as that Tribunal ought _ to be, to which causes of the highest consequence are entrusted, holding the right of deciding in the first instance, upon every subject of _____ property in actions Real, Personal, & Mixed, to an indefinite value, ___ should be charged with, and disparaged by a perpetual attention to the petty litigations under the value of ten pounds.

The Remedy seems to be a Law, enabling Your Excellency by a Commission to divide the Province into Precincts or Circles, ___ consisting of two or three contiguous Parishes; and ≠ to consign the cognizance of small causes not to Justices of the Peace (who by such mistaken policy, will be drawn aside from their duty in support of _ the Government & the conservation of the public tranquility) but to two or three Gentlemen of the Precinct or Circle, proceeding summarily, ___ according to good conscience, in a Weekly Court of Requests nearly ___ similar to those lately established in different Districts and Towns in England; and by dispensing justice in a quick cheap and ___ easy manner to a convenient Neighbourhood, relieving the poor, and

and promoting that industry which prevents vice and disorder, and is of the greatest utility to the Common weal.

But if for want of public spirit this measure should _ not be practicable in the old settled parts of the Province, /which _ they are not willing to believe/ the Committee humbly conceive _ some such Law, must be indispensibly necessary for the new Districts, which as consisting of English Loyalists and being very remote, _ cannot be left without such Courts for the adjudication of small causes, as well as what they have also been accustomed to, an _____ inferior Court of Common Pleas for the trial of actions to Twenty, Thirty or Forty Pounds, according to the course of the Common _ Law. (6)

The draft of an Ordinance for the trial of small causes is before the Committee.

II.^{ly}

(6) On the Question, whether this clause stand?

For it M.^r Finlay

M.^r S.^t Ours doubts on the Clause

M.^r Mabane offers the following Remarks to be Inserted.

“With regard to the Courts of Commons Pleas having been charged with the determination of small causes begs leave to observe to _ Your Lordship that at the establishment of civil Government in _____ 1764 in order to prevent the necessity to the Inhabitants repairing from _ the distant parts of the District, there was an Ordinance passed _____ Authorizing the Justice of the peace to take cognizance of debts &c,^a _ under the sum of ten pounds. Many abuses arose from this institution and in the year 1770 An Ordinance of the Governor & Council was passed taking away the Jurisdiction from the Justices of the peace, and in order to prevent the Inconveniences resulting from the change, required the Judges of the Court of Commons Pleas to make a circuit twice a year in their different Districts for which they have no allowance of any kind, and established a Weekly Court in the Towns of Quebec and Montreal where one of _ them was obliged to be present, and to determine causes under the _ sum of Ten pounds, and in these causes very frequently points of Law of great intricacy are involved; but any method can be fallen upon to _

free

II.^{ly} If It should be the choice of the Legislature to continue the course of the Court of Common Pleas, in those parts of the ___ Districts that remain, after the new Counties are formed, as it stands at present regulated, by re-enacting the Substance of the ___ Ordinance of 1785, which is nearly expiring, the Committee humbly submit whether (among other amendments) it will not be very ___ necessary so far to alter both Ordinances, as to Vest the Provincial Court of Appeals in future, with authority to adjust the matter of security to be given by Appellants, for staying execution of the Judgement in the Court below. (7)

III.^{ly}

“ free the Judges of the Common Pleas from this burthen without detri=
 “ =ment to the Public, M.^r Mabane as one of them would be very glad of it;
 “ but it is with regret that he does not think the remedy proposed ___
 “ however will intentioned, and however ingenious applicable to the circum=
 “ =stances of the Province.”

(7) On the Question whether this Clause stand?

For it M.^r Finlay
 M.^r Mabane observed,

That in his opinion, the Court of Appeals have
 this authority at present, and alledges that the
 Court has exerted it, in more cases than one.

M.^r S.^t Ours is in doubt on the Clause.

III.^{ly} Upon due consideration of the Copies of His Majesty's Twelfth and Fourteenth Instructions by Your Lordship communicated to the Council /and heretofore by General Haldimand ___ on the 30.th of August 1781/ the Committee are further of opinion, ___ that no reasonable objection will lay against the trial by Jury, ___ in any personal Action, if it be at the same ^{time} Enacted for the security of His Majesty's Canadian subjects, that they shall have the benefit and use of their own Laws Usages & Customs, in all controversies respecting Titles of Land and the Tenure Descent, Allienation Incumbrances and ___ settlement of Real Estates and the Distribution of Personal property ___ of Persons dying intestate, according to the full intent of the said Statute ___ of the 14.th year of his Majesty's reign (8.)

IV.^{ly} As a Court of Chancery is essentially necessary in the English System to perfect the Administration of justice in Civil causes, and the exercise as this hyst, as well as that for those branches of the Prerogative Courts which relate to Marriages and the Probate of Wills, and the granting Letters of ___ Administration, are vested in Your Lordship the Committee presume ___ no farther, than barely to suggest, that the subordinate Officers for the first of these Courts remain to be appointed,

And that the business of the Common Pleas, will entitles its Judges to an exoneration from the burden of the Prerogative Court, ___ if the duties of both in the same persons were compatible; which to say ___

(8) On the Question whether this clauses stand?

For it	M. ^r Finlay	
Against it....	M. ^r Mabane	}
	M. ^r S. ^t Ours	

They offer a note for entry, and desire that certain memorandums of the Council in 1785, may accompany the Report: and a List of the Jurors ___ for Quebec.

The note. "With regard to the article of the proposed Report
 " relative to the trial by Jury, M.^r Mabane & M.^r S.^t Ours cannot agree ___
 " to it: however as the Ordinance expires with the Approaching Sessions, and
 " therefore must be renewed, or another substituted in its place, they only beg
 " leave to annex for His Lordship's information a Copy of M.^r Mabane's ___
 " Dissent from the Register of the Council, and an authenticated List of the Jurors
 " in the Town and Banlieu of Quebec, which supports the objection to the objection
 " to the trial by Jury in Civil causes.

no more, is very questionable, if it is the right of the former, to —
 issue prohibitions to the latter, in cases where its powers are extended
beyond its authority; evinced as it is, in the constant practice of the
Common Bench in Westminster Hall. (9)

All which is most humbly submitted, by Your Lordship's

Quebec 11. th Jan. ^y	}	Most obedient and most humble servants
1787		

/signed/ Hugh Finlay
 A. Mabane
 P. R. S.^t Ours.

(9) On the Question, Whether this clause shall stand?

M. ^r Finlay,	}	Against it
M. ^r Mabane		
M. ^r S. ^t Ours		

Messieurs Mabane & S.^t Ours desire the following entry and that —
 the Papers referred to in it may accompany the Report.

“With regard to the Court of Chancery M.^r Mabane
 “ and M.^r S.^t Ours, beg leave to annex for the information of Your ____
 “ Lordship a paper in the French Language wrote by M.^r Panet
 “ one of the Judges of the Court of Common Pleas.

“M.^r Mabane takes the liberty to observe that the
 “ power which the French Law gives the Judges to interrogate ____
 “ the parties upon Oath sur faits et Articles pertinent to the cause
 “ in dispute renders the Court of Chancery in great measure unnecessary.”

“This power is much regretted by Judge Blackstone
 “ not to be inherent in the Courts of Justice in England, and has been
 “ unwarily taken away in Commercial causes by an article of the Ordinance
 “ which Establishes the proof of facts in commercial matters to be according
 “ to the Rules of Evidence in the English Law tho' the power still remains
 “ with regard to other — Causes, this instance of itself evinces the great delicacy
 “ and deliberation with which changes should be made in the Municipal

Law

“ Law of any Country, for with the best intention in the World the
 “ Legislators / especially in a conquered Country / may do a great deal
 “ of hurt instead of good, but this may be remedied in restoring the
 “ power when the Ordinance shall be renewed.”

“With respect to that part of the Report which relates to the
 “ Prerogative Court, M.^r Mabane & M.^r S.^t Ours beg leave to annex a __
 “ paper wrote by M.^r Panet for the information of His Lordship”

“M.^r Mabane did not consider the Commission from __
 “ Your Lordship, as necessary; but as by His Majesty’s Commission __
 “ to Your Lordship, the granting Letters of administration is reserved to the
 “ Governor, of the Province He acted under it with great chearfulness __
 “ as a Proof of your Lordship’s confidence in him, but never conceived __
 “ that the English words in it, can make any alteration in the Law as
 “ Established by the Statute of the 14.th of his present Majesty, and __
 “ adds, that the Judges of the Court of Common pleas have no salary
 “ nor have ever taken one farthing of fees from the People, for the __
 business in the Prerogative Court.”

Quebec 11 Jan.^y
 1787-

Signed by order of the Committee,
 signed/ W.^m Smith Chairman

The Memorandum of Council referred to in Note 8.

8.th of April 1785

Read Article 27 of the projected Ordinance which was unanimous=
 =ly rejected.

M.^r Mabane proposed an Additional article to the following
 purpose “ Provided always and it is hereby enacted and ordained that
 “ nothing in this Ordinance or any article thereof can, or ought to be
 “ construed to have introduced any part of the English Law which

is

“ is not expressly mentioned; or to have made any deviation from
 “ the Law and usage of the Province which is not clearly and ____
 “ expressly mentioned by the words, any Law, usage, or Custom to ____
 “ the contrary notwithstanding.”

9.th April 1785. ____

M.^r Mabane agreeable to the notice by him given _____
 yesterday moved as follows viz.^t “Tho’ from every thing which
 has appeared in this Sessions I am more than ever convinced that ____
 neither the Circumstances of the Province nor any urgent necessity
 requires an innovation from the municipal Laws of the Country
 of so great importance as the admission of the Trial by Jury in ____
 civil causes — Yet as the Council has voted that it should be ____
 adopted under restrictions, I think it is the duty of every member ____
 to suggest the mode which appears to him most conducive to the
 good, or the least hurtful in his idea to the interests of the people,
 I therefore propose that in place of the 10.th Article reported by the
 Committee and rejected by the Council now standing the 9.th in the
 Ordinance one to the following purpose should be substituted viz.^t
 “ That it be enacted any law, usage or custom to the contrary ____
 “ notwithstanding, that in actions or suits at Law in the Courts
 “ of Common pleas, grounded on debts, promises, contracts, and ____
 “ agreements of a mercantile nature between Merchant & Merchant
 “ Trader and Trader, and in all actions and suits where compensa=
 “ =tion is to be made for personal wrongs. The tryal by Jury
 “ may be had to Establish the matter of fact in the first cause,
 “ and to assess the amount of damages in the other, Provided never=
 “ =theless that it is clearly understood that in actions or suits at Law
 “ between persons who are not Natives of the province, and in actions
 “ or suits between persons who are Natives of the Province The Tryal
 “ by Jury shall be had at the desire of either of the parties and
 “ that in such actions and causes as above where only one of the ____
 “ parties shall be a native the trial by Jury is not to be had

except

“ except at the desire of both parties, and in all causes, ***
 “ ----- or suits between persons who are not natives of the Province the ____
 “ Juries shall be composed of persons who are not natives of the ____
 “ Province, and in all causes or suits between Natives The Jury ____
 “ shall be composed of Natives only, and in all causes and suits where
 “ one of the parties may be a Native and the other not a Native
 “ the Jury shall be composed one half of Natives and the other half
 “ of Persons not Natives.”

Resolved that the question be put, whether the proposition
 of M.^r Mabane shall be adopted or not and being put, the voices
 standing 6 ayes and 11 noes voted and resolved in the negative. ____

Copy Articles 9.th and 10.th referred to as proposed by
 the Committee and rejected by the Council.

Art. 9.th – And be it ordained and Enacted that in all causes,
 suits, and actions to be prosecuted in any of His Majesty’s Courts ____
 of Common pleas or removed in appeal there from, which shall be ____
 grounded upon Debts, promises, Contracts and agreements of a mercantile
 nature, the same shall be heard, considered and adjudged according
 to the Ordinance of this province in that respect particularly provided,
 and the Commercial and Common law of England save and except as
 herein after provided.

Art. 10.th – That all and every person having suits at law and actions
 in any of the said Courts of Common pleas grounded on debts promises
 Contracts and agreements whether of a mercantile or other nature, and ____
 also of wrongs proper to be compensated in Damages may at the option
 & choice of either party have and obtain the trial and verdict of a Jury,
 as well for the assessment of Damages on personal wrongs committed
 as the determination of matters of fact to be Established in any such
 cause, and that the verdict of such Jury shall be binding upon the
 parties in every respect and so far as the same by the Laws of ____
 England, the verdict of a Jury legally could or right to be of validity
 force and effect. Provided always that the Agreement of nine of the
 Twelve Jurors who shall compose such Jury shall be sufficient and
 Effectual

effectual to return a verdict and that the same so made and ____ returned shall be held as legal and effectual to every intent and ____ purpose, in as much as if the whole twelve Jurors had agreed therein. And the Clerk of the Court shall set down the names of the Jurors on the Registers of the Court in every cause where Verdicts may be returned as abovesaid. Provided also that in all such causes and actions that may be between His Majesty's Natural born subjects of Great Britain, Ireland and the Plantations and Provinces in America, the Juries in such causes shall be composed of such Natural born subjects as abovesaid and in all causes and actions between His Majesty's Canadian or new subjects the Jury shall be composed of an equal number of each if such be required by either of the parties in any of the abovementioned instances."

11.th April 1785

Resolved that the Question be put upon M.^r Mabane's proposition of yesterday "Whether the article by him proposed shall make part of the Ordinance or not The Question being put, and the ____ voices standing 8 Ayes and 9 noes voted and resolved in the Negative. Settled the title of the Ordinance to be as follows viz.^t

"An Ordinance to regulate the proceedings in the Courts of Civil Judicature and to establish trials by Juries in actions of a Commercial nature and personal wrongs _____ to be compensated in Damages."

13.th April 1785

M.^r Mabane presented and read in English and French ____ his reasons of dissent from the Resolutions of the Council upon the Ordinance for regulating the proceedings in the Courts of ____ Civil Judicature &c, as follows viz.^t

"Having during the course of the Sessions declared myself averse to Innovations in general in the present circumstances of the province, I think it my duty now to enter upon

the

- “ the Journals my reasons of dissent from a resolution of the ____
 “ Council whereby the trial by Jury in civil causes is adopted ____
 “ under restrictions.

The ground=work of this material change in the ____
 Municipal Laws of Canada is said to be in the 12.th and 16.th Articles
 of the King's Instructions, the first of which was sent to His ____
 Excellency Governor Carleton in the year 1774 or 5 soon after the Act
 of Parliament which regulates the Province of Quebec had been ____
 passed and the second of April 1778 was transmitted ^{in that year} to His ____
 Excellency Governor Haldimand subsequent to the Ordinance which
 had been made by the Legislature of this Country. I therefore put
 a very different construction upon the Royal instruction from that
 which those who have voted for the Innovation have done.

The 12.th Article of the Instruction recommends to the
 consideration of the Council whether the Law of England may ____
 not be at least in part the rule of decision in personal actions &c; ____
 and the 16.th Article transmitted to the Governor in 1778 makes ____
 mention of Ordinances having been framed and Ordained for establish=
 =ing Courts and directing a proper mode of Administring civil ____
 and Criminal justice conformable to the spirit and intention of -
the Act of Parliament therein mentioned and recommends the
 continuing amending or inforcing such Ordinances or making any
 farther or necessary change and regulation in the Courts establish=
 =ed or in the mode of Administring Justice provided that such
 Ordinances be strictly conformable to the Act of Parliament and
 the tenor of these Instructions I am therefore fully persuaded ____
 however inclined His Majesty might be to recommend useful
 and necessary deviations from the Laws of this province established
 by the Quebec Act no such material and fundamental alteration
 as that of the Introduction of the Trial by Jury could be meant
 or intended, because such would be contrary to the spirit and
 intention of the Act of Parliament which with a generosity ____
 and liberality becoming the British Nation gives to the Canadians
 their own Laws, Customs and usages.

2.^{dly} ____

2.^{ndly}— Experience has shewn numberless inconveniencies attending the Trial by Jury in this Province whilst that ___ mode subsisted from the year 1764 to the year 1775 ____ Few people who were then in the Province can be ignorant of these inconveniencies or how little acceptable the mode of Trial by Jury was to the people or how hurtful it was to their Interests. Juries were at that time optional, but ___ instead of being in repute, it is a fact well known that towards the latter years of the period in which they sub= sisted few causes were tried by Jury. It appears by an authenticated List or Extract from the record of the ___ Court of Common pleas for the District of Quebec laid ___ before the Council that for upwards of seven years from ___ October 1768 to February 1775 there were only 58 causes ___ tried by Jury in that Court and of these several were ___ absentee causes or suits brought against persons absent ___ from the Province, which by an Ordinance behoved to be _ laid before a Jury and therefore cannot be said to be at ___ the desire of either party. The Petitions of the Canadians ___ which procured the Quebec Act (14 Geo. 3. Chap. 83) and the undeniable evidence which the Preamble of that wise ___ and salutary Law affords of the sense which the Parliament of Great Britain and that time entertained with regards to the impropriety of changing the Laws & usages of a numerous people and of an extensive Country, as well as the inadequate= ness of the system which had been introduced in room of _ the antient Law, of which the trial by Jury in civil causes at the option of the Parties was a principal part, is in my opinion conclusive, because every circumstance and every argument against such a change operates as powerfully at this day _ as it did then, and perhaps more so from the late revolution in America. I therefore cannot agree with those who in making regulations for this Country pay not sufficient

attention

attention to the total difference of Circumstances in almost ____ every particular from those of England where the trial by Jury has been co-eval with the Law itself. Indeed nothing can afford more convincing proof of the impropriety of the trial by Jury in civil causes than the Stretches that have been made to accommodate it to these Circumstances viz, By making the agreement of nine of the Jurors a verdict, and changing the qualification of Jurors from the Laws of England. These circumstances suffice to shew that this Province is unfit to receive the Trial by Jury as practised in England. The unanimity of the 12 Jurors is considered by many authors as one of the Excellencies of the institution and from the difficulty of finding Jurors in this Country unconnected by interest and friendship with the parties, this deviation from the Law of England appears to me peculiarly unfavourable to the London Merchant as well as to the Canadian Merchant or Trader. The Qualification of Jurors instead of being debased from what the English Law requires perhaps ought to have been augmented.

3.^{rdly} ____ The changes from the French Law that were made by the Ordinance of 1777 in favour of commerce, such as the introduction of the English Law of Evidence in commercial cases and the attachment of the person as well as of the Effects for the satisfaction of all debts due to the Merchants for Goods by them sold, shew'd no want of attention to the interests of trade, and His Majesty's 12.th Instruction and therefore no doubt could be entertained, that the Council would, as far as in Justice it ought; extend its deliberations in favor of commerce and in protection of the British Merchant but much might have been done without going so far as to erect a new Tribunal in the Country unknown to its fixed Laws and which in practice will be found in many respects incompatible with them. The nomination of experts known to the French Law served the useful purpose of

Establishing

Establishing the matter of fact independent of the Judges in difficult and uncommon cases, as well as proving the practice therein and fixing valuations on all disputed property and Work=
=manship, and in settling intricate matters of account &c, The French law provides Arbiters – In these cases the Law is written and the decision of the Courts is subject to review.

Whereas by the introduction of Juries the Canadian Merch.^t _
or Trader sees no longer the rule of decision of his property _
in litigation which is or may be absorbed in the general ____
Verdict of a Jury.

4.^{thly} ____ Tho convinced by the experience of 24 years constant residence in the Country and 20 years study and practice of the Law as a Judge, that the trial by Jury in civil ____ causes was improper in general; yet as the Council had ____ voted the contrary, I thought it my duty to propose in my turn that mode which I conceived the least prejudicial to the Canadians; and accordingly did make a proposition of the ____
9.th Instant entered upon the Journals, but the Council re=
=jected it, tho' it complied in every thing with the desires of _
the British subjects, except that it gave to the Canadians __
Merchant in his disputes with them in commercial cases the choice of having his property decided agreeable to the Laws and usages of his native Country, which by the Act of ____ Parliament were granted to him without reserve and that he should not be forced into a mode of trial to which he _
might be averse.

5.^{thly} ____ When I consider the 9.th and 10.th Articles of the Ordinance proposed by the Committee of which a copy is an=
=nexed, I thought it my duty to propose an additional article which is inserted upon the Journals and which could serve _
no end but to quiet the minds of the Canadians and reconcile them to the change made in the Ordinance, by giving them the most positive assurances that nothing which [^]was not clearly

expressed

expressed was innovated. This article however salutary _
 was rejected solely by the same Majority which at the
 commencement of the Sessions voted against postponing the
 consideration of the new Ordinance till next Sessions. I have
 further to observe that the time was improper for changes of this
 nature and that more compleat evidence of the necessity or practi=
 =cability of Introducing Juries in civil causes than vague _
 list of names laid upon the Table should have been pro=
 =duced to the Council, a minute enquiry ought to have preceded
 the business and every necessary preparation made before hand _

For these reasons I dissent from the resolution of the _
 Council and shall be much satisfied if experience shall prove
 that I am wrong in my opinion and that the innovation _
 will be found useful to the people.

/ signed / A. Mabane

A List of Merchants &c, qualified to serve on special
 Juries.

Names	Occupation
Joseph Descheneau.....	Esquire
Louis Langlois.....	Merchant
Michel Longvall.....	Ditto,
François Pomereau.....	Ditto,
Antoine Serindac.....	Ditto,
Jean Bap. ^t Guirault.....	Ditto,
Jean Bap. ^t Le Brun.....	Ditto,
Charles Berthelot.....	Ditto
Jacques Perault.....	Ditto,
Louis Fromenteau.....	Ditto,
Jean Bap. ^t Le Comte Dupré Esquire, _____	

Pierre

Pierre Marcoux.....	Merchant
Louis Marchand.....	Ditto,
Pierre Dufau.....	Ditto,
Louis Duniere.....	Ditto,
Michel Cornud.....	Ditto,
Louis Fremont.....	Ditto,
Charles Pinguet.....	Ditto,
Jacques Perras.....	Ditto,
Liberal Dumas.....	Ditto,
Charles Voyer.....	Ditto,
Antoine Raby.....	Ditto
Joseph Duval.....	Ditto,
Amant Primont.....	Ditto,
Joseph Marie Cherier.....	Ditto,
Louis Turgeon.....	Ditto,
J. Bap. ^{te} Brassard.....	Ditto,
Antoine Gosselin.....	Ditto,
Étienne Gauvereau.....	Ditto,
Antoine Cureux S. ^t Germain.....	Ditto,
Alexis Monjeon.....	Ditto,
Henry Crebassa.....	Ditto,
François Duval.....	Ditto
Charles Guirand fils.....	Ditto,
John Lynd.....	Ditto,
John M ^c Cord Junior.....	Ditto,
John Munro.....	Ditto,
William Roxburgh.....	Ditto,
Mathew M ^c Nider.....	Ditto,
Robert Woolsey.....	Ditto
John Melvin.....	Auctioneer
Thomas Aylwin.....	Esquire
William Lindsay.....	D. ^o
John Purss.....	Merchant
Constant Freeman.....	D. ^o

Names	Occupation
Adam Lymburner.....	Merchant
Robert Wilcocks.....	D. ^o
Nathaniel Taylor.....	Esquire
Thomas Sketchley.....	Auctioneer
John Young.....	Merchant
Henry Cull.....	D. ^o
Robert Lester.....	D. ^o
James Tod.....	D. ^o
David Barclay.....	D. ^o
John Blackwood.....	D. ^o
Alex. ^r Davison.....	D. ^o
William M ^c Nider.....	D. ^o
William Burns.....	Auctioneer
John Painter.....	Merchant
William Gill.....	D. ^o
John Jones.....	D. ^o
John Pagan.....	D. ^o
Simon Fraser Jun. ^r	D. ^o
Roderick Fraser.....	D. ^o
John Buchannan.....	D. ^o
James Johnston.....	Esquire
John Antrobus.....	Merchant
Simon Fraser Sen. ^r	D. ^o
Rich. ^d Dalton.....	D. ^o
Mathew Lymburner.....	D. ^o
Obadiah Aylwin.....	D. ^o
Alexander Wilson	
Meredith Wills.....	D. ^o
Andrew Cameron.....	D. ^o
Jacob Rowe.....	D. ^o
Alexander Ross.....	D. ^o
David Ross.....	D. ^o
John Walter.....	D. ^o
George Irwin.....	D. ^o
Ezekiel Freeman.....	D. ^o

David

Names	Occupation
David Shoolbred.....	Merchant
John Lees.....	D. ^o
William Lindsay Jun. ^r	D. ^o
George Stuart.....	D. ^o

/ signed / A. Mabane
P. Panet

The above is a true copy of the Original List of Jurors
filed in the office of the Court of Common pleas for the _
District of Quebec 4.th Jan.^y 1787.

/ signed / David Lynd C. C. P.^s

Des Interrogatoires sur faits et Articles.

Du Tems du Gouvernement françois il n'y avoit point
de Cour de Chancellerie en Canada, cependant le Conseil
superieur de Quebec avoit le pouvoir de donner des lettres d'Emancipation et de
Restitution contre les Actes susceptibles
d'etre rescindez, ces Lettres estoient adressées aux Juges des _
Jurisdictions inferieures qui prononçoient à leur entherine=
=ment ou à leur rejection, il y avoit appel des jugements
des Cours au Conseil.

On ne souffroit pas beaucoup ou pour mieux
dire on ne souffroit pas de ce defaut de Chancellerie, _
puisque les Plaideurs avoient le droit de se faire interroger
sur faits et Articles en vertu de l'ordonnance de Louis
Quatorze de l'année 1667- Enregistrée au Conseil superieur
de Quebec.

Ces

Ces Interrogatoires estoient bien nécessaires dans les Causes ____
 obscures pour decouvrir la verité. Voici tout au long ____
 L'Ordonnance de 1667.

Article 1.^{er}

Permettons aux parties de se faire interroger en tout état de cause sur faits et Articles pertinent concernant seulement la _
 matiere dont est Question pardevant le Juge ou le différent est pendant, et un cas d'absence de la partie pardevant ____
 le Juge que sera par lui commis, le tout sera retardatoire, _
 de l'instruction et Jugement.

2

Les assignations pour répondre sur faits et Articles seront données en vertu d'Ordonnance du Juge sans commission du Greffe, encore que la partie fut demeurante hors du lieu ou le différent est pendant, et sans que pour L'Ordonnance le Juge et le Greffier puissent pretendre aucune chose.

3

L'Assignation sera donnée à personne au Domicile de la partie et non à aucun domicile élu n'y a celui du pro=
 =cureur, et sera donné copie de L'Ordonnance du Juge et _
 des faites et Articles.

4

Si la partie ne compare au jour et lieux qui seront ____ assignées ou fait refus de repondre, sera dressée un procès Verbal sommaire faisant mention de l'assignation et du _
 refus et sur le procès Verbal seront les faits tenus pour ____
 confessés et averrés, en toutes Jurisdictions et Justice, meme ____
 en nos Cours de Parlements grand Conseil Chambre des Comtes &c,

5

Voudrons neanmoins que si la partie se presente avant

le

le Jugement du procès pour subir l'interrogatoire, elle soit recue à répondre à la charge de paier les frais de l'interrogatoire et d'en bailler copie à la partie, meme de rembourser les depens — du premier procès verbal, sans pouvoir les repeler et sans retardation du Jugement du procès.

6.

La partie repondra en personne et non pas procureur n'y par escrit, et en cas de maladie ou empchement légitime le Juge se transportera en son domicile pour recevoir son Interrogatoire.

7.

Le Juge apres avoir pris le serment recevra les réponses sur _ chacun fait et article et pourra meme d'office interroger sur _ aucuns faits quoiqu'il n'en ait point été donné copie.

8.

Les réponses seront precises et pertinentes sur chacun fait et _ sans aucun termes injurieux et Calomnieux.

9.

Seront tenus les Chapitres, Corps, et Communautez de nommer un Sindic procureur ou Officiers pour repondre sur les faits et _ Articles qui lui auront été Communiquez et à cette fin passeront une pouvoir special dans lequel les réponses seront expliquez et affirmés veritables autrement seront les faits tenus pour confessés et averés sans prejudice de faire interroger les _ Sindics Procureurs et autres qui ont agit par les ordres _ de la Communauté sur les faits que les concerneront en particulier pour y avoir par le Juge tel egard que de raison.

10 et D.^{ne}

Les Interrogatoires se feront aux depens de ceux qui les auront requis sans qu'il puissent en demander aucun repetition ny les faire entrer en Taxe meme en cas de Condamnation de depens.

Il seroit à souhaiter que cette Loy si simple fit _ partie des formes de proceder, L'Ordonnance derniere garde le silence sur un objet si interessant.

Des Tutelles et Curattes

Du tems du Gouvernement françois, les Juges de Quebec Trois ___
Rivieres et Montréal, non seulement rendoient la justice
en toutes Actions civiles; mais encore procedoient à L'élection des ___
Tuteurs, subrogez Tuteurs, et Curateurs sur assemblée de parents
et amis au nombre de sept, ils n'avoient pas de Commissions
particuliere pour ces sortes d'Objets cette forme de procédée fut ___
continué apres la Conquete jusqu'en L'année 1764 tems auquel
le général Murray introduisit dans les Cours de Justice les loix
D'Angleterre. Ce meme General accorda aux Juges Mabane
et Fraser des Commission de Surrogates.

En vertu de cette Commission le Juge surrogate _
de Montréal, /J'ignore ce qui se passa à Quebec / au lieu ___
d'actes de Tutelles donna des Lettres d'administration suivant
la forme angloise, et obligea les Administrateurs à donner
des cautions. Ces cautionnements repugnerent beaucoup aux
habitants, plusieurs ne firent d'Inventaire faute de pouvoir
trouver des Cautions, ceux qui en trouverent furent obligez ___
d'envoyer leur Invintaires à Quebec seul Bureau d'enregistrement.
Les frais d'enregistrement etoient considerables et diminuoient ___
beaucoup le peu de biens qu'ils avoient; cette nouvelle methode
de proceder occasiona beaucoup de murmures et de plaintes, ___
elles parvinrent en l'année 1767 à Son Excellence le General ___
Carleton qui enjoignit aux Juges de laisser la nouvelle forme
et de reprendre l'ancienne comme plus aisée et bien moins
couteuse, ce qui fut pratiquée jusqu'en 1775.

Il auroit été à souhaiter qu'on eut pensé lors de _
la redaction des Ordonnances a promulger les loix concernant
les Tutelles et Curatelles, on oublia des objets si interessants, _
les Juges des Plaidoyers Communs furent pourvus de _____

Commissions

Commissions du Gouverneur pour accorder des Lettres d'adminis=
 =tration et sans penser que ces Commissions n'étoient pas ____
 nécessaires, il se qualifièrent des Juges de la Cour des Prero=
 =gatives et continuèrent à procéder aux Elections de Tuteurs et
 Curateurs suivant la forme et les anciens usages cependant ____
 ils accorderent des Lettres D'Aministration aux anciens sujets ____
 suivant la forme Anglaise.

Les Juges des Plaidoyers Communs prévoyant le ____
 danger et les difficultés d'avoir deux formes de procéder dans une
 même province prirent la résolution il y a 4 ou 5 ans de pre=
 =senter au Conseil un projet de formes de procéder pour les ____
 Actes de Tutelles, Curatelles, il en résulta plusieurs avantages ____
 1.° L'instruction des anciens Sujets – 2.° Une forme pertinente, ____
 d'autant plus nécessaire que les François n'ont point de Loix ____
 écrites pour ces sortes d'actes, l'usage constamment pratiquée en
 Canada depuis l'établissement du pays tient lieu de loy ____
 mais la plupart des Membres du Conseil soutinrent qu'il étoit
 inutile de faire une loy à cet égard, vous avez dirent ils des
 usages qui tiennent lieu de Loy contenués les; il fut faite des
 réflexions sur ce qu'on avoit accordé des Lettres d'administration
 suivant la forme Anglaise; depuis ce tems, les Juges ont continuée
 à donner de lettres de Tutelles et Curatelles selon la forme ____
 française réfléchissans qu'il seroit dangereux d'avoir deux formes
 de procéder dans une même Province et l'embarras qu'il y ____
 auroit lorsqu'un des conjoints par mariage seroit né en ____
 Angleterre et l'autre en Canada distinction épineuse et sujet à ____
 mille difficultés.

De l'insⁱⁿuation et enregistrement des Donations entre vifs et des
 donations faites entre conjoints par ^{contrat de} mariage.

Par le coutume de ce pays toutes donations entre vifs doit être enregistrée
 dans les 4 mois à peine de nullité avant la conquête, l'enregistrement se faisoit
 dans les Registres des Greffes des différentes Jurisdictions et depuis jusqu'à présent
 cet usage a été continué.

Il est de la plus grande nécessité de laisser aux Juges de la cour des Plaidoyers ____
 Communs l'administration de ces sortes d'objets dont ils connoissent la forme, sans
 cela il naîtra une multitude de procès qu'on doit soigneusement éviter.

See M.^r Grant's
motion, page 32.

To His Excellency The Right Honourable Guy
Lord Dorchester Captain General and Governor in
Chief of the Colonies of Quebec, Nova Scotia and New
Brunswick and their Dependencies &c, &c, &c.

The Report of the Committee of Council on Commerce & Police.
May it please Your Lordship,

In obedience to your Lordship's Commands, signified
in Council on the 6.th November last, whereby you was pleased
to appoint us, to be a Committee to take into consideration the
"External and Internal commerce and regu=
"=lation of the police, having an eye to the _
"ancient Laws and Usages of the Province _
"and to report to Your Lordship our considera=
"=tions thereon, with as much dispatch as we
"should find convenient."

We now with the utmost diffidence lay before Your
Lordship not only our report, but a Journal of our proceedings
in order to obtain the thoughts of others, more experienced than __
ourselves, on Objects of such extensive concern to the well fare of the
Province, and the happiness of His Majesty's subjects under _
Your Lordship's Government.

At our first meeting as a Committee, on the
13.th of November, We perceived the necessity of calling for the ____

assistance

assistance of our fellow Citizens on the Considerations committed. Considerations in which the happiness and greatest interests ___ of the Country were evidently to be contemplated.

We therefore thought it our duty consistent with the powers communicated to us by your Excellency to consult the opinions, _ and take the ideas, of the principal Merchants and Magistrates of the Province, rather than solely to hazard opinions of our own. _

To obtain these in the most unbiassed manner We immediately wrote to the Magistrates Merchants and ___ Citizens of Quebec, Montreal and Three Rivers. We acquainted them with Your Excellency's recommendations to us and entreated their sentiments. We also wrote to the ___ Collector and Comptroller of His Majesty's customs _____ requesting an account of the Imports and exports, and of the Shipping employed in the Trade and Commerce of the Province since the peace. We wrote to M.^r James Frost Master _ of the port, M.^r Steel Master of His Majesty's provincial Vessel the Mercury, M.^r Constant Freeman an experienced _ Ship-Master, M.^r Chenique and M.^r Peter Fraser experienced Pilots; requesting their Information respecting the present state of the Navigation and Pilotage of the River Saint Laurence, ___ and the improvements that might be made therein.

Your Lordship was pleased to order to be laid before us, the application of Levi Allan Esq.^r on behalf of the State of Vermont for Commercial intercourse with this province, and through it to Britain, and the other Country's in His Majesty's Dominion; And at same time a letter from the Collector of His Majesty's Customs, stating the Revenue laws which apparently impeded such intercourse.

We received by Your Lordship's command, two letters from M.^r Geo. W.^m Howard a Merchant of Jamaica and one from M.^r Bannatyne a Merchant of S.^t Christopher

on

on the subject of the Trade from the West Indies to this _____
Province; the importation of Foreign Molasses, and the suppress=
=ion of Distilleries : and Your Excellency was ^{also} pleased to refer to
us the Observations of M.^r James Grant a Merchant of this place _
on the same subject.

By your Excellency's command we received from
Cap.^t Le Maistre a List of His Majesty's Vessels employed _____
on the Lakes, Ontario, Erie and Huron; and from Lieutenant
Governor Hope, a letter and representation of M.^r Isaac Todd _
Merchant in Montréal, respecting the navigation, and the trans=
=port and carriage of Merchants goods from, and to, the different ports
or posts, on those Lakes.

Lieutenant Governor Cox, and John Collins Esq.^r
have represented to Us, the state of the Cod-fishery in the Gulph
and River S.^t Laurence, and pointed out such Regulations as seem
necessary for carrying it on, We take the liberty of annexing their
papers, and of entering Your Excellency's reference to them.

On the 4.th December We received the Return or Report of
the Gentlemen to whom we had written respecting the Pilotage and
Navigation of the River which with other papers, we also annex for
Your Excellency's inspection.

On the 8.th Decembre we received from the Collector and
Comptroller a return or Abstract of certain Exports, Imports and _
Shipping from 1.st May 1783 to 1.st December 1786.

On the 27.th December the Magistrates of Quebec presented
their sentiments respecting the amendments which seem requisite _
in the police of their District, and other objects of useful regulation.

On the first January, the return of the Magistrates and _
principal Merchants of Three Rivers respecting regulations of _
Trade and Police.

On the 6.th January the Merchants of Quebec delivered
their opinions and representations on a variety of Objects of _

Commercial

Commercial and Political regulation; to which they have ____
annexed the Copy of a Petition to His Majesty transmitted to
the Right Honourable Lord Sydney in the fall of 1785.

And

On the 27.th January the Magistrates and Merchants ____
of Montréal delivered their opinions on a variety of similar and ____
other objects, to which they have annexed a petition to His Majesty
transmitted fall 1785.

In these, they have duply and accurately treated, and ____
judiciously reasoned on the actual situation, and various interests
of the Province : We should therefore, be wanting to them, and ____
to Your Excellency, if we did not annex, and recommend their
representations to Your Lordships most serious consideration and ____
reflection

We proceed to submit our own opinions, as far
as we have been able hitherto to form any.

Commerce

The commerce of the Province during the late
war was almost wholly confined to England. It is evident ____
by the return of the Shipping as stated by the Collector and ____
Comptroller That the peace has not hitherto made any
material alteration in it. The Import Cargoes of the ships
employed since the beginning of the American war, besides ____
British manufactures, have consisted principally of West India
produce viz.^t Rum, Sugar Coffee and Melasses.

West India Trade Rum and Molasses

The duty of 6.^d P.^r Gallon paid on Rum, and of 4.^d on Melasses

imported

imported directly from the West Indies, has occasioned chiefly ____
 We apprehend, this circuitious mode of supplying this Market with
 those Articles. From Britain, no duty whatever is paid. Freight ____
 Insurance and charges of Shipping are nearly the same from the
 West Indies to Quebec, as from Britain to Quebec, the duty ____
 therefore which the Merchant saves by importing West India Rum
 from Britain is the only fair Compensation which we see, to induce ____
 him to bring it from thence, in preference to the place of its growth;
 and yet that duty is not equal to the freight, Insurance and ____
 charges, from the West Indies to Britain: Rum therefore, must
 be cheaper in Britain, than in the West Indies; else the ____
 Merchant ever attentive to his Interest, would not persist in pur=
 chasing it there.

ex.^d

The British Legislature foresaw /when the Quebec
 Revenue Bill, the 14.th of his present Majesty Chap. 88 was ____
 enacted 1774/ That the Inhabitants of the Province of Quebec,
 would pay less for rum / a necessary rather than a Luxury of ____
 Life to a Northern nation / by importing it from Great Britain
 duty free, than by importing it from the West Indies / paying
 the 6.^d duty / and that the Nation would be more Benefited, ____
 by the additional British shipping employed in the Circutious navi
 =gation and carriage, than it would be, by extending that Duty ____
 to rum imported from Britain, or laying any other duty which might
 operate the prevention of such Navigation.

The Nation foresaw also, the necessity of obliging ____
 the West India planter, to send his Rum to the British Market
 in payment of his debts, rather than divert it to speculations in
 Canada or any other Country.

Tho' the Legislature had then, and on other occasions,
 the West India trade to North America and particularly to ____
 Quebec, under consideration, and with the double view of encoura
 =ging Navigation and of raising a revenue, yet the idea of ____
 prohibiting the importation of foreign Molasses or suppressing Dis ____
 =tilleries in North America, was ever rejected as impolitic. ____

If

If contrary then to the Commercial interest of Britain, it ___ seems so to us in a greater degree now, from the Independence ___ of the American States; who without doubt, will endeavour to ___ rival us, in the Indian trade, and in the Cod and other Fisheries. Was the importation of foreign Molasses into the remaining ___ North American British Colonies prohibited by equalizing ___ duties, or otherwise; the distilleries of the Independent States, would ___ supply their ^{Indian} Traders and Fishermen, with that most essential ___ Article Rum at one half less at least, than the British Trader and Fisherman could be supplied by the British West India ___ Planter, British American Merchant or Distiller, consequently ___ the American Fish and oil would go to market at a cheaper rate than the British, and the New York and Pennsylvania ___ Indian Trader, would be on a better footing than the Canadian

France has lately given a Bounty of 5.th Livres per ___ Quintal on Cod fish caught by the ships of their Nation. Every means of encouraging their Fishermen, and of supplying them with necessaries at the lowest prices, will consequently be laboured at ___ by our Rival in Navigation and commerce. The Northern ___ States of America will also use every effort to supplant us in the Cod fishery; as also to smuggle Rum into the remaining British Provinces; and they will effect it notwithstanding every precaution that can be taken to the Contrary.

Quebec Flour and Lumber.

While the American and British Merchants have ___ the power of supplying the British West Indies with provisions and Lumber, even, in British Ships, from the ports of the ___ United States, this province has little benefit to expect from any Commercial intercourse with the British West Indies, they will ever give the preference to the Flour and Lumber of the States to the quality and manufacture of which they have been accustom=
=ed, their proximity to the States, and their natural advantage of _

uninterrupted

uninterrupted Navigation are insurmountable bars in the way of the Canadian Navigator the Flour and Lumber Manufacturer.

We are therefore humbly of opinion, unless the West Indians would agree to take their supplies of Flour and ___ Lumber solely from Great Britain and her Provinces; that the prohibition of foreign molasses suppressing of Distilleries or equalizing duties, are inexpedient. And, that it is as contrary to the interest of Britain, as to the Interest of this, and the other British Colonies in Your Lordship's charge, to give a monopoly of the Rum Trade to our Bretheren and fellow Subjects the West India Merchants and Planters. If however, it should be thought necessary to make ___ any alteration in the Law as it at present stands so as to render ___ it more favourable to the West Indians: We are in Your Excellency's Opinion - That an additional duty of 3.^d per Gallon on Foreign ___ Molasses should be laid on – and that 3.^d per Gallon of the present duty on Rum imported from the British West Indies should be taken off.

Spanish & Portugal Wine & Fruit.

It is a matter of considerable inconvenience, delay ___ and expence, to the Merchants of this, and his Majesty's other Provinces to be under the necessity of carrying the wines and Fruit of Portugal & Spain to England, to land them there to pay the duty imposed by the 4.th of George the 3.^d Chap. 15.th ___ The design of Parliament was evidently the employing the shipping and the double freight this Navigation occasions. But the maritime advantage gained by the additional ___ voyage from Spain & Portugal to England, of a few wine ships, ___ ought not in our apprehension, to be put in competition with the comfort which the repeal of that Act would produce to the minds of His Majesty's faithful subjects in the remaining Colonies; ___ more especially as the same duty might be paid to His Majesty ___ on the importation here. _____

Wheat Trade to Europe

The trade to Portugal and Spain has always been favourable to the ___

province

Province, our import of wine and fruit, is but small, when compared with our Exports of Wheat. ____ The ballance produce of our Cargoes, is either remitted to Britain in Cash, or in wines and fruit for the London Market and consequently serves as a ____ remittance from the Merchants of the Province to their English Correspondents.

Until the West Indians agree, to take our Flour, in preference to that of the States; and untill Newfoundland is ____ restrained from supplying its Fisheries with the Bread and Flour ____ of New York and Philadelphia. Surely every encouragement ought to be given to our Export intercourse with Spain and Portugal, ____ and such of the Italian States, as take off the great permanent Staple productions of our Country – Wheat, Flour and Cod Fish : and every facility and encouragement ought to be held out of those who Cultivate, and those who risque their fortune in those precarious but necessary speculations.

Fisheries

Cod. ____ The Cod fishery of the Province in the Gulph of S.^t Laurence is principally carried on by British fishing ____ ships from Jersey and Gurnsey. The 10.th & 11.th of William 3.^d ____ chap. 25.th seems the best adapted to their regulation and success ____ Power however may be given to the Lieut. Governor, and Justices of the peace of Chaleur Bay and Gaspée to settle the little local disputes and differences that arise among the Resident fishermen

For this purpose a limited civil Jurisdiction will be required ____ more extensive than the present.

The Lieu.^t Governor or Superintendant of the ____ Fisheries, ought we think to have an Armed Provincial ____ vessel under his command to enable him to protect and ____ visit frequently, the Fisheries on the Coast of Labradore, ____ and ____ such other parts of the Gulph and River S.^t Laurence, as Your

Lordship

Lordship may think proper to give into his charge. ____

Such provincial vessel seems the more necessary, as ____
His Majesty's ships of War on those Stations, cannot go into
the various bays and fishing Stations; and consequently, can neither
protect them from the insults of the American fishermen, nor ____
settle the differences which arise among themselves.

Seal The Sedentary Winter seal Fishery, is principally
established on the Coast of Labrador. This, and the White purpoise
fishery at Coudre and the South River on the S.^t Laurence; are
the only considerable oil Fisheries of the Province. Little or no ____ improvement
or extension, has been made in them, since the conquest.

It is probable, they are not capable of much amendment, protection
from the American Whalers, and security of possession to the persons who have
established them are the chief encouragements they require.

New Settlements of the American Loyalists.

and

Cultivation of Hemp and Flax.

The acquisition the province has made, in some
Thousands of His Majesty's loyal Americans, is already ____
beginning to be felt. Their superior skill in Husbandry. Their
industry in settlement, and their perseverance under misfortune ____
excite in the Canadians, the desire of imitation. Commercial ____
policy requires, that this great Country should be peopled. ____
Every encouragement therefore, should be held out to All who ____
seek refuge, or fly from persecution, to its wild but friendly bosom,

more

More especially to those, who have suffered in support of His Majesty's benign Administration and Government. The Lands on the Northern and Eastern sides of Ontario, _ Erie and Huron, are equal in quality to any in America: The _ soil- particularly adapted to the Cultivation of Hemp and Flax.^a

Articles of the first importance to the Commerce and Marine of Britain. _ Millions, of hardy, usefull, and industrious _ Subjects, may be raised on the Banks of those extensive Lakes. _

No pursuit, therefore, can be more worthy of Your Lordship's _ foresight and wisdom, than the introduction of all such, as will defend the Province in time of War, and render it useful in time of peace.

a John Collins Esq.^r Surveyor [^] General of Lands his information.

Commercial intercourse with Vermont.

The King's order in Council of the 24.th March 1786, prohibits the "importation of all goods and commodities of the growth or manufacture of the United States into any of the ports of the province of Quebec."

The people of Vermont have always supported themselves as unconnected with, and independent of Congress, and of the _
 “ United States.

Considering them therefore as such, We are humbly of opinion, that the King's Order stated, and the Laws mentioned by the Collector of his Majesty's Customs in his Letter of the 30.th November last, do not extend to them.

We think it is the Interest of this Province _

more

more particularly of Great Britain, to promote and encourage the most friendly intercourse with the State or _ people of ____ Vermont ____ And upon the most liberal and friendly foundation, reciprocal benefits, on such basis, may unite the Inhabitants ____ of Quebec and Vermont; and that union may become formidable and permanent, by the destruction of that Commercial jealousy ____ which the local situation of the people of Vermont, must otherwise of _ necessity ever induce them to retain. Especially when it is considered, that they have no other outlet to the sea but the Richelieu and _ the S.^t Laurence; and no other mart for their raw materials and _ Exports, than that which Britain may think proper to assign. ____

Britain in return, will have a numerous and _ rising Nation to take offer her Manufactures, to whom, she ____ will be the only Naval external and internal Carrier; and whether as Aliens if friends or as subjects, in a Commercial point of view is immaterial. M.^r Allen's request therefore, on behalf of the ____ Vermontese, ought, in our estimation, to be in general acceded to ____ and we recommend it to Your Excellency's favor.

Navigation of the River S.^t Laurence.

The navigation and pilotage of the River S.^t Laurence, particularly from Quebec to Bic, merits Your Lordships considera= tion. The regulations proposed by the Gentlemen to whom we ____ applied for information are in our opinion proper and judicious, ____ but, like manner other useful and necessary establishments, cannot be carried into execution without adding to the contingent expence of the Province. The Charts & Draughts of the Gulp and ____ River, taken about the time of the Conquest, by order of ____ Admiral Saunders, are erroneous. Pilots and Navigators

agree

agree in this – and ardently wish for a new and more accurate survey. The want of Light houses at Bic and Green Island __ and of Buoys and Beacons at proper places in the River, __ has been represented, as the cause of delay in Navigation and the loss of many Vessels.

Furr Trade

The Indians Trade, has ever been an object of the first magnitude, in the Internal and external commerce __ of Canada. The furs arising from this Lucrative Branch, __ not only pay for the British Manufactures consumed by the __ Indians – but serve as a Capital and profitable remittance on _ account of our Consumption at large. __ It is not enough, _ that we should import Manufactures __ We must by our __ produce, find the means of paying for them. __ No Colony _ can have more the appearance of perpetual dependance for its support and supply, on a British Metropolis, than this. Equally unfavourable from its situation and Climate, to Manufacture and Marine __ The Wool and Ship of Great Britain may for ages continue to cover and to carry for it.

Protection to the Indian Trader, dispatch and _ facility, in such parts of his business, as he is under the necessity of transacting with the Officers and Ministers of Government; and _ the prevention of Monopolies and unfair preferences; are the __ great Specifies, whereby the Indian Trade will ever receive __ its utmost expansion. Under Your Excellency's administration, We need not recommend those salutary attentions; convinced, __ that every consideration will be given to whatever can promote __ the Trading Interests of the Province, From the due __

encouragement

encouragement, and energy of which, this vast and becoming populous Country, can only be worthy of the protection and favour of Britain.

Navigation of the Lakes.

In the present situation of public affairs between ___ the American States and the Indians, and from other political and Commercial ideas which occur to us. We cannot, for the present, but humbly recommend to your Excellency, the retention of the Navigation of the Lakes in the hands of the Crown; and ___ consequently of the Carriage in the King's ships of the goods of the Merchants. When peace and tranquility shall be perfectly re-established between the States and the Indians. And the warring ___ partys have laid down their arms. It will be beneficial to the commerce of the province to remove every restraint whatever, and ___ to permit the Traders of every denomination to carry and transport their effects, in vessels and battoes of their own construction, and in every other way convenient to themselves.

Police

On this head we are sorry to observe to Your Lordship, that without the pecuniary aid and assistance, either of Government, or of the Inhabitants of the province, many defects in the police cannot in our apprehension, be remedied; and but few of the Improvements effected, which have been proposed ___ by the Magistrates and Merchants, as beneficial to commerce ___ Agriculture and Science.

Provincial Bounties and premiums, on Hemp, on Flax, on Flax seed, on Potash, on Wheat, on Flour, and on Shipbread; on Lumber, and on Naval stores; and on every

other

other staple Article of Growth and exportation, would be essentially beneficial to Commerce. Bridges Granaries, Prisons, Houses ____ of Correction and of alms; Parochial provision for the poor, Schools and Seminaries for the Youth, are necessary establishments, of _ Police. But without money, neither can be effected. How that can be obtained, together with what precedes is most humbly ____ submitted.

/ signed / Edw.^d Harrison

John Collins

Geo. Pownall

William Grant.

Quebec, 29.th Jan.^{ry}
1787.

Adressed to Mess.^{rs}

George Allsopp

James Johnston

Louis Fremont

John Lees

David Barclay

Ja.^s Perault

Mathew Lymburner

John Blackwood

John Antrobus

Robert Lester

Simon Fraser Sen.^r

John Melvin &

William Goodall

James Grant

Simon Fraser Jun.^r

Merchants.

Quebec 13.th November 1786

Gentlemen,

His Excellency Lord Dorchester in Council ____

having been pleased to appoint Us to be a Committee to take into consideration and to report to His Lordship / preparatory to the meeting of the Legislative Council, which will be on the fifteenth day of January next / the state of the external & internal Commerce and the police of the Province with such improvements as may be requisite to make therein.

We have therefore to request your sentiments with all convenient speed, on objects so interesting to the province at large and to Quebec in particular.

We have the honor to be,

Gentlemen

Your most obedient &
most humble serv.^{ts}

Francis Levesque

Edward Harrison

John Collins

George Pownall

William Grant

Report of the Merchants of Quebec by their ____
Committee, to the Honb.^{le} Committee of Council ____
on Commercial Affairs.

In due obedience to the Commands of the Honb.^{le} the ____
Committee of Council on Commercial affairs signified by their
Letter bearing date the 15.th of November last, requesting our ____
Sentiments “on the state of the external and internal Trade of ____
“ this Province, with such improvements as we may suggest to be ____
“ requisite to make therein.” We do in the first place humbly ____
acknowledge the condescension of the Honb.^{le} Committee in con=
=sulting us in this very important business, and are truly sensible
of the Confidence they repose in us.

In order to obtain the necessary information. We have
called divers meeting of the Merchants of the City both old and
new Subjects and consulted them thereupon. We have also ____
advised those of Montreal and Three Rivers the matter we ____
proposed to consider, and the mode in doing it.

The Objects referred to our Consideration are of,
great moment, We feel ourselves unequal to a task of such
magnitude and extent, yet our duty to our Country and our
respect to Government call for our feeble efforts; We shall therefore
throw our mite into the Common Stock, happy if our remarks, ____
joined with those of others may serve to hold out Lights ____
sufficient for the ivestagation of the business in Contemplation, ____
and procure salutary regulations in the end.

Fully sensible that at first setting off we embraced too

large

large a field for our own abilities and the time allotted us, We _
 have to apologize for the incorrectness and imperfection of our _
 Observations which, as they are made with candour and submitted
 with humility we trust they will be received with indulgence. _

Our inquiries being classed under a number of heads _
 or Articles we shall proceed on.

- Article 1.st _ “Whether Foreign Molasses should be continued to be imported
 “ into this province or not?
 “ If the former, under what Restrictions, Regulations and Duties? _
 “ If the latter, what compensation, ~~what compensation~~, if any, should _
 “ be given to the present Distillers for the loss of their Trade?
 2.^d _ “Equalizing the Duty on Rum & Molasses or Treacle _
 “ imported into this Province and the Regulations to be urged for _
 “ reciprocal benefits from the West Indians if our consumption is
 “ confined to the British Islands.”

Observation

_____ Considering the actual state of this Province in its _
 infancy of settlement and Cultivation as depending for its popu=
 =lation and prosperity in a great degree on the advancement
 of Agriculture, every measure which holds up encouragement
 to this object becomes of the most interesting nature to its _
 political welfare; and it cannot be disputed that the best _
 means of quickening the progress of Settling Lands and raising
 produce, is, a ready and advantageous disposal of our surplus
 Commodities at a foreign Market which will always operate
 as a premium to Industry. _ In this point of view a _
 Commercial intercourse upon a liberal footing with the _
 West Indies, which is the most general market for the
 various productions of Canada, must appear of the first _
 Consequence: and sound policy dictates that a preference _
 should be given to our fellow subjects there rather than to
 Foreigners unless the advantages of such an intercourse ____

with

with the latter are very decidedly in favor of the general ____
interests of Great Britain, and those of this province. ____

The friends to the Distilleries have gone into an extensive
field of Argument on the propriety and necessity of continuing
the unrestrained importation of foreign Molasses, to which
we have paid that attention, as well as to the reasoning ____
made use of by others who favour the opposite side of the question
which the importance of the subject requires; and after due ____
reflection thereon as well as from the experience we ^{have} had our=
=selves, We are of opinion that no trade can be carried on ____
between Canada, and the French and Dutch settlements,
which will have such a tendency to employ and increase the ____
Shipping and Seamen of Great Britain, and to promote ____
an extension of the Exports of this Country, as a well regulated
trade with our own Islands; and were this the proper occasion
for entering into Answers and Arguments we should endeavour
to point out that none which we have seen are of such weight
as ought to make us in any degree hesitate to give this ____
opinion. ____ But we are at the same time convinced ____
that to prohibit the importation of foreign Molasses would ____
be impolitic by making us too dependant on the will of ____
the British West India Planter for the supply of an ____
Article of great consumption, and in fact holding up to them
a temptation to demand such prices for their produce as they
shall think proper, without an adequate return on their part

We think the interest of the province requires the Distiller ____
and the British West India Planter to be put on such
a footing that a competition for the supply of our Market ____
may be introduced and kept up between them; As subjects
of Great Britain we view her interests, and that of all her ____
dependencies as intimately connected, and do not consider our=
=selves as entitled to urge for any Laws or Regulations which
will not have a tendency to give our fellow subjects a preference

to

to foreigners when they are by their industry and moderation attentive to acquire and preserve that preference ____ And it is on _ this principle we are of opinion that the duties on the importation of Rum and Molasses considering from whence and under what Circumstances they are introduced here, should bear a more proportional equality to each other than under the Law now in force. ____ For the Act Geo. 3. Chap. 88. which imposes six pence sterling per Gallon on Rum from the British West India _ Islands, only three pence on foreign Molasses and admits Rum from Great Britain duty free, has operated in a great degree as a _ Prohibition to an intercourse with our own Islands and as a pre= mium to the introduction of a foreign Commodity which has a tendency to drain this Province of its Cash, without having hitherto been in any respect a saving to the consumer by a difference _ in our Market between the price of British and Canada dis= tilled Rum, nor does it appear to us that it is likely to differ much at any future period, as the Distillers neither will nor ought as Men of prudence to lower their article of Commerce more than will be barely sufficient to destroy a competition and which from the Channel the Trade is at present making will be fully in their power if the Law remains as it now ____ stands, and the consumption of Rum in Canada will inevitably be supplied from distilled foreign Molasses; without a saving to the Consumers, as before stated, to the exclusion of the rum of British Islands, and will not only injure the Revenue _ but also greatly check the exports of Flour and other produce _ of this Country on which its prosperity must always much depend. It is therefore our opinion, that the duty on Rum from the ____ British West India Islands should be reduced to Threepence per Gallon.

That a like duty of Three pence should be laid on all West Indian Rum, imported from Great Britain or Ireland

And

And that an internal duty of Threepence per Gallon should be laid on Molasses or rather on Rum distilled from ____ Molasses in this Province, whenever we have a Legislature competent thereto.

Such a Law will increase the Revenue for altho' _ a much greater proportion of Rum has been imported last year _ from the British West Indies than in any of the three pre= ceding years of peace at a loss indeed to the Importers, and the duties of that year were accordingly more productive than in the others yet they are not equal to the sum which the Law proposed must produce under a like importation by £ 3,300 ... or above one half of their Amount in the most _ productive year. *

Should the Distilleries increase under the proposed regu= lations, the Revenue will be proportionally augmented and the _ West Indians to whom we have proposed doing ample justice will deservedly lose a proportion of our supply. But if the _ Importation of Molasses shall diminish, the Revenue will lose only a part not the whole of the difference in its favour and that will be amply compensated.

by

* We say from proper authority that the average importation of Spirits and Molasses for _ the last four years is 4,514 puncheons per Annum which if rated high are equal to 540,000 Gallons
In 1786 _ 168,000 Gallons of Molasses paid duty @ 4^d is £ 2800. ,, ,,
& 138,000 Gallons of Rum from the British West Indies

	paid 6. ^d is	3.450. ,, ,,
And the remainder of the consumption having been imported	}	
duty free, the Revenue from Rum & Molasses was _____		£ 6,250. ,, ,, St. ^g

By the proposed regulations admitting the same quantity of Molasses continues to be imported 168,000 Gallons will pay 3.^d Provincial & 1.^d Old duty under the Laws now in force is £ 2,800. ,, ,,

Taking off 40,000 for Spruce Beer &c, which is a large allowance	
the remaining 128,000 distilled into Rum will pay 3. ^d is	1,600. ,, ,,
& to make up the average Consumption 412,000 Ga. ^s Rum	
@ 3. ^d is	...5,150. ,, ,,

Revenue which the proposed Regulations will produce	}	
under the present importation		9,5550. St. ^g

Difference £ 3,300 in favor of the Revenue

by the increase of our Exports to the British Islands which will necessarily and unavoidably bear some proportion to the extent of our imports from thence ____ The Tax of the Province will only be equal to the difference in the Revenue unless we can ____ admit the Distillers in the event of no additional duty being levied would reduce the price of their Rum equal to the increase proposed, ____ in which case it would be equal to the additional 3.^d p Gallon on the whole importation of Canada which at 540,000 Gallons amounts in the worst possible event to £ 6750. p. Annum ____ But in fact, it cannot be felt because the whole amount thereof, whatever it may be in one case, and the greatest part in the other, must be ____ applied to the support of the civil Government, which at the period ____ when such a tax can be levied will be wholly supported by the Province. ____ Neither is it oppressive to the Distillers against whom only it will operate, as the price of Rum on the British Islands and Molasses in the French bear a relation to each other in favour of the last, proportional to the difference in the ____ duties proposed, And they ought to be able to compete with the ____ British West Indians under that difference ____ It seem so ____ strange a policy to levy a Tax on a British Commodity double to ____ that on a foreign, imported into a British Province, that the Wisdom of Government must at some period find it expedient to reverse it, at which we ^{can} find but little reason to complain, or to consider it a hardship that a foreign Article of importation is placed in the situation which a British one has long been in, for we con= sider Rum or Molasses to be distilled into Rum as essentially ____ the same. ____ The Welfare of the Empire, so far as the object is of ____ any importance to the Commerce or Shipping of Great Britain, ____ is interested in such a Law, for without it we can have neither an extensive or beneficial West India Trade, and a Check will un= avoidably be given to the Growing prosperity of the Province. ____

We stand with the British West India Islands in mutual need of each others produce and altho' our Trade with them from the consequences of the late war and particularly from the legal ____ restraints it has been under, is in its infancy, it will infallibly ____ increase and if reared with a fostering hand, to a great extent. ____

The Honb.^{le} Committee have the returns of the Wheat exported

last

last year in their possession, and we hope are from thence ___ sensible that we are already in a situation to make an immediate increase could the produce of our West India Islands be brought into Canada in exchange for our Articles of Export on an ___ equal footing with foreign, for which Cash and Bills must be _ paid. ___ And it will scarcely be denied, the charges of Grinding _ and Manufacturing the Wheat into Flour and Bread with the Casks &c, which are done with Comparatively few hands and these not a hinderance to or a burthen on Agriculture, by encreasing _ the value of our Exports in the proportion of 3 to 2, is in that pro= =portion more advantageous to Canada than exporting the raw _ materials to Barcelona and else where for sale, by which the proceeds are liable to repeated charges and Commissions before they _ come to the credit of the Canada Exporter.

We cannot consistently urge that the duties on British ___ Rum should be regulated so as to diminish that Revenue which is raised under the present System, or we would probably join in urging the advantages that would accrue to the Province from every duty being taken off that article, and perhaps in recommend= =ing some diminution of that on Molasses. But as we consider it right and just that the Revenue should be supported ___ and perhaps a Ratio fixed for a further increase thereof when _ necessary for public services we recommend to a competent Legislature of the Province to adopt the Regulations pointed out, with any such Alterations as future circumstances may make necessary, as consistent with the welfare of Canada and the Interests of the Mother _ Country. _ When such regulations shall take place it will undoubtedly be a proper subject for consideration how far dis= =tillation from grain in this Country should be restrained, and ___ how far a drawback of the duties on spirits exported from hence should be allowed and when we have Laws favourable to the introduction of British West India in preference to French and Dutch produce; care ought to be taken to procure reci= =procal Laws in favour of the Exports of this and the other British Continental Colonies to our West India Islands in preference _ to those of the United States.

The

Article 3.^d ——— “The Importation of Wine and Fruit direct from
“Portugal and Spain”

Observation____ ——— The quantity of wines brought into this Province taken from a state of the four last years Imports, is a trifle over 3,000 Hhds of all qualities. About three fourths thereof is red _ Spanish Wine of an inferior kind and of a low price and is _ particularly adapted to the taste and Circumstances of the Inhabit=ants of this Country. The Port of Barcelona from the vicinity whereof this species of Wine is always shipped, is generally the _ most advantageous mart for the sale of our Wheat, which requires consideration tho not in an equal degree with Flour, for the _ one must be regarged as a raw material in comparison with _ the other. Twenty five to Thirty thousand bushells of Wheat / for Spain and Portugal discourage all Importations of Flour / _ will purchase most of our wines ____ Wheat is a very pre=carious Article, and from our own experience as well as the in=formations we have obtained from London and Philadelphia, _ cannot be generally considered as a Lucrative branch of Commerce to the Adventurers. Yet so far as it procures us Wines in _ exchange may be pursued; but to carry it further if we have _ Markets to take off our flour, would be impolitic.

The present circuitous mode of Importing Wines from _ Europe by first landing them in Great Britain is attended _ with great inconveniency and losses to this Province and the Navigation of Great Britain is little benefited thereby. Those common wines are liable to grow sour in two long Summer _ voyages, they arrive so late at Market as frequently to render _ the sale and distribution of them impracticable, and are generally much the worse for keeping over the Winter. To allow European Wines and also fruits to be imported directly from the place of their Growth liable to the Duties retained in Great Britain on exportation and those paid here: Or to range them under the head of Wines _ imported from Madeira, Teneriffe and the Western Islands, and subjecting them to the same duties would facilitate our Commerce

and

and do no material injury to the Revenue, Commerce or _
Navigation of Great Britain.

But if such an unrestrained intercourse, shall be con=
sidered as incompatible with that strict support of the Navigation
Act which is at present adhered to in other instances, We _
humbly apprehend that Application should be made through _
the proper channel to allow vessels to depart from Great Britain,
Licensed to load wine and Fruit in Spain and Portugal for _
Canada direct. Similar to the permission which has been grant=
ed for some years past to British ships to load provisions in the
United States for Newfoundland.

Article 4.th — “**Bounties** on Exports from this Province”

Observation — Judicious premiums and Bounties are great incentives _
to Industry. — The Bounties that were lately in agita=
tion in Parliament to be allowed on the Importation of White
Oak Staves and other Lumber from this Province into the Ports of _
Great Britain, we trust will be carried through.

The Articles on which it would be proper for this province
to Grant Bounties, when there shall be funds to pay them Are
Flour, Ship Biscuit, Flax seed, Hemp and Flax, Pot and Pearl
Ashes, Naval stores, and Lumber of all kinds.

Article 5.th — “On opening a Commercial Intercourse with Vermont”

Observation_ — The State Policy of this measure we first with all humility _
submit to the Governors of the State, who alone have light and
power to determine, Whether such Inhabitants of a Country un=
acknowledged either as a Dependent or Independent state by _
their Neighbours or the Word in general, are qualified or not _
to form and perform a Treaty of Commerce with this Province ?
Or whether their local situation and other Circumstances have a
tendency to render a Trade with or through this Country bene=
ficial? Or in fact, whether they might not rather be admitted
to become a Member of this Province, incorporated with it under a _
happy Constitution, and be thereby intitled to the like privileges
of Trade to and Protection from Great Britain and her other
remaining Colonies. _____

In

In General we offer it as our opinion that a free trade and ___ intercourse between this province and the state of Vermont, as well as those parts of the State of New York which are or may be ___ inhabited bordering on Lake Champlain, Lake George and the ___ South side of the River S.^t Laurence, by allowing the free importation into this Province of Grain, Naval Stores, Lumber of all kinds, ___ Live Stock and all raw materials the produce of those Countries with an exception to all manufactures of their own of other Foreigners. And by permitting the Exportation, into the said Countries, of ___ all British manufactures, Salt, Iron, Liquors, and all other goods and commodities whatsoever, the produce or manufacture of this province or otherwise, with an express exception to all Furrs and Peltries, would materially tend to the improvement and ___ Extension of the Navigation and Commerce, and increase the ___ consumption of the manufactures of Great Britain and of this Province.

Article 6.th

“The Improvement of the Fisheries.”

Observation

The Seal fishery on the Labradore Coast is an ancient ___ establishment which from its value as a branch of Provincial ___ trade, and its utility in giving employment and support to ___ numbers of poor families has always recommended itself to the protection of both French and British Governments ___ It differs from the whale and most of the Cod Fisheries, in being ___ carried on from Sedentary fishing posts where buildings and many expensive fixtures are required, which oblige the Merchant or ___ Outfitter to lay out a Capital on the spot where he Establishes his post ___ This peculiar situation requires a Corresponding species of protection, and none more necessary than in the first instance unmolested possession to the Outfitter while he conforms - to the antient usages and Customs of the Province, or to those which the wisdom of Government may afterwards consider necessary in conducting his fisheries.

Government

Government graciously attended to a remonstrance sent from _ this province some years ago on the necessity of a Frigate _ being Stationed for a certain period on the Coast, but we are convinced however necessary that may be to support and enforce good order and Government, yet it is inadequate to the efficient parts thereof, _ as a succession of Officers of the Navy cannot be well acquainted with the manners, Laws, Customs and Language of the people employed who are mostly Canadians, nor can it be expected they will enter _ into the minute detail which may be necessary, nor do they make a general visit along the Coast _ And consequently the benefit _ derived from this regulation is partial and confined _ The ap=
=pointment in 1778 of a Lieu.^t Governor to the Coast, had it been carried into effect might have compleated what was wanting but we understand that appointment is lately reduced.

The whole fishing coast is a continued tract of Barren rocks incapable of all improvement of Agriculture, and the only point of _ View in which it can be serviceable to the Province is by the _ encouragement and protection of those Sedentary established fisheries which are now become extensive and numerous exclusive of the _ number of Vessels both British and American who cruize on the _ Coast during the summer engaged in the whale and Cod fisheries and it therefore becomes highly expedient that some person properly Qualified should be vested with legal authority to redress injuries, _ prevent or settle disputes, and to maintain peace and good order on the Coast. _ He should have a small Provincial Vessel which _ would be no great expence, to transport himself from place to place _ along the Cast that his presence and authority may reach the whole and his powers should also extend to the Fisheries and settlements at Gaspée and Chaleur Bay on the other side of the Gulph. _

The Cod fishery there is also in some degree sedentary, from _ the Lands being generally capable of Cultivation, and the intervals of farming affording the Residents time for prosecuting the Fisheries.

The late grants to the Loyalists in Chaleur Bay, extending their settlements along its Coast must be attended _

with

with good consequences; but much property belonging to Residents who have made the fisheries their principal business is held by a very uncertain tenure, and all personal property there is precarious from the want of Courts of Justice, and a power to enforce Law and good order. ___ The late Lieu.^t Gov.^r of Gaspée issued ___ a Code of Laws in the Winter 1784, but from what authority we are unacquainted, and among others complained of is a regulation for fixing the Fisherman's title to, and property in, any place he takes possession of for carrying on his business expressed in these words ___ "Every person carrying on a fishery who shall vacate his room for one year and one day is to be considered as having no further ^{claim} on such room in which case the improvements are to be valued by two persons, which value shall be paid by ___ such person as may want such room in future into the hands of the Lieu.^t Gov.^r in trust for the proprietor" ___ Such a Law operates only against the poor and industrious, who from a temporary misfortune or a bad Season may be obliged to abandon his fishery for a year, while the rich and powerful can prevent its operation by continuing under any disadvantages the appearance of a Trade and opens a door to such abuses as ought not to be tolerated in any good government. ___ It is unquestionably requisite that a Criterion should be fixed, for determining the title of a possessor or resident to the spot of Ground on which he lives, and we know of none which will tend to the Cultivation of the Ground, the improvement of the Fishery and increasing the members of Inhabitants, so much as to grant the Lands on the whole coast as has been already done in many places to the Loyalists; and for maintaining them in the possession thereof, and other good purposes, a Court of Justice ought to be Established.

Hitherto a Judge much regarded by his fellow Citizens has resided at Gaspée for determining all causes under Ten pounds but that Appointment insufficient as it was to the purposes of preserving good order and administering substantial justice has been reduced. ___ The people cannot possibly exist without Laws and a due administration of Justice and therefore we humbly Apprehend that a Jurisdiction should be granted ___

to

Gaspée and Chaleur Bay as a County, _ a Goal should _
 be built, and a small military force from the Garrison of _
 Quebec stationed there, to enforce the civil authority until such
 time as it acquires sufficient energy and power to support itself.

A code of laws peculiar to the business carried on may also
 be requisite but as the late Lieu.^t Governor is at present in this
 place, and as we understand that the Judge alluded to and a _
 Merchant who has been long established there are soon expected in
 Quebec, we refer the Honb.^{le} Committee to them for information on
 that head. _ Bounties may also may requisite to promote an
 extension of this and the Whale fisheries, but as there are no funds _
 for paying them it is unnecessary to point out how they may be
 applied. It is an Object worthy of the immediate and serious
 consideration of the Government of Canada how far the Resident
 Fishermen may be allowed to employ every person they can
 procure whether British subjects or not, to make British _
 Cargoes, and who, under proper regulations may become a ____
 Valuable acquisition to that part of the Coast, and an accession
 to the Resources of this and the Mother Country.

Heavy complaints have been made that after bringing experience
 fishermen as Servants to the British Residents from the United
 States at a great expence they have not been allowed to employ any
 one of them, and we think they are well founded, for the most ____
 rigorous exercise of the Navigation Act has never prevented ____
 British ships from being mann'd with 1/4 foreigners much less
 should the Fishermen be deprived of an equal priviledge. ____

Nor do we know of any Law which can or ought to prevent
 them from employing as Servants the Subjects of any State _
 whatever. ____ When we consider the extent to which the _
 different fisheries belonging to this Province are already carried on,
 from which the Exports amount to upwards of Sixty thousand ____
 pounds annually. We cannot enough recommand them
 to the attention of Government particularly as they are ____
 capable of much further improvement, and tend so essentially

to

to encrease the Naval resources of the Mother Country.

Article 7.th

“The improvement of the Wheat & Flour trade by the ____
 “Establishing of Public Markets and erecting of public
 “Granaries”

Observation

The present mode of buying and collecting Wheat and ____
 other grain by going to the Inhabitants houses tends to enhance
 the price, to create unnecessary trouble and expence to the purchasers
 and to prevent an improvement in the quality of it. Notwithstanding
 the strongest remonstrances have been made against certain ____
 bad practices of the Wheat holders, in mixing bad or smutty
 and black wheat with the good – as well as against the keep=
 =ing that article in low, damp or confined places, and in a few ____
 instances a fraudulent practice has been suspected of sprinkling
 it with water in the store or on board vessels, in order to encrease
 the measure, of which it has the appearance; the last and ____
 former years experience prove it to be highly necessary that ____
 some strict and pointed regulations be made to prevent ____
 such enormous abuses in future. ____

For it is a well attested fact that some parcels of Wheat
 have been put ashore out of vessels at the Mills in such bad ____
 order that three Weeks or a Month has not sufficed to ____
 dry and prepare it for Grinding, whilst other wheat longer
 on board has been fit on the day it was landed to put into
 the Hoppers and has been actually ground. ____

From hence it appears that Three weeks or a ____
 month's time must be lost in so short a Season as our summer
 which is a very serious consideration, exclusive of the expence and ____
 Labour, or else part of the Flour will remain in the Bran ____
 and what is manufactured if exported will certainly turn sour in
 any Country or Climate whatever, but more especially in the ____
 West Indies, to prepare it for which Market too much care
 and precaution cannot be taken : and in case such Wheat ____

be ____

be exported either the Ships must be detained at a great expence, or if laden before perfectly dry and in good condition, it will be ___ subject to heat and Damaged greatly in the Vessells holds. ___

Wheat if kept over a year, if in a close store will _ heat and grow Corrupted, musty and engender several kinds of Vermin, all which has been experienced this year, owing to its being improperly kept over the Fall and Winter ___ from sordid motives of the Holders. _ As a remedy to these ___ and other evils and inconveniences to which this Trade is exposed we recommend the establishing of Public markets to be held ___ at the Principal ports and places in the Province at convenient distances from each other for the sale of all kinds of Grain ___ and Cattle, under the usual regulations in such cases. ___

The trade of the Province calls aloud for such an establish=ment which cannot be too soon effected, and with public ___ Granaries upon a proper footing and under proper regulations we are of opinion would cure the evils complained of. ___

Public Granaries or Stores should be built at convenient distances for the Inhabitants, at such ports and places as ___ vessels can go to, to load at all seasons of the Navigation ___ for the reception and delivery of Wheat and other Grain. ___

A Store Keeper or Inspector, and a Sworn Meter properly qualified, should be appointed for each Granary, neither of whom ought to be permitted to keep a Store for the sale of or deal in dry goods, Liquors, Wheat or any kind of Grain, they ought to be paid fixed Salaries from the storage of the Grain, which storage should be collected from the purchaser. ___ No wheat should be sold, except by one Inhabitant to another for _ consumption, unless in a public market or out of a public store under a penalty upon the Seller and Purchaser. ___ Inspectors, Meters, Masters of Vessels and all all others ___ using fraudulent practices to encrease the measure, ought to

suffer

suffer heavy fines and imprisonment, and fines should be ___ fixed for the neglect of Rules and Regulations to be laid ___ down for the Government of the Inspectors and Meters, who ___ ought to give security for their trust, and in order to induce ___ the Inhabitants to carry their Wheat to the Public Granaries a Law should be made as soon as a competent number are erected that no Wheat shall be exported except such as has been lodged in one or either of them, or any Flour except manufactured from such Wheat.

Article 8.th “The establishing of a Chamber of Commerce
“duly incorporated”

Observation For the improvement of the Trade of this Province we believe that a Chamber of Commerce duly incorporated by Charter or by Law, vested with limited powers, to sit as a board of Arbitrators and to make local regulations for the benefit of Trade Navigation and Insurances, constituted on a liberal plan, may hereafter be a wise and useful Institution.

Article 9.th “The Navigation of the River.”

Observation A plan for the regulation of pilots and improving the Navigation of the River S.^t Laurence having been judiciously drawn up and delivered to the Honb.^{le} Committee of Council by ___ four Gentlemen competent Judges thereof who have favored us ___ with a Copy of their Report. We approve of their plan and ___ humbly refer it to the consideration of the Legislature.

Under this Article we recommend that application may be made through the proper channel to the Commissioners of His Majesty's Customs, to direct their principal Officers here to furnish the information for publishing the Imports and Exports to and from this Province with the Importers and Exporters names in the weekly paper as is usual in other Countries for the general information of all His Majesty's subjects.

Article

Article 10.th “Recovery of Debts on the principles of the English Com=
 “=mercial Laws, speedy processes and additional Laws for the
 “recovery of small debts in the Country.”

Observation The King’s Proclamation of October 1763 promised the _
 future settlers in this Province the benefit of the Laws of England. _
 Those Laws were accordingly introduced by an Ordinance of the _
 Governor and Council in September 1764 but unfortunately abro=
 =gated in all civil causes by the Act of the 14.th Geo. 3.^d Chap 83.
 which Statute instead of remedying temporary abuses, introduced
 great evils, particularly to the Trading interest of the Nation.

The Merchants in England and those of this Province ____
 have severally felt the effects and disposition of Laws to which
 they were utter strangers, the principles whereof are Anticom=
 =mercial altogether.

The Customs of Canada is a system so imperfect and defective that
 the decisions in the Courts have been Arbitrary and _
 destitute of uniformity; The Court of Montréal differs in its ____
 practice as well as decrees from that of Quebec, both Courts agree
 in not confining themselves to Rules of Law, but occasionally _
 decide on the equity of the case contrary to the Letters of the Law. _

Thus the Custom of Canada, the general laws of France ____
 the Roman Code, and in some Commercial points the Laws _
 of England have been resorted to; but the most dangerous of ____
 all Systems is that of the Decisions in Equity of Courts, _
 strictly constituted as Courts of Law, without the Ordinary ____
 Rules, Principles and maxims of Courts of Equity to govern them.

This versatility in the Decrees of the Courts, alone calls for
 a solid system of Laws; and surely no better can be resorted to
 than the Laws of England to govern the property of British
 subjects. _ The Imports and Exports of the province being _
 upwards of half a Million a year and from the nature of

the

the property liable to be more affected by the Laws of the ___
Country and the practice of the Courts than any other. ____

We therefore recommend a re-introduction of the Common
and Statute Laws of England as the general rule for the ___
decision of all matters of Controversy relative to personal ___
property and civil rights in all personal Actions grounded ___
upon Debts, Promises, Contracts, and Agreements, whether
of a Mercantile or other nature and also concerning Wrongs ___
proper to be Compensated in Damages with an exception to _
the Statutes regarding Bankrupts and other local laws here=
=after to be explained, as inapplicable to the situation and cir=
=cumstances of the British Colonies in America in general
or this in particular. ___ With an exception also to all ___
real actions or Controversies respecting the titles of Land, and
the Tenure, Descent, alienation incumbrances and settle=
=ments of Real Estates and the distribution of the personal ___
property of persons dying intestate, in all which His Majesty's
new subjects are most interested for the decision whereof, except
in certain cases hereafter to be mentioned. Resort should be had _
to the Laws and Customs of Canada, but that Juries should _
be granted in all Courts having original jurisdiction, if demand=
=ed by either party, in all Real and Personal actions whatever.

There must exist some Capital defects in the ___
Constitution or Practice of all the Courts of Law on account of _
the great delay and procrastination in the decision of causes, ___
which occasions many unnecessary appearances and attendances
and creates ruinous expences to the parties.

It is found by experience that the frequency of _
holding Courts tends to keep up a spirit of Litigation among
the people, without procuring the effect intended, a speedy Admi=
=nistration of Justice; We are therefore of opinion that stated ___

terms

terms not more than six nor less than four in the year, ____
 are more eligible than those continual Courts, and that the Court
 of King's Bench, should be restored to its former Jurisdiction and ____
 powers in civil causes. ____

To grant to x x Justice of the peace in the Country
 the powers they heretofore possessed in determining matters of pro=
 =perty to a small amount under the Ordinance of the 17.th September
 1764, and thereby to prevent the great expences of distant suitors
 to procure justice, to rectify the rules of practice, and to reduce ____
 the Fees and expences of Litigation in all the Courts suited
 to the abilities of the people, we humbly apprehend would be
 productive of great good to the Province. ____

It would be proper to divide the Province into more dis=
 =tricts or rather Counties erecting a Jurisdiction for Three Rivers
 according to its antient Boundaries, from S.^t Anne to Berthier
 on the North, and from S.^t Pierre to Yamaska on the South ____
 side of the River S.^t Laurence.

Inferior Jurisdiction should be granted to Cataraquy ____
 and to Chaleur Bay as Counties which would give this muti=
 =lated Province a respectable appearance, and forward its settle=
 =ment, a measure, we think dictated by good policy. ____

Article 11.th

“The present Establishment for Appeals in commercial
 “causes.”

Observation

The defects in the practice in the inferior Court as pointed
 out in the observation in the last Article have made their way
 into the Court of Appeals which for these eight years last past
 has laboured under a great disadvantage, namely, that of not ____
 having one Gentleman bred to the science of the Law presiding
 or sitting in that Court in order to explain the Law, and mark
 out the Errors in the proceedings if any, to the other Members.
 Indeed it is much to be lamented that there do not preside

in

in all the Courts regularly bred Professional Men, capable of Conducting the Business with propriety and dispatch, to the want whereof we in some measure attribute the great ___ delays and prolixities of the proceedings in the decision of causes, _ without any imputation on the Judges. ___ The great number and fluctuation of the Members of this Court must also of ___ necessity embarrass Decisions and create delays. If this ___ Court was in its Constitution assimilated to that of others ___ in His Majesty's Colonies, we humbly conceive that the alteration would be beneficial to the Subject.

“The Establishment of a Court of Chancery”

Article 12.th

Observation

A Court vested with Constitutional powers and established _ under wise rules and regulations to determine causes in Equity by _ an easy process, avoiding as much as possible dilatory pleas with convenient dispatch and very moderate Fees and expences will tend to grant relief to those who actually suffer or think they do so, under the rigour of Legal decisions in particular cases. _ A Court thus constituted, in which one or more able profession= al men shall have a seat, is a very desirable establishment and what this province has been deprived of, and many to their great concern have felt the want of, since the year 1775.

Article 13.th

Observation

“On a Registry of all Deeds.”

The Frauds committed by Debtors in mortgaging their Estates for much more than their value, for want of a ___ Public Register Office are too sensibly felt by almost every Merchant in the Province. ___ It would be a very ___ salutary measure to record all Incumbrances on real estates in order to give them validity and thereby prevent such Frauds. and the great objection thereto that it would expose the secrets

and

and situation of Families without reason, may be obviated ___
 by enacting that no person shall be entitled to information regard=
 =ing the incumbrances of an Estate, without making oath that _
 he is interested therein, and that the Register-Keeper shall give _
 the necessary extract and not allow the Books to be examined. _

But as it has been discontinued so long, and the justice of _
 such an ex post facto Law, may be questioned by some, and _
 strongly opposed by others, may we not take the medium ____
 between the two Extremes and recommend, that in case a Law _
 to register past Mortgages and incumbrances should be imprac=
 =ticable that at any rate an Ordinance be enacted the next _
 Sessions of the Legislative Council for the due registering of a _
Memorial of all Deeds of sale, Mortgages, Obligations, Marriage
 Contracts, Donations, Dowers, or any other Deeds affecting
 Real Estates, that shall be passed, within a certain short limited
 time and for the future, which Memorial should specify the
 heads of the necessary Clauses in a concise manner with a _
 reference to the Originals to have recourse to in case of need, _
 to be furnished by the Notary and recorded by the Party in
 the public Register's Office in Quebec within 30 days after _
 such deed shall be passed together with such other regulations _
 as shall be necessary to ordain relative thereto? _____

It might be proper to declare in the said Law, that _
 all Leases of Houses and Lands or a Memorial thereof, ____
 recorded in the public Registers shall be binding on the Lessor
 and bind the said Leased premises, according to the Covenants,
 notwithstanding the Claim or right of dispossessing or ousting
 such Lessee by virtue of the Coutume called Droit de Bourgeois
 de Paris or by any other Law or Custom whatever.

That all Deeds, Obligations, Mortgages, and _
 Agreements executed before one or two Witnesses shall be binding
 on the parties and being recorded of equal validity as though the

same

192 same had been passed and executed before a Notary, any _
Law or usage to the contrary notwithstanding.

Article 14.th “On a Bankrupt Law.”

Observation

Public credit and punctuality in dealings are not suf=
=ficiently established nor is this province yet ripe enough for _
the introduction of the Bankrupt Laws of England in their _
full extent, yet we are of Opinion that a Law is necessary _
to ascertain the Criterion of a state of Bankruptcy and to _
compel the insolvent Debtor in that situation to a surrender
of his Books, Papers and Property upon Oath for the benefit
of all his Creditors, in which Law, the rights of the Wives _
of all persons concerned in Trade or Commerce, to the real or
personal Estate of such Bankrupt, should be ascertained. _

A distinction should be made in the Treatment of a ____
fraudulent and unfortunate Bankrupt, the former should _
be punished exemplarily yet not cruelly lest the end be defeated
the latter on a full proof of his Losses and Misfortunes and a faith=
=full surrender of his effects, after a reasonable time wherein _
he shall have used his utmost diligence towards the settlement
of his affairs, should be, with consent of a Majority of his _
Creditors in number and value entitles to a discharge. _

Article 15.th “The Tenure on which the Crown Lands are hereafter _
“ to be granted, it being an object connected with Commerce.”

Observation

In order to encourage effectually the settlement of the _
ungranted Crown Lands behind the Canadian Seigniories _
and other parts of this extensive Province, by American ____
Loyalists and other Emigrants _ It would be highly _
necessary we conceive, to make out those Grants in Town=
=ships and in free and common soccage similar to the

concessions

concessions in the Provinces of Nova Scotia and New Brunswick and those heretofore granted in the Royal Governments now Neighbouring States. This is the only tenure to which English Subjects will be reconciled and we are firmly of Opinion that it will induce a very large number of Persons to resort hither to the improvement of Agriculture, the increase of Population, and extension of Trade. The antient feudal system of holding Lands in Fief et Seigneurie as well as en Roture in quality of Vassals is inimical to a free Commerce, and together with the Constitution of the Government has greatly tended to prevent the settlement of Lands and improvement of the Province hitherto, and will still have the same evil tendency until the Lands to be granted are actually conceded or declared to be intended to be so, on a more liberal Tenure, for not only the desires but even the prejudices of the People ought to be considered: Nor can this proposed mode of Granting new Lands operate any evil with respect to the antient Inhabitants of the Country now holding under the feudal system, for we see different tenures of Lands in many of His Majesty's Dominions without producing any bad effects. Measures like these, we are confident will soon give this Province the form and figure of a British Colony, bring forth its resources, and raise it into consequence.

Article 16.th

“That a Standard should be fixed for Weights and Measures throughout the Province.”

Observation

To regulate the weights and measures on a permanent basis throughout this Province would tend to the facility of commerce and the prevention of frauds. Great abuses exist at this time scarce two weights or two measures are found exactly alike, It is not the use of French measures for Grain &c, and English Weight for Flour and the like that Creates

Difficulties

Difficulties, the custom has been long understood and well established in those particulars but it is the irregularity ____ thereof that requires amendment.

The proper Officer should procure and keep stamped ____ weights and measures for a Standard, the measure correspond=ing exactly with the French Minot or demi minot, the ____ only measure known here for grain, salt &c, ____ The measure for Linens and Woolens should be the English Yard, or Ell ____ of five Quarters of a Yard. The measure for timber the English foot of twelve inches.

The measure for wine and Spirits should be the ____ English wine Gallon and that for Beer should be the English Beer Gallon.

The Weights used in Towns and public markets and in Shops and Ware – houses should be the English ____ Avoir du poids Weight ____ The Quintal or Hundred weight to be one hundred and twelve pounds of that weight. Such Officer should keep all those measures and weights in his possession for a Standard and have power and be obliged to examine and Stamp all weights and Measures on being paid a ____ reasonable allowance for his trouble, and a fine sufficient to prevent evil practices, should be levied on all persons ____ using unstamped or deficient weights and measures. ____

Provided nevertheless that any person making his election to use French weights, or the French Liquid or ____ timber measure, such should be made in a different form and of different materials from the English for a plain dis=inction and regulated also by the proper Officer to the ____ Standards.

Article 17.th

Observation

“Bringing all the Gold Coin to a certain weight.”

The great and unnecessary loss of time and perplexity _____

in

in weighing and estimating the deficiency of the specie now _
 Current, marking and keeping the respective coins a part is a _
 real grievance that requires redress. ___ To remedy which abuse
 no foreign gold should pass current that is short of the weight ___
 already fixed by Ordinance. A proper person should be autho=
 =rized for Quebec and another for Montreal, under restrictions, _
 to plug the Deficient Gold, who should be intrusted with a pro=
 =vincial stamp to ascertain that the quality of the plug of Gold
 is of good alloy. ___

The weight of Guineas may be reduced to five penny ___
 weight and six grains and pass current at that weight, pro=
 =vided it appears on the face of them they have not been clipped
 or sweated. ___ This reduction on Guineas fairly worn, we ___
 think cannot operate any great inconveniency, on the contrary it _
 will tend to keep His Majesty's coin in the Province.

Article 18.th

“A Tax on all Goods sold at Vendue”

Observation

The unrestrained sale of Goods at Vendue has not been
 beneficial to the Trading interests of the Province. _ Regular
 Traders are necessary in every British Colony and they must dis=
 =pose of the property intrusted to them by their Creditors, whether
 on an extensive or confined scale, so as they may be able to pay _
 their debts or the British Merchant or Manufacturer must eventually sustain the
 injury; but while Goods are sold at Vendue without
 restraint to support for a time the falling Debtor, or to encourage
 the powerful London Houses who have been in the practice
 of sending property here for vendue sales to go on with such ___
 Exports, the regulars Trader will continue to find his business at
 a stand until these are consumed, and so far they are a certain
 check to his Resources in collecting His funds to make remittances
 and probably induces him also to make sacrifices for the ___
 purpose of supporting his Credit with the false hopes of a future
 period being more favourable to his wishes and expectations. ___

It

It is true the lower a Commodity is sold the better for the ___ Colony and the Consumers, but the property must be paid for or the trading Capital of Great Britain is so far reduced, ___ and the low sales must continue permanent, and regularly supply the Consumption, or the benefit is only partial and confined, while the practice complained of has a tendency to introduce great evils to the Community and to Individuals. ____

It is usual in other Countries to lay a Tax on Goods sold ___ at Vendue, and we are of opinion that a moderate one should be levied here on such sales, excepting on Goods sold under ___ Execution, by order of Court, Bankrupts Estates, damaged ___ goods on account of Underwriters and the like and also all produce of the Province. ___ Whenever we have a Legislature ___ competent to the imposing of internal Taxes. ____

Article 19.th

“ “That a Regulation is requisite to prevent a greater number of Licences being granted for the sale of Liquors, than is necessary for the use of the Towns and Country.”

Observation

The business of regulating the number of Licences to ___ Publicans we find is left to the Justice of the peace, which allows us only room for a few short observations.

Great complaints are made by the Masters of Ships ___ of disorderly public Houses who harbour and encourage ___ Seamen to neglect their duty and desert from their vessels ___ and Journeymen Tradesmen and Servants addicted to Liquor are suffered to indulge themselves to the greatest excess. ____

A strict investigation ought to be made into the ___ Characters and former professions of those who have licence to sell Liquors that the most worthy may be selected. There is

too

too great a number both in Town and Country and it is need=
=ful to reduce it. _ Those who have had Trades or Professions
should certainly not be preferred. _ In the Towns only those
who keep regular and orderly houses should be Licensed and in
the Country they should be fixed at certain distances for the
conveniency of Travellers. Tippling houses are the bane of ____
Manufactures and obstruction of Trade and Navigation unless
a strict eye and hand is kept over them by the Magistrates.

Article 20.th

“Whether or not we should apply for a Charter incor=orporating a
select number of Citizens on some good and ap=
proved plan, with powers to make Bye Laws decide civil and
Criminal causes under certain restrictions, whether under the stile _
and title of Recorder, Mayor Aldermen and Common Council
of the City and County of Quebec and the Precincts and Liberties
thereof, or under any other Denominations?

Observation

The wretched state of the Police of the City of Quebec is too
obvious to need Explanation: The Regulations that are made how=
ever useful and proper are but little attended to, and ill executed, the
Magistracy is unconnected without a head, and without inferior ____
Officers to put the Laws in force, their mandates want efficacy and
do not enforce subordination in the people. ____

There is, there can be no remedy but a chief Magistrate with ____
subordinate Officers to put the Laws in force and Keep up peace
and good order in the Towns _ A Charter to incorporate the City -
of Quebec for the above and other good purposes would, We humbly _
apprehend, be attended with salutary effects.

Article 21.st

Observation

“And a like Charter for the City of Montréal.”

It appears to us that the City of Montréal being under
the like predicament with that of Quebec, would also be much ____
benefited by a like Charter, of which however they are the proper ____
Judges.

The

Article 22.^d

“The establishing of Schools and Seminaries for the Education of Youth, from those funds now unemployed as well in England as in this province and particularly _ a respectable College in this City, with able Professors, and _ erecting free Schools at convenient distances throughout _ this extensive province, for the purpose of opening and _____ enlarging the human mind, conciliating the affections _ of all his Majesty’s subjects, and having a tendency to render this a happy and Flourishing Province.”

Observation

The Education of Youth in this Province except in the Cities where indeed the Schools cannot be boasted of, is confined _ altogether to the Female sex, there are some five or six small indifferent schools dispersed thro’ the Country kept by Nuns called Sisters of the Congregation, for instructing Girls, but not a single one that deserves the name for educating Boys, hence all the _ Inhabitants are unhappily ignorant of the use of Letters, and incapable of reading or writing, a situation truly lamentable!

We are informed that the Fund in England, piously and generously contributed for the propagation of Christian _ knowledge in foreign parts, is in a great measure now un= =employed, from the circumstances of the United States of _ America having separated themselves from Great Britain _

We are also informed that the society of Jesuits is shortly to be suppressed and dissolved and their property and Estates vested in the Crown.

We understand that the Estates granted to the Jesuits were for the purpose of building a College and endowing it and _ the Revenues arising therefrom to be applied to the Education of youth, and that before the conquest of Canada a very _ considerable number of Students were constantly educated in

that

that College. Such being the deplorable state of this Country with respect to useful Learning, are such the ample provision made as a remedy to so great a misfortune as a State of ___ ignorance confessedly is. ___ We have humbly to recommend that Application be made thro' the proper Channel for a participation of the first mentioned Fund and we humbly trust ___ that His Majesty out of his paternal goodness will be graciously pleased to direct that the Jesuits Estates and the Revenues ___ thereof, may be applied to the Endowment of a College or University in this City with able Professors for the Education ___ of the Youth of all British America and for building and ___ maintaining Free Schools with proper Masters for teaching the English Language and other Branches of Education throughout this Extensive Province on an approved liberal Plan. ___ Posterity requires at our hands our Endeavour to procure ___ them so great a blessing which we supplicate both on their behalf and our own.

We have avoided making Observations on that important part of the Trade of this Province carried on with the Indians in the Interior parts thereof, as the Merchants in Montreal by being particularly engaged therein, are more capable of giving the Honb.^{le} Committee information of the needful regulations and to their Report, on that and other subjects we refer. ___

In general and upon the whole of the Observations ___ which we have humbly offered, may be collected, the utter impossibility of governing this Province as a British Colony and promoting its prosperity without a power existing some where ___ of levying inland Taxes and providing for useful regulations. ___ This Consideration We humbly submit to the Honb.^{le} ___

Committee

Committee of Council and, refer them to the Petition we ___
had the honor to transmit to His Majesty and both ___
Houses of Parliament two years ago for Granting a House
of Assembly to His Majesty's faithful Subjects of this ___
Province a copy whereof accompanies this Report. _____

Quebec 5.th January 1787.

signed / Geo. Allsopp.
James Johnston
Robert Lester
S. Fraser
Mathew Lymburner
Will. Goodall
John Young. ___

Quebec 13.th November 1786.

Gentlemen,

His Excellency Lord Dorchester in ____
 Council having been pleased to appoint Us to be a Committee
 to take into consideration and to report to His Lordship ____
 / preparatory to the meeting of the Legislative Council which will
 be on the fifteenth of January next / the state of the External
 and Internal Commerce and the Police of the Province; with ____
 such improvements as may requisite to make therein. ____

We have therefore to request Your sentiments with
 all convenient speed, on Objects so interesting to the Province
 at large; and to Montréal in particular. ____

We have the honor to be,

Adressed to,

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M

Mess.^{rs} {
 Neveu Sivestre
 E. W. Gray
 S.^t George Dupré
 James M Gill
 Pierre Guy
 James Finlay
 I. S. Goddard
 Pierre Messiere
 Pierre Fortier
 Hertel de Rouville
 John Campbell
 Edward Southouse
 Alexander Fraser
 Jacques Le Moine
 Benjamin Frobisher &
 Stephen De Lancy Esq.^{rs}
 & to,
 Jacob Jordan
 Isaac Todd
 Forsyth, J. Blondeau
 P. Perinault
 Richard Dobie
 J. Chaboillet
 William Macbeth and
 William Pollard
 } Merchants

Gentlemen,

Your most obedient
 most humble Serv.^{ts}

/ signed {

Francis Levesque
 Edward Harrison
 John Collins
 George Pownall
 William Grant

Montreal 23.^d Nov.^r 1786

Gentlemen,

Your letter of the 15.th Instant was immediately Communicated to the Gentlemen to whom it was addressed, when we ___ had the honor to be appointed by them as a Committee to examine into, and report upon the Objects of your enquiries but in matters of such high importance to the general welfare and prosperity of the Province at large, & to this District in particular, we think it a duty incumbent upon us to call in & collect the general voice of our Fellow Citizens, which we shall do without delay, and ___ report to you their sentiments and ours thereon, in time for ___ your Consideration previous to the meeting of Council the 15.th Jan.^y next.

We have the honor to be,
Gentlemen,

To the Honb.^{le}
Geo. Pownall
Will.^m Grant
F. Levesque
Edw.^d Harrison
John Collins

} Esq.^{rs}

Your most obedient
most hum. Serv.^{ts} _____
/ signed/ James M^cGill
Jh. Perinault
P.^{re} Meziere
Jacob Jordan
Benj.ⁿ Frobisher
P.^{re} Guy

Quebec 8.th Dec.^r 1786.

Gentlemen,

We duty received your Letter of the 23.^d _
November. We are perfectly of Opinion, and certainly under=
=stood, altho' our Letter was not nominally addressed to every ____
Gentleman in Montréal that the voice of the Merchants and _
principal Citizens should be collected on Objects so interesting to the
whole, as those now in agitation.

We are happy to observe that Gentlement of your
experience and knowledge have been chosen as a Committee for that
purpose; the sooner you can effect it and transmit your collective
sentiments the better, as the time draws near when we would wish
to make up the Report required of Us. ____

Adressed to

James M^cGill
Pierre Messiere
Jacob Jordan
Benj.ⁿ Frobisher
Pierre Guy &
J. Perinault ____

Montreal. Esquires.

We have the honor to be,

Gentlemen,

Your most Obed. &
most humble servants

/ signed / Edw.^d Harrison

John Collins

W.^m Grant

George Pownall

See M.^r Grant's
motion page 32.

Report of the Merchants of Montreal by their
Committee to the Honorable Committee of Council
on Commercial affairs & Police.

In compliance with the request of the Honorable the Committee ____
of Council on Commercial affairs & Police signified by Letter bear=
“ =ring date the fifteenth of November last desiring our sentiments ____
on the state of the external & internal Trade, & Police of this province
with such Improvements as we may suggest to be requisite to ____
make therein.” We are in the first place respectfully to acknow=
=ledge our Obligations to the Honorable Committee, in having
thought proper to consult us on this important business, and how
truly sensible we are of the confidence they have been pleased to ____
repose in us.

In order to obtain every information on a subject
of so much importance to the prosperity and welfare of the Province
we have called divers meetings of the Merchants of this City, ____
and altho' the time has been short and our abilities perhaps ____
inadequate to the investigation of Objects so extensive and momentous;
we consider ourselves called upon by duty to our fellow subjects, ____
and respect to Government to offer with the greatest deference ____
our Sentiments thereon, trusting that as we submit them to the
better Judgement of the Honorable Committee, they will be taken
into Consideration with candour & Liberality.

In treating of those Subjects, we have divided them _
under different Heads, or Propositions, which we shall state ____
with our Observations thereon as they occur.

Questions

Questions

1.st

_____ What are the best & most advantageous means for _____ carrying on the Trade to the Upper Countries, having regard _____ to the different Communications of the Grand River, and that _____ of the Lakes; and whether there should not be a fixed and permanent Law for regulating the Trade, and Ascertaining the Rights of derniers Equipeurs and other objects relating thereto?

2.^d _

_____ A judicial establishment for the decision of suits at the _____ Posts of Detroit & Michilimackinac under certain Restrictions.

3.^d _

_____ In the event, that the Navigation of the Lakes be not open and free for private Vessels, what are the best regulations to be _____ demanded for the Transport of the Merchants Goods?

4.th

_____ The best means for the Encouragement of the new settlements

It is the Opinion of this Committee

That the Trade be continued open and free to all his _____ Majesty's Subjects, and that every facility and protection which the _____ peculiar nature of this trade, its extent & consequence require, be _____ laid before the Honorable Committee of Council.

In considering of the Upper Country Trade, it will be proper to estimate the Balance which it now owes to this Province : its annual value, and the means of facility & protection for carrying it on which appear to be absolutely necessary.

First

With regard to the Balance at present owing by that Trade to this Province, and chiefly to the Town of Montréal we may with safety assure that it rather exceeds than falls short of £300,000 Sterling of which about £125,000 from Cataraqui to Detroit and the dependencies of that post and £175,000 by Michilimackinac and the _____ Country depending thereon; which comprehends the whole Tracts to the Westward and Northward of the East side of Lak Huron

and

and as the returns of two years at least will be requisite to pay off that balance it points out strongly the necessity of _ keeping possession of the Posts; for were they to be given up, a _ very great proportion of that large sum would be lost; to the _ hurt of the Nation and the ruin of numberless Individuals.

In speaking of the annual returns of the Indian trade from above Montréal it is hardly necessary to observe that every article of Merchandize employed in it is of British manufactory this fact is so well known as to require no formal proof: it ____ follows therefore of course, that every increase of the Trade tends to benefit the Parent State, a circumstance deserving the most serious consideration.

Without entering into a detail of the number of every species of Furs and skins received from the Upper Country, we venture to Warrant, after the maturest deliberation, that ____ the whole value from Michilimackinac and Detroit with ____ their Dependencies is not short of £160,000 Sterling of which we esteem 3/5 to proceed from the Grand River Communication, and the other 2/5 from the Communication of the Lakes.

To facilitate and protect this Trade, which by the Emulation of Individuals or by the Efforts of temporary concerns has been carried to a much greater extent and distance than ____ whilst it was confined to Farmers, or Proprietors of Posts, ____ and is still susceptible of further Improvement, it is not only necessary that it should continue open and free, and that the Posts should be kept possession of, but some Regulations and Laws are also wanted to put it on a better footing, than it is at present, and of these we shall take the Liberty of speaking _ as they occur.

By

Licences

By the present Regulations, Traders are obliged to give in the names and places of abode of their Canoe & Battoe men upon Oath; this cannot possibly be complied with, for it frequently happens, that from sickness, desertion, or some other cause, one two, or three of the Men engaged for a Canoe, will be wanting at the moment it is necessary to set off; the Trader must of _ course engage others, which is frequently done at x La Chine, or in proceeding to the end of the Island and it would be too ____ hard to oblige him to return to Town in order to have their names inserted in place of those who may have left him. This Ceremony therefore of swearing should be dispensed with, and we cannot help thinking that no inconveniency could arise to Govern= ment, were they to dispense altogether with the names and _ Places of abode of the Men, or if required, that it should be con= =fined to such as are engaged for long Voyages, and not generally _ extended to the Men employed in battoeing goods to Carleton Island or Cataragui, when voyage is within the province, and not of more than fifteen days duration, and who frequently are engaged at ____ La Chine the instant they are wanted. But if policy requires that the number of hands and the Districts which furnish them should be known to Government, it would be a more easy and certain method to obtain their names after the Canoes or Battoes are sent off, either from the Trader himself, or his Sureties.

Treatment of the
Traders at the posts.

Some few years ago, it was assumed by the Officers _ or Lieu.^t Governors commanding at Posts, to parcel out the _ places of Trade to such only as they thought proper of the ____ Traders, to make them pay high fees for Passes and Bonds ____ and also for Wood as a supposed perquisite, and all this notwith= =standing the Licences from the Governor Commander in chief of ____ the Province. A Check has been put to these practices by an Article inserted in the Licences, which restrains Officers commanding

at

at the Posts as well from preventing the Traders, their Clerks or Men going to Posts or Places as they think best for the purpose of trade, And further requires them to grant Passes for that purpose without any other charge than a Dollar for a pass. Pointed ordress to that effect ought to be at all Garrisons. The protection and not the impeding the Trade being the principal occasion of the Frontier distant Garrisons.

1.st _

_____ There is an Article of the Licence, which by mistake subjects the Michilimackinac Traders to bring down their Furs in the King's Vessels, & altho' the good sense of the Officer commanding at that post has seen it in that light, and therefore permittind the Furs to be sent down as usual, by way of the Grand River it would be proper to have it _____ rectified for the time to come.

2.^d

Men deserting

In carrying on the Indian Trade it is frequently necessary to advance money to the Canoe-men in contemplation of the services they are to perform, and it too often happens that some of them desert, or do not appear to perform the Voyage. In such cases and where no good and sufficient reason can be given for such absence, besides an Action for Debt and Damages they ought to be subject to Imprisonment, not exceeding three Months, but until they shall have satisfied the Judgement, as a Punishment for breach of Covenant and as an Example to others, it being well known that the dread of a Prison operates very powerfully on that class of Men.

3.^d

Engagés not to be
stopped for Debt }

In order to prevent misunderstandings and difficulties between the Traders, and their Canoe-Men or Battoemen, their Engagements, when for continuing during the Winter in the Upper Country, should be made out by a Notary when _

practicable

practicable, under pain of nullity. Traders advancing to other, than their own Men, ought not to have the power or right at _ Michilimackinac of preventing such Men from prosecuting any Voyage they may engage for with another.

4.th
Privilege of the
last Out-fitter
& Canoe-Men

As in the Indian Trade it has been generally considered that the Merchant advancing goods to a Trader was _ running greater risk, than is esteemed to be the case in any _ other Line of business, and that the labor of the Canoe-Men _ merited the most punctual payment of their Wages; it has _ been a Law of custom to assure to the Canoe-men a privilege on the Returns for payment of their wages and after them _ to the Merchant for his advances : but of late it had been found _ extremely difficult, from the Trade having become more general, or the malpractices of the Traders, to ascertain this customary privilege to the Merchant, and in consequence, many suits _ have arisen to the Injury & detriment of the Merchant being the last Out-fitter. To remedy this evil as far as appears possible and without laying unnecessary restraints on persons concerned _ in that business: It seems proper that a Law should be made to assure the Canoe=Men of their Wages from the Returns or Goods remaining provided they apply for the same within one Month after their arrival at the place where their _ voyage ends, but not to admit them to any preference after that time is elapsed, as it might subject a bonâ fide Purchaser of such Returns or Goods remaining, or a bona fide Creditor _ who may have received payment. The one to pay twice, and _ the other to restitution. And the same Law should enact, That, no other claims whatsoever / such as are hereafter mentioned excepted / shall be entitled to payment from the goods of a last Out-fitter in the hands of a Trader or the returns of these Goods until _

such

such last Out-fitter's just & legal demand for the last outfit is compleated, that so the last Out fitter may at least be assured _ that the property is bound to him for payment, unless fraudulent= ly alienated by the Trader, in which cases, as it would be difficult if not impracticable to trace such property, and besides contrary to every principle of Justice to oblige the Creditor tho' of an old date who may have bonâ fide received payment from his debtor, being an Indian Trader, to return the money so received, or that a bona fide Purchaser of the Goods or Peltries arising therefrom and who may have paid for the same to the satisfaction of the Seller, should be compelled to pay a second time. But to pre= vent Traders from paying away the Goods or Produce of their last Outfitt, to the prejudice of Mens wages, and their last ____ Out-fitters privileged claim, some degree of Punishment should be inflicted / more than on insolvent Debtors in general / on those ____ who may willfully and knowingly in discharge of other Claims ____ pay away or otherwise mis-use the Goods or produce of their last Outfitt: And the rather as it is well known that Mer= chants fitting out Indian Traders are willing to be their ____ sole Creditors. The Traders having therefore no complicated busi= ness it is in their power to do the strictest justice to the Mer= chants, which should they depart from, they must blame them= selves for being the Authors of their own disgrace & Punishment. _ It is not however understood or wished for, that the Law should deprive and Indian Trader / who by misfortunes may become insolvent / from the indulgence and benefit of the Laws in general; on the contrary they ought to be protected as all ____ others in similar cases, against the violence of relentless Creditors. Thus for relates to Outfits made from Montréal and on a _ supposition that the Trader has not afterwards Occasion _ to purchase any thing further for the purpose of his Trade, _ but it is otherwise for they cannot carry the Provisions necessary for the whole voyage along with them, they must therefore

buy

buy at Michilimackinac, And further, it frequently happens, _
 that after having passed a Winter in the Country, they return
 to Michilimackinac with a considerable part of their Goods remain=
 =ing, and there purchase goods anew, and it has been generally
 understood that such provisions and Goods were / after Mens wages /
 payable in preference to every other Claim, but this custom seems,
 as far at least as relates to Merchandize, to be injurious to the _
 Montreal Out-fitter, part of whose outfit being still on hand _
 it is but reasonable, that he should be entitled to a proportion
 of the Returns of the year following, but not to extend further
 as a Privileged Creditor. Therefore it would be necessary to ___
 enact That / after Mens Wages / Canoes, Gum, Bark, and _
 Provisions bought at Michilimackinac should be considered
 for their amount as payable in preference to every thing else. And _
 with respect to Goods advanced at the Post, where part of a _
 former Outfit remains, the new Outfitter ought to take the _
 Precaution of having an Inventory made out upon the Oath _
 of the Trader of the Goods he has remaining, and to be valued _
 by two Indifferent persons, also upon oath, which Evaluation _
 to be considered as part of the new Outfit, and payable as such
pro rata, and in default of this precaution that the balance
 owing on account of the last Outfit should be Considered as _
 part of the new, and entitled to benefit of Privilege as already
 mentioned of Goods remaining.

Detroit.

The foregoing remarks relate generally to the Trade ___
 carried on the Michilimackinac, and its dependencies, by way of ___
 the Grand River, and we are now to advert more particularly
 to the Trade above S.^t Regis, and as far as Detroit and the
 Country adjacent carried on by the Communication of the Lakes. _

The same freedom of trade as for Michilimackinac ___ The
 same means of Obliging the Battoe=Men to fulfill their

Engagements

Engagements, and similar punishment on such as wilfully ___ fail or break through them.

A preference Law in favour of a last Outfitter from ___ Montreal cannot be so well applied as in the Trade to ___ Michilimackinac, because the business by the communication of the Lakes comprehends an extensive Trade with the ___ Inhabitants of many settlements, and becomes too complicated ___ to leave a possibility of determining how far the person ___ out-fitted may have applied or mis-used the returns of the out-fit in discharge thereof. The trade therefore to the ___ new settlements, and as far as the Post of Detroit can only be considered in the same light as in the lower parts of _ the Province, touching the claims of different Creditors. ___ But as the Indian trade carried on from Detroit to the adjacent Country, is limited in its nature, with equally _ great risks as from Montreal to Michilimackinac, it is the opinion of this Committee, that the Law of privilege to last Outfitters should be in force with regard to all Outfits made at Detroit for the Indian Trade.

Canals

As every facility which is given to the carrying on of Trade operates in some measure as a Bounty, and ___ therefore enables the Trader to sell his goods on more reasonable terms, which is the most effectual and best means of securing to a Country the benefits of that Commerce where com= =petition from other Governments or States interferes: This ___ Committee take the Liberty of remarking, that the present rate of Five dollars for each Battoe passing through the Canals of the Cedars &c, seems to be very high, but as we ___ are not sufficiently acquainted with the expences necessary for watching & keeping in repair these Canals, we can

only

only form an opinion by comparing the Rates paid on Canals in England with those paid in this Country. _ In England _ we believe the rate is generally _ per Ton, for a mile _ distance. In this Country there is paid _ per Barrel _ Bulk, six of which being equal to a Ton is 6/3 per Ton, _ for the distance of less than a Quarter of a mile.

One of the first things necessary to the facility of Commerce is good Roads, a subject which perhaps comes more properly under the head of Police than of Trade, but in the Instance at present to be spoken of these two objects are so intimately connected as to render the Consideration under either applicable to both.

La Chine }
Road _ }

It is well known, that the Roads to La Chine _ are generally throughout the open seasons of the Year exceedingly bad, and at certain times in the Spring, but still more particularly in the Fall, they are almost impassable; from which cause Merchandize is subject to Damage, and to pay a much higher rate for carriage than would be the case were it possible to keep the Roads in good order & repair. But _ may not this be remedied by a strict discharge of duty in the Grand & Sous Voyers? We think it impracticable, for it would require of the Inhabitants who are bound to keep & mend the Highways, to attend to nothing else on that Road which most assuredly could not be the intention of that Government from whom they received the Grants or Tenures of their Lands. _ The Inhabitants of a Parish may, without much loss of time keep in good order & repair a Road frequented by themselves, or the Inhabitants of two or three other Parishes; _ but when the carriage of an extensive Commerce is to pass over it, Reason will not expect from them the hard Task, which keeping in repair such Road would necessarily impose.

At

At present the number of Cart Loads for the Merchants ___ only, going from Town to La Chine, or coming from La Chine to Town cannot be estimated at less than 2000, and for ≠ ___ Government at 2,500, from the first of May until the first of ___ November, and it is evident / that for the former at least / they must increase as the new settlements above improve. The weight of a Cart Load is not less than 1000.^{lbs} frequently ___ above 1200.^{lbs} drawn by two Horses and running on a surface of three Inches, against the narrow pressure whereof, it is evident, that Roads even of the best materials property disposed of, could hardly resist, much less therefore the present Roads, which may be truly said, are made by nature, without the assistance of Art.

The Committee would therefore recommend, _ that a new & proper Turnpike Road be made without ___ delay in such manner as may seem best for the ease of _ the Inhabitants, the facility of Commerce, and it may be added the safety of the lives of His Majesty's subjects; for more than one instance can unfortunately be produced, which from the badness of the present Roads, has deprived the ___ Community of valuable subjects, and Families of respectable Fathers.

Road from }
Coteau du Lac }

The next object is the opening with all possible ___ diligence a Road from Coteau du Lac to the new settlements of the Loyalists, & to Cataraqui, a measure not only tending to facilitate and extend commerce, but to encourage the new Settlers by an easy and speedy communication with the ___ more settled parts of the Country, and in particular, with a place of public resort for the disposal of their Lumber, Potash or any surplus produce they may have to spare as well for

the

the use of these more settled places, as for Exportation to other Countries, in short, the benefits to be derived by Government and Individuals by a speedy and easy Communication of the ___ remote parts of the Province with the Metropolis, and the ___ Harbours, are so many and so obvious, as not to require a _ particular Enumeration or detail.

And we further desire to call the attention of _ the Committee of the Honb.^{le} Council to the carrying place of Torento, which we are informed may without much Labour be made the means of a short and easy Communication to Lake Huron.

Cataraqui
to be the place
of Deposit }

We recommand as a further means of facilitating the Trade by way of the Lakes, that the place of Deposit should be at Cataraqui. We are assured that Vessels may go out of, & into that Harbour with the same ease and _ safety as at Carleton Island. We know that the Mer=
=chants residing at Cataraqui have built proper stores and _ Conveniencies for the Reception of Merchandize and Furs ___ to be forwarded to the other Posts or to Montréal, at a very consi=
=derable expence, and that in consequence of the Deposit having ___ been removed in Spring 1785 by authority from Carleton Island to Cataraqui. Their store-houses now remain unemployed, ___ to their hurt & detriment, and on Carleton Island they are not possessed of one belonging to themselves, sufficient in point of _ security against either bad Weather or depredation. It is a justice however we owe to Brigadier General Hope, to declare, that the Store-house which he ordered for the use of the Merchants last summer at Carleton Island prevented them from suffering any inconveniency by want of Store houses of their own. Cataraqui from its situation will undoubtedly become, and may in Fact be considered already as the Market Town of the New ____

settlements

Settlements in the Bay of Quinty, and of those for many miles ____ below it. And as we presume that the Intentions of Government are to give every possible encouragement to the new Settlers, we _ are persuaded, that by bringing the Vessels to load and unload _ at that Post, they might reap considerable benefit; for to trans= =port any part of their produce to Carleton Island in Battoes in order to be sent in Vessels to more distant places, would _ evidently be incurring a considerable expense, and consequently enhancing the price of such produce; besides, by fixing the _ Deposit at Cataraqui, the Masters and Sailors of the Vessels would be enabled / as also Passengers whose business calls them _ to the Upper posts / to provide themselves with necessaries for the Voyage.

Private vessels

____ But an object of still greater importance to the _ Upper Country Trade by that communication is to assure _ a safe and speedy Transportation across the Lakes in Vessels, _ which we fear cannot be obtained until Government shall per= =mit private vessels to Navigate them. Before the late un= =happy war private vessels were permitted, and the Transport was effected with Expedition, and at a much Lower rate than is at present demanded by Government; During the War _ it was thought expedient to prohibit them, nor has permission been granted since the peace to provide others, tho' repeated _ Application has been made by Individuals, and by the _ Trade for such permission. What may be the reasons for preventing ^ private Vessels we are at a loss to conceive, but we are at no ≠ loss to assure, that the Trade has in consequence been burthened with heavy charges for Transport, for interest, by stealth and Damage of Goods, and finally by disap= =pointments to the Traders not receiving their Goods timeously for the Market : We cannot therefore refrain from urging

in

in the strongest manner, the necessity of permitting private ____
 Vessels on the Lakes under proper Restrictions and Regulations .__
 But as they could not be provided for service in the ensuing Season
 that Government in the mean time should provide a sufficient _
 number for the purpose and at the same time lower the Freights.
 On Lake Ontario we presume that one of the Large and one
 of the small Vessels might be sufficient for the Transport of the
 Merchants Effects; to sail alternately every fourteen days or as soon
 as loaded, beginning the fifteenth of May and it would be __
 necessary that they should carry the Goods to the Landing __
 place instead of unloading at Niagara, as well to save a _
 considerable charge for re=transportation in Battoes, as to _
 guard against damage and other Losses wich have been
 sustained in that part of the Business. On Lake Erie and _
 from Detroit to Michilimackinac, the distance being much
 greater, and the Voyage most frequently requiring double the __
 time, it follows that a greater number of Vessels is requisite
 than upon Lake Ontario for the simple Transport from ____
 Post to Post : We say the simple Transport from Post
 to Post, because on the Lakes above Ontario, the collecting __
 of the Furs and Indian Corn, and other objects which can be
 done better & cheaper in small vessels around these Lakes than
 in Canoes or Battoes, is a different branch in wich we ____
 apprehend the King's Vessels have not been imployed, exclusive
 therefore of that circumstance we are of opinion, that not less _
 than three vessels from 60 to 80 Tons are requisite for the _
 speedy Transportation of the Merchants Effects from Fort __
 Erie to Detroit and Michilimackinac, and as far as it is
 practicable, times of sailing should be fixed. For instance as
 the North West Trade is furnished with Provisions from
 Detroit it would be necessary that a vessel should sail

from

from Detroit for Michilimackinac, so soon as the Navigation is open and the Vessel loaded, the same Vessel being of 80 _ Ton or thereabout, would probably be sufficient between these _ two posts. The other two to sail alternately, and so soon as _ Loaded, from Fort Erie to Detroit; and as an encouragement to diligence and care in the Commanders of the King's Vessels carrying Merchants property, we would recommend it as a proper measure to allow them on the Freight a Primage of Ten per Cent.

We must remark, that there are several private _ Vessels of small burthen at Detroit, and that they sometimes _ have been permitted to carry provisions to Michilimackinac _ and Furs to Fort Erie, when the King's Vessels were detained _ too long by contrary Winds. And as on Lakes Huron _ Michigan and Superior, there cannot be any intercourse with the Subjects of Neighbouring States, we cannot entertain a doubt, _ that they will have free permission to navigate these Lakes, and further occasionally permission to run between Detroit and _ Fort Erie, on giving such security as may be required, to observe such Rules as may be thought necessary.

Lowering } — _____ We have said that the Freights upon the Lakes ought
Freights } to be Lowered, which we trust will appear just and reasonable _
by comparing the Rate at present demanded, with the Freight
from England to this Province. On Lake Ontario a Barrel
Bulk of 36 Gallons is to pay 10/. York or 6/3 Currency, and
on Lake Erie 15/. York or 9/4^{1/2} C.^y which on an average _
is 7/9^{5/8} Curr.^y now six of these Barrels we shall allow to
measure a Ton, tho' in fact they contain but 216 Gallons, or _
36 Gallons less than is considered to constitute a Ton from _
England, and we shall also admit that the sailing of vessels
on the Lakes costs double the expence of Vessels at sea. The

Freight

Freight from London to Quebec for a voyage which does not _
 last less than four months from the time of Loading till discharged
 is 55/6 Curr.^y or 9/3 Per Barrel supposing six Barrels to make
 the Ton, on either of the Lakes the voyage may be made _
 in a Month : a fourth part of 9/3 is 2/4 nearest without _
 a Fraction, which being doubled is 4/8 only, by this compara =
 = tive statement it appears that the Traders pay 2/1 Curr.^y _
 too much per Barrel Bulk, but it will [^] be said that on the Lakes _
 there is no return Freight ! That the quantum is not equal to _
 the Out Freight is agreed, but it is nevertheless fully equal to _
 the proportion which vessels returning from this Province to _
 Europe obtain, and as the vessels on the Lakes can perform _
 four Trips in the year whilst vessels at sea can barely make
 out two Voyages to and from Europe, We presume the comparison_
 will appear to be founded on fair & Liberal Principles.

Payment of }
 Freights ____ }

And it is just that when Transport is performed
 with diligence and care, that the Freight should be regularly _
 paid. We are of opinion that when the Proprietor of Goods _
 is absent, the Receipt of the Agent or Person receiving such
 Goods should bind the Proprietor for payment of the Freight,
 and for that purpose such Agent ought to be properly _
 empowered by his Employers, so that no difficulty may after =
 = wards happen, and his Receipts should be on the Back _
 of a regular Bill of Loading, in order it same time to discharge
 the Master of the Vessel. Goods should be forwarded without
 favour or partiality in Turn as they arrive at the Posts;
 which from the year 1778 until 1784 we are well assured
 was by no mean the case. And as the Merchants must
 necessarily have an Agent at Cataraqui Niagara, & Fort
 Erie, the Rotation List ought to be kept by him. As it
 is proposed to allow Primage to the Commanders of Vessels

they

they ought on no account to interfere in Trade or show Favor, _
 and further any Damage or loss of Goods, except by stress _
 of Weather, or other unavoidable accidents should be born by the
 Vessel.

Carrying Place.

Monopolies having always been considered as in =
 = jurious to Trade, and a free competition amongst Subjects of` _
 the same Government, esteemed the most effectual means to pre =
 = vent imposition, We cannot pass unnoticed the carrying place _
 of Niagara, which for so many years past has been in possession
 of an Individual, and until last Spring, bore oppressively _
 hard upon the Trade, by the very high rate Government _
 allowed him to exact for Carriage of Merchants Goods. _
 We have reason to think that Brigadier General Hope,
 then Commander in chief of the Province saw it in that _
 light, as he reduced the price, and renewed the Lease for _
 one year only. This Lease will be at an end next Spring,
 and as it is highly probable that application will be made _
 by the present Lessee for a renewal of the same; We take
 the Liberty of representing that it ought not to be Granted _
 for more than three years and that the price of Carriage _
 should be Lowered to 3/. York or $1/10^{1/2}$ Curr.^y Per Cw.^t The
 distance from Montréal to La Chine is greater than the _
 Carrying place of Niagara, the Roads are much worse, yet
 there is not more than six pence P.^r Cw.^t paid by the Merchants.

In requesting that the Lease may not be granted for _
 a longer Term than three years we have an eye, to the _
 new Settlements on the North side of the River of Niagara _
 which may reap much benefit by opening a Road on that
 side, and allowing the Settlers to carry without restraint
 for such persons as may choose to employ them, and _

it

it will also be the most effectual means of Lowering the price besides, being of greater safety in case of any disturbances happening on the Frontiers; at present, the settlers are not permitted to engage in a condition to undertake such Business, and it must appear evident, that so long as they are restrained from attempting it, no Rival can ever arise to enter the Lists with the present Lessee.

Buying Flours }
from the Settlers }
at the Posts. } The foregoing Remarks being chiefly relative to the _____
Indian Trade, it will not we trust, be thought foreign to the
Subject, that we advert to the situation of the new Settlers, and _____
Inhabitants, near to the Posts, And we beg leave to recommend _____
it to Government in the strongest manner, as a measure _____
that must afford them great assistance, that any species of _____
Provisions which these Settlers may have to spare may be
received from them by Government, at reasonable prices, and according to distance for the use of His Majesty's Troops and _____
Naval department, at the Posts. Flour is probably the _____
Article of all others which these new Settlers will soon be able _____
to supply, we are assured indeed that at Detroit more may
be had, than sufficient for the Garrisons of Detroit and Michilimackinac, and that already the Farmers about Niagara have
some to dispose of. During the late War, many of those persons
who have since got Lands from Government, fell indebted _____
to Traders who have demonstrated to them the greatest _____
indulgence for their old demands, and even lent them further
assistance to begin upon their Farms. _____ Their great distance from a Port of Exportation must long prevent them
from sending their Grain to Montréal, they have therefore
no other Market than the Garrisons, the supplying of which _____
will not only enable them, in time, to cancel their debts, but
will prove so far advantageous to Lower Canada, as to augment

the

the Exportation of Wheat, in as much as the Garrisons were used to receive from it their supplies of Flour.

Bounty on Pot
Ash. _____ }

We take the Liberty also of recommending for the _ benefit of the Province in general, but more particularly in regard _ to the new Settlers, that Application may be made for a bounty on Pot Ash, and Lumber for a term of years. The very low _ price of Pot Ash in England for several years past has been _ a great discouragement to the making of that Article, it has _ however been tried by the new Settlers, and made of good quality, but they find so little advantage, as to discourage them from _ prosecuting that Branch with spirit, and having no other Market for it but Britain, they naturally look up to their Parent State for Encouragement.

Judicial establish=
= ment. _____

For further facilitating and encouraging the Trade to the Upper Countries, and for the ease, convenience, & advantage of His Majesty's subjects settled in those parts, and for those trading, thereto, who might have Actions to prosecute; It would become necessary to erect the Posts of Detroit and Michilimackinac _ into a separate District from that of Montréal to be divided and bounded by

That a Court of Civil Jurisdiction should be established therein, to be called the Court of Common Pleas, _ with similar powers Jurisdiction and authority as is invested in the Courts of Common Pleas now established in this _ Province, for the determining all matters of Controversy _ relative to Property and civil rights; excepting as is hereafter _ excepted.

That one Judge shall be sufficient to _

constitute

constitute such Court whose decisions should be final in all _
 cases where the matter in dispute should not exceed the sum of _
 Fifty Pounds, of Lawful money of this Province, except in matters
 which might relate to the taking or demanding any duty payable
 to his Majesty, or to any fee of Office, or annual Rents, or other _
 such like matters or thing, where the Rights in future may
 be bound; in which cases, and also in all Matters that exceed _
 the said value of Fifty pounds of Lawful money of this province,
 an Appeal should lie to the Court of Montreal, provided _
 security be duly given by the Appellant to effectually pro =
 = secute the same, and answer the Condemnation with such_
 Costs and Damages as might be awarded in case the ____
 Judgement should be affirmed.

That the Appeal ought not to be on the footing
 of Appeals / as at present constituted / from the Courts of Common
 Pleas here to the Court of Appeals, but should be in the ____
 Nature of a new Trial; where the Parties might be at liberty
 to set forth the whole justice of their case, and adduce all ____
 evidence in support ^{thereof} in like manner as is usited on new_
 Trials granted at Westminster Hall.

That to avoid great expence & inconvenience ____
 which would otherwise attend the bringing Witnesses so great
 a distance to attend Trials here, and which in many ____
 cases would prove impracticable : It would be lawful _
 for the Judge, on the request of either Party, Plaintiff or
 Defendant, and in their presence, or in the presence of their
 Attornies, or Agents, or in their or either of their absence _
 after due notice signified, to take the Deposition of any ____
 Witness in writing to be signed and sworn to, and that

such

such deposition so taken should be transmitted with the ____
Record / if had in time / to the Court of Montréal : And on
the Trial of the cause should be held as legal evidence, and to
be read to the Court and Jury as such.

That the same rule of decision for determining ____
causes which the Courts are bound to observe here, [^] should be followed _
by the Judges above.

That the Judges residence should be at Detroit, ____
with orders however, to go from thence once in every year ____
say in all the Month of May, to Michilimackinac, there
to remain till the twenty fifth of July, during which time
he should take cognizance of all matters brought before him
not exceeding one hundred pounds Currency whether between
Trader and Trader, Bourgeois & Clerk, or Bourgeois and ____
Engagé, and determine thereupon in like manner as he ____
is authorized to do at Detroit.

That considering the peculiar situation and _
particular trade of Michilimackinac, it should and might
be lawful for the Judge, in all matters above one hund =
= red pounds Currency, on a Petition presented to him _ _
by any Trader or other setting forth his special ^{by privilege} right ^ as
dernier Equippeur, to any property in the possession of ____
the Defendant, or in the power or possession of any other ____
Person in trust for him, and that he had reason to believe
that the Defendant was clandestinely or fraudulently about
to dispose of such property to his prejudice, which Facts should
be further ascertained on Oath before the said Judge, who ____
thereupon should be empowered to issue his Warrant, ____
whereby the property of the Defendant or such particular part

thereof

thereof as might be specified in the Complainants' Petition should be attached and seized upon either in the possession of _ the Defendant, or in the possession of any other person or persons who might hold the same in trust for him; and _ that after such seizure being made as aforesaid the Plaintiff should enter into a Recognizance before the Judge to pro = = secute his claim to effect, on the property so seized before the _ Court at Montréal, within four Months at farthest after such seizure, and on the Defendants refusing to give _ good and sufficient security to respond the event of such _ suit, the Judge should be further empowered to issue a _ summons commanding the parties to appear before him, _ for the purpose of naming a Sequestrator, to whom the custody of the Property so seized shall be committed or given; and _ in default of their appearing, or either of them at the time specified in the summons, after due proof of the service _ thereof or in case of Appearance, shall either of them refuse to name, then and in either case, the Judge alone to _ Appoint one, to whom the care and custody of the property so seized shall be committed. Nevertheless in all cases where the Possessor will give good and sufficient security to abide the Event of the suit at Montréal, the property seized shall be released and left at his own disposal.

That the sequestration to be appointed either _ by the Parties or Judge shall enter into a Recognizance under a sufficient penalty to convey the property so sequest = = rated, by the easiest, most expeditious and safest conveyance to Montréal, / without being answerable for the Risk attending on transporting the same from Michilimackinac or else _ where to Montréal, by the way of the Grand River or Lakes, as may be deemed most convenient / and to obey _

the

the order of the Court there respecting the disposition thereof.

That the Recognizance of the Plaintiff for pro =
 = secuting the suit, and the Recognizance entered into by the ___
 Defendant, with surety to abide the event of the suit, if he
 gives security, if not, then the Recognizance entered into by the
 Sequestrator, together with all other Papers regarding the matter
 in Question, shall be transmitted under the hand and ___
 seal of the Judge by the earliest opportunity to Montréal
 directed to the Clerk of the Court there.

That on any property being attacked and lod =
 = ged in the hands of a Sequestrator in the manner before ___
 set forth, that the Plaintiff shall thereupon, within two days
 afterwards, cause an Advertisement to be fixed in the most
 public and frequented place at Michilimackinac, stating the
 names of the parties, and setting forth the Complaint on ___
 which such seizure was made and thereupon requiring ___
 all person or persons there who may have any claim or ___
 claims on the property so seized, to certify the same to the
 Judge without delay, in order to the same being trans =
 = mitted with the other papers to Montréal. _____

That from and after ten days of the said ___
 advertisement being so affixed, if any person or persons ___
 present at the post, and having claim on the property seized
 shall neglect to certify the same to the Judge, in such ___
 case he shall be wholly debarred from any Privilege, _
 Right, Title, Interest, Claim or Demand whatsoever,
 he or they might have on the property so seized as afore =
 = said, until all other Claimants that may have duly _
 certified their claims within due time, be first satisfied thereout.

That

That the Judge shall be empowered to take the depositions of Witnesses in like manner as has already been set forth; ___ and the same so taken shall have the like force and effect ___ in the Court here on the Trial of any cause transmitted from ___ Michilimackinac as on an Appeal from Detroit.

That on the proceedings of any cause, being trans =
= mitted by the Judge from Michilimackinac to this place,
and being filed with the Clerk, the parties thereupon shall ___
be considered before the Court here, as much so, to all _____
intents and purposes, as if original process has issued thereout. _

Observation The utility of this separate District with a _
civil Jurisdiction erected therein, is obvious to every Person residing
in, or trading to those Posts; yet we consider it our duty _
to point out more particularly the necessity of it to the _____
Honorable Committee of Council. _

Detroit is become a settlement both of great ___
extend & great consequence, it annually fits out a vast trade _
to the interior parts circumjacent to it, which in the course ___
of carrying on disputes and differences unavoidably arise to _
determine which, for want of a Judicial power on the spot _
they are obliged to have resort to the Courts at Montréal,
where from the delay & Expence occasioned by the great _
distance of one place from the other, the Suitor is generally
more oppressed than benefited; the great delay affords an
Opportunity to the Debtor of making away with his pro =
= perty, and the Plaintiff thereby independent of the loss of _
his debt becomes further saddled with the Costs of suit. _
For instance the Merchant of Detroit sends to Montréal

for

for a summons against some one of his Debtors, at that Post, his letter takes a Month frequently coming down, the _ summons issues, and three Months is the shortest space ____ allowed for its return, and often according to the Season, four, five, and six months is granted. The summons goes up, _ and by a special Warrant from the Sheriff, some ignorant person is appointed to serve it, he commits an error, so that when the Writ is returned the service is found defective, and _ the only remedy then left to the Plaintiff is to begin again, _ this happens at least three times out of five; but if per chance the summons is returned properly served, and that Judge = = ment goes by default, it then requires six Months before ____ the Property of the Debtor can be seized upon at Detroit, by virtue of an execution issuing on a Judgement so obtained, ____ and even when Execution goes up, its of no avail, unless the Commanding Officer of the Post interferes, by affording _____ Military aid to inforce it. There is not less than forty suits a year / all above ten pounds Sterling / instituted here in ____ this Court in the foregoing manner by persons residing ____ at Detroit against others in the same place out of which not above one fourth have the desired effect, besides the great ____ expence for Costs of suit. Of so much importance and so great is the Trade, carried on to and from Detroit, that we believe a Judge there would have no less than from Three to Four Hundred Causes a year to determine, including those above as well as under Ten Pounds sterling. In their present ____ state they have no means to enforce payment from their Debtors, its on their honor and honesty they must rely, ____ a sorry dependence in a Country where there is neither a Power to Check or restrain the most dissolute and _____ Licentious morals. We therefore trust that Government will see the policy of Granting so reasonable a demand

to

to a District of Country that owes no less than Two ____
 Hundred and Fifty thousand pounds Sterling to this place,
 for if means are not given to enforce the recovery of their
 property, we cannot expect to be paid, and if we are not, the
 loss ultimately falls on the Parent State. In these times
 of public Oconomy the expence attending such an Establish =
 = ment may be made an objection to this, we beg have to _
 observe, that the Quit Rents & other Revenues arising to the
 Crown at Detroit only, and heretofore taken and claimed as
 the perquisites of the Lieutenant Governor, or Commanding
 Officer would nearly if not fully defray the expence of the _
 Judicial establishment demanded.

Question

“Whether foreign Molasses should be continued to be imported
 in this Province, or not? ____ If the former : under what restrictions,
 “ Regulations, and Duties? If the latter, what compensation if _
 “ any should be given to the present Distillers for the loss of their
 “ Trade.”
 “

“Equalizing the duty on Rum & Molasses, or Treacle
 imported into this province, and the regulations to be urged
 “ for reciprocal benefits from the West Indians, if our consump =
 “ = tion is confined to the British Island.”
 “

Observation

It is evident that the Country can, and does furnish ____
 many articles of Trade proper for the Consumption of the ____
 West Indies, and that we already have a considerable sur =
 = plus of such Articles, more than the province can consume. ____

This

This surplus will most probably encrease, and sound policy requires that such Laws and Regulations should be made, _ as will induce the West Indians to give this Market a preference for providing themselves with the many articles they stand in need of, and which we have to spare, for _ this purpose we are of opinion. That whenever a competent Legislature shall be established in the province, it will be _ proper to equalize the Duties on Rum imported from _____ Britain, and the West Indies, and on Treacle or Molasses from foreign parts, in such manner as may seem best to the wisdom of that Legislature.

“The Importation of Wine and Fruit direct from _____ Portugal & Spain.”

Observation.

The present circuitous mode of importing Wines from _ Spain, is evidently injurious to the Trade of this Province, without in our opinion, tending to the benefit of the Parent State. By first Landing these Wines in Great Britain, which is now requisite before they can be brought into _ this Country, not only enhances the price but from the peculiar quality of those Wines, frequently occasions them to sour in the course of so long a voyage, and to _____ arrive too late at this market for sale and distribution and it is well known they are $\approx$ much the worse for keep = ing over the Winter. The expences incurred at Falmouth by reason of Landing, storeing & re-shipping these wines with Commission and other charges, and expences of Quarantine are equal at least to two fifths of the first cost of the said Wines.

The

The leakage between Spain & Falmouth is not less than five P.^r Cent which as well as these extra=expences would be saved were the Wines to be imported direct. Besides ___ Freight direct from Spain might be obtained on very ___ moderate terms. Many vessels sail from thence to Load ___ Fish at Newfoundland, in which these wines might be imported; for by sailing in March they might arrive at ___ Quebec fully in time, to re-load Flour, Biscuit &c, for that ___ Island, an Object we conceive to be of much importance in encouraging our Exports of these Articles. We have stated that the Wines generally arrive too late for sale and distri =
= bution, and to this we may add, that the Vessels carrying ___ these wines, being mostly intended to load Wheat, are greatly pressed in point of time, in taking on board their Cargoes, ___ and at all events, the Wheat must be preserved over the sum =
= mer at a heavy expence, a circumstance which from the ___ present prospect of increase in that article deserves consi =
= deration.

On the whole as we do not apprehend that ___ the Revenue or commercial system of the Parent State ___ could be any ways injured by permitting Wines to be ___ imported direct from Spain, but on the contrary are of ___ Opinion that a further Revenue might be raised within the Province by such permission we hope with confidence that application will be made through the proper channel for that purpose... And as we have said that the ___ Revenue may by this means be increased, we shall ___ subjoin a statement, with an addition of 40/. p.^r Ton ___ to demonstrate that these Wines would not then come dearer, than at present to the Importer or Consumer,

therefore

therefore the saving of time, and assuring the Wines to come in good order are the great motives for this application. ____

The Ton of Wine cost in Spain	£8. 8. ____
Freight to Falmouth with extra charges there	3. 6. 8
Nett duty at Falmouth 70/. at Quebec 10/.	4. ". "
	£15. 14. 8

No account is made of Freight or Insurance from ____
Falmouth to Quebec the voyage from Spain to Quebec being equivalent.

On a direct importation. Cost of wine	£8. 8.
Duty in England & Provincial	}..... 4. ". " _
duty payable at Quebec	
	12. 8. "
There remains for unforeseen charges	1. 6. 8
And for Additional duty	2. ". "
	£15. 14. 8

“Bounties on Exports from the Province”

Observations

Whenever means may be afforded to the Province by a competent Legislature for raising Funds, it would no doubt be proper to allow Bounties on several Articles of Export, which we conceive would in a very few years _ be attended with the most happy consequences, by promoting and encouraging the Establishment of the new settlements, by encreasing the Exports of the Province, and consequently the Employment of shipping. The following Articles, we think are more immediately in need of ____ such encouragement.

A

- Ship Building A bounty on this branch would not only employ
a number of hands, occasion a consumption of British manu =
= factures, but would likewise be an additional article of ____
Remittance to the Mother Country.
- Under this head we cannot help taking notice of the
fitness of the Seigniorship of Sorel, for the purpose of carrying on _
this branch of business, and we are of opinion that some ____
Encouragement to Settlers in that ^{line} from Government would
in a short time have the desired effect.
- Timber. On timber of every kind supplied from the Port of ____
Montréal, to any Port of Europe or the West Indies, or
from Quebec, provided some effectual mode could be adopted
to prevent the Timber from Vermont being Shipped as
the produce of this Province.
- Deals, Planks,
& Boards. On this article there were very considerable bounties
granted by Parliament from the year 1766 to 1775.
- White Oak staves and heading.
 Red Oak Hogshead staves.
 Red or White Oak sugar hogshead staves.
- Pot & Pearl
Ashes. On pot and pearl ashes, the manufactures of the
province shipped to any port of Great Britain or Ireland,
the manufacturers of this Article labor at present under
a great disadvantage, from a Bounty granted by the
Government of Nova Scotia on all ashes shipped from ____
them, Which enables them to undersell the people of this
Province, and particularly the new Settlers, who have like=
=wise the Inconvenience of a long and difficult carriage to en=
=counter.

Hemp

“The Improvement of the Fisheries”

Observation,

The Advantage to be derived to this Province, by encouraging & putting under proper regulations the Fisheries _ upon its Coasts, are undoubtedly objects of much moment. Our local situation forbids in some measure our immediate _ concern in them, and as the Merchants of Quebec must from Experience be better acquainted with the business, _ than the Merchants of Montreal; We shall take the Liberty of referring the Honorable Committee for in = formation on that valuable branch to the Report of the _ Merchants at Quebec.

“On opening a Commercial intercourse with Vermont.”

Observation

It is expedient for this Country and not contrary to the interest of Great Britain, that Grain, & Provisions of all kinds, and Lumber, the produce of Vermont, and _ the Country bordering on Lake Champlain be admitted into this Province that Goods & Commodities of all kinds Skins & Furs excepted be exported to that state by way _ of S.^t Johns free of duty. _ And that every article _ imported & exported, be subject to the strictest search by _ a regular branch of the Custom house, composed of diligent & faithful Officers.

The free entry of corn can never affect the _

price

price of that Article here / except in times of scarcity / because _
 its price does not depend upon the Quantity in the Country,
 but upon the demand in Europe, at the Fisheries and in_
 the West Indies.

Upon what is imported, part of the Carriage, all the
 River Freight, and the expence of manufacturing, would be _
 gain to the Province. _ The freight &c, from this would be _
 gain to Britain or Canada.

The importation of Cattle and Provisions would tend to
 lower the price here somewhat, but could never reduce it more
 than sufficient to permit the re-exportation.

Britain would save part of the Expence of sending out _
 Pork and Beef to the Troops, would gain on its manufactures
 given to the State in payment, and the Province would have
 a profit, on their manufactures, a Profit on the provisions and
 perhaps might gain a new article of Exportation.

The most valuable part of our Lumber comes
 at present from Vermont, and must be profitable to this _
 Country for Ship Building & Exportation yeilding also a _
 gain on the expences, and on the Goods given in Exchange.

The exportation of Goods to Vermont is evidently
 advantageous to Britain and Canada, the care of not trusting
 that state improperly may safely be left to the Merchants
 here.

A considerable clandestine Trade is now carried on
 in Furs, which we apprehend may be prevented by a more
 regular Custom = House at S.^t Johns, and by permitting
 the exportation of them, on paying such duty as would take
 away the Temptation to carry out Furs clandestinely, and

induce

induce the Exporter to make a fair entry of them at the __
 Custom house. This Custom House would also be a __
 means of preventing the Importation of Contraband Goods, __
 The elopement of Debtors with their effects and Impositions
 on Strangers.

“ The improvement of the Wheat and Flour __
 “ Trade, by the Establishment of Public Markets,
 “ and erecting public Granaries.”

As the Wheat trade is of great consequence to this __
 Province, whatever can tend to its improvement merits __
 the attention of the Legislature. The quality of our __
 Wheat is very proper for some Markets, but the ____
 Inhabitants in general are not sufficiently careful in __
 cleaning it for exportation. The methods now practised __
 of preparing it for shipping, are, and must be tedious and __
 expensive. This delay and expence must ultimately fall __
 on the Grower of the Corn, as the price paid him does not
 depend upon the Quantity in the Country.

If without cramping his Industry, Government could __
 induce him to be more attentive to the quality of, and more
 careful in cleaning his corn; if it could likewise save him __
 Time and expence, he and the Country at large would __
 be benefited : It is for these purposes proposed. ____

That public Granaries on an improved ____
 Model be erected for the reception of all Wheat intended __
 for Exportation, that they be provided with Cribbles, sealed
 measures, and other Implements. That no Vessels loaded __
 with Wheat be cleared at the Custom = house, before pro =
 = ducing Certificates of having taker their Cargoes from

these

these stores, ____ From twelve to fifteen of these stores, to contain from Ten to Twenty thousand bushels each, would be required for the District of Montreal.

That they be built at the expence of the ____ Province, or by Contract with Individuals, who in that _ case shall receive the Emoluments.

That there be appointed to each a Store-keeper _ who shall reside at the store, who shall be sworn and _ give security for the performance of his Duty. The Store = = keeper shall receive only the Wheat which is # # so dry and clean as to be fit for Exportation.

If wheat of a bad quality / tho' clean / be brought he _ may receive it, but shall specify in the Receipt such quality; for this purpose he shall have three or more appartments ____ for the different qualities N 1. 2. 3.

He shall be obliged to deliver on board a vessel to the Holders of his Receipts, all the Wheat contained, of ____ the Qualities specified in such Receipts / except the allowance for waste / provided such Vessel comes as near the store as ____ she can, not to exceed ____ Yards.

In case of any dispute between the person bringing _ wheat & the Store-keeper or between the Store-keeper and ____ Holder of his Receipt, a Warrant by a Magistrate to two ____ persons named by the Parties, with an Umpire shall enable these three to determine.

The Store-keeper on delivery shall be paid a reason = = able allowance for the different considerations of Storage, ____ Shipping, Trouble and Risk, regarding the time such wheat has lain in the store, and also allowed a reasonable quantity

P

P Cent, for Shrinkage, or Wastage. Shall run all Risks except those from Enemies or Civil commotions, and in these cases, the Province shall be answerable provided such Wheat has not ___ been in the store more than two years.

He shall not purchase any wheat directly nor ___ indirectly for himself nor for others, nor be interested in the _ sale of any Goods or Liquors.

He shall keep regular books.

Until such Granaries shall be all erected, it may be lawful to clear out Vessels upon producing Certificates from the Priest and Captain of Militia, that the Store intended _ to be built in the Neighbourhood, when such vessel loaded was not then fit to receive Wheat. ___ Mean time it would be proper to appoint in the different Parishes, sworn measures & sealed measures, according to the antient ___ Standard.

For the Instruction of the Inhabitants it _ would be proper to direct that once a year, the Priest should read to his Parishioners the most approved method of preparing Land and Seed; and likewise the Law to be made for this purpose.

“The Navigation of the River.”

Whatever plan Government may think proper to adopt in regard to this article in consequence of the Report of the Gentlemen we understand were appointed at Quebec for that purpose, whether by sounding the different channels placing Buoys, or other marks for the safety of vessels &c, we would request that same might be continued as high as the port of Montreal.

The

“The Establishment of a Chamber of Commerce duly incorporated”

Observation

However beneficial to Trade & Commerce institutions of this nature be considered, yet we are of opinion that the same would prove ineffectual & inexpedient at this time considering the connection that subsists more or less among the Trading people of this place.

Holding Terms and abolition of Circuits

From the frequency of holding Courts, and from the ___ mixture of French and English Laws, great delays, procrastinations and incertitude are experienced in the decision of suits to remedy, which we are of opinion, that Terms should be established; Four in the year to sit from day to day for fourteen days ___ each term, which would be sufficient and prove more eligible for the dispatch of business, than those continual Courts. ___ However for a time it might be proper to permit the Court of Common Pleas to sit once a fortnight for the decision of _ Causes to the amount of Ten pounds, We are likewise ___ of Opinion, that the Circuits should be abolished. It’s an itinerant Court that carries no respect, impresses the Inha = bitants with no awe of justice, and proves of no relief whatever to the distant parts of the District. ___ The end for which ___ they were intended.

“The present Establishment of Appeals in Commercial causes”

Observation

The same uncertainty that has hitherto prevailed in_ the Courts of Justice, has made its way into the Court

of

of Appeals, probably through the disadvantage it has ___
 long labor'd under for want of a Gentleman bred to the ___
 science of the Law, presiding or sitting in it to point out ___
 to the other Members the errors in the proceedings if any, and ___
 to explain the Law; indeed without any imputation on the ___
 Judges it is much to be lamented, that regular bred pro =
 = fessional Men do not preside in all the Courts of Justice
 in the Province, to the want of which we may impute the ___
 great delays in the decision of suits in all the Courts but
 more particularly in the Court of Appeals which has proved ___
 a great and real grievance to this District : If the Court
 of King's Bench was restored to its ordinary and former ___
 civil Jurisdiction and Powers, we conceive it would remedy ___
 the evil complained of; in which case we would humbly ___
 request that the Chief Justice should hold two terms ___
 in every year at Montreal for the purpose of hearing
 and determining all civil suits that might be brought
 before him, either by Original, or on appeal from the ___
 inferior Courts. This mode would prevent the great
 expence now attendant on Appeals to Quebec, and prove
 infinitely more agreeable and satisfactory to the Suitors, ___
 many of whom rather put up with the decision of the ___
 Inferior Courts, than go to the great expence incurred by
 an appeal on the present footing.

“The Establishment of a Court of Chancery.”

Observation

A Court of Chancery would be a very desirable
 object if it could be so constituted as to grant relief under ___
 the rigour of legal decisions with convenient dispatch and on
 moderate fees.

On

“On a Register of all Deeds”

Observation

Frauds having been committed by Debtors mort =
 = gaging their Lands to different Creditors, also much in =
 = convenience arisen to Purchasers of Lands who have no ___
 effectual means of discovering incumberances on them. There
 being likewise a considerable degree of obscurity in most ___
 transactions with regard to real property : We offer as a _
 means of better ascertaining the Rights of Proprietors and ___
 Creditors, and avoiding Law suits. ___ That there be erected
 at Montreal an Office for the Registering all Deeds in future
 which affect real property within the District. _ That the _
 Fees of such Office be moderate as possible. _ That no such
 Deeds be valid in future unless passed by a Notary and so
 registered. ___ Considering the illiterate state of the Bulk of _
 the Inhabitants, ___ That it be incumbent under a high
 penalty, on the Notary who may pass any such Deed, to _
 have the same registered in the proper office, and this within
 a short limited time, and before he delivers any Copy to the party.

“On a Bankrupt Law”

Observation.

A Bankrupt Law and equitable rules for the dis =
 = tribution of the property of persons failing in Trade, is ___
 become essentially necessary for the security of the fair Trader
 and for the prevention of those Frauds there is too much ___
 reason to believe are daily practised. We are therefore of ___
 opinion that such Law should ascertain what act of a ___
 Merchant amounts to an act of Bankruptcy & should ___
 compel the insolvent Debtor, in that situation to a surrender

of

of his Books, papers, and effects, on oath for the benefit of all his Creditors, and to answer such questions to his _ Trustees or Creditors as they may put to him relating to his business. In which Law, the Rights of the Wives _ and Children of all persons concerned in Trade or Commerce to the real or personal Estate of such Bankrupt should _ be ascertained. A distinction should be made in the Treat = = ment of a fraudulent, & unfortunate Bankrupt; the former should be punished exemplarily, yet not cruelly, least the end ~~should~~ be defeated; and the latter intitled to a discharge, provided three fourths of his Creditors both in number _ & value consent.

The contradiction in the Judgements of Law _ on this Subject mark the strongest injury to the commercial Interest, therefore require a speedy & effective remedy. _

Police

“The building a Goal in the District of Montreal”

There can be little doubt, that many objects of police will be best provided for, by means of incorporating the _ Town of Montreal by Charter, but there are some, _ which as they concern the District at large, require to _ be more particularly adverted to. _

The want of a proper Goal for this District _ has long been complained of and at divers times has been _ represented, by different Grand Juries, as well at the _ Courts of Oyer & Terminer, as at the inferior Courts _ of Quarter Sessions, but hitherto no remedy has been _ applied. The House which at present serves _

for

for a Goal consists of four very small Rooms in which ____
 are frequently confined promiscuously persons of different sexes ____
 and for very different degrees of crimes; the unfortunate Debtor
 cannot have a Room to himself, nor can the Malefactor ____
 when preparing for another World be accommodated with a
 place of Retirement to deprecate the wrath of the offended ____
 Deity. The insufficiency of the goal in point of security
 occasions a Guard of Soldiers to be kept in the lower ____
 part of it, and even with that precaution many atrocious
 Offenders have escaped, insomuch that the Sheriff of the ____
 District has refused to confine Debtors, unless the Prosecutor
 agreed to take upon himself the risk of an escape.

The situation of this insufficient Goal heightens, ____
 the sufferings of those persons whom the Law dooms to imprison =
 = ment, offends every passenger in the warm season and is a
 Nuisance to the neighbourhood, being without those conven =
 = iences requisite to carry off the Filth accumulated by want
 of them.

We propose as the means of obtaining a proper
 Goal, that an assessment be laid on the District, for the pur =
 = pose of raising a fund adequate to the building of the ____
 same, if the present Legislature is competent thereto. ____

“A Prohibition to the bringing of slaves into the Country”

Slavery being alike contrary to the principles of ____
 humanity, & to the spirit of the British Constitution. This
 Committee recommends that means to be adopted to prevent
 the bringing of Slaves into the Province in future, but as to
 the few Negroe or Indian Slaves who are already in ser =
 = vitude, they conceive that they ought not in justice or ____
 policy to be emancipated; to many families there are of

them

them valuable as property, and servants, and we have _
 frequently seen instances of Slaves being manumitted ____
 soon becoming idle and disorderly, and finally, a burthen
 to the Public. We would further recommend that ____
 after ____ Years all Infants who shall be born of ____
 Parents who are Slaves be declared free.

“To abolish by Law the ancient custom of abandon for Cattle at the S^t Michael.”

Observation

The custom of allowing Cattle to go free at Michaelmas
 called L'Abandon de S.^t Michael is a general nuisance ____
 greatly complained of, and is a species of Tax on the ____
 Industrious Farmers in favour of the sloth full & idle, for ____
 their cattle only, are found to roam abroad, and live at the
 expence of their more industrious Neighbours who have ____
 Oats and Indian = Corn still in the Field at that ____
 Season, we therefore consider that it would be proper ____
 to abolish this Custom by Law.

“The most effectual means for improving and keeping in repair ____
 “the Roads & Bridges leading from the upper & lower end
 “of the Island of Montreal to Town.”

The road from the lower end of this Island to Town
 being much frequented renders it very laborious & almost ____
 impracticable for the Inhabitants who by their tenures ____
 are bound to work at it to keep the same in repair, ____
 and it having been recommended in treating of the ____
 Indian Trade, that in order to have a good road to ____
 La Chine a Turnpike be established, we consider also _
 that no better means of rendering the whole of the Road

on

on the Island of Montreal, which runs along the side of the River S.^t Laurence, more commodious, safe and __ useful, can be adopted. Was the Road once properly _ made as Turnpike Roads are in England, a small toll would suffice to keep it in constant & good repair, __ and perhaps many of the Landholders would not be __ averse from commuting their present servitude of working on the Kings Highways into money. It is not very ____ many years ago, that a commutation of that nature took place in Scotland, & no Country can now boast of more __ solid or practicable Roads.

In the winter season the Roads in the environs __ of the Town, and even to a considerable distance, are so __ extremely bad, as to accuse the Officers who are charged __ with the care of them of neglect; but we know from ex = = perience that the keeping them in good order requires ____ constant and hard labour; and we are told that the ____ construction or form of the sleighs tends greatly to the form = = ing of the Cahôts. Having learnt that Sleighs of a different construction are used at the Forges of S.^t Maurice, and altho' very heavy loaded never occasioned Cahôts or unevenness in that Road, we requested the attendance of ____ Captain Proust of the militia of Three=Rivers, in order to obtain from him information on that head, and by __ him we are assured, that such in reality is the case. We would therefore recommend a more minute enquiry into this matter, that Government may in consequence adopt such measures as shall appear most eligible for the purpose of preventing the very bad Roads which are to be met _ with in Winter at least in this District.

Whether

ex.^d “Whether Hawkers and Pedlar should not be subjected to ___
 “take out Licences.”

Observation.

As for some years past a great number of ___
 Pedlars have gone about the Country selling Goods ___
 much cheaper than the regular Merchant can afford to do
 it has been suspected that some of these Pedlars, have _
 been in the practice of receiving stolen Goods, we therefore
 propose as a means of preventing this abuse, that all
 persons carrying goods from place to place for sale, be ___
 obliged to take out Licenses every year from the Justices
 at their Quarter Sessions under such penalty as the ___
 wisdom of the Legislature may think fit, and that it ___
 shall be enjoined to the Justices to grant such Licenses _
 to persons of Good Character & Repute only.

“That some Regulation take place respecting Beggars and for ___
 “preventing the increase of them and Vagrants.”

Observation

The number of poor is become very considerable many
 of them no doubt are real objects of Charity, but there _
 are others who impose on the credulity of the humane ___
 part of the Community; they come from all Parts ___
 of the District, and infest the streets of the Town, nor _
 can the Magistrates put an effectual stop to this evil _
 there being neither poor house wherein to provide for
 real poverty, nor Work house to confine Vagrant Imposters.

In

In all well regulated Communities, attention to helpless ____ Foundlings and making some provision for them has been the care of Government; for want of some adequate establish = ment for that purpose we fear that many innocent objects have been Victims of their Mothers guilt; fortunately a _ Convent of the Gray Sisters most humanely extend their _ Benevolence to such Infants as we carried to their hos = = pitable Mansion; but the means possessed by that Sister = = hood being extremely slender, they are obliged frequently to put several of these Infants under the care of the same ____ Nurse; who is most frequently in such case actuated by _ selfish motives, and provided she is paid, considers with indifference the objects of her care.

It appears that those Sisters by an Abstract _ received from them, have taken into their house since the conquest of the Country, seven hundred & Thirty seven _ Foundlings, and that they have been put to the amazing expence of 21,936.^{# 9.^s} for nursing them only. This expence ____ bears hard upon their slender Finances; insomuch that some persons have lately advised them to refuse admittance to any more, but the view of the helpless Infants laying on their Thresh-hold, and some of them expiring, has prevailed with them to continue their benevolent charity.

So far as many be requisite to provide for the ____ poor, and for Foundling Infants of the Town, probably a ____ Charter of Incorporation would be a proper means, but as the Country around furnishes many objects, of either description we conceive it a subject deserving the consideration of the Legis = = lature.

That

“That a Standard should be fixed for Weights & Measures throughout
 “the Province.”

Observation

To prevent abuses and impositions it is highly necessary ___
 that a Standard for Weights and Measures be fixed upon _
 and deposited with some proper person in each of the Towns
 of Quebec, Montréal & Three Rivers so that all persons _
 buying and selling may adjust there Weights and measures
 thereby on paying a moderate Fee.

We would recommend that the French minot
 be the only measure for Grain of all kinds, Salt, Ashes &c,
 That the Standard of Long measure be according to ___
 the English foot, Yard, and Ell, except for Carpenters work,
 and Cord-wood, which should continue by French measure, _
 but not to hinder those who choose to buy or sell by the _
 French measure from so doing, provided the parties can
 agree upon the measure. ___ That the Standard ____
 pound be the English avoirdupoise, with permission
 likewise to buy & sell by French Weights provided
 there is an express agreement. And that every _
 Merchant, & every person buying and selling by weight _
 and Measure in Markets and public places, be obliged_
 to have their weights and Measures adjusted and stamped,
 and that those weights and Measures be called those of
 the Province, ___ That the standard for Liquid ____
 measure be the English Wine measure.

Bringing

Bringing all the Gold Coin to a certain Weight

Observation.

By the present Laws respecting Gold Coin, we pay considerably more than the Mint price for all Portugal Gold, all Guineas, and French Louis d'ors and considerably less on Spanish, and some kinds of French Gold, yet we apprehend that the loss occasioned by this difference is not so great as the Inconvenience would be altering the present Rate.

We are of opinion that Guineas should not be taken at 23/4 unless they weigh full 5^{dw.} 8^{gr.} s. Because they are at that weight, about one shilling per Ounce higher than in England, and to take them at a less weight would heighten that difference, & likewise encourage the sweating & Clipping that is already too much practised. We presume that to recommend plugging Coin, is encouraging that fraudulent practice of taking out good, and inserting false Plugs, and that the attempt to bring Gold coin to a certain weight, would be attended with bad consequences & loss to the Province.

“A Tax on all Goods sold at Vendue”

Observation

Every Country has a Credit to support, and that credit can never be so well established and preserved, as by the Importer selling his Goods, if not to a profit at least at a saving price, but this is far from ^{having} been the case of late years, occasioned in a great degree, by the unrestrained sale of Goods at Public Vendue, which in its consequences is highly prejudicial to the Trading Interests of the province

The

The annual loss on the sales must amount to a very large sum, and such Loss inevitably falls on the London Merchant or the Importer, in either case it is destruction of their Credit, and while it renders them unable to pay their debts, it has the most injurious tendency to the fair Trader, not only in the sale of his goods, but also in collecting his funds to make a remittance.

We do not consider it of the least advantage for the Community at large, occasionally to purchase Goods at a low rate, as from the prices they are usually sold at afterwards, the benefit is partial, and without having the least tendency to increase the consumption, on the contrary, such sales discourage importations by the fair and regular Trader, but has the contrary effect with the powerful London Houses, who have been in the practice of sending property here for Vendue sales. Hence we conclude that in the progress of this Business from the Manufacturer to the Consumer, it can only be attended with a partial benefit, while it is evidently destructive of every principle of Commerce, and must prove of the most injurious consequence to the Trade of the Province, until it is laid under certain regulations, and restrictions to prevent in some measure the frequency of Vendue sales, and thereby encourage the regular and established Trader to increase his imports; for which purpose we propose, and are of opinion, that it will be sound policy to levy a moderate Tax on all Goods sold at vendue, not exceeding Ten Per Cent on the nett amount of the sales, excepting only produce of the Country Goods, or other effects taken

in

in Execution, damaged goods for the account of Under-Writers
 the effects of a succession or Estate for account of Heirs Bank =
 = rupt Estates, and also Household Furniture and the ____
 like, whenever we have a Legislature competent to the ____
 imposing of internal Taxes.

“Whether or not we should apply for a Charter incorporating ____
 “a select number of Citizens, on some good and approved Plan,
 “with power to make bye laws, decide civil and criminal causes ____
 “under certain restrictions, whether under the stile and Title of ____
 “Recorder, Mayor, Aldermen & Common Council of the City ____
 “& County of Quebec, and the Precincts and Liberties thereof or
 “under any other denomination.”

And a like Charter for the City of Montreal.”

Observation.

The bad state of the Police in this Town calls loudly for ____
 reform, and tho’ Government in its wisdom, have attended thereto
 by the appointment of an Inspector of Police, yet we are ____
 sorry to observe that the appointment has in no wise proven ____
 adequate to the intent. And by experience we find, that the ____
 exertions of the Magistrates are not sufficient to remedy the ____
 evils complained of, We therefore beg leave to point out as the
 only Remedy that can be applied with effect, the incorporating -
 by Charter a select number of the Citizens of Montréal on ____
 a good and approved plan, with such powers and Privileges,
 as are usually granted to Corporations; for the purpose of police
 only. And we further beg leave to request, that in case the ____
 Honorable Council should approve of this mode, and Govern =
 = ment incline to grant the same. That it be recommended
 to His Excellency Lord Dorchester to bestow on the Corpora =
 = tion such Lots of Ground and Houses, the property of

the

the Crown within the Town and Suburbs of Montreal as Government have not present use for, in order to the ___ same being applied, towards the erecting Schools, Work houses and other Establishments of Public utility.

“That a Regulation
“being granted
“the Town &

is necessary to prevent a greater Number of Licenses _
for the sale of Liquors than are necessary for the use of ___
Country.”

Observation.

The many complaints arising from the great number of disorderly public Houses, call the attention of the Legislature : There is infinitely too many of them both in Town & Country; they are the bane of Industry, and only tend to debauchery & Riot, it is much to be wished that a ___ fewer number of Licenses were granted, and those to persons of good Character only.

“A Regulation
“or Fences

to prevent the erection in future of Wooden Buildings ___
within the City of Montréal.”

Observation.

As the Legislature has carefully attended, by a wise Law, to prevent the dreadful accidents that might happen by fire in the Towns of this Province, we must beg leave to offer an amendment that would be of real service, to ___ prevent the Spreading of fire in this Town, that is by inacting that no wooden fence or building of Wood of ___ what description so ever, be erected in the Town of Montréal in future under a severe Penalty.

The

“The establishing of Schools and Seminaries, for the Education of Youth
 “from those funds now unemployed, as well in England as in this ____
 “Province, and particularly a respectable College in this City, with ____
 “able Professors, and erecting Free Schools at convenient distances ____
 “throughout this extensive Province, for the purpose of opening and
 “enlarging the human mind, conciliating the affections of all His ____
 “Majesty’s Subjects and having a tendency to render this a happy
 “& Flourishing Province.”

Observation

There remains for us to advert to a subject which ____
 we consider as the surest and best means of obtaining a ____
 cheerful & dutiful obedience to the Laws, and Government, from
 Subject in general, and that is by establishing throughout
 the Province at proper distances, public Schools for the In-
 = struction of Youth. We hardly know of a single School ____
 in any Country part of the District for teaching Boys, and ____
 it is to the zeal of the few Sisters of the Congregation, that we
 are indebted for all the little which is taught to Girls through =
 = out the Country. The Captains of Militia who are ____
 frequently called upon to enforce Laws and Orders, are so ____
 illiterate, that not one in three can write or even read, the
 consequence is confusion and disorder, and frequent suits and ____
 Complaints between them and the Militia-men. It is not –
 for us to point out the best plan for Establishing those ____
 Schools, but having understood that all the Estates which the
 Jesuits possess in this Country were granted to them for the
 purposes of Establishing proper Seminaries of Learning ____
 and that those Estates are likely to revert to the Crown, we
 humbly conceive that they could in no way be better employed ____
 than in that for which they were originally intended and
 granted. There may be further some unappropriated

Funds

Funds in England for similar purposes, now that the ____
States of America formerly Colonies of Great Britain are __
separated from her Dominion, which we would recommend
to be applied for through the proper Channel. _____

Upon the whole of the Observations which we ____
have humbly offered, may be collected the utter impossibility
of promoting the welfare of the Province as a British
Colony under the present System of Government. This ____
consideration we submit to the Honorable Committee ____
of Council, and refer them to the Petition we had the ____
honor to transmit to His Majesty and both Houses of ____
Parliament two years ago, for granting a House of _____
Assembly to his Majesty's faithful subjects of this Province,
a copy of which accompanies this Report.

Montreal 23.^d January 1787. /signed/ Jacob Jordan
James M^cGill
P.^{re} Guy
Benj.ⁿ Frobisher
M.^e Blondeau
A. Auldjo
P. Bouthillier
Rich.^d Dobie
Jh. Perinault
John M. Kindlay
James Walker
Thomas M^cCord.

See His Honour The
Lieutenant Governor's
Motion, page 41.

Letter written by M^r. Joseph Howard,
a Merchant to The Committee of ____
Merchants at Montreal.

Gentlemen,

Regulation of Commerce being the
object to which your attention is now directed, I, in con =
=sequence of the Invitation, which you have given to the _
Public, step forward to deliver my sentiments on the Trade
carried on in the Upper Country : _ this I conceive to be
a duty which I owe, to the Community in general, & _
to my fellow Citizens in particular _ A duty which I am
more particularly called upon to discharge at this juncture
when self-Interest, usurps the specious name of patriotism.

1 ____ For the sake of method and perspicuity, I shall _
arrange my subject under three different heads. ____

2.^{nly} ____ I shall shew that the present mode of carrying on
the Indian Trade is destructive of the fortunes of the ____
Individuals who prosecute it

3.^{dly} ____
____ I will shew that it is often destructive of the Lives
& always pernicious to the morals of the Indians : and

____ I shall endeavour to point out a Remedy for these
two existing evils

My experience for twenty years past, of _
that Trade may establish my first position : but

the

the truth of the position does not / nor should not / ____
 rest upon that; the Experience of seven eights of all the ____
 Indian Traders who now are, or heretofore were concerned ____
 in the Trade confirms it. ____ Indeed the present ____
 Michilimackinac Company is an Instance in point
 which puts it beyond the possibility of a doubt. ____ That
 Company from all their Adventures last year to the ____
 Southern Posts which they principally, if not wholly ____
 occupied, did not receive returns for more than two ____
 fifths of their Outfits. ____ This Company was formed ____
 in 1785 when the Traders were glutted with Goods. ____
 By throwing all their Goods into one Common stock ____
 they created a Community of Interest & destroyed ____
 opposition.

Having, as I conceive fully established ____
 my first position, I shall point out to you the cause
 of this destructive Commerce ____ which is simply ____
Opposition to, & Jealousy of each other. ____ By this opposition
 one third of the Goods & one third of the Mens wages are
 thrown away upon the Savages & lost to the Traders : ____
 Without opposition two thirds of the Goods actually sent
 into the interior parts of the Indians Country would ____
 be amply sufficient for the supply of all the Indians. ____
 By opposition to, & Jealousy of each other, was the Fort
 of Michilimackinac cut off in 1763. Some Canadian ____
 Traders then combined with the Indians against the
 English ____ The consequences of that combination were
 ≠ Murder & Robbery. ____ Howard Chinn & ____
 Bostwick, at that period, were considerably interested in

the

the Indian Trade & lost by the Catastrophe £5000 __
 Ster.^g No Canadians suffered by this Event a few __
 excepted who either were Clerks to or in some manner
 connected with Englishmen. __ Another baneful __
 consequence of opposition is, that the Trader who goes
 from Michilimackinac in the fall to the Wintering _
 ground, is obliged on his arrival there, to give extensive
 Credits to the Indians payable in the Spring. ____

An Intruder arriving then with a large quantity
 of Rum intercepts the Indians coming out of their
 Hunting Ground __ intoxicates them & runs off with
 the skins which were destined for the payment of the debt
 they had contracted with the Trader who had first
 arrived among them. __ Having now, as I imagine
 fully explained to you the cause of this ruinous commerce
 & having by argument irrefragable established my
 first proposition ; __ I shall now proceed to the dis =
 = cussion of the second, which is that “I will demonstrate
 that the present mode of carrying on the Indian trade
 “ is often destructive of the Lives & always pernicious to the
 “ morals of the Indians” __ In discussing this important
 “ article, I beg leave to premise that whatever I may ____
 advance concerning the abuses committed by Traders in
 the Indian Country has no personal allusion, no gratifi =
 = cation of resentment for its object _ no sinister view to
 answer – no private interest to promote, nor no other
 cause to serve than that of Humanity & Justice :
 therefore such a Digression in such a cause I neither
 deem trifling nor impertinent.

Know then that whenever & wherever

Rivalship

Rivalship exists between Traders, / which is generally _
the case when they meet / the consequences resulting _
from such competitions are Inebriation-Prostitution of _
every species Robbery & too often murder. _ These _
 are facts, & not vague unfounded assertions which I _
 pledge myself to support & which I call on the whole
 Body of the Indian Traders to controvert or disprove._
 Humanity revolts at such a detail, let us quit such
 a disagreeable subject & endeavour to apply a remedy to
 these evils. To that end & for that purpose, I propose _
 that all the Posts in the Upper Country Westward
 from the Long Sault, in the Grand River, including
 the Borders of Lake Huron, Michigan the North
 West Country & Misissipi should be farmed out by _
 Government _ divided into one Hundred shares, & _
 sold at public auction, in Montréal, one share at a _
 time, to the highest Bidder for the term or space of _
 seven years : & further that the money arising from
 the sale of these Posts should be applied to such _
 beneficial Provincial purposes as they may judge proper
 that the Purchasers of such shares should form them =
 = selves into one general Company _ select from their
 own Body such persons as they may judge proper for _
 conducting their Business subject nevertheless to such _
 Restrictions and Regulations as His Excellency Lord _
 Dorchester, or the Governor for the time being, may, for
 the Public Good think proper to impose. _____

By this plan you will imperceptibly draw
 a Revenue from the Savages ____ You will obtain ____
 security for the good behaviour of the Traders _____

you

you will prevent bad disposed people from going _
 among the Indians who may Corrupt them by pro =
 = pagating stories to the Detriment of the British, & in
 favour of the Republican Government, _ you will save
 to the Province the Industry of five hundred men ____
 / fifteen hundred being the number now actually and _
 annually employed in that Trade / who may be ____
 usefully employed in Agriculture _ instead of consuming
 / as they now do/ their youth in sloth & drunkenness ____
 which brings on them a painful & premature old
 age, often alas ! too often to the injury of a Wife & a
 helpless Offspring _ You ≠ ≠ effectually restrain the
 sale of Rum which among Indians is always productive
 of Intoxication Quarrels, & sometimes Blood-shed; not _
 to mention idleness & diseases, & consequent want entailed
 perhaps upon a wretched family, & finally by the adoption
 of this Plan, the Western Country in the opinion of _
 M^r. Alexander Henry one of the first Adventurers _
 after the Conquest to the upper Country, who, had _
 the honour in the year 1777, to present to Sir Guy _
 Carleton, now Lord Dorchester a Map of that ____
 Country may with facility be explored, & the Trade extended
 to the Southern Ocean. ____ M^r. Henry is a Gentleman _
 who has spent Twenty five years of his Life in that
 Trade, & is thoroughly acquainted with it in all its ____
 Branches therefore I request, that he may be called _
 upon, either to disprove or substantiate what I have ____
advanced on this important subject. ____ By his testi =
 = mony or by that of any other equally conversant in the
 Business, I wish that my plan may be tried & on

that

that evidence I will rest the merits or demerits of my system.

On you Gentlemen who are selected by the ___ free suffrages of this City to deliberate upon & to report ___ such Commercial Regulations as you may judge ___ expedient for the welfare of the Province; On you I call to patronize my plan, whose objects are humanity & ___ Justice. ___ A system of this complexion I presume will meet with the support of His Excellency Lord ___ Dorchester, who is eminently distinguished for, & digni = = fied by these virtues. ___ I trust too that Men _____ / such as you / exalted in their Station, adorned by _____ public, & renowned for private virtues conspicuous both for learning and Patriotism will deign to recommend ___ to the Committee of Council such salutary regulations as are here pointed out for the Indian Trade. ___

After apologizing for the enormous seize ___ of my Letter / which nothing but the magnitude of my subject could justify / after deprecating the malignity of Criticism for the many inaccuracies which a plain illiterate Man, ignorant of the art of Composition, must necessarily in such a long discussion, have fallen into ___ I take my leave both of you and my subject wishing most sincerely that your incessant labours whether in or out of Committees by day or by night may either be rewarded here or hereafter.

I am in the mean time

Gentlemen,

January
Montreal 11.th 1787.

Your most obedient
& humble servant.

/signed/ Joseph Howard

See M.^r Grant's
motion, page 32.

Extracts of Imports into the Port of Quebec

	Vessels	Tons	Men		Rum		Brandy	
1783	69	8792	724		Punch.	Hh. ^{ds}	Pipes	Hh. ^{ds}
1784	32	5,164	356		3156	21.	2009	28
1785	52	8,834	586		179	37	272	5
1786	74	10006	547		1420	28	1040	18
					3932	15	15	"

Total

	Wheat	Flour	Staves	Shingles	Hoops	Boards & Plank	Capillat re	Flax Seed	Oats	Pease	Biscuit	Timber	Masts	Port Ash
	Bush. ¹	bbl. ²					lb	Bush. ¹	Bush. ¹	Bush. ¹	Cw. ¹	P. ¹⁰⁰		Cw. ¹
1783	"	4086	69096	"	5000	78,610	2,978	90	"	"	1050	694	50	1828
1784	"	7936	25960	3000	7500	41,567	2062	"	"	"	"	"	"	1533
1785	3092	2700	251778	49000	21000	85792	800	5612	1243	"	1080	2,802	"	1215
1786	103,824	10476	1,38647	112296	44,800	76,791	14944	10171	4015	314	9317	706	43	1724

for the Years 1783 – 1784 – 1785 - 1786

Melasses		Coffee		Sugar		Wine			Tobacco	Salt	China	Provisions			
Punch	Tier.	Casks	Bags	Hb. ^{rs}	Hb. ^{rs}	P.	Hb. ^{rs}	°	Casks	Barrels	Bboxes	Pork bbls	Beef bbls	Stomach ferks.	Flour bbls
1613	91	118	84	254	411	809	2771	°	122	35685	11	1265	220	987	°
185	°	70	56	°	95	92	1885	6	29	15,290	52	590	°	220	4000
1912	86	89	106	54	189	362	1229	17	30	102,860	36	5,302	1290	736	2278
2,131	14	243	°	77	608	113	2213	°	47	30,805	43	6,709	°	1564	°

Exports

Estimate Source	Cows	Horses	Cod Bbls	Salmon Tier.	Salmon Bboxes	Shook Casks	Potatoes °	Onions bbls	Pork bbls	Beef bbls	Brass °	Oyl Tons	Iron Tons	Oats °
88	63	°	941	384	°	°	°	°	°	°	°	205	88	2621
95	7	°	2,145	°	°	°	°	°	°	°	°	100	°	°
270	78	34	5,348	221	°	850	1223	111	°	°	°	438	°	1700
141	24	67	1984	253	1100	2065	885	410	34	70	354	185	°	°

Turn over

Export Continued

Furrs

1783

Beaver skins	Martins	Otters	Minks	Fiskers	Foxes	Bears	Deer in hair	Dressed Deer &	Musquas h	Raccoon s	Cussed Catts
105,467	44119	19699	7221	3817	5446	11,596	125123	30648	68,409	93252	5536

1784

128,620	45973	22435	9634	4608	7260	14903	227568	24232	9,577	171066	3927

1785

151249	34496	19835	9332	4445	6432	12839	174434	4944	141,118	99,159	2731

1786

116623	48,436	23684	9595	3958	6213	Cub 1659 17713	126794	5477	202719	108521	3072

Custom House Quebec

signed / Tho' Scott Comp.^r

Open Catts	Elks	Wolves	Beaver	Tygers	Seals	Squerrills	Ermine	Prehoux	Kitts
4197	5626	5,858	203	26	8	489	29	"	"

6639	11238	6237	306	54	201	1495	"	"	"

6336	11113	8232	182	172	1525	31	"	"	"

2977	7555	12923	506	64	157	480	882	296	

8.th December 1786

Tho.^s Ainslie Coll.^r

See M.^r Grant's
motion, page 32.

To the King's most excellent Majesty
To the right Honourable the Lords
Spiritual and Temporal
and
To the Honourable the Knights
Burgesses and Commons of Great Britain
in Parliament assembled
The Humble Petition of his Majesty's
antient and new Subjects inhabitants
of the Province of Quebec.

After the conquest of the Province of Canada ____
by the arms of Great Britain, Your Petitioners in ____
compliance with his Majesty's gracious and Royal ____
Proclamation bearing date the 7.th day of October 1763, ____
settled and became established, in the new acquired Colony
of Quebec; in the full reliance on the faith of the ____
Crown of Great Britain as expressed in that Pro =
= clamation, for the enjoyment of those Laws, that
freedom and security in Canada, which the principles
of the English Constitution afforded, in every part ____
of the British dominion in America. _____

Your Petitioners and the Inhabitants of the ____
Province, have cheerfully on every occasion, obeyed
the controlling power of the Parliament of Great Britain

and

and with patience have suffered during a period of ___
 Anarchy and War, rather than wound his Majesty's
 feelings, or embarrass the Throne with Remonstrances
 and Petitions, at a time when the safety of the Nation,
 made sacred every moment of public deliberation. The
 actions and conduct of Your Petitioners when truly repres =
 = ented, will best express the sincerity of their Loyalty, and _
 attachment to the Crown and Government of Great ___
 Britain.

Your Petitioners look with concern on the
 burthen of Great Britain, and with great pain and ___
 commiseration they see the distresses of his Majesty's ___
 loyal Subjects, who driven from their Estates, Wealth, ___
 and possessions, are daily taking shelter in this British
 Colony; though their unsettled and distressed situation, _
 may for the present hinder them from bringing forward
 their Petitions and their Claims; you will readily per =
 = ceive that a Government similar, or superior, to that
 under which they were born, had lived and were happy, _
 must be considered by those unfortunate subjects, as an
 affectionate proof of his Majesty's paternal care and regard.

Your Petitioners fully persuaded that
 the welfare and happiness of his Majesty's subject are
 objects of your serious and benign consideration, most
 humbly pray for the Repeal of the Quebec Bill, allowing
 such privileges as are already granted to the Roman ____
 Catholic Religion; as being inadequate to the Government
 of this extensive Province, the cause of much confusion in_
 our Laws, and fraught with trouble and uneasiness to his
 Majesty's Loyal subjects here. And that you will

be

be pleased to concur in establishing his Majesty's ____
 antient and new Subjects of this Province in the full
 enjoyments of their civil Rights as British Subjects; ____
 and in granting them a free elective House of Assembly.
 In these hopes they humbly presume to suggest, that
 Clauses of the following import, may be inserted in the
 Act of Parliament, which shall be made to confirm ____
 a free Constitution to this Country.

1.st ____ That the House of Representatives, or ____
 Assembly, be chosen by the Parishes, Towns, and ____
 Districts of the Province. To be composed of His ____
 Majesty's Old and new Subjects, in such manner, ____
 as to the wisdom of Parliament may seem most proper.
 ____ That the Assembly be triennial, and the Members
 elected every Three Years. _____

2.^d ____ That the Council consist of not less than
 Thirty Members, and in case of division on any measure
 before them, that no Act shall be passed, unless, at
 least Twelve Members agree to carry the Vote. That
 the Appointment of the Members, may be during ____
 their Residence in the Province and for life; yet ____
 Subject to temporary leave of absence, as mentioned in the
 11.th Article and that they serve as Counsellors without
 fee or reward.

3.^d ____ That the Criminal laws of England, be
 continued as at present established by the Quebec Act.

4.th ____ That the antient Laws and Customs of this
 Country, respecting Landed estates Marriages _____

settlements

settlements, Inheritances, and Dower, be continued yet _
 Subject to be altered by the Legislature of Quebec; and
 that $\neq$ Owners may alienate by Will as provided by _
 the 10.th Section of the Quebec Bill.

5.th _____ That the Commercial Laws of England be
 declared to be the Laws of this Province, in all matters _
 of Trade & Commerce subject to be Changed by the ____
 Legislature of Quebec as in the preceeding Article. ____

6.th _____ That the Habeas Corpus Act, the 31.st ____
 Charles II^d; be made part of the Constitution of this Country.

7.th _____ That optional Juries be granted, on all Trials
 in Courts of Original Jurisdiction, that they ~~may~~ be re =
 = gularly balloted for, and a Pannel formed, as in England,
 either in the case of an Ordinary, or a special Jury; at
 the option of the party applying for the same. And that _
 Nine members out of the Twelve, may in civil causes _
 be sufficient to return Verdicts; subjects to be modified by _
 the Legislature of Quebec, as in the 4.th Article. ____

8.th _____ That the Sheriffs be elected by the House
 of Assembly, and approved and Commissioned by the _
 Governor, at the annual meeting of the Legislature : that
 they hold their appointment during the period elected for, _
 and their good behaviour; and that they find reasonable ____
 security for a faithful discharge of their duty.

9.th _____ That no Officer of the civil government, Judge,
 or Minister of Justice, be suspended by the Governor or ____
 Commander in chief for the time; from the Honours, ____
 Duties, Salaries, or Emoluments of his Appointment, ____
 but with the advice and consent of His Majesty's Council,
 for the affairs of the Province ; which suspension shall

not

not continue after the Annual sitting of the Council, unless it be approved by the same, the cause of complaint if _ approved, to be thereafter reported to His Majesty for _ hearing and Judgement thereon.

10.th _____ That no new Officer be created by the _ Governor or Commander in chief for the time, but with the advice and consent of His Majesty's said Council; and to be approved at their annual meeting, as in the _ preceding article.

11.th _____ That all Offices of trust be executed by _ the principal in the appointment; unless by leave of _____ absence from the Governor, with the advice and consent of _ his Council; which leave of absence shall not extend to _ more than twelve Months or be renewed by the Governor; _ but with the approbation of the Council at the Annual _ Session.

12.th _____ That Judges be appointed to preside in the Courts of the Province, to hold their places during life or their good behaviour; and that they be rewarded with sufficient Salaries, so as to confine them to the functions of Administering justice. That every cause of accusation for a Removal proceeding from the Governor, shall follow the rule laid down in the 9.th Article; and every cause of Accusation for a Removal, on the part of the public; _ shall proceed from the House of Assembly, and be _ heard by the Council which if well founded shall operate as a suspension, and in either case, be decided in appeal and report to His Majesty.

13.th _____ That Appeals from the Courts of justice in this Province to the Crown, be made to a Board of Council, or Court of Appeals, composed of the R.^t _

Honb.^{ble}

Honb.^{le} the Lord Chancellor and the Judges of the Courts
of Westminster Hall. _____

14.th _____ Your Petitioners beg leave humbly to _
represent, that from their proximity to the United States, _
who from situation and Climate, have many advantages _
over them, the internal Regulations for promoting the trade _
Agriculture and Commerce of this Province, are now become
more intricate, and difficult, and will require great care _
and attention on the part of the Legislature here, to watch
over the interests of this Country. They therefore request _
that the Assembly may have the power of laying the Taxes
and duties, necessary for defraying the expences of the civil _
Government of the Province, and for that purpose that the _
Laws now existing, laying Taxes and Duties to be levied _
in the Province, may be repealed.

Such are the Intreaties and Prayers of the _
Loyal Subjects of this Province; and in full confidence they
trust that you will relieve them from the anarchy and con =
= fusion which at present prevails in the Laws and Courts
of Justice of this Province; by which their real property is _
rendered insecure, Trade is Clogged, and that good faith ____
which ought and would subsist among the people, and ____
which is the life and support of Commerce is totally destroyed.
And be pleased to secure to them a Constitution and Government
on such fixed and Liberal principles, as may promote the _
desire the Inhabitants of this Province have, of rendering _
this mutilated Colony, a bright Gem in the imperial Crown
of Great Britain. And that may call on the present generation
for their unceasing acknowledgements and Gratitude; and _

upon

upon the future, to feel as the present, that the security ____
and happiness of the People and Province of Quebec, depend
on an union with and submission to the Crown and ____
Government of Great Britain.

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

Letter addressed to the Magistrates of Quebec ____
from the Committee of Council for Commerce ____
and Police.

Quebec 13.th November 1786. ____

Addressed to

Gentlemen,

Nicholas Cox
J. Tachereau
Pierre Panet
J. Williams
Tho.^s Scott
Peter Stuart
Malcolm Fraser
Jn.^o Coffin
Jn.^o Renaud
Nath.^l Taylor
T Aylwin
J. Duchesnay &
Alex.^r Fraser
Esquires

Quebec. ____

His Excellency Lord Dorchester in Council
having been pleased to appoint us to be a Committee to
take into Consideration and to report to His Lordship ____
/ preparatory to the meeting of the Legislative Council, ____
which will be on the fifteenth day of January next / the
State of the Police of the Province with such improvements
as may be necessary to make therein.

We have therefore to request your sentiments
with all convenient speed on objects so interesting to the ____
Province at large, and to Quebec in particular. ____
We have the honor to be

Gentlemen,

Your most obed. most hum.^{le} ser.^{ts}

signed / Fra.^s Levesque Geo. Pownall
Edw.^d Harrison Will.^m Grant
John Collins

See M.^r Pownall's
motion, page 37.
N.º 1.

Letter from the Magistrates of Quebec __
to the Committee of Council for Commerce
and Police in answer to the foregoing Letter

Quebec 20.th December 1786 _

Gentlemen,

In compliance with your request to the __
Magistrates, signified in your Letter of the 15.th Ult^o. __
We now lay before you what has occurred unto us as requisite
for the improvement of the Police, establishing good order, and __
promoting the general good of the Community.

1.st—— That an extension of the Jurisdiction of Justices
of the Peace in certain instances, would render that Office of __
greater public utility viz.^t By empowering them to convict on
their own view persons offending against the Road Ordinance
and against the Regulations of the Police of the City of Quebec,
and these regulations to extend to the Banlieu or Precincts __
of the City.

To determine in a summary way all disputes between
Habitant and Habitant, concerning fences, Ditches, Water __
courses, Damages done by Cattle, Horses, Hogs &c, breaking
into inclosures __ Imposing a small fine over and above the __
real damage done.

To settle in a summary way small debts not exceeding
forty shillings value.

To settle the assize of Bread at such times and as often
as they may think necessary for the benefit of the public. __

To _

To confine all Beggars asking Alms or Vagrants idly strolling without a License, either in the Town or Country. To Visit all Protestant Schools once every three months.

2. ____ That a House of Correction, a Work-house _ and an Alms-house be provided in the City of Quebec.

3. ____ That every Parish be obliged to maintain its own poor, and that a person or persons in each parish be authorized and empowered to remove interloping _ Paupers to the Parish where they were either born, or _ had last gained a settlements, so that no Parish may _ be burthened with more than its own Poor.

4. ____ That no Parish Priest, Curate or other ____ Person, give License to any poor person to ask alms ____ without the limits of their own Parish.

5. ____ That so much of the present Ordinance ____ respecting the Covering of Houses with Shingles as limits the time of prosecution for the Offence to ten days, be _ repealed.

6. ____ That the pretended ancient usage in ____ Canada, called the abandon, whereby on the ~~on the~~ ____ 29.th of September annually persons claim a right of ____ putting down Fences, and Opening Inclosures, as it ____ tends greatly to the Injury of the Farmer, where the _ Inclosures are laid open, and to the great discouragement of industrious Agriculture, be strictly prohibited by Law.

7. ____ That the antient Law of the Country prohibiting the subdivision of Farms be revived by an Act of the Legislature, and rules established for the ____

clearing

clearing of Fields of Thistles and other noxious Weeds. ____

8. ____ That all Sportsmen, Idle persons, and those who walk or ride into the Country be prohibited passing over Fences, and through Fields of Grass or Corn, or removing Rails or Pickets to gain an entrance.

9. ____ That the Roads to certain distances around ____ the City of Quebec be repaired and kept in good order ____ by the joint Labour of the Inhabitants of the City and the Inhabitants of the Parishes within the prescribed Limits.

10. ____ That Bridges be built over the River S.^t Charles and other small Rivers on the Public Roads more especially the River S.^t Charles, for the great convenience of both the ____ City and Country around from whence a great part of ____ the Supplies to the City are brought : The Inhabitants of ____ the Country Parishes frequently lose much time in waiting for a suitable time of the tide to Cros's that River, in its ____ present state without a Bridge.

11. ____ That for the better forming and keeping in good ____ order the public Roads in Winter, the use of Traineaux be ____ prohibited, and Trains only permitted, and these to be Constructed with Runners not exceeding four inches in height, the length ____ to be six and an half feet, and the Breadth two feet eight inches ____ to be shod with a strip of Iron length ways in the middle of ____ the Bottom.

12. ____ That some fund be established or money ap =
= propriated for the payment of Bailiffs and Constables with =
= out which Justice cannot be by the Magistrates duly ad =
= ministered, as daily experience evinces.

13 ____ That a substantial Prison be provided for the dis =
= trict of Quebec, and to contain a sufficient number of ____
apartments to keep Prisoners separate from each other. ____

14.

14.____ That provision be made for the sage Custody of ____ Criminals, Vagrants, Rogues, Vagabonds &c, in Parishes ____ distant from the Capital, and the public prison for the ____ District.

15.____ That an Act be passed by the Legislature respecting Bastard Children; and Apprentices; better ____ adapted to the circumstances of this Province than are the Acts of Parliament now in use.

16.____ That no person be allowed to practise Physic ____ or Surgery within this Province without producing testimony ____ of his having been regularly Educated in these professions ____ and without being duly licenced by Authority.

17.____ That the Fees of these Physicians and ____ Surgeons who may be authorized to practice be regulated by the Legislature; the high Charges of the Physicians / it is asserted / have deterred many persons, more especially the poor Inhabitants in the Country from applying for relief, even in cases of necessity whereby it is very probable ____ many lives are annually lost.

18.____ That the Inhabitants of Quebec be empowered ____ to provide means for paving and lighting the Streets ____ of the City.

19.____ That public Schools for educating Youth to be established throughout the Province. ____

To the Honorable
John Collins
Edward Harrison
François Levesque
George Pownall
and
William Grant

Esquires.

These Articles are very respectfully submitted to your judi =
= cious consideration by,

Gentlemen,

Your most obedient
and
most humble servant.

/ signed /

Jn.^o Coffin

Tho. Scott

Malcolm Fraser

Peter Stuart

Juchereau Duchesnay

John Renaud

Tho.^s Aylwin

Nath.^l Taylor. ____

Letter addressed to The Merchants at Three Rivers
from the Committee of Council for Commerce
& Police

Quebec 13.th November 1786.

Gentlemen,

His Excellency Lord Dorchester in ____
Council having been pleased to appoint us to be a Committee
to take into Consideration and to report to His Lordship / pre =
= paratory to the meeting of the Legislative Council which will
be on the fifteenth of January next / the state of the external _
and internal Commerce and the Police of the Province: with
such improvements as may be requisite to make therein. ____

We have therefore to request your sentiments with
all convenient speed on objects so interesting to the Province _
at large and to Three Rivers in particular. ____

Adressed to

Tonnancour Esq.^r
Aaron Hart
Samuel Sills
Bellefeuille Esq.^r
La framboise
&
Malcolm Fraser

Three Rivers

We have the honor to be

Gentlemen,

Your most Obedient
most humble servants.

/ signed / Francis Levesque
Edward Harrison
John Collins
George Pownall
William Grant.

Answer

See M.^r Pownall's
motion, page 37
N.º 2.

Answer to the foregoing Letter.

Three Rivers 28.th December 1786. __

In consequence of the Minutes of the Proceedings of the __
Quebec Merchants. We the Subscribers at a late ____
meeting have considered of the following objects, on those
Subjects of the internal and external Commerce and Police __
of the Province in general, and Three Rivers in particular __
and which are universally necessary.

- 1.st __ That foreign Molasses should not be imported ____
unless subject to such duty as will bring it to an equal __
value of Molasses imported from the British Islands. __
- 2.^d __ The importation of Wine and Fruit directly from
Spain and Portugal under certain Restrictions and Rules. __
- 3.^d __ Bounty on Exports including Pot and Pearl Ash. __
- 4.th __ The improvement of the Fisheries
- 5.th __ The improvement of the Wheat and Flower __
Trade and Establishing Public Markets. __
- 6.th __ The improvement of the Navigation of the River
- 7.th __ The recovery of debts on the principles of the ____
English Commercial Laws, speedy processes and Additional
Laws for the Recovery of small debts which is much wanted
at this place, as well as a better Police; the present system
being found no ways beneficial to Trade, here being __
no means for the recovery of small debts, but by waiting
the arrival of the Circular Courts twice p.^r Year, which ____
Courts sitting sometimes at Machiche and sometimes here,
have often been attended with many abuses as well as total

Losses

losses : The establishment therefore of a Weekly Court at ___
this place for the recovery of small debts would be of a general
benefit.

- 8.th ___ The Establishment of Appeals and a Court of Chancery.
- 9.th ___ Registering of all Deeds and Mortgages, and to ___
prevent frauds on Mortgages, an that the Original Deeds ___
and Mortgages should be left in the hands of the Proprietors,
and not left in the possession of the Notaries.
- 10.th ___ Some regulation of Law for Bankrupts to prevent
Frauds.
- 11.th ___ That a Standard should be fixed for Weights and ___
Measures in the Province.
- 12.th ___ Bringing all Gold coins to one certain weight. ___
- 13.th ___ A. Tax on all Goods sold at Vendue; Furrs and
Goods sold by execution excepted.
- 14.th ___ A Charter for incorporating a select number of ___
Citizens to make Bye Laws, authorized to Commit Felons, ___
and decide civil and Criminal causes under certain Rules and ___
Restrictions / without the trouble of a Journey to Montréal / and ___
whose power should extend as was formerly done from S.^t Anne ___
to Berthier on this side, and from S.^t Pierre to Masqua on the
South Shore, also with full power to regulate the Police. ___
- 15.th ___ The Establishment of public Schools. We think highly
necessary, and that Three Rivers is a very proper spot for ___
an establishment of that kind.

/ signed / Aaron Hart
Sam.^l Sills
Malcolm Fraser
J. B. Laframboiz

A

See M.^r De S.^t Ours'
motion, page 37.
N.^o 3.

A representation by many of His Majesty's ____
New Subjects at Three Rivers to His Excellency
and the Council, viz,

À Son Excellence Lord Guy
Dorchester Chevalier du tres honorable
ordre du Bain, Gouverneur General
& Commandant en chef de la Province
de Quebec &c, &c, et à son très honorable
Conseil Legislatif.

Monseigneur,

ex.^d Nouce les habitans de la ville des ____
trois Rivieres faisant tant pour nous, que pour les habitans
des différentes Paroisses qui formoient ci-devant Son ____
Gouvernement; prenons la liberté de représenter tres humble =
= ment à Votre Seigneurie et à Votre Honorable ____
Conseil que nous avons été informé que six personnes ____
de cette Ville avoient été nommées pour former un
Comité à l'effet de représenter l'état actuel de ce ____
Gouvernement et ce qui seroit nécessaire pour son bien
être futur. Nous avons appris que ces Messieurs, ____
avoient envoyés leur réponse et comme leurs procédés ne ____
nous ont point été communiqués et que les habitans de cette ____
Ville n'ont été appelés ni Consultés, nous ignorons si
les vrais intentions du peuple ont été représentés.

C'est pourquoi nous supplions Votre Seigneurie ____
et votre Honorable Conseil, de nous permettre de faire ____

les

les representations qui suivent.

De tous tems il y a eû en cette ville une Cour ____
Civile & Criminelle; nous en avons été déchus par L'ordonnance
de 1770 qui établit la Cour de tournée depuis cet époque ____
que de pertes n'ont pas souffertes les habitans de ce Gouverne =
= ment ayant été obligés d'aller défendre leurs droits à ____
trente lieues d'un Coté et d'autre, et de porter leur argent ____
aux deux extrémités de la Province, de façon que ce Gouverne =
= ment qui en est le Centre se trouve ruiné, ce qui a fait
tomber le Commerce et Découragé L'Agriculture et tous
les-arts.

Nous sommes cependant persuadés, que l'intention
de Votre Seigneurie, fut en érigeant la Cour de tournée, ____
d'opérer en notre faveur, comme en faveur du reste des sujets
de la Province, une diminution sur les frais judiciaires et ____
célérité dans le jugement de nos causes; mais nous allons
démontrer à Votre Seigneurie et à Votre Honorable ____
Conseil, que loin d'éprouver ces effets avantageux nous en
avons éprouvés de tous opposés. Car d'un Coté les causes
que nous avons été obligés de porter Mouvoir à Montreal,
ou à Quebec, outre le tems pour s'y rendre et le séjour ____
souvent infructueux, que nous ne pouvions nous dispenser
d'y faire; notre dépense particulière à la vie, le cout de
nos témoins, celui des Significations et les Emolumens des ____
practiciens nécessairement réitérés au moindre incident ou ____
à chaque nouvelle motion, nous ont Ruinés en partie et ____
nous ont obligés au sacrifice douloureux ____ de nos biens et
de nos droits.

Nous n'avons pas été plus heureux sur l'effet
de la Cour Tournée érigée par L'Ordonnance, car ____

les

les causes de sa compétence, quoique de modiques pre =
 = tentions, n'étans pas moins susceptibles de faits contestés,
 preuves et incidens, que celles de la Compétence des __
 Cours de Quebec & Montreal, étoient rarement jugées __
 à leur premiere Motion, de maniere que leur Remise __
 aux tournées futures étoit un inconvenient d'autant plus
 disgracieux qu'indépendamment de la perte presque certaine
 des frais primitifs, il arrivoit souvent que le Debitéur __
 devenoit ou Décédait insolvable, ou qu'en Couragé par
 le laps de tems se fortifioit dans la mauvaise foy, ou
 Changeoit de demeure et emportoit avec lui le bien __
 d'un Legitime Créancier.

Nous n'avons pas eu plus de bonheur dans __
 les affaires qui concernent la paix. Car Messieurs __
 les Commissaires de cet endroit, n'ont que le pouvoir __
 de donner des prises de Corps et de faire conduire Les __
 Malfaiteurs soit dans les prisons de Quebec ou Montréal
 faute de cautions; et la partie offensée est obligée d'aller
 plaider dans l'un ou l'autre de ses deux Cours, et d'y
 mener ses temoins, ce qui fait des frais immenses, dont
 la partie offançante est souvent hors d'état de payer, __
 de façon que la partie offensée, pert ses avances et les
 frais de ses temoins, ou bien il faut laisser tomber l'affaire
 ce qui est souvent arrivé dans cet endroit.

Pour remedier à tant d'inconveniens, nous _____
 supplions Votre Seigneurie et Votre Honorable Conseil __
 de nous accorder les tres humble demandes cy après expliqués __
 1.^e Que le Gouvernement de trois Rivières soit divisé _____
 comme il l'étoit cy devant, c'est à dire du Cote du Nord __
 depuis et compris S.^{te} Anne, jusques et compris

Lormiere;

L'ormiere; et du Cote du sud depuis et compris S.^t _
 Pierre Lebequet jusques et Compris Yamaska. _

2. _ _ Une Cour civile etablie en cette ville, autorisé à _
 prendre connaissance des matieres de nos Proprieté et _
 matiere de dettes. Les jugemens de la quelle Cour ressor =
 = tiront / au cas d'appels / pardevant Votre Seigneurie et Votre
 Honorable Conseil.

- 3.^o _ _ Une prison civile pour arrêter tous Malfaiteurs. _
 Cette prison étant dans le centre de la Province il ne _
 pourroit en résulter que de très bons effets pour les deux autres
 Gouvernemens; car le gens qui desertent de Chés leurs _
 Maitres qui vols ou qui font d'autres Crimes, doivent _
 nécessairement passer dans cet endroit, soit en montant _
 ou descendant. Sans cela personne n'est pressé de les arreter
 pour les conduire soit dans les prisons de Quebec ou _
 Montréal. Et son Honneur le Juge en Chef de _
 cette Province jugea les prisonniers qui se trouveroient _
 détenus dans la dite prison lorsqu'il iroit tenir la Cour
 du Banc du Roy à Montréal.

4. _ Un nombre sufisant de Commissaires à paix pour
 tenir une Cour de Session de Quartier, afin de terminer _
 les affaires d'assaults et Batailles, sans être obligé d'aller
 à Quebec ou à Montréal, ce qui occasionne des frais con =
 = siderables. Comme nous l'avons remarqué ci-devant _
 avec pouvoir de faire des Rèlemens pour le bon ordre _
 et la Police tant dans la ville que dans le Gouvernement
 des trois Rivieres, et qu'ils ayent le pouvoir d'infliger des _
 amendes à ceux qui Contreviendront aux dits reglemens. _
 Cette partie ayant été negligée depuis L'Ordonnance 1770 _
 fait que Chacun est Maitre et fait ce qu'il veut, ne _
 Craignant aucune punition à moins d'aller chercher _

justice

justice à Quebec ou à Montreal, aux quels endroits
alors, les choses ne se ressemblent plus comme si l'on
en prenoit connaissance sur le Lieux, chacun rapportant
ce qui est à son avantage, vrai ou feaux.

- 5._ ____ Un marché public dans la ville des trois Rivieres, _
et que les habitans du Gouvernement soyent obligés ____
d'y apporter leurs denrées pour empecher le monopole que ____
beaucoup de personnes excercent ≠ ≠ en acheptant des denrées, ____
et les revendant au dessus d'un honnête bénéfice.
- 6._ ____ Un Commissaire de Police, qui aura L'inspection du _
Marché, des poids et mesures dont on y fera usage, des
Rues et autres necessités suivant l'exigence des cas, et prin =
= cipalement de faire observer Les Ordonnances de cette ____
Province.
- 7._ ____ Que le Commerce de la Riviere S.^t Maurice, _
soit Libre aux Commerçans de cet endroit seulement
à l'exclusion de tous autres; attendu que c'est le seul endroit
d'ou l'on tire des Pelletries dans ce Gouvernement, et qui ____
en fait la principale branche de Commerce. Messieurs ____
les Negotians de Quebec et Montreal, ayant des postes
beaucoup plus avantageux pour faire la traite.
- 8._ ____ Une ecole publique sur le meme pied et avec les ____
memes privileges et prerogatives que celles qui seront etablies
à Quebec et à Montréal.

Enfin la Protection de Votre Seigneurie et de
son Honorable Conseil, dans tous cas imprévus par tous
ces moyens nous espererons voir refleurir dans notre ____
Gouvernement, le Commerce, L'Agriculture et tous les arts ____
en general.

Nous terminons nos respectueuses demandes par
l'incontestable preuve que L'Administration d'une ____

justice

justice accessible, prochaine et relative aux meurs Coutumes
et usages des Lieux, inspire aux peuples qui les habitent, _____
L'Amour, la veneration, L'Obeissance et le dévouement pour
leur Prince, devoirs à jamais inséparable par des Suplians, qui _
prévenus des bontés de Votre Seigneurie, ainsi que de l'esprit
de sagesse de Votre honorable Conseil, en espèrent l'accueil
à leur requete.

/ signé /

Godfroy Normanvill	Le Chev. ^{lr} Niverville
Droit Richervill	Laguerche fils
Thom. ^s Princtergast	Joseph Dénoy
John Macpherson	Montisambert
Louis Labadie	Godfroy de Tonnancour
Tonnancour	L. J. Le Proust fils
Jo. Baptiste Corbin	John Morris
Jean Bolvin	J. B. ^{te} Pratt
François Clisse	L. Derbaratz
Le Chev. ^{lr} Tonnancour	Jean Donrel
Charles + Letourneau	Joseph + Bolvin
Pierre + Panneton	Joseph + Richard
Jean + Blondin	Charles + Louval,
J. B. ^{te} + Blondin	J. B. ^{te} + Pineau
J. B. ^{te} + Panneton	Jean Soulard
Joseph + Gatant	J. B. ^{te} + Duplacy
Joseph + Bourbeau	firmin + Como
P. ^{re} Baby	J. B. ^{te} + harnois
	Badeaux

Nous Commissaire à paix, et Notaire Soussignés Certifions
que les noms ci-dessus et de l'autre part ont été signés en
notre présence et d'un consentement unanime. En foi de
quoi aux Trois Rivières le 28. Decembre 1786.

/ signé/ Badeaux	Le Chev. ^r Niverville
No. ^{re}	

Information

Information concerning the Fisheries.

The Salmon fisheries in the Bay Chaleur produce at ____ present about one thousand tierces of Salmon, speared Salmon sells in the Bay for six Dollars the Tierce, and those caught in nets for eight Dollars.

Salmon Fisheries.

1.st ____ No Racks or Cribs should be permitted in any ____ River where Salmon run, those concern'd in placing them, ____ upon proof thereof should be made liable to a large penalty. ____

2.nd ____ The time of catching Salmon to be cured for ex =
= portation ought to be limited to a certain period, for Salmon caught out of Season are not half so valuable, they hurt the ____ Market and give a bad name to the whole exported from the Bay.

3.rd ____ The time limited for catching Salmon might be from the commencement of the Season / as soon as the Rivers open / to the first day of Sept.^r on each year.

4. ____ As many Traders entirely unacquainted with ____ the art of curing salmon, purchase them of the Savages ____ and put them up in Tierces in such an ill cured slovenly ____ manner, that they are entirely Damaged and rancid ____ before they reach European Markets, therefore a proper ____ person of integrity and experienced in the business should be ____ legally appointed to inspect all the Salmon for exportation ____ in the Tierces before they are Shipt or put on Board the ____ Several ships.

5.th ____ The Inspector to have so much for every Tierce ____ he examines, and all Merchants who export salmon ought to be under certain penalties obliged to apply to the Inspector legally appointed. This regulation might only be ____

extended

extended to those who send Salmon to the European Markets
for in the West Indies the Inhabitants and Merchants
are not so particular.

/ signed / Nicholas Cox.

There are sixty four sail
from Jersey only on the
Cod fishery.

A Return of the Outfits from Jersey and Guernsey
for the Fisheries at Percie 16.th August 1785.

M. ^r Robin & Co	£ 15,000
Paul L. Mesurier & Co	12,000
Gosset and Fiott	5,000
Combes and Co	4,000
Pervaux and Co	2,000
Dolbel and Co	1,500
Pipon & Co	1,000
Le Couteur and Co	3,000

£ 43,500

Besides the above Gentlemen, are the following. _____

Janvrin & Co _____	5 sail at Isle Madam
Gilpard & Lyvrel _____	2 at S. ^t Georges Bay
Fiott, Quiteville & Co _ _	2 at Labradore
Hennerys / Brothers / _ _	2 at Ditto
Robilson & Co _____	1 at Ditto
Le Feuvre _ _ _ _ _	2 at Canso
Le Roue _ _ _ _ _	1 at Canso

Instructions

Instructions from Governor Haldi =
= mand to Lieutenant Governor Cox
at Gaspey.

In order to encourage as much as possible the fishery in the District of your Government and to prevent monopolies of the most advantageous parts of the Beach, you are hereby directed strictly to observe the following Instructions in your Arrangement of the persons who reside, and those who __ occasionally resort there to fish.

1.st _____ The Beach much not be granted as __ private property, but be laid out in Lots to those Residents and chance-comers, who carry on the fishery, in Proportions of so many feet in front, by so many in depth, for a flake __ for every Boat each person employs.

2.nd _____ When any person quits the fishery his __ Buildings, Stages, flakes &c, must be appraised and paid _ for by the person who takes his Lot or Lots.

3.rd _____ If a Resident leaves off fishing one year it is to be supposed that he has quitted the Business, his __ building &c, on the Beach are to be Appraised and sold __ to any Person (being a proper one who shall apply for __ said vacant Lots to carry on the fishery and the money immediately paid into the hands of the Lieutenant Governor who will be Accountable for it.

4.th _____ Every Family that keeps a Boat for their __ private use, to have one lot on the Beach as convenient __ to them as possible, but so as not to interfere with the __ Public business, and prevent the great National object of the fishery.

5.th

5.th ____ Any part of the Beach unoccupied by Residents ____ may be taken up by the first comers, in the proportions afore = = said of so much to each Boat.

6.th ____ The Beach Lots to be given by the Lieutenant Governor or any Person he may appoint in his absence, _ for which no rent is to be taken.

ex.^d

Sign.^d / Fre : Haldiman

A true Copy

Quebec 15.th Dec.^r 1786

/ signed / Nicholas Cox L.^t G.^r of Gaspée &c, ____

Information concerning the Fisheries continued.

Quebec 4th. December 1786. ____

The Fishery carry'd on in Gaspee & Chaleur Bay, _ including the whole Coast between those places, produces at present about fifty thousand quintal of Cod-fish & one thousand Tierces _ of Salmon, they will admit of very considerable improvements in both branches, if Government mean to Encourage the Fisheries in this _ province serious considerations ought to be made on that head.

In order to prevent disputes and encourage Individuals ____ both Residents & European Adventurers, each should be put in possession of the Beach he can at present occupy and use, in such manner as to become actually his own property, the same as any other Lands, otherwise he cannot safely improve it or lay out the money to make it convenient an useful. If fishing _ Rooms become private property the proprietors will have the _ satisfaction when inclined to leave the business, or if reduced by _

misfortune

misfortune to obtain the most for his Labour by disposing of it to the best advantage, a chance he ought in justice to have, _ more especially if reduced by adversity, if he is compelled to part with it by appraisement because he cannot occupy it for a year or two he can expect very little for his labor, his experimental _ improvements which are the most advantageous will not perhaps _ be discerned by the Appraiser. If the fishing Rooms are _ to be Granted only for a certain time, or as long as the Proprietor can employ them, he cannot erect any thing solid, but on the contrary temporary Hutts, Stages, & Flakes, which in the _ end are more expensive than the solid Buildings which he _ dares not Undertake; besides European Adventurers will _ prefer Newfoundland where they can erect on a spot which becomes their property and which they dispose of at pleasure, the fishing _ there is in every respect equal to this, perhaps preferable, and _ one hundred and fifty leagues nearer the European Shores, this distance is all a Lee shore which renders the Navigation so _ much the more dangerous – Government runs no risk in disposing of Beaches upon Liberal Conditions if the _ Monopoly is prevented, which may easily be done, for as long as the fishing is sufficiently Advantageous & proper encourage = ment given to the Adventurer the Beaches will not remain unoccupied, if a Fortune is made in any spot, a Successor _ will soon fill up the vacancy of his fortunate Countryman, If _ but unliberal grants of Beaches can be obtained it will _ remain barren and Government disappointed sufficient _ commons ought to be reserv'd for the fishing beaches adjoining to them, the expence of bringing the necessary Ingredients _ made moderate as possible, no Timber should be cut down in the Common but for the use of the Beach, and the _ Birch to serve for fuel for the Inhabitants, and European

Adventurers

Adventurers, their Crafts & Vessels, but no wood of any kind to be cut down for trade or Exportation, the Inhabitants or _____ persons carrying on the fishing upon the Beach might also cut timber to build their own Crafts. ____ No Cattle / Hogs & Sheep _ included / ought to be suffered to come on Beaches among the Flakes, as the first destroys the flakes, and netts while drying _ the other destroys the fish. No Vessel of any kind should _ be allowed to split their fish on the fishing Grounds, it is _ not sufficient to prevent them to heave the Gurry overboard, but the penalty ought to be for splitting on the Grounds, for if they _ split there they will watch an Opportunity to throw it overboard _ unperceived, That a severe punishment should be inflicted on stealing of nets Bait or Cod-fish, or any other fish out of stages drying on flakes, or otherwise lying on, fishing Rooms, which prac = = tices are but too common. ____ The hardships the fishermen _ undergo in general, obliges them to have recourse to Spirits in _ cold Weather & Melasses for their brewing &c, they don't expect _ Bounties for Encouragement, but if Government would be ____ pleased to allow the use of these two Articles duty free it would _ be the means of making them a happy people. They cannot have the choice of Fishermen in their service if any article ____ especially these two are sold dearer than at Newfoundland ____ where no such duty does exist too heavy for poor Cod-fishers _ to pay. I think the Newfoundland Regulations ought to _ be examined and that at least the same encouragement should _ be given to the public as there, and considering the situation of _ the Province, more if possible If it is the intention of Government to encourage that branch, it deserves at this time more encourage = = ment than ever, as the business of itself gives ^ but very little, and the least check at present would totally overset it. _____

This

This information I have collected from the best Authorities, __
and these are my Sentiments humbly submitted by

Gentlemen,

N. B. It will be necessary
to appoint an Inspector, _
to see that no fish are sent
to European Markets but
such as are Merchantable.

Your most obed.^t
humble Servant.
/ signed / John Collins. __

Concerning the Navigation & Pilotage of the River
S.^t Laurence.

Gentlemen,

In compliance to your request dated the
15.th instant. We beg leave first to suppose, that it will be
found necessary to appoint proper persons with power to examine
Pilots respecting their Abilities, to take knowledge of those that
destroy Sea-Marks, and to redress their doings and to take __
care of divers other things belonging to the Navigation in
the River S.^t Laurence, and the seas in this province. __

- 1.st __ _ In our opinion twenty four Pilots is a sufficient number
in times of peace, to be employed in the River S.^t Laurence __
below Quebec / more than that number could not get a living
by Piloting in the said River /. __ 2.nd __ That it would be best _
to form them into six Companies; each Company shall be __
obliged to keep one Boat with sails, Oars, Anchors &c, And __
two Apprentices not less than 14 nor more than 16 years __
of Age when they are bound, and to serve until they be __

21 Years old; the said Apprentices to be entitled to have a Branch, if qualified, the last three years of their time, for the benefit of their Masters. Each Company shall be obliged to Instruct said Apprentices, the Compass, Sounding Bays, Harbours, Anchorages, inlets, and the Art of working a __ ship.

3.rd __ That two or more of the said Boats shall be obliged to be at the Island of Bic by the 25.th day of April every __ year, wind and weather permitting; on proof of such neglect __ shall forfeit. __ 4.th If any person shall take upon him to conduct or Pilot any Ship or Vessel from Bic to Quebec, before he has been first examined by Persons appointed for __ that purpose, touching his Ability, and Approved and admitted into the Society of the Pilots by obtaining a Licence. Such __ person for the first offence, shall pay __ Pounds; for the __ second __ Pounds; and for every other offence __ pounds.

5.th __ That it shall not prevent the Master or Mate __ of any Ship, or part Owner of any Vessel belonging to this Province, in the fishing or Coasting trade from Piloting __ his own ship; nor subject any person to the penalties, who shall be hired by any Master, to Pilot his Vessel; provided none __ of the Licenced Pilots, within one hour after such Ships shall arrive at Bic, be ready to pilot the same; and if any licenced __ Pilot shall go on board said ship, before she arrives in sight of Quebec, he shall take charge of said Ship, and pay the other Man for his trouble out of his pilotage, according to __ the distance he has brought the ship.

6.th That the Pilots shall be obliged to put, first a Pilot on Board the Ship or Vessel, that is nearest to them, __ before they go to another ship; in case they do not, that __ Company, upon complaint, and proof of the same shall __ forfeit __ and the Pilot that is put on board, __ shall shew to the Master of the ship his licence for piloting;

and

and the Master shall tell him how many feet water ____
the Ship draws.

- 7.th ____ That Master of Merchant Ships, may make ____
choice of such Pilots of the Society as they think fit, out of ____
the first Boat that goes along side of the Ship; and they
are requested to assist the Pilot in working his Ship; ____
/ as but very few Pilots in this Province, at present under =
= stand that business. /
- 8.th ____ No person shall continue in the Society, who ____
shall not Pilot a ship at least twice in one year / unless
prevented by sickness / to and from the places above =
= mentioned.
- 9.th ____ That for conducting any Ship from Bic to ____
Quebec, the following and no greater price shall be taken,
ex^d then eleven shillings per foot, for every foot the Ship ____
may draw; and no allowance to be made for odd inches, ____
except they be more than six, in that case to be allowed
a foot.
- 10.th ____ If any Pilot shall negligently lose the ship ____
under his care, and be thereof convicted, he shall for ____
ever after be incapacitated from acting as a Pilot. The
number of Pilots shall not be less than twenty four, ____
whose names, age, and place of Abode, shall every
20.th of April be affixed in some public place in the
Custom house at Quebec: And for not returning such
list the person or persons appointed to superintend ____
the Pilots shall pay.
- 11.th ____ That any person or persons who shall assist
any Ship or Vessel in distress, he or they shall be well
paid for their trouble, according to the risk they run; ____
and if any Ship should be Dismasted, or lost her

Rudder

Rudder &c, and a Pilot or Pilots should go aboard, __
 or only along side, so as to hail the ship he or they shall
 not be permitted to leave her in that distress; but shall
 use his or their best endeavours to get her into some place
 of safety. Should he or they refuse to do so, and they _
 be thereof convicted; they shall for ever after be incapacitated
 from acting as Pilots; and any promises that a Master __
 of a Ship shall make to any Person, when his Ship is
 in distress, shall not be binding on him. But they shall
 be paid for their trouble and risk by the Owners of the Ship
 and Cargo, or Under = Writers, as it shall be judged by Arbitra =
 = tors chosen, out of the Members of those persons appointed to _
 Superintend the Pilots, and two Merchants.

- 12.th ____ If any Pilot shall leave the ship, before she is moored
 at Quebec, or made fast to some Wharf without obtaining
 leave from the Captain, he shall forfeit one half of his pilot =
 = age of said Ship.
- 13.th ____ No ship is to lay at Anchor in the River at Quebec,
 any longer than two tides without being moored : if she does _
 the Captain of said Ship shall make good all Damages _
 that any other Ship or Vessel shall sustain by his Ship
 not being moored.
- 14.th ____ Those persons appointed to superintend the Pilots,
 may during their continuance make Rules and orders for the
 better Government and Regulation of the Pilots, and may order
 a sufficient number of them to ply constantly at Bic __
 not less than two Boats in Rotation from the 25 of April
 to the 15.th November to be ready to conduct ships up the __
 River S.^t Laurence; and may suspend or deprive any
 of the said Pilots of their Licence for three Months, for __
 breaking any of the said Rules or Orders; and if any Pilot
 during such suspension or deprivation shall take upon _

himself __

himself to conduct any Ship or Vessel from Bic to Quebec, or up, or down the River S.^t Laurence, he ___ shall be liable to all the Penalties provided against ___ such persons as shall Conduct Ships from and to the ___ places aforesaid, without being first examined and approved ___ of by the persons appointed to superintend the Pilots. ___

15. ___ If any person shall take the charge of any ship as Pilot down the River S.^t Laurence, other than such ___ as shall be Licensed to act as Pilot, every person ___ so Offending, and being Convicted before two justices of ___ the Peace for the City of Quebec, shall for every such ___ offence forfeit ___ Provided nothing in this shall extend to the Obliging any master or others of any fishing Vessel, or other Coasting trader, to employ a Pilot.
- 16.th ___ In case any Licensed Pilot shall refuse to ___ take charge of any of His Majesty's Ships when ___ appointed thereto, or shall have mis-behaved themselves in the Conducting of any ship, or in any other ___ part of their duty, or shall get drunk on board any Ship that he has the Charge of as Pilot; and in ___ case the Pilots shall refuse to obey any Lawful sum = ___ = mons of the person or persons appointed to superintend the Pilots; or such orders as they shall make in the ___ premisses, they upon examination and proof thereof are ___ required to recall the Warrants granted to such Pilots ___ for six months at least; and if such persons shall ___ / after notice given by the persons appointed to superintend the Pilots, or by their Clerk, to them in person, or left ___ at their place of abode / act as Pilots within the Limits ___ above-mentioned; they shall be subject to all the Penalties ___ inflicted on unlicenced Pilots. ___

17.

- 17.th ____ No Pilot or Pilots shall pass any Ship or Vessel, without hailing said Ship or Vessel, to know if they have a Pilot on Board; and shall for every such neglect forfeit.
- 18.th ____ Any Ship or Vessel that dos not belong
ex.^d to the River of S^t. Laurence as a Fisherman or Coaster coming up, or going down said River; without a Pilot on Board, shall pay half Pilotage; and if any Ship or Vessel shall follow, another that has a Pilot on Board, shall pay half pilotage; all half pilotage, and forfeits by the Pilots or others to be paid into the hands of those persons that may be appointed, to be applied as may hereafter be directed.
- 19.th ____ If any Pilot, should be carried away out of the River S.^t Laurence below the Island of Bic, by any Ship or Vessel, said Pilot shall be allowed the same wages, as the Mate of said ____ Ship, has, from the day they left that place, until he arrives again at Bic / but he shall be obliged to do duty on Board said Ship if required / and than to have the Piloting of said Ship to Quebec. Provided she returns to this Province the ____ next Spring; but in case the same Ship or Vessel does not return to this Province, the Master or Owner are to procure him a passage in some other ship and to pay him Mates Wages until he arrives in this Province. Provided he makes the best of his way home.
- 20.th ____ If any dispute shall arise between the Pilots, or the master of a Ship & Pilot such disputes shall be settled by ____ Arbitrators chosen by them, from the members of the persons appointed to Superintend the Pilots and two Merchants. ____
- 21.st ____ Should any Master of a Ship, or any other person, abuse or ill treat a Pilot. The Civil Law is open to do him justice.
- 22.^d ____ In our opinion it is absolutely necessary, for the ____ improvement and safety of the Navigation of the River S.^t

Laurence

Laurence to have a light-house built on the North East end of Green Island, as near to the Reeve or Rocks a possible / and should a small house be built for a person to live in, who may be appointed to take care of the said Light-house / we would recommend for it to be placed in a direct line with the Light-house and Reeve of Rocks, which will be a good Land-mark for the Pilots to know when the ship _ is abreast of the Reeve. _ Between Green & Red Islands _ is the dangerous part of the River, the flood tide sets across _ the Channel, between Red and White Islands, and the Ebb tide sets across the Channel down upon Green Island, until the Land turns its course; which Cross tides greatly _ deceives the best of Pilots, in dark days & Nights. The Channel there is deep, the Current strong, and the bottom _ rocky, and by no means a fit place to anchor in, a Good _ Light, can be seen five or six leagues in the Night, and _ will be a good mark for Ships to run for, either coming up _ or going down the River. We recommend the burning of Oil in the Light-house, as it will give a much better, and truer light, than coal, or Wood.

23.^d _____ It is necessary to have two Bouys at least; placed _ in the South Channel, on the Traverse, a Black one, _ on the North side, and a White one on the South side of the channel, which ought to be moored with two anchors & Chains each, as the bottom there is rocky, & the Current strong. _

24.th _____ The Masters of all ships or Vessels are required _ to give their Pilots a Certificate after they have moored their Ships, and not to detain them on Board after that time. _

25.th _____ If a Pilot shall bring any Ship, or Vessel up _

the

the North channel, by the way of Coudre; the following and _
 no greater price shall be taken, for coming up or going down _
 that Channel, than ten shillings per foot, for every foot the _
 Ship may draw, from Bic to Quebec. But if any ship _
 or Vessel does not take a Pilot until she arrives at Coudre, _
 in that case, no greater price shall be taken than five shillings
 per foot, from that place to Quebec; & the same price down. _

- 26.th _____ No Ship or Vessel to be permitted to go along side
 of any Quay or Wharfe or on the Ground, in Quebec before she
 has landed or put out the powder, that she may have on Board _
 upon proof of such neglect shall forfeit and pay.
- 27.th _____ If any Ship, or Vessel shall heave overboard into the _
 River in the Harbour at Quebec, any stone or Ballest upon
 proof thereof, the Master of said Ship shall pay.
- 28.th _____ No Ship or Vessel shall be permitted to grave in
 the Cul-de-Sac, or make any fire there, to heat any Pitch _
 Tarr, Turpentine, Oil or Tallow, the person so offending _____
 against this Regulation upon proof thereof, before one or more _
 of the Justices of the peace for the City of Quebec, shall pay
 for the first offence _____ pounds, for the second _____ pounds
 and for every other offence _____ pounds.
- 29.th _____ All Ships or Vessels laying in the stream at _
 Quebec, in heavy gails of Easterly wind, to skew a light
 in dark nights.
- 30.th _____ The passage at the Landing place, between Cap.^t _
 Gill's Quay, and the opposite one, to be kept clear of Rafts
 of Wood, & Timber, and small vessels, in the summer _
 Season for the convenience of Ships Boats landing goods &c, _
 And in the Winter Season for the convenience of the _
 Market Canoes, and Slays to fetch water in case of fire;
 and no Dirt or Rubbish to be laid down at the Landing
 place, except at low Water-mark.

31.st

31.st ____ All Ships, Vessels, or Craft laying in the Cul-de sac, shall be obliged to lay in & out, at all times; and to have a Stern anchor laid down below the Reeve of Rocks; and are not to heave any Ballast, of any kind, overboard there, nor any dirt or Rubbish to be laid down in the Cul-de sac, except at low water mark. The Passage facing M.^r Solomon's and the other between the King's Wharfe, and _ Madame La Marr's Quay, to be kept clear of Rafts of _ Wood & Timber and Vessels; for the convenience of Market Canoes in the Winter, and Slays to fetch water in case of fire.

32.^d ____ No timber or Wood to be allowed to lay in the Cul de sac, any longer than two tides; then to be hauled _ up above high water mark, that the said Cul de sac _ may be kept clear, for any Ship or Vessel, in distress _ to run in. ____

	Quebec	28. th November	} / signed /	James Frost
		1786		Constant Freeman
To The Honourable				Peter Fraser
Francis Levesque	}	Esq. ^{rs}		Martin Chaneque
Edward Harrison				
John Collins				
George Pownall				
William Grant				
Committee of		Council		

Gentlemen,

Having been called upon by the Honb.^{le} Com =
 = mittee for Trade, to give my opinion concerning the improve =
 = ments that should be made in the Navigation of the River
 S.^t Laurence and Regulations for Pilots &c, &c,

I would humbly recommend that a Survey of the ____
 River should be taken and a proper Chart be made _ the
 surveys already taken and the Charts formed thereon being ____
 erroneous; That a Beacon or Landmark should be placed ____
 upon the extreme part of the Rocks on the East end of the Island
 of Bic so as to distinguish it from S.^t Barnaby, the latter ____
 having been often taken for the former, and some Vessels thereby
 lost. ____ That the Light on Green Island should be raised
 25 or 30 feet which may be done at a trifling expence ____ That
 a Buoy should be place on the middle bank, & another on
 the Point S.^t Roc. ____

With regard to Pilots ____

That the number of Pilots should be limited to 24, Twenty
 four or thereabout _ and none should be admitted without ____
 having served 3 or 4 years and giving bail for their good ____
 behaviour ____ That the old ones should have a preference ____
 of the Younger in some cases _ such as arriving along side
 of a Ship much about same time _ when the Young have
 the Advantage of age by strength & activity, And that the
 whole should be under the inspection of a Superintendant to be
 appointed by the Commander in chief as has been the case
 heretofore.

The foregoing improvements were recommended and _
 approved of last year and the year before by the Captains ____
 of the Trade _ the Merchants of London Trading to Quebec
 and such Gentlemen of Canada as were then in England _ as

will

will in some measure appear by their recommendation
to Lord Sidney and the Governor & Council of this province

A very long experience of the River in general ____
joined to a very particular attention paid to that part ____
of it where the Navigation becomes difficult for three ____
years back having wholly devoted my time to it ^{have} I would
flatter myself qualified me for the direction of such im =
= provements as may be judged expedient and superintending
of Pilots ____ and I would most humbly entreat your Honorable
Committee may be pleased to recommend me to Lord ____
Dorchester and the Council for that effect. _____

I have the honor to be with the utmost respect

Gentlemen,

Quebec 20.th Nov.^r }
1786. ____ }

Your most obedient and
most humble servant.
signed / Peter Fraser

The Honb .^{le} Committee for Trade
Quebec. ____

Gentlemen,

Quebec 11.th January 1787. ____

Your having been pleased to give us an ____
opening to communicate what might occur for the better ____
regulation of the River S.^t Laurence and regulation of ____
Pilots &c, we beg leave to recommend in addition to our
former Report the following matters which have been ____

suggested

1.st suggested at a meeting of the Pilots __ viz.^t

____ That a Pilot shall be intituled for every Tide he shall __
2.nd remain on Board after one to five shillings

3.^d ____ Hawling along the Wharf five to ten Shillings

____ For carrying a Ship from the Bason to lay her up _
4.th at Wolves Cove or Patrick's Hole. Twenty three shillings & 4.^d

____ In case of being carried away off they should be allowed
three Shillings Sterling per day until they return _ and not _ -
be obliged to do duty on Board at sea as none of them are
5.th equal to the Task.

____ In case of being detain'd at any place of the River S.^t ^{Laurence}
by Loading they should be allowed five shillings per day ____
6.th exclusive of their Pilotage.

____ That they shall have for every Ship piloted after ____
the twenty fifth of October fifteen Shillings per foot _ which _
some of the merchants that have been consulted approve of. _

We hope you will pardon us for this Trouble ____
the Body of Pilots having complained of our having recommended _
Laws not so favorable as they expected. ____

We have the honor to be with the greatest respect ____

Gentlemen,

Your most obedient servants
signed / Peter Fraser
Martin Chinneque

The Ho

nb.^{le} Committee of Council. ____

A

A Son Excellence le Très Honorable __
 Guy Lord Dorchester, Capitaine Général
 & Gouverneur en chef des Colonies de Quebec, __
 Nouvelle Ecosse & Nouveau Brunswick, Vice
 Amiral d'icelles; General & Commandant __
 en Chef des Forces de sa Majesté dans les __
 dites Colonies & Frontiers &c, &c, &c.

Pétition des Pilotes du Fleuve __
 S.^t Laurent.

Remontre humblement,

Qu'ils ont été récemment été informés que __
 quelques Négocians de cette ville, & autres personnes ____
 intéressés, ont dressé une Requête tendante à supplier __
 Votre Seigneurie d'ordonner certains Règlemens relatifs au
 pilotage du Fleuve S.^t Laurent conformément à un __
 plan y annexé, dont les dispositions sont évidemment ____
 onéreuses aux Supplians, & les mettroient dans l'impossibilité
 de pouvoir subsister par cette profession.

Que le pilotage du Fleuve au dessous de Quebec _
 a toujours été manifestement plus onéreux que Lucratif à ceux _
 qui jusqu'à présent se sont dévoués à cette profession. ____
 Bien loin de baisser leurs émolumens, augmenter leurs charges
 & leurs devoirs, & diminuer les obligations des Maitres, Capitaines _
 ou Propriétaires de Vaisseaux envers les Supplians, les __
 considérations suivantes convaincront Votre Seigneurie que _
 le plan ci-annexé est très raisonnable, on peut dire même, _
 que les différens prix y mentionnés sont extrêmement modiques :
 1.^o _ Ce pilotage est le plus long & le plus difficiles de toutes les _
 Rivieres connues d'Europe & d'Amerique. 2.^o Chaque pilote

de

de ce Fleuve est obligé d'avoir & entretenir une Chaloupe & un homme pour l'aider à la naviguer. 3.^o _ La Navigation est très courte en cette Province, où les portes ne sont _____ ouvertes & les Rivières navigables que durant l'espace d'environ six mois, & 4.^o Que parmi le petit nombre de Vaisseaux _ qui montent le fleuve S.^t Laurent, la majeure partie ne sont que très médiocre grandeur, ne tirent que peu _ d'eau & ne donnent conséquemment que peu d'émolumens aux Pilotes; qu'enfin ce nombre n'est nullement comparable _ à celui des Vaisseaux qui fréquentent la plupart des grands fleuves dans les différentes parties du Monde. _

C'est en conséquence de ces justes considérations que _ les Supplians esperent que le Plan ci-annexé, qu'ils ont _ l'honneur de présenter à Votre Seigneurie, lui paroitra _ juste & raisonnable & qu'il lui plaira en faire adopter les _ différens articles, & constater par son autorité les réglemens _____ nécessaires pour l'exercice libérale du pilotage, d'une manière fixe stable & permanente. C'est alors que les pilotes ne _ seront plus sujets à être lésés & vexés, ainsi qu'ils seroient inévitablement dans le cas de l'être sans ces précautions _ nécessaires. Et les Supplians, autant par inclination que _ par devoir, ne cesseront de prier, &c.

Quebec, 11 janvier 1787. / signé /

Louis ^{sa} + Carignant
marque

Pierre + S.^t Hilaire
François + Rollete
Joseph + Girouard
Joseph + Dorion
Charle Savare
C. Lecour
S. Dufaut
Louis Gilbert
Germain Feluet
Guillame Lapointe

Plan

Plan pour le pour le Pilotage du Fleuve ____
 S.^t Laurent au-dessous de Quebec, que
 présentent humblement les Pilotes soussignés
 au Très Honorable Guy Lord Dorchester
 Gouverneur de la Province de Quebec &c, &c, &c.

Que tout Capitaine ou Maitre de Vaisseaux ____
 montant le fleuve S.^t Laurent sera obligé de recevoir
 à son bord le premier pilote branché que se présentera
 pour le piloter, à peine par tel Maitre ou Capitaine _
 qui refusera de recevoir tel pilote, de lui payer le ____
 pilotage en entier, de même que s'il eut piloté. ____

Que pour le pilotage d'aucun Navire ou vaisseau
 de Quebec au Bic ou du Bic à Quebec, il sera payé _
 au pilote, suivant l'ancien usage, onze Shelins par ____
 pied d'eau que tel Vaisseau tirera, & ce jusqu'au 25 ____
 d'Octobre, mais qu'après ce terme, vû les difficultés
 qu'il y a à remonter dans cette saison infavorable, ____
 les depenses qui en résultent, la distance qui est de
 60 lieues par terre, qu'il soit accordé quatre shelins
 de plus par pied; / ce qui paroît d'autant plus juste, ____
 qu'à cette époque les assurances haussent sur les ____
 Vaisseaux qui descendent le fleuve / ou bien qu'il soit
 libre & loisible aux pilotes de demander dans cette saison
 tel prix il leur plaira, et qu'en cas de refus de la part
 des Capitaines, Maitres ou Propriétaires de Vaisseaux _
 de leur accorder le prix qui leur sera demandé, les ____
 pilotes pourront refuser de piloter.

Que dans le cas où un Pilote sera, par
 mauvais tems ou autres causes quelconques, emmené ____
 dans aucun port ou havre hors des limites du dit ____
 pilotage, il lui sera alloué trois Shelins & demi ____

sterling,

sterling par jour du moment qu'il passera les dites limites jusqu'à son retour au Bic : Et le Capitaine, Maitre ou Propriétaire du Vaisseau sera tenu de lui procurer à _ ses propres frais un passage au dit Bic. Que dans _ tout le cours du voyage, tant en allant qu'en revenant, _ le pilote sera nourri à la table du Capitaine ou Maitre; & que durant son séjour à terre, durant telle absence, il _ lui sera procuré une pension honnête aux depens du _ Commandant ou Propriétaire du Vaisseau.

Que du moment où le Pilote passera les limites _ sus dites jusqu'à son retour au Bic, il ne sera obligé _ à aucunes manœuvres ni travail quelconques, à cause de l'abus que la plupart des Capitaines feroient de cette obligation, qui souvent attireroit des maltraitemens aux Pilotes, ainsi _ que plusieurs d'eux l'ont déjà éprouvé.

Que pour approcher aucun Navire d'un Quay, _ ou le mettre à terre dans le cul de sac, ou de l'un ou _ l'autre endroit le tirer au larze, il sera alloué au Pilote une demi Guinée, suivant l'ancien usage; pour le mener _ au Foulon, dans la Rivière S^t. Charles ou au trou S.^t _ Patric en l'Isle d'Orleans, une Guinée.

Que tout pilote qui sera détenu à bord dans _ aucun des endroits susmentionné ou dans quelque autre _ endroit du fleuve, où le Vaisseau sera obligé de relâcher, _ soit pour charger ou autres causes quelconques, il lui sera _ alloué cinq shelins par jour en outre & indépendamment _ du prix de son pilotage.

Que dans le cas où Votre Seigneurie jugeroit à propos d'établir un Capitaine ou Maitre Pilote, pour avoir la surintendance sur le dit pilotage, il lui plaise ordonner qu'il soit choisi d'elu par les Pilotes branchés assemblés à l'effet de faire cette eletion, attendû qu'ils doivent _

naturellement

naturellement être instruits de la Capacité & des __
qualités requises en celui qui rempliroit cette fonction.

/ signé / Louis^{sa} + Carignan
marque

François + Rollete
Joseph + Girouard
Joseph + Doiron
Pierre x S.^t Hilaire
C. Le Cour
S. Dusaut
Louis Gilbert
Germain Feluet
Charle Savare
Guillaume Lapointe

See Resolve Page
36 --- N.º 2.

Report of the Committee of the ____
Council upon Population, Agriculture
and the settlement of the Crown Lands.

A son Excellence le très Honorable Guy _
Lord Dorchester Capitaine Général et Gouverneur
en chef de la province de Quebec &, &, &.

Si Votre Excellence veut bien permettre,

Aiant plû a votre Excellence par votre ordre
en Conseil du six Novembre dernier de nous nommer _
un Comité, pour prendre en consideration les differens _
objets de population d'agriculture, et de L'Etablissement
des Terres du Roy; et d'ordonner que le raport à cet
egard soit fait avec diligence; en humble obeissance à _
vos ordres, nous avons l'honneur de presenter que nous
avons considéré attentivement et avons recueilli quelques _
informations utiles aux differens objets qui nous sont recom =
= mandés et nous en mettons devant Votre Excellence _
le résultat sous leurs diferens Titres.

Primo. En Egard à la Population.

Nous croyons que le plus effectif et necessaire ____
moïen pour preserver la vie des sujets de Sa Majesté, et
augmenter la population, est de regler sistematiquement ____
la medicine la chirurgie et les accouchemens dans l'etendue _
de la province. Les reflections du Docteur Jacques Fisher, ____
Chirurgien de la Garnison de Quebec Marque N.º4 et celles _
de M.^r Char.^s Blake Chirurgien à Montreal sous le N.º11.
semble meriter L'attention de la legislation autant au moins
quelles pourront demontrer la maniere par laquel un objet _

aussi

aussi important a l'état et si intéressant a l'humanité ____
 peut être adoptée quant à celles qui sont contenues dans
 les papiers marqués N.º 1, 2, 5, 7, 8, 9, 10, et 15. Nous prenons
 la liberté de les remettre à Votre Excellence.

Secondo. ____ En Egard à l'agriculture

Il est à croire que rien ne peut plus effectivement ____
 animer les Canadien Terriens à l'augmentation de ____
 l'agriculture que le rétablissement des anciennes loix et ____
 usage de la province elles sont succinctement recité dans ____
 le d.^t papier N.º 1. Art. 25.

Tertio. ____ En egard à L'Etablissement des Terres du ____
 Roi, nous avons examiné dans l'office du Conseil les
 demandes de Terres qui sont déposées et nous en ____
 avons fait faire une liste que nous remettons Marque ____
 N.º 18.

Les Loialistes qui se sont Etablis audessus de
 Montreal nous ont envoyé des papiers marqué N.º 13 et 14. _
 dans les queles il donnent à entendre qu'ils souhaitent _
 que les Terres sur les queles ils sont, leurs soient concédés
 sur une différente tenure que celles signifié par les ____
 Instructions de Sa Majesté, mais nous sommes d'opinion
 que les Termes et conditions i spécifiés sont convenables
 à être adoptés.

Nous soumettons humblement ces points à ____
 la sagesse supérieure de Votre Excellence, et nous avons
 l'honneur d'être avec un profond Respect. _____

A la Chambre du Conseil
 le 20 Janvier 1787.

/ signé /

de Votre Excellence,

Les tres tres humble et tres
 Obeissant Serviteurs

J. G. C. De Lery

Longueüil

Samuel Holland

Boucherville

John Johnson.

Ayant

Ayant plû à Votre Excellence de nous renvoyer le rapport
 ci-dessus, afin que le Ch.^r Jean Johnson fasse sa desappro =
 = bation d'une partie d'icelui / laquel désapprobation a accom =
 = pagné le d.^t Rapport mais dans lequel il nen est point
 fait mention comme partie / nous avons humblement à ___
 ajouter au Rapport à Votre Excellence que la dite des =
 = approbation est entendû et quelle est presentemens par
 nous déclaré comme faisant partie de Notre dit Rapport.

En Comité à la Chambre du Conseil
 Le 13 Fevrier 1787.

/ signé / J. G. C. De Lery
 Longueüil
 Samuel Holland
 Boucherville
 John Johnson

Sir John Johnson does not concur in Article the 3.^d of the ___
 foregoing Report, but offers the following paper as expressing
 his sentiments upon the subject of the reference.

That ___ That His Majesty's Instructions to His Excellency
 Lord Dorchester for granting the Crown Lands, which has
 been under the contemplation of the Committee, and upon ___
 which the Report is principally grounded appears to be ___
 the same, as that made to the Governor of this Province
 in the year 1774.

That ___ Since that period, the Rebellion, War, & Peace ___
 have produced an important change in the situation ___
 of this province, and which will claim and merit His
 Majesty's consideration, a change that in policy and ___

justice

justice may prevail with His Majesty, to alter ____
 the said Royal Instructions, and grant the Crown ____
 Lands in a manner different, from that recommended
 by the Report of the Committee.

That ____ Soon after the commencement of the Rebellion ____
 in 1776 the Loyalty and attachment of several thous =
 = ands of His Majesty's faithful Subjects called them
 forth to take up arms, and to a steady exertion in ____
 support of the Laws, and Government of Great ____
 Britain, and by that Loyal exertion, to protect ____
 and secure the property and Estates which they held ____
 under the Crown in the different Provinces.

That ____ By the Treaty of Peace in 1783, His Majesty ____
 was pleased to declare the Colonies in Rebellion free ____
 and independent States whereby the King's Loyal ____
 Subjects so under arms, and others in constant ____
 exertions to protect, defend and support the laws and ____
 Government of Great Britain, lost their Lands and ____
 Estates, which by the peace fell to the power and ____
 possession of the United States ____ Those Lands and
 Estates afforded them a competent comfort, and support
 to their families, they were held in free and common
 soccage, and possessed under those Laws and that ____
 Government the best calculated to protect the person,
 and property of the Subject, and render him the ____
 most Loyal and happy.

That _____ Many thousands of his Majesty's Loyal
 Subjects whose Estates were seized and confiscated
 have remained in this Province in the confident
 hopes that His Majesty in his Royal wisdom
 and grace would be pleased to grant them Lands,

upon

upon the same Tenure and under the benefits, as those they formerly held of the Crown and similar _ to the Grants and Estates His Majesty has been _ graciously pleased to grant and secure to other suffering Subjects, who have resorted to his Majesty's Neighbour = ing Provinces of Nova Scotia and New Brunswick. _ That these his Majesty's distressed subjects by protection of the Crown, and the Laws, to which they had been _ accustomed, and were attached, might be restored in a _ great degree, and their Children wholly, to that hap = piness, and those blessings, they fully experienced under the British Government prior to the Rebellion. _

That_ ____ They have had every reason to be thankful for His Majesty's paternal care, and the Bounty and Liber = ality of the Nation, but that the hopes and confidence _ of those Suffering Loyalists are, that they may hold _ Lands of the Crown, in free and common soccage, _ and not en roture as the Vassals or Censitaires of a _ Seigneur.

That_ ____ Such Tenures are contrary to the Growth of a _ Commercial English Colony, are adverse to Agriculture, must impede the Population of the Province, and are _ Tenures not the most advantageous to the Policy and ____ interest of the Nation.

That_ ____ If the Lands upon which such Loyalists have _ already been settled in this province, could not be obtained but en roture as feudal Vassals, it is more than probable, that many of the settlements already made would be _ abandoned and those His Majesty's faithful subjects _ driven to seek a refuge and support in some other

situation

situation, whereas by granting those Lands in the ___ manner which all other Crown lands are granted, and ___ in which all other Loyalists since the Rebellion and ___ Peace have obtained Lands in the King's Neighbour = ing Provinces, his Majesty would in Wisdom and ___ Mercy extend a source of Comfort and prosperity ___ to those Subjects and greatly strengthen and increase ___ the Population, Power and Utility of this province to ___ Great Britain.

That ___ If it should please his Majesty to use the ___ ungranted Lands in this province to the best National benefit, as an Assylum to the Loyalists now in ___ Great Britain, who have infinitely suffered and are in distress, and who are desirous to become to become ___ Residents in this His Majesty's Colony, and also as ___ an Assylum to those his Majesty's loyal subjects, ___ who have been persecuted during the Rebellion, and ___ yet remain oppressed in the American States, ___ Soliciting his Majesty's Royal protection, and an establishment, as and with his faithful Subjects in this Province; His Majesty may increase the ___ Number of his subjects in this Province many ___ thousands, by conceding the Crown Lands on the ___ same terms and affording the same protection to His Subjects in this Colony, which in his Royal wisdom and justice, His Majesty doth in the Provinces of ___ Nova Scotia and New Brunswick.

That _____ Such an Addition of numerous Subjects would ___ not only increase the Population of the Province, ___ but infinitely add to its powers, and to the National ___ advantages which Great Britain reasonably ought

to

to expect and receive from an Extent of Country, _
 which might be populated, Governed, protected and _
 secured as a Colony, drawing small expences, and _
 affording great benefit to the Nation.

That ____ So far from concurring in the opinion, that the
 general tenure of Lands, now held under the Crown ____
 in this Province were under the feudal system, by ____
 grants from the French King, to his Subjects en Fief
 & en Roture, and that to grant the Crown Lands in
 the same manner, would preserve an Uniformity in
 the Tenure of Estates, and the Laws that governed civil
 rights thereon, & therefore ought to be conformed to by ____
 any new Grants.

That ____ He humbly conceives it may well deserve the ____
 deliberation of Government, whether it will not be more
 for the Interest of his Majesty and the Nation, and ____
 also to the Holders of Land in Seignorie and en Roture,
 if His Majesty would be graciously pleased to concede, ____
 and make a free gift of his rights to mutation Fines, &
 permit as well the Seignior as the Censitaires or Vassal
 to convert their Estates into free and common soccage, ____
 the latter upon a commutation with the Seignior for _
 his rights on the Vassalage Tenure, such a Grant and
 permission would be gratefully received, and would have
 the effect at no very distant period of assimilating this ____
 to the other of His Majesty's Colonies in America.

And he further humbly conceives, that if the_
 Crown lands contiguous to those at present settled, were
 to be granted to and cultivated by his Majesty's English
 Subjects, they would diffuse a spirit of industry and

a

a knowledge in agriculture, that would prove of infinite ___
benefit to the Colony and Nation.

/ signed / John Johnson.

See Sir John
Johnson's motion
Page 39 _
N.º 1.

Letter from the Magistrates at Cataraqui to
Sir John Johnson Baronet.

Cataraqui 22.nd Dec.^r 1786. _

Sir,

Your circular letter directed to the Magistrates
of the new settlements, dated the 27.th Nov.^r reached ___
this place to day, at a time when a Memorial was ___
preparing to be laid before His Excellency Lord Dorchester,
in Council, respecting some matters deemed essential ___
to the welfare of the settlements in this District; and ___
we are happy to find his Lordship's disposition to serve
us has rendered such a step unnecessary; and it gives
us an additional pleasure that we are required to ___
transmit our sentiments on such an important subject,
to you Sir, of whose exertions to procure us every ___
advantage, Our situation will admit of, we cannot entertain
a doubt.

The object that first presents itself as of the
most importance is the Tenure of the lands; the conditions
on which they have been granted to the Loyalists in this
Province are so different from what they have been ___

used

used to, and so much more burthensome than those offered _
to our Fellow Sufferers in Nova Scotia and New Bruns =
= wick that they are universally disagreeable.

Nothing in our opinion, would conduce so _
much to the prosperity of these settlements as the putting _
the grants of Lands on the same footing they are on _
in the rest of British America. This would at once _
give the most universal satisfaction, Enhance the value _
of all the other benefits that Government have bestowed _
on the Settlers and prove the most powerful spur to _
Industry of all kinds.

Next in order is the due execution of Justice
and the administration of the Laws. The power lodged _
at present in the hands of the Magistrates is found by _
experience very inadequate to the Regulation of a District _
so populous and extensive as this. Many causes have _
and must occur, that they are not authorized to determine,
and many crimes and trespasses have and probably will
be committed, that it is not in their power to punish. _

The Courts of the lower parts of the Province are so _
distant, and the expence and trouble of attending them _
bringing the necessary witnesses so far from their homes, _
so great, that unless in cases of great importance a enormity
Offenders must always escape with impunity. The ruinous
consequences of which must be sufficiently obvious.

To prevent these we would recommend the ____
establishing at this place Courts of both Civil and Criminal
jurisdiction, for the settlements in its vicinity; so that all _

matters

matters respecting either persons or property may be ____
 decided without any great delay or expence. And we _
 think moreover, that it will be useful to the settlements _
 that the Justices of the Peace retain power they _
 are invested with of deciding causes not exceeding _
 the value of five pounds; as the suing for such _
 small sums at Court must generally be attended with _
 more expence than the first demand amounts to, and the _
 speedy decision of such causes is often of more consequence to the
 Parties than the sum itself.

That the proceedings of our Courts be regulated
 as far as possible by the Laws of England is a matter much
 to be wished, but whatever system is adopted in this respect,
 We conceive it would be highly useful to have it compiled
 into a regular form and printed.

The Election or appointment of proper Officers
 in the several Townships to see that the necessary Roads be
 opened and kept in proper Repair, We conceive would be
 of great utility, by facilitating the Communication with
 all parts of the settlement.

Humanity will not allow us to omit men =
 = tioning the necessity of appointing Overseers of the Poor, or
 the making of some kind of provision for persons of that
 description, who from age or accident may be rendered
 helpless. And we conceive it would be proper that ____
 the persons appointed to this charge, as well as the Road _
 Masters, should be directed to make regular reports of the
 State of their Districts, to the Courts at their meetings;
 and be in all cases subject to their Controul.

After providing for the security of persons
 and property, the object that next presents itself for _____

consideration

consideration is the Trade of the settlement.

Its exports if we may use the expression will probably be confined to the following Articles, namely, Wheat and all kinds of Grain, Hemp, Flaxseed, Pot-Ash and lumber; and in proportion to the Price and demand for these articles; will be the ability of the settlement to purchase the manufactures of the Mother Country.

From the recent establishment of this settlement it cannot be expected that at present the Settlers should be able to do more than provide themselves bread; but in the forming of regulations for promoting their prosperity, we presume that regard will be had to what their situation is likely to be in a few years.

And in this view it may be useful to appoint Inspectors at this place to examine all the different articles of Produce that are intended to be sent for sale from this settlement to the lower parts of the Province that none but what are of the best quality may be so sent; and that it may not be in the power individuals to bring the produce of the Settlement into dis-repute, by offering for sale articles of indifferent quality.

We would also submit to the Legislature the propriety of encouraging by a Bounty, the raising and dressing of Hemp & Flax seed, and the manufacture of Pot-Ash; these being articles that Great Britain annually purchases from foreign States to a considerable amount; whatever her own settlements can supply is of course a National saving; and the Manufacture of Pot-Ash in particular is so useful to a New Country in more than one way, that it seems to merit peculiar encouragement.

There

There are two other things relative to this subject that it will be productive of much advantage to this ___ settlement; and these are, that Government should take what Grain &c, the Settlers may have to spare towards furnishing the necessary supplies for the Troops &c. in the Upper posts; and make this place instead of ___ Carleton Island the Quarters of the Naval department _ and the Depôt of Stores &c, intended for the Garrisons in the upper Country. ___ As these however are ___ matters that depend solely on His Lordship's good ___ pleasure, you may perhaps think on that account ___ foreign to the purport of your letter. But they are matters of such great utility _ to the settlement, that, we could not omit this opportunity of mentioning ___ them : And we trust that your regard for its welfare will induce you to represent them to His Lordship in the most favourable manner.

As Government have already been ___ graciously pleased to provide for the establishment of a Clergyman and School at this place, it is _ with the utmost diffidence, that we offer any thing on this head; but when it is considered that from the extend of this settlement, it is impossible for the greater part of _ the Inhabitants to profit by these Establishments, We _ trust it will not be thought unreasonable to request some assistance towards making provision for Clergymen and School masters at convenient places through the ___ settlement; that the Inhabitants in general may ___ participate of the benefits of these useful institutions.

It

It appears to us also as a matter worthy of consideration, _
 whether persons residing in the present American States, _
 but who are of known attachment to the British Government,
 might not be admitted as Inhabitants of these settlements _
 on producing Authentic proofs of their Loyalty, and whether
 such persons might not be permitted to bring with them
 such Cattle or Farming Utensils as they may possess, _
 and it may also be worthy consideration whether some ____
 means might not be fallen upon for introducing such _
 property into settlements as the present Inhabitants _
 may have possessed and be able to recover in the American
 States.

They may often be able to get Cattle or farming
 Utensils for their dues there, when money is not to be had, _
 but these not being allowed to be brought in are of no use.

Could favourable regulations be made respecting these
 matters consistently with the more important interests of _
 the Province at large, and in such a manner as to prevent
 abuses, We believe it would soon make such an addition
 to the Population and property in these settlements, as would _
 visibly increase their importance.

We have now laid before you such matters _
 as occur to us as the most important for promoting the _
 grand objects mentioned in your letter consistently with our
 situation.

For though the Establishment of the English Laws
 and form of Government in their fullest extent would un =
 = questionably be the most effectual mode of promoting
 and establishing the Welfare of the settlement, yet these are _
 advantages we dare not presume to hope for distinctly from _

the

the other parts of the Province.

We are with the greatest respect,

Sir,

Your most obedient and
very humble Servants
/ signed / Neil M^cLean

W. R. Crawford

James Parrot

Stephen Hawley

Peter Van-Alstine

Michael Grass _

To The Honorable Sir John
Johnson, Bar.^t _____

Montreal. ____

See Sir John Johnson's
motion, page 39.
N.^o 2.

Letter from the Magistrates at New ____
Oswegatchee to Sir John Johnson. ____

New Oswegatchee 18.th Dec.^r 1786. ____

Sir,

The Magistrates of this settlement having ____
communicated to us, the contents of your letter of the
27.th Nov.^r respecting the best mode for the population
Agriculture and settlement of the King's lands in this
province. We have to request you'll please to return
our warmest thanks to his Excellency Lord Dorchester ____
for this early instance of his paternal care for us, and ____
to represent to His Excellency our sentiments & prayers
hereunder written, should they corroborate with your
own. And if they should in any instance deviate ____
from what you judge proper to be represented,

we

we have the fullest confidence in your care and friend =
 = ship for us; and your general knowledge of the sentiments
 Disposition and wishes of the Loyalists settled in this province;
 and chearfully submit to you, to make such alterations in
 these our sentiments as your prudence may dictate. __

- 1.st ____ We most earnestly pray for ourselves & in behalf of _
 the Inhabitants of New Oswegatchee that we may __
 have our Lands by Grants free from any Seigniorial ____
 claims or any other incumbrance whatever the King's Quit
 rent excepted.
 - 2.^d ____ That we may be governed by the British constitution
 & Laws for the support of which and His Majesty's Crown
 & Dignity we first took arms in opposition to the American
 Congress.
 - 3.rd ____ That we may be formed into seperate Countys from_
 Point au Baudet upwards, having our own Courts, Judges, _
 and Civil Officers &c, perhaps one County fro Point au __
 Baudet to the Great River Gananaque holding Courts __
 alternately at New Johnston and New Oswegotchie, _
 may be the most convenient for the lower Settlers, and _
 another County from Gananaque to the head of Quinty
 Bay, & a third including Niagara & upwards. And perhaps
 your representation may incline His Excellency to form _
 the whole unto a seperate Government dependent on lower __
 Canada.
 - 4.th ____ We humbly conceive that nothing could more __
 rapidly promote the settlement of the King's Lands, then
 the encouragement of the Gospel, and Schools in these ____
 Infant settlements.
- and,
- L astly ____ We pray that a stop may be put to the ____
 importation of Timber or Lumber of any kind unto Canada

from

from Vermont or any of the American States, and some encouragement given to the Loyalists to supply Lower ____ Canada with Lumber, as that is at present the only ____ Staple commodity in this Country.

We have the honor to be with great respect and _ esteem.

Sir,

Your most obedient
and very humble serv.^{ts}

/ signed /	Justus Sherwood	John Dulmags
	W. ^m Fraser	James Campbell
	Allan M ^c Donell	Elijah Botturn
	Joseph White	Thomas Shewood
	John Jones	Dan. ^l Jones
	Peter Drummond	William Lamson
	Tho. ^s Fraser	Allan M ^c Donell ____

See M.^r Grant's
motion, page 32.

Information communicated by John Collins ____
Esq.^r Deputy Surveyor General of Lands, concerning
the raising of Hemp & Flax in the new settlements.

Raising Hemp and Flax in this Province is an object that merits most serious consideration, it is a useful branch of Agriculture and of the utmost consequence to the com = merce of Great Britain, an article for which she annually ____ pays great sums to foreigners. ____ Our New settlements between pointe au Baudet the head of the Bay of Quinty ____ consists of sixteen Townships the Land in general is a rich light gravelly soil particularly well adopted to the Growth ____ & Culture of Hemp and Flax, & the Climate similar ____

to

to that of Russia, in order to turn the thoughts of the people ___
 towards the Cultivation of this most valuable article so essential
 to Great Britain, a bounty of about three shillings & six pence_ should be given on each groce hundred of hemp, Water rotted ___
 bright and clean inspected by a person appointed for that purpose, three Bushels of Hemp seed will sow an acre of Land which yields about two or three Quarters of seed which with the Hemp unwrought is worth from ^{five} to eight pounds, but if wrought, from Ten to twelve pounds, an article ought to be inserted in each grant obliging the Grantee annually to sow a proportionable part of his grant with hemp or flaxseed. ___ A few Germans and Russians skilled in raising & preparing the same and encouraged to become Settlers here may in a short time greatly improve this most useful ___
 branch of Agriculture, This will be a means of employing the ___
 Women & Children during the Long Winter nights in break =
 = ing & preparing the hemp for exportation, will divert them ___
 from Manufacturing coarse things for their own use and it will enable them to purchase those of a better sort manufactured ___
 in and exported from Great Britain.

Quebec 9.th January / signed / John Collins
 1787. ___

A List

A List of the papers accompanied the Report of the Committee of Council for Population, Agriculture and the settlement of the Crown Lands which have not been transcribed in the Journals, but remain of Record in the Council Office.

- 1.____ Remarks by M.^r De Lery.
- 2.____ Remarks by M.^r Boucherville
- 3.____ General Observations by M.^r Shoolbred,
concerning Ristigouche in English & French
- 4.____ Letter from M.^r James Fisher Surgeon to the Garrison
at Quebec in English & French.
- 5.____ Remarks by M.^r De Longueuil
- 6.____ Remarks by M.^r Taschereaux
- 7.____ Remarks by M.^r Vincelotte & M.^r Couillard
- 8.____ Extract from the Report of the Committee
of Merchants to the Committee of Council on Commerce & Police
- 9.____ Remarks by M.^r Alex.^r Dumas
- 10.____ Letter from M.^r Cha.^s Blake Surgeon at Montréal
- 11.____ Remarks by D.^r Connor
- 12.____ Remarks by Samuel Holland Esq.^r Surveyor General ____
concerning the boundaries between this Province & New Brunswick
- 13.____ List of Petitions for Lands
- 14.____ Bordereaux by M.^r De Lery ____ on the back of which is
____indorsed these words – “N.^o 17 of the inclosed list is in the ____
“ hands of the Chief of Justice as President of a Committee of
“ the Privy Council named the 17.th of February 1787. J. W.”

At the Committee Chamber
Saturday 2.nd December 1786.

Present

The Honb.^{le} Henry Hope Esq.^r Lieutenant Governor.

Henry Caldwell
Francis Baby
Le Conte Dupré. Esquires

Read ___ The order of Council of the 6.th of November
last by which this Committee is appointed, in conjunction ___
with M.^r Bellestre and M.^r La Naudiere / who are absent /
to take into consideration the following subjects viz,

The Militia; & the high roads and Communications
and to which subjects His Excellency Lord Dorchester recom =
= mended a particular attention, having an eye to the antient
Laws and usages of the Province.

His Honor the Lieutenant Governor proposed,
that the Committee should proceed, in the first place, to take
the subject of the Militia into consideration which was unani =
= mously assented to.

Read ___ The Militia Ordinance ___ many articles to be

entirely

entirely rejected, some to be adopted and amended. ____
Read a plan for the heads of an Ordinance by ____
 Colonel Caldwell.

The Committee resolved that the following ____
 points are to be the objects of their deliberation.

- 1.st ____ The fundamental Establishment of the Militia.
- 2.^{ndly} ____ The regulating the different powers to be vested in ____
 the Captain General or Commander in chief, for incorporating
 and making Detachments, from the several Companies ____
 for such public services as may be necessary.
- 3.^{rdly} ____ The empowering the Captain ^{^ General} or Commander in
 chief to declare Martial Law in case of invasion.

Agreed to adjourn to Friday the 8.th instant ____
 when the several Members will come prepared
 with their ideas upon those objects.

Friday the 8.th of December.

His Honor the Lieutenant Governor being taken ill,
 the Committee business to stand over till further notice.

Thursday the 21.st of December.

The Members assembled ____ And after communicating
 to each other the result of their several deliberations, ____
 Read over part of a project of a Militia Ordinance ____
 produced by M.^r Baby, who was desired to proceed in
 completing the same, previous to their next meeting.

Adjourned to the 3.^d of January 1787. ____

Wednesday

Wednesday the 3.^d of January 1787. __

Colonel Caldwell not being present His Honor the Lieu.^t __
Governor and the two other Members proceeded to the reading
of the remainder of M.^r Baby's project of the Militia Ordinance.

Agreed to assemble when summoned on __
the part of the Lieu.^t Governor.

Tuesday the 9.th of January.

The Members assembled __ Read the whole project of __
the Militia Ordinance, prepared by M.^r Baby __ Then Read
a project of a Militia Ordinance prepared by Colonel Caldwell.

Read Remarks, transmitted by M.^r De Bellestre to the __
Lieutenant Governor, concerning the objects in contemplation by __
the Committee N.^o 1.

Read likewise observations by M.^r Neveu Sevestre Col.^l __
of Militia at Montreal, transmitted through the same ____
Channel, relating to the same subject; with a Letter from
M.^r De Bellestre N.^o 2.

Agreed to adjourn till to-morrow ¹/₂ past 10.

Wednesday the 10.th of January. __

The Lieutenant Governor being indisposed the business of the __
Committee is to stand over till to-morrow.

Thursday

Thursday the 11.th of January. __

The Members assembled

Read a paper marked N.^o 3, produced by Colonel _____
Caldwell, being additional Remarks on the subject of the __
Militia, which he desires may accompany his project of the __
Ordinance.

Read the Ordinance for repairing & amending the public __
Highways.

Read _ a paper, marked N.^o 4. being remarks trans =
= mitted by M.^r Renaud, Grand Voyer for the District
of Quebec, to His Honor The Lieutenant Governor, con =
= cerning the Highroads and Bridges in his District.

Read a paper marked N.^o 5. being an Extract from __
M.^r Boucherville's Remarks to the Committee for Lands &c,
relating to the High-roads and Bridges in the district __
of Montréal.

Read a project of a New Ordinance concerning __
the High-roads, proposed by Colonel Caldwell. __

Adjourned to Saturday next at $\frac{1}{2}$ past 10.

Saturday 13.th January 1787. ____

The Members assembled

M.^r Dupré, one of the Members, produced his observations
upon the Road-Ordinances, which were read, and are __
marked N.^o 6.

Read

Read the Post Ordinance.

Read likewise a Representation by the Deputy Post Master General, concerning the Post-Roads & Communications transmitted to His Honor the Lieut.^t Governor, in French & English; marked N.^o 7.

The Committee are of opinion, that the Road, intended to open the communication between this Province and that of New Brunswick, is an object of much importance and great consequence to this Province; but as there is such ample information already entered in the Council Office upon this subject, besides what is mentioned in M.^r Frinlay's Representations, N.^o 7. they think it inexpedient to expatiate any further in respect thereof.

/ signed / Henry Hope
Henry Caldwell
F. Baby
Le C.^{te} Dupré

His Excellency,
Guy Lord Dorchester,
Governor in chief &c, &c.

A List

A List of the Papers that ____
accompanied the Report of the Committee
of Council for the Militia & Highroads &c,
remaining of record in the Council Office, viz,

- N1.____ Remarks by M.^r Bellestre
- 2.____ Remarks by M.^r Neveu Sevestre
- 3.____ Remarks by Col. Caldwell
- 4.____ Remarks upon the Highroads by M.^r Renaud
- 5.____ Extract from M.^r Boucherville's Remarks
- 6.____ Observations by M.^r Le Conte Dupré
- 7____ Representation by M.^r Finlay with a translation into French
- 8.____ Project of an Ordinance for the Highways by Col. Caldwell

At the Castle of S.^t Lewis
on
Thursday the 20.th of March 1788
Present

His Excellency The Right Honourable Guy Lord
Dorchester _____ Governor

The Honourable Henry Hope Esquire Lieutenant Governor

William Smith Esquire Chief Justice	
Hugh Finlay	Henry Caldwell
Thomas Dunn	William Grant
Edward Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Joseph de Longueuil_ Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté de Bellestre	René Am. Boucherville
John Fraser	Le C. ^{te} Dupré _____ Esq. ^{rs}

His Excellency opened the Session with the following _____
speech from the Chair, _

“Gentlemen,

Speech, from
The Chair.

“The attention of the Privy Council to a Variety
“ of objects, affecting the common welfare, has prepared the
“ way for a considerable part of the business of this Session:
“ Orders shall be given to lay before You the Reports of the
“ several Committees, with such papers as require legislative
“ deliberation.

“ Possessing, as Your country does abundant natural
“ advantages, and enjoying, as You do the liberality and
“ protection of that great commercial kingdom of which You
“ are a branch, You have only to add concord to _____
“ industry and virtue for an elevation of the Colony
“ to a very distinguished felicity; and in all Your
“ endeavours to promote it, You may rely with confidence
“ upon my most strenuous co-operation.

“Castle of S.^t Lewis
“20.th March 1788.

At the castle of S.^t Lewis
on
Thursday the 20.th of March 1788
Present

The Honourable Henry Hope Esquire Lieu.^t Governor

William Smith Esquire Chief Justice	
Hugh Finlay	Henry Caldwell
Thomas Dunn	William Grant
Edward Harrison	P. R. De S ^t Ours
John Collins	Francis Baby
Adam Mabane	Jos. de Longueüil _ Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté de Bellestre	R. A. Boucherville
John Fraser	Le C. ^{te} Dupré _ Esq. ^{rs}

Address “ His Excellency’s speech being read in both languages
M^r. Dunn moved “an humble address of thanks for His
Lordship’s speech from the Chair” __ Seconded by Col. Caldwell
Voted unanimously in the Affirmative. __ It is committed
to M.^r Dunn, Col. Caldwell, M^r. De Lery, M^r. Baby and
Sir John Johnson, to report a Draft.

inland commerce “ The Chief Justice moved for leave to bring in “A Bill
further to regulate the inland commerce of this province”
Seconded by M.^r Grant __ Assented to.

adjourned to Monday the 24.th at 11 —
at the Bishop’s palace.

+
The Address

“To His Excellency The
“Right Honble Guy Lord
“Dorchester, Captain General
“and Governor in Chief of the
“Colonies of Quebec, Nova Scotia
“& New Brunswick, & their
“dependencies, Vice-Admiral
“of the same, General & Com =
“= mender in Chief of all His
“Majesty’s forces in the said
“Colonies, and the Island of
“Newfoundland, &c, &c, &c.

“May it please Your Excellency,

“We the Lieutenant Governor
“& Members of His majesty’s Legis=
“=lative Council, in Council assem =
“= bled, beg leave to return Your
“Lordship our sincere thanks for
“Your Speech from the Chair, at the
“opening of the Session.

“Your Lordship’s wise Pre =
“= caution in bringing forward a
“variety of Objects, affecting the
“common welfare, by Committees
“of the Privy Council, will greatly
“facilitate our deliberations in the
“business of the Session.

“Sensible of the great Re =
“= sources in this extensive Province
“and enjoying, as we do, the Libe =
“= rality and Protection of that great
“commercial kingdom, The Mother
“Country, no pains and Industry
“on our parts, or harmony in our
“deliberations, shall be wanting,
“to raise it to that distinguished
“state of felicity, of which, under
“Your Lorship’s benign Governm.^t,
“it is capable.”

/ signed / Henry Hope
“Council Chamber
“march 24.th 1788”

At the Bishop’s Palace

on

Monday 24.th March 1788.

Present

The Honourable Henry Hope Esquire Lieutenant Governor	
William Smith Esquire Chief Justice	
Hugh Finlay	P. R. De S. ^t Ours
Thomas Dunn	Francis Baby
Edward Harrison	Jos. de Longueüil _ Esq. ^{res.}
John Collins	Sir John Johnson B. ^t
J. G. C. De Lery	Cha. ^s De La Naudiere
George Pownall	R. A. Boucherville
Picotté de Bellestre	Le C. ^{te} Dupré ____ Esquires
William Grant	

M.^r. Dunn, from the Committee to report a Draft of an Address of thanks to His Excellency The Governor in Chief for his speech at the opening of the Session, reported the Draft, which was read in both languages; upon which the Question was put “Whether the Council concur with the Committee, or not?” Voted unanimously in the Affirmative ____ Ordered to be ingrossed; and that M.^r Dunn, M.^r De Lery and Sir John Johnson wait on His Lordship with a copy of it, requesting to know his pleasure thereon. +

M.^r Williams, the Clerk of the Council, by order of His Excellency, laid before The Council the following papers, the titles of which were read in both languages, viz,
1st ____ An Act or Ordinance for the easy settlement & recovery of the Crown Debts incurred on the commercial transportation over the interior Lakes.
2nd ____ An Ordinance to prevent persons practising Physic and Surgery within the province of Quebec, or Midwifry in the Towns of Quebec & Montreal, without Licence.
3.rd ____ The Report of the Committee charged to prepare the last mentioned ordinance.

Ordered to lie on the Table for the perusal of the Members

inland commerce

“ The Chief Justice brought in the “Bill further to regulate the inland commerce of this province” ____ and / being read / moved that it be committed to a committee of the whole Council ____ The Question was put ____ Voted in the affirmative, for Friday next. Ordered to be translated.

sleds & carioles

M.^r Grant moved for Leave to bring in “A Bill to alter the present mode of dragging sleds and carioles, whereby the banks and cahauts which they now occasion will be prevented_” Seconded by M.^r Finlay ____ Granted.
adjourned till to _morrow at 10 o’clock.

Tuesday 25.th March 1788

Present

The Honourable Henry Hope Esq^{re}. Lieutenant Governor

William Smith Esquire Chief Justice

Thomas Dunn P. R. De S.^t OursEdw.^d Harrison Francis Baby

John Collins Jos. de Longueüil

J. G. C. De Lery George Davison __ Esq^{rs}George Pownall Sir John Johnson B.^tPicotté de Bellestre Cha.^s De La Naudiere

Henry Caldwell R. A. Boucherville

William Grant Le C.^{te} Dupré __ Esquires

Address.

M^r. Dunn from the Committee named to wait on His Excellency to know his pleasure on the Address, reported, that His Lordship will receive it to-morrow at one o'clock.

expiring ordinances

Resolved that M^r. Dunn, M^r. Collins, M^r. Pownall, M^r. Grant and M^r. Baby be a Committee to report a List of the Ordinances expiring this Session.

Crown Debts
for Freight

The Chief Justice moved that the Bill, on the table, ____ for the easy settlement and recovery of the Crown Debts, incurred “ on the commercial transportation over the interior Lakes” be “ now read, and committed to a Committee of the whole ____ Council, for Monday next __ Seconded by M^r. Grant __ Being read in both languages, the Question was put __ Voted in the Affirmative.

Physic
Surgery
&
Midwifry

M^r. De Lery moved that the Bill, on the table, “to prevent persons practising Physic and Surgery within the province, or “ Midwifry in the Towns of Quebec & Montreal, without licence” _ “ be now read, and committed __ Seconded by Col. Caldwell __ Being read, in both languages, the Question was put _ Voted in the Affirmative. __ And M^r. De Lery, Colonel Caldwell, M^r. Mabane, M^r. Collins and M^r. Dupré, are named a Committee for the purpose.

Ordinance regulating
the proceedings.

The Chief Justice moved for leave to bring in a Bill to _ alter an Ordinance passed in the 27.th year of His Majesty's Reign __ intitled “An Ordinance to continue in force for a limited time an Ordinance made in the 25.th year of His Majesty's Reign __ “ intitled, an Ordinance to regulate the proceedings in the Courts “ of Civil Judicative, and to establish Trials by Juries in Actions “ of a commercial nature, and personal wrongs to be compensated “ in Damages, with such additional Regulations as are expedient “ and necessary” __ Seconded by M^r. Dupré __ Question put _ Voted “ in the Affirmative.

Pass Ordinance

M^r. Pownall moved for Leave to bring in “an Ordinance for amending an Ordinance of this province, intituled, An Ordinance “ for preventing persons leaving the province without a Pass” ____ “ Seconded by M^r. Grant __ Question Put ____ Voted in the Affirmative. adjourned till to-morrow at 10. ____

Wednesday 26.th March 1788

Present

The Honourable Henry Hope Esquire Lieu. ^t Governor	
William Smith Esq. ^r	Chief Justice
Hugh Finlay	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph de Longueüil
J. G. C. De Lery	George Davison ____ Esq. ^{res}
George Pownall	Sir John Johnson, B. ^t
Picotté de Bellestre	Cha. ^s De La Naudiere
John Fraser	R. A. Boucherville
Henry Caldwell	Le C. ^{te} Dupré _ Esquires
William Grant	

Address.

His Honour The Lieutenant Governor acquainted the Council, that it was His Excellency's pleasure to postpone receiving the Address till Friday.

Ordinance
regulating the
Proceedings.

The Chief Justice brought in his Bill for altering the Ordinance, intituled, "An Ordinance to continue in force for a limited time an Ordinance made in the 25.th Year of His Majesty's reign, intituled, An Ordinance to regulate the proceedings in the Courts of Civil Judicature, and to establish trials by Juries in actions of a commercial____ nature, and personal wrongs to be compensated in damages, with such additional regulations as are ____ expedient and necessary" The Bill being read, The Chief Justice moved that it should lie on the Table, and be translated. Ordered accordingly.

adjourned till to-morrow at 1/2 past 10.

Thursday 27.th March 1788

Present

The Honourable Henry Hope Esquire Lieu. ^t Governor	
Edward Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
J. G. C. De Lery	Joseph de Longueüil
George Pownall	George Davison ____ Esquires
Picotté de Bellestre	Sir John Johnson Bar. ^t
2 Henry Caldwell	Cha. ^s De La Naudiere
1 John Fraser	R. A. Boucherville
William Grant	Le C. ^{te} Dupré ____ Esquires

No business ready.

adjourned till to-morrow at 10.

Friday 28.th March 1788

Present

The Honourable Henry Hope Esquire Lieu. ^t Governor	
William Smith Esquire Chief Justice	
Hugh Finlay	P. R. De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph de Longueüil
J. G. C. De Lery	George Davison__ __ Esquires
George Pownall	Sir John Johnson Bar. ^t
Picotté de Bellestre	Cha. ^s De La Naudiere
John Fraser	R. A. Boucherville
Henry Caldwell	Le C ^{te} . Dupré Esquires.
William Grant	

inland commerce The Council resolved themselves into a Committee of the whole Council, to proceed upon the “Bill further to regulate the inland commerce of this province; and His Honour quitted the Chair.

His Honour resumed the Chair.

Address His Honour, in the Chair, reported that the Council _ had this day waited on His Excellency The Governor in_ Chief to present their Address, and that His Lordship__ had been pleased to return the following Answer, viz.

“Gentlemen,

Answer to the Address. “I thank You for Your obliging Address. I am
“ confident that no endeavours will be wanting on Your
“ part to promote the Good of His Majesty’s Service; and
“ the happiness of His people.”

inland Commerce The Council resolved themselves into a Committee of the whole Council, to proceed further upon the “Bill further to regulate the inland commerce;” And His Honour quitted the Chair.

His Honour resumed the Chair.

inland commerce The Chief Justice from the Committee upon the “Bill
“ further to regulate the inland Commerce,” reported ____
Progress, and prayed Leave to meet again to-morrow
at 10 o’clock __ Ordered accordingly.

The Council adjourned till 10 to-morrow

Saturday 29.th March 1788

Present

The Honourable Henry Hope Esquire Lieutenant Governor
 William Smith Esquire Chief Justice
 Hugh Finlay P. R. De S.^t Ours
 Edw.^d Harrison Francis Baby
 John Collins Joseph de Longueüil
 J. G. C. De Lery George Davison, Esquires
 George Pownall Sir John Johnson ____ Bar.^t
 Picotté de Bellestre Cha.^s De La Naudiere
 John Fraser R. A. Boucherville
 Henry Caldwell Le C.^{te} Dupré ____ Esquires
 William Grant

inland commerce The Council, being met, resolved themselves into a Committee of the whole Council, to proceed further upon the “ Bill further to regulate the inland commerce” and His Honour left the Chair.

His Honour resumed the Chair

inland commerce The Chief Justice, from the Committee of the whole Council, to whom was referred the “Bill [^] further to regulate the “ inland commerce,” reported that the Committee had made some alterations in the same, and He delivered the Report and the Bill, with the Amendments at the Table.

The Report on the inland Commerce Bill. Report of the Committee of the whole Council ____ to whom was referred the Bill intituled “An Act or ____ “Ordinance further to regulate the inland Commerce ____ “of this Province.”

The Committee met at the Council Chamber

Friday 28 March 1788. ____

Present His Honor The L.^t Governor ____ Col. Caldwell
 The Chief Justice M.^r Grant
 M.^r Finlay M.^r De S.^t Ours
 M.^r Harrison M.^r Baby
 M.^r Collins M.^r De Longueüil
 M.^r De Lery M.^r Davison
 M.^r Pownall Sir John Johnson B.^t
 M.^r Bellestre M.^r De La Naudière
 M.^r Judge Fraser M.^r Boucherville
 M.^r Dupré.

M.^r Smith the Chief Justice in the Chair. ____
 The Bill and the translation read by the Chairman, and
 then

then read again by Paragraphs. ____

The Preamble read in the words following,

“Whereas a Commercial intercourse with the Neighbouring
 “ States to a certain extent, was opened in the course of the last ____
 “ year, & it is conceived that it may under due restrictions be ____
 “ made useful to this province and to Great Britain.” ____

The Question being put, it was carried unanimously, that ____
 it stand a part of the Bill.

The Chairman then read the first Clause in the
 words following,

“Be it enacted therefore by his Excellency the Governor ____
 “ and the Legislative Council and it is hereby enacted by the ____
 “ authority of the same, that all Goods Wares & Merchandizes ____
 “ Peltries and Furrs excepted / of the growth and Manufacture or ____
 “ Product of this province or of any other the Dominions of Great
 “ Britain, and such as may lawfully be imported into this Province
 “ by sea, may be exported therefrom by land or Inland Navigation,
 “ to any of the Neighbouring States, free from duty impost or restraint
 “ and there shall be the like freedom of Importation from the said ____
 “ States into this Province, if the same be made by the route or Communi =
 “ = cation of Lake Champlain, and the River Sorel or Richlieu and ____
 “ not otherwise, of the following enumerated Articles that is to say ____
 “ Masts, Yards, Bowsprits, Spars Plank, Boards knees Futtocks ____
 “ or any kind of Ship timber, Hoops staves, Shingles, Clap boards Trees
 “ Wood Lumber Pitch tar Turpentine, Tallow, Hemp, Flax and ____
 “ any kind of ~~heavy~~ ^{naval} stores, seeds, Wheat Rye Indian Corn ____
 “ Beans Peas Pottatoes, Rice Oats Barley and all other Grains ____
 “ Butter cheese honey Horses neat cattle sheep hogs Poultry and
 “ other live stock and live provisions, and fresh fish and whatever
 “ is of the growth of the said States, and Gold or Silver coin or
 “ Bullion”. ____

M.^r

M^r. Grant then, moved that the word Beaver be insorted and precede the word Peltries.

And the Question being put it was carried unanimously in ____ the Affirmative.

The Chairman then read the second Enacting Clause in the Words following

“And be it further enacted by the same authority that the
 “ importation by Land or the inland Navigation into this province, of _
 “ Rum Spirits Copper coin and of all other goods wares and merchandizes
 “ not enumerated as aforesaid, be prohibited and such articles seized and _
 “ forfeited together with every of the enumerated articles abovementioned, if _
 “ the same shall not have been imported by the Route and communica =
 “ = tion aforesaid.” ____

And the Question being put thereon it was carried unani =
 = mously in the Affirmative that it stand a part of the Bill. ____

The Chairman then read the third enacting Clause in the words following to wit,

“And be it also enacted by the same authority, that the
 “ exportation of peltries and Furs into any of the Neighbouring States
 “ be prohibited, and that the same shall be liable to seizure and
 “ forfeiture upon due proof of their being in the way towards either
 “ of the said States, with intent to be Exported to the same by ____
 “ Land or Water, and it shall be conclusive evidence of such intent,
 “ if any person be found in the way to either of the said States and within
 “ _____ miles of the confines of either of the said States, with Furs _
 “ or Peltries of more than _____ pounds weight, and without a Certificate
 “ from one of his Majesty’s Justices of the Peace, certifying that ____

Oath

“ Oath has been made before him by a Credible Witness that the ____
 “ same peltries and furs are not intended for such Exportation ____ And ____
 “ every person aiding and assisting and directly or indirectly interested or ____
 “ concerned in any attempt to make such exportation shall incur a fine
 “ of _____ shillings for every pound weight of Furrs or Peltries so ____
 “ exported or attempted and intended to be exported. All which forfeitures ____
 “ Fines and Penalties shall be recoverable and be divided applied or ____
 “ disposed of, as directed by the Statute of the fourteenth year of his ____
 “ Majesty’s reign Chapter Eighty eight, respecting forfeitures and ____
 “ penalties therein mentioned.”

M.^r Grant then moved that in the several places of this Clause, where Peltries and Furrs are mentioned, the word Beaver precede.

And the Question being put, it was unanimously carried ____
 in the Affirmative. ____

His Honor the Lieu.^t Governor then moved that ____
 the words “and within _____ miles of the Confines of either of the ____
 “ said States.” be struck out of the Clause, & that there be inserted ____
 “ in their place the words, “in any place between the South side ____
 “ of the River S.^t Laurence, and the Line of the Latitude of forty ____
 “ five north, as run, ascertained and compleated, in the year one ____
 “ Thousand seven hundred and seventy four.” _____

And the Question being put, it was carried unani =
 = mously in the Affirmative. ____

His Honor the L.^t Governor then moved that the
 words “a Credible Witness” in the same third Clause be struck
 out, and the words “the Owner or Proprietor, or his Factor or
 “ Agent,” inserted in their Place. ____

And

And the Question being put thereon Debates arose and the Motion was carried in the Affirmative by 16 yeas, against one nay, M.^r Grant being alone for the Negative. __

M.^r Harrison then moved, that the Blank for the Fine be filled up with the word Ten, and that between the word Beaver adopted in two amendments on M.^r Grant's motion as aforesaid and the word Furrs, be inserted the words, "and Ten shillings for every skin of." __

And the Question being put thereon it was carried unani =
= mously in the Affirmative. __

His Honor the L.^t Governor then moved that __
between the word "exported" and the word "all" the following addition be inserted,

"And for prohibiting still more effectually the exportation of Beaver Peltries and Furrs, be it also enacted by the same authority,
" that all and every person or persons who shall export, or shall be
" aiding or assisting or directly or indirectly interested and concerned ~~in~~ __
" in exporting, to any of the said States by any route Southward of _
" the River S.^t Laurence, beyond where it is intersected by the said
" Line of Latitude forty five, or from any other the more Western
" parts of His Majesty's Government, any Beaver Furs or Peltries
" of any kind, such person or persons shall forfeit and become liable
" to pay thrice the fines and Penalties abovementioned." __
"

And the Question being put thereon it was carried unani =
= mously in the Affirmative.

The Chairman then read the fourth enacting Clause in the words following,

Provided always, and it also hereby enacted by the

authority

Authority aforesaid that nothing in this Act contained shall be construed to affect Travellers to and from this Province and their servants Boats ___ Carriages and necessary Baggage nor the Effects of any kind of such ___ persons coming to settle in this Province or others as shall have per = mission in the manner therein to be Expressed of the Governor ___ or Commander in Chief for the time being under his hand & seal at arms.

His Honor the Lieu.^t Governor then moved that after ___ the word Baggage the words “not including any article whatsoever for trading purposes” be inserted. ___

And the Question being put thereon it was carried ___ unanimously in the Affirmative. ___

M.^r Grant then moved that there be added to this ___ Clause the words following.

“Nor to affect the Importation of any of the said enu =
“ = merated Articles by any Route and Communication to ___
“ such Posts Places and Districts and under such restrictions, and ___
“ for such periods, as the Governor or Commander in Chief for
“ the time being may conceive to be Expedient for the common
“ weal, and from time to time declare and make know by
“ proclamation under the Great seal.”

And the Question being put thereon, it was carried unani =
= mously in the Affirmative. ___

The Chairman then read the last Clause of the Bill in the words following,

“And it is also enacted by the same authority ___
“ that it shall be the duty of the Officers of the Customs
“ to execute this act in the manner of Executing any of the
“ Statutes made for the regulation of the Plantation Trade

and

“ and they shall be entitled to all such aid and assistance therein ____
 “ as they are intitled to and may demand under all or any of the ____
 “ Statutes aforesaid

And the Question being put thereon it was carried ____
 unanimously in the Affirmative. ____

The Chairman having gone through the Bill, read
 the title in the words following

A^{ct}

“An Act or Ordinance further to regulate the Inland _-
 “Commerce of this province.”

And then put this Question whether the title stand,

His Honor the Lieu.^t Gov.^r then moved the ____
 following words to be added to the title, “and to extend the same” ____

And the Question being put thereon, it was carried un =
 = animously in the Affirmative. ____

Ordered by the Committee that the Chairman _
 report progress made, and desire leave to sit again to morrow _
 morning at 10 o’ Clock. ____

Saturday Morning 10 o’Clock 29.th March 1788. _

The Committee met according to the Adjournment

The Chairman read the ingrossed minutes of yesterday

His Honor the Lieu.^t Gov.^r then moved to strike out ____
 the words “and the Line of the Latitude of forty five North
 as run ascertained and compleated in the year one thousand
 seven hundred and seventy four” in his motion for an ____
 amendment of the third Clause of the Bill & in their
 place to insert the words” to the southermost extent of

His

His Majesty's Govern.^{ty}" and to strike out the word "said" in his motion for the addition to ~~the~~ that Clause, and to add to the words "forty five", ~~the~~ words "North as run ascertained and Completed in the year one thousand seven hundred & seventy four."

And the Question being put thereon it was ____ carried unanimously in the Affirmative.

M.^r Finlay then moved to the Bill there be added the Clause following

And be it further enacted by the same authority, that for every Certificate to be given by a Magistrate as aforesaid he shall be entitled to the fee of one shilling, and shall not receive therefore more, under the pain of Extortion, and that any Magistrate granting a Certificate wickedly knowingly & fraudulently to abet and effect the exportation of Beaver ____ Peltry or Furs forbidden by this Act, and thereof duly convicted shall be liable to such fine and imprisonment as the Court of King's Bench may impose & adjudge and thence ____ = forth be incapable of any office place or employment in his Majesty's Govern.^{ty}; and that a wicked & Corrupt oath, for ____ obtaining a Certificate fraudulently to effect such pro = ____ = hibited exportation, shall upon due conviction expose the ____ Offender to the pains & penalties of false swearing and ____ perjury, And such as advise, encourage & persuade to ____ bring about such wicked & fraudulent & Corrupt swearing to the pains and penalties of subornation of perjury.

And the Question being put thereon it was carried unanimously in the Affirmative.

Ordered that report be made
signed by order of the Committee,
/ signed / W.^m Smith Chairman.

The

inland commerce

The Report being read, the Question was put, Whether the Council concur with the Committee? It was carried in the ____ Affirmative unanimously. Ordered that the Bill be engrossed, & read a second time on Tuesday next.

adjourned till Monday the 31.st at 10.

Monday 31.st March 1788 _

Present

The Honourable Henry Hope Esquire Lieutenant Governor

William Smith Esq.^r Chief Justice

Hugh Finlay P. Roc De S.^t Ours

Edw.^d Harrison Francis Baby

John Collins Jos. de Longueüil

J. G. C. De Lery George Davison ____ Esquires

George Pownall Sir John Johnson_ Bar.^t

Picotté de Bellestre Cha.^s De La Naudiere

John Fraser Rene Am. Boucherville

Henry Caldwell Le C.^{te} Dupré _____ Esquires

William Grant

Crown debts
for Freight

The Order of the Day, read, The Council resolved themselves into a Committee of the whole Council, to proceed upon the “Bill for the easy settlement and recovery of the Crown Debts, incurred on the commercial transportation over the interior Lakes” and His Honour left the Chair

His Honour resumed the Chair

Crown debts
for freight

The Chief Justice from the Committee on the said Bill reported progress, and prayed leave to sit again to-morrow at half past 10 o'clock. ____ Ordered accordingly.

The Council adjourned till to-morrow at $\frac{1}{2}$ past 10 _

Tuesday 1.st April 1788

Present

The Honourable Henry Hope Esq.^r Lieuten.^t Governor

William Smith Esq.^r Chief Justice

Hugh Finlay William Grant

Edw.^d Harrison P. Roc De S.^t Ours

John Collins Francis Baby

Adam Mabane Jos. de Longueüil

J. G. C. De Lery George Davison ____ Esquires

George Pownall Sir John Johnson ____ B.^t

Picotté de Bellestre Cha.^s De La Naudiere

John Fraser Rene Am. Boucherville

Henry Caldwell Le C.^{te} Dupré _____ Esquires

Crown debts
for freights

The Council resolved themselves into a Committee of the whole Council to proceed upon the Bill for the easy settlement
And

and recovery of the Crown Debts incurred on the commercial transportation over the interior Lakes, and His Honour quitted the Chair.

His Honour resumed the Chair.

Crown Debts
for freights

The Chief Justice from the Committee of the whole Council, on the Bill, intituled “An act or Ordinance for ____
“ the easy settlement and recovery of the Crown debts incurred
“ on the commercial Transportation over the interior Lakes”
reported, that the Committee had gone through the Bill, and made several Amendments, which together with the Bill ____ and Report he delivered in at the table.

Report on the Bill
concerning the ____
Crown Debts for freights

Report of the Committee of the whole Council ____
on the Bill intituled “An act or Ordinance for the
“easy settlement and recovery of the Crown debts ____
“incurred on the Commercial transportation over
“the interior Lakes.”

Monday 31.st March 1788. ____

Present

His Honor the L. ^t Gov. ^r	
The Chief Justice	M. ^r Grant
M. ^r Finlay	M. ^r De S. ^t Ours
M. ^r Harrison	M. ^r Baby
M. ^r Collins	M. ^r De Longueüil
M. ^r De Lery	M. ^r Davison
M. ^r Pownall	Sir John Johnson B. ^t
M. ^r De Bellestre	M. ^r De Lanaudiere
M. ^r Judge Fraser	M. ^r Boucherville
Col. Caldwell	M. ^r Dupré. ____

M.^r. Smith Chief Justice in the Chair. ____

The Chairman read the Bill at large and the ____
Translation and then proceeded to read it again by ____
Paragraphs,

The Preamble was then read in these words,

Whereas

“Whereas the Inland commerce has been for ____
 “ divers years ^{past} aided and protected by his Majesty’s Vessels & ____
 “ Naval armaments upon the great Lakes, and large sums
 “ are due from Merchants Traders and others for the freight
 “ and transportation of their Effects, but which cannot be
 “ recovered without special provision made therefore by the
 “ Legislature; the Engagements, Promises and securities for ____
 “ the Freight money being made and given to Naval ____
 “ Store-keepers Paymasters or other Agents for the Crown,
 “ same of whom are absent or dead: And divers disputes and
 “ Controversies are subsisting on the Claims of the Owners
 “ & Shippers of the Effects for delays, damages and losses
 “ respecting the Carriage and delivering of the Goods for ____
 “ which such Freight = money was to accrue ____ And Whereas
 “ many of the Debtors as well as the Witnesses reside at ____
 “ Detroit and other remote places, where examinations, inquiries
 “ and settlements may be most conveniently made ____ To the
 “ intent therefore, that the said disputes and Controversies may
 “ be adjusted, and the balances due liquidated, and that the
 “ persons indebted for the same may be legally discharged ____
 “ & quieted, and his Majesty’s dues be ascertained & recovered.” ____

The Chairman then put the Question that it stand
 a part of the Bill. ____

Ordered by the Committee that the papers follow =
 = ing be read / 1 / the Order of His Lordship in Privy ____
 Council of the 19.th May last for the Investigation of the
 subject to which the present Bill before the Committee
 relates (2) The Report of the Committee of the Privy ____
 Council & (3) the order or Reference of that Report to the Chief
 Justice of the 19.th Nov.^r last. ____

And the same being read accordingly,

His

His Honor The L.^t Governor moved that between the word "Effects" and the word "but" be inserted the words _

"To the payment of which transportation tho' previously
 " acquiesced in by Merchants Traders & others, obstacles have
 " been raised since the year one thousand seven hundred _
 " and Eighty one, and which sums therefore" _ and that the
 words "but" & "which" be struck out. _

The Question being put thereon, it was carried _
 for the amendment in the affirmative, unanimously. _

The Chairman then read the first enacting _
 Clause in the words following,

"Be it enacted by His Excellency the Governor _
 " and the Legislative Council, and it is accordingly hereby
 " enacted & ordained by the Authority of the same, that all
 " monies remaining in the hands of any person or persons
 " that were originally paid by the Merchants Traders or _
 " others for Freight in the Commerce aforesaid, and not
 " delivered over for the use and benefit of the Crown; _
 " and that all monies still outstanding and unpaid for _
 " Freights due in the said Commerce, and all promises _
 " Bonds Notes & Securities therefor, shall for the purpose
 " of recovering the same for the use of the Crown, be
 " deemed and adjudged in the Law to have been, and _
 " to be the right & property of the Trustees to be _
 " appointed as herein after mentioned : Who shall have
 " as compleat and perfect power and authority to ask _
 " demand compound for, agree and adjust the same and _
 " liquidate and receive the balances, and give acquittances
 " Receipts, Discharges & Reliases therefor, or sue for, _
 " and recover the same Freight-monies or any part

thereof

“ thereof, in all or any of the Courts of the province / which for _
 “ that purpose shall have Cognizance thereof both in Law & equity /
 “ as if they were the Original Owners of the said Freight-monies,
 “ and all the Contracts and securities therefor, were made in their
 “ names, and payable to them for their own benefit and use.” _

And the Question being put thereon,

His Honor the L.^t Governor moved that between _
 the words “over for” & the word “the” be inserted the words “or _
 “ already justly applied to”

And the Question being put thereon, it was carried
 for the Amendment, unanimously. _

The Chairman then read the second enacting clause
 in the words following.

“And be it further enacted & ordained by the same _
 “ Authority, that the said Trustees shall be such Persons as
 “ the Governor of this Province, or the Commander in ____
 “ Chief thereof for the time being, shall authorize for that
 “ purpose by Commission under the Great seal of the _
 “ Province; who shall enter into Recognizances to account
 “ to the Crown and for the discharge of their trust, under
 “ such Instructions as they may from time to time _
 “ receive under his hand & seal at arms.” _

And the Question being put thereon it was
 carried for the affirmative unanimously that it stand a
 part of the Bill. _

The Chairman then read the Preamble to
 the third enacting Clause in these words,

And

“And that Justice may be done to all Parties intitled to
 “ Deductions from the Freight-money, or perhaps to a
 “ Discharge of the whole, on account of the non delivery ___
 “ of the Effects or Damages sustained in the negligent ___
 “ Carriage thereof.”

And the Question being put thereon,

His Honor the L.^t Governor moved to add to it
 these words,

“if any such circumstances there shall have been” ___
 And the Question being put thereon, it was carried ___
 unanimously in the Affirmative. _____

The Chairman then read the third enacting ___
 Clause in the following words,

“Be it also enacted and ordained by the same ___
 “ authority, that the Defendant in any action to be brought
 “ for such Freight-money on any Book debt Promise ___
 “ or security touching the same shall and may have the
 “ benefit of such or any other just and equitable matter ___
 “ of Deduction or discharge for his defence _ And in every
 “ action at Law may plead the general issue and give the
 “ same in Evidence _ And by order of any of the Judges ___
 “ of the Court where such suit may be instituted, shall
 “ have access in the manner therein directed, to all ___
 “ such Books and Entries as have been kept for the
 “ purposes aforesaid; and to Copies of such of them as ___
 “ may be requested, under the penalty of
 “ Pounds for every refusal, paying therefore at the ___
 “ rate of pence for every hundred words, of which
 “ every such Copy shall consist; to be recovered _____

by

“ by action of debt with Costs __ But nothing herein __
 “ contained, shall be construed to make the Trustees afores.^d
 “ any or either of them, personally liable to suit or action for _
 “ any such loss or Damage out of their own Estates.” __

And the Question being put thereon the Clause
 was carried in the Affirmative unanimously. __

The Question was then put on the sum for the
first Blank. __

Ordered that it be filled up with the word “thirty”

The Question was then put on the sum for the
second Blank.

Ordered that it be filled up with the word “six”

The Chairman then read the last Clause of the Bill
 in the words following,

“And be it further enacted by the same authority __
 “ that the payment of any such sum for such Freight =
 “ = money to the said Trustees, shall be a perfect and
 “ compleat Bar ag.st the Demand thereof, by the person or
 “ Persons to whom the same was originally made payable
 “ by Promise, Note, Bond or any other security; or by any _
 “ others their legal Representations, as fully to all intents _
 “ and purposes, as if such securities had been assigned _
 “ or transferred to, or vested in the said Trustees; or as if
 “ the person they Represent, never had any Right or _
 “ Title to the same _ And if any suit or action shall be _
 “ brought ag.st the said Trustees under Pretext thereof, __
 “ they may plead the general issue and give this Act __
 “ in Evidence for their Indemnity and Discharge and
 “ upon Judgement in their favor, shall recover treble __
 “ Costs.”

And

“And this Act shall in all Courts be deemed and ____
“adjudged to be a public Act.”

The Chairman then put the Question thereon ____
and it was carried in the Affirmative unanimously. ____

The title was then read in these words, ____

“An act or Ordinance for the easy settlement and ____
“Recovery of the Crown Debts incurred on the Com =
“= mercial Transportation over the interior Lakes.” ____

And the Question was put whether it stand? ____
and it was carried in the affirmative unanimously. ____

Ordered that the Chairman report progress ____
made on the Bill, and pray leave to sit again to =
= morrow morning at 10 o’Clock ____ The Committee
then adjourned to that hour. ____

Tuesday morning 10 o’clock 1 April 1788. ____

The ingrossed minutes read.

Signed by order of the Committee

~~/signed/~~ W.^m Smith Chairman. ____

Crown Debts
for Freight.

The Report read, and the Question of Concurrence put
and carried in the Affirmative ____ Ordered that the Bill
be engrossed for a second reading, on Friday next.

Inland commerce.

The Order of the day read, the Council proceeded _
to a second reading of the Bill, intituled, “An Act or
“ Ordinance further to regulate the inland Commerce of
“ this province, and to extend the same” ____ The Chief
Justice moved that the word / to / between the Words S.^t
Lawrence, and the, in the eleventh line of the third ____
clause be changed to the word, and; and that the
words “of more than . . . pounds weight” be struck

out

out __ The Question was put, and carried in the Affirmative.

Suggested by the Chair, and agreeable thereto moved by The Chief Justice to strike out the Words "southward of the River S.^t Lawrence, beyond where it is intersected by the Line of Latitude — forty five North, as run, ascertained, and completed in the Year one thousand seven hundred and seventy four, or" And also the words, "more western" in the fourth clause; And that after the word Government in the same clause, be inserted the words "to the westward of S.^t Regis" __ The Question was put and carried in the Affirmative __ Ordered a third reading of this Bill for Friday next.

expiring ordinances

M.^r Collins [^] from the Committee to whom it was referred to report a List of the Ordinances that expire with this Session delivered in the Report at the Table.

"To His Honour the President and the Members of The Legislative Council.

The Report, on the expiring Ordinances

"Report of the Committee named on the 25.th of March
"last to report the Ordinances which expire the present
"Session.

April 1.st 1788

"Present

"M.^r Collins

"M.^r Pownall

"M.^r Grant

"M.^r Baby

"In the absence of M.^r Dunn, M.^r Collins took the Chair
„ and The Committee proceeded to examine whether any and
„ what Ordinances expire the present Session; and have
„ the Honour to report, That the Ordinance intituled, An __
„ Ordinance for the regulation and establishment of fees __
„ passed in the 20.th year of His present Majesty is the only __
„ Ordinance that will expire in the present Year."

"signed by order of the Committee

/ signed / "John Collins."

Paper sent from His Excellency The Governor.

The Clerk, by Order of His Excellency Lord Dorchester, laid before The Council, the following paper, viz.

1st. A Report of a Committee of the [^] Privy Council concerning the upper country trade.

An Erasure

~~2nd. A memorial of the principal Inhabitants of Montreal, concerning the Winter Carriages.~~

G. G.

The said Report and Memorial, read; Ordered to be translated, and lie on the Table.

M.^r

Winter Carriages.

M.^r Grant, brought in his Bill, intituled “An Act or Ordinance to alter the present mode of dragging sleds and ___ Carrioles in order to remedy the inconveniences arising from Cahauts or Banks of snow, formed on the winter Roads” ___ and moved that it be read, and committed _ Seconded by Colonel Caldwell _ Being read; Ordered to be committed _ M.^r Grant, Colonel Caldwell, M.^r De Longueüil, M.^r De La Naudiere & M.^r Boucherville to compose the Committee.

Bill for altering the Ordinance regulating the proceedings &c

The Chief Justice moved that the Bill on the Table intituled “An Act or Ordinance to alter an ordinance, intituled ___ An Ordinance to continue in force for a limited time an ___ Ordinance made in the twenty fifth year of His Majesty’s reign intituled, An Ordinance to regulate the proceedings in the ___ Court of civil Judicature, and to establish Trials by Juries ___ in actions of a commercial nature, and personal wrongs to be compensated in damages, with such additional Regula = = tions as are expedient and necessary” be committed _ The Question was put, and carried in the Affirmative _ Ordered ___ that The Chief Justice, M.^r. Mabane, M.^r. Fraser, M.^r. De S.^t. Ours and M.^r Dupré compose that Committee.
adjourned till to-morrow at 10 o’clock.

Wednesday the 2.nd April 1788

Present

The Honourable Henry Hope Esquire Lieu.^t Governor

William Smith Esquire Chief Justice

Hugh Finlay

William Grant

Edward Harrison

Paul Roc De S.^t Ours

John Collins

Francis Baby

Adam Mabane

Jos. De Longueüil

J. G. C. De Lery

George Davison ___ Esquires

George Pownall

Sir John Johnson _ Ba.^t

Picotté De Bellestre

Cha^s. De La Naudiere

John Fraser

René Am. Boucherville

Colonel Caldwell

Le C.^{te} Dupré ___ Esquires

Faculty Ordinance

M.^r Collins from the Committee, to whom [^] was referred the Bill, intituled, “ An Ordinance to prevent persons practising Physic and ___ Surgery within the province of Quebec, or Midwifry, in ___ the Towns of Quebec & Montreal, without Licence” reported, ___ that they had gone through the Bill, and He delivered in the Report and Bill at the Table. The Report was read as follows, viz,

“Committee

The Report, on the
Faculty Ordinance.

“Committee Chamber 2.nd April 1788

“ Present

“ John Collins
“ A. Mabne
“ De Lery, &
“ Dupré ____ } “Esquires

“The Committee having taken into consideration the order
“ of Council of the 25.th of last month, with the papers referred to
“ them, are of opinion that the Ordinance proposed by the Committee
“ of the privy Council should be adopted”

“By order of the Committee

/ signed / “John Collins

The Ordinance

“An Ordinance to prevent persons practising Physic
“& Surgery within the Province of Quebec, or Midwifry
“in the Towns of Quebec & Montreal, without Licence.

“Whereas many inconveniences have arisen to His Majesty’s
“ Subjects in this province from unskilful persons practising Physic
“ and Surgery, Be it enacted by His Excellency The Governor & Commander
“ in Chief, and by and with the advice and consent of the Legislative
“ Council that after the ____ day of ____ next, no person ____
“ whatsoever shall on any pretence sell, vend, or distribute Medicines,
“ or prescribe for sick persons for gain, or practice Physic or
“ Surgery within the province, or practice Midwifry in the Towns
“ of Quebec and Montreal, or the Suburbs thereof, without ____
“ licence first had and obtained from His Excellency The Governor
“ or the Commander in Chief of the province, for the time being, which____
“ Licence shall not be granted, but upon certificate of the person’s ____
“ applying for the same, having been examined and approved by
“ such persons as the Governor or Commander in Chief for the Time
“ being, may have appointed for the purpose of examining and
“ inquiring into the knowledge of such person in Physic, or Skill
“ in Surgery or Pharmacy, or Midwifry; a copy of which Certi =
“ = ficate is to be annexed to the Licence, which is to be enregis =
“ = tered in the office of the Clerk of the peace of the District, where
“ the Practitioner resides.

“Every person acting in any of the professions aforesaid _
“ without such Licence shall forfeit the sum of twenty pounds
“ for the first offence, fifty pounds for the second, and One
“ hundred pounds and three months imprisonment for every
“ subsequent offence committed against the true intent and
“ meaning of this ordinance, to be recovered in the Court of____
“ Common Pleas of the District where the offence shall have
“ been committed, a Moiety of such forfeiture to be paid to _
“ the Receiver General of the province, and applied to the Use
“ of His Majesty’s government here, to be accounted for by him

to

to His Majesty, his Heirs and Successors, or to the Commissioners _
 “ of His Majesty’s Treasury, for the time being, and audited by His
 “ Majesty’s Auditor General for the plantations or his Deputy
 “ and the other moiety to be paid to the person or persons who
 “ shall sue for the same.

“ “Nothing in this ordinance shall extend or be ____
 construed to extend to the subjecting such persons as shall
 “ have taken a degree in any University, or who have been
 “ commissioned or warranted as Surgeons in His Majesty’s _
 “ Army or Navy, to any examination previous to obtaining
 “ a Licence, but to which Licence, to be enregistered as above,
 “ a copy of the Degree or Certificate of the Commission or ____
 “ warrant shall be annexed.

“ “No physician or Surgeon doing duty in the Army or
 Navy within the province, to be obliged to have a Licence.”
 “

The Chief Justice, upon the point of Order, moved, the Chair
 That the Bill be recommitted”__ The Question was put, and
 “ carried in the Affirmative by 13 Ayes ag.st 6 Naves. ____
 Ordered that the Bill be recommitted, to the same ____
 Committee.

adjourned till to-morrow at 10.

The Voices on the Question

	A	N
M. ^r Dupré		1
M. ^r Boucherville	1	
M. ^r De La Naudiere	2	
Sir John Johnson	3	
M. ^r Davison		2
M. ^r De Longueuil	4	
M. ^r Baby	5	
M. ^r De S. ^r Ours	6	
M. ^r Grant	7	
Col. Caldwell	8	
M. ^r Judge Fraser		3
M. ^r De Bellestre	9	
M. ^r Sec. ^{ry} Pownall	10	
M. ^r De Lery		4
M. ^r Judge Mabane		5
M. ^r Collins		6
M. ^r Harrison	11	
M. ^r Finlay	12	
M. ^r Chief Justice Smith	13	

Thursday 3.rd April 1788
 Present
 His Honour The Lieutenant Governor
 and
 The other members, as yesterday

No business ready _
 adjourned till to-morrow at 11.

Friday the 4.th April 1788
 Present

The Honourable, Henry Hope Esquire, Lieutenant Governor	
William Smith Esquire	Chief Justice
Hugh Finlay	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Jos. De Longueüil
J. G. C. De Lery	George Davison__ Esquires
George Pownall	Sir John Johnson_ Baronet
Picotté De Bellestre	Cha. ^s De La Naudiere
John Fraser	René Am. Boucherville
Henry Caldwell	Le C. ^{te} Dupré ____ Esquires

Crown debts for
 Freight.

1.st Question ____

The order of the Day for a second reading of the Bill ____
 intituled “An Act or Ordinance for the easy Settlement and
 recovery of the Crown Debts incurred on the commercial Trans =
 = portation over the interior Lakes” read; and the Bill read
 “ a second time, in both languages, The Question was put
 for a third reading, and carried in the Affirmative by
 15 Ayes against 5 Naves. ____ Ordered a third reading
 on Friday the 11.th instant.

Inland commerce

2.nd Question

The Order of the day for a third reading of the Bill
 intituled “An Act or Ordinance further to regulate the inland
 Commerce of this province and to extend the same” read; _
 “ and the Bill read a third time, in both languages.
 M.^r Mabane moved an amendment, to be inserted at the
 end of the ordinance, in the following words “This Ordinance _
 shall be and continue in force till the end of the Session of
 “ the Legislative Council which will be in the year of our
 “ Lord, one thousand seven hundred and ninety.” Seconded by
 “ M.^r De S.^t Ours. _ The Question was put, and carried in the
 Negative by 17 Naves against 3 Ayes _ After which the Question_
 was put, for passing the Bill, and it was voted unani =
 = mously in the Affirmative.

The

Bill for altering
the Ordinance
regulating the Proceedings
&c.

The Chief Justice, from the Committee to whom was referred the Bill, intituled “An Act or Ordinance to alter an ordinance, intituled, An Ordinance to continue in force for a limited time, an Ordinance made in the twenty fifth _
“ years of His Majesty’s reign, intituled, An Ordinance to _
“ regulate the proceedings in the Courts of civil Judicature _
“ and to establish Trials by Juries in actions of a commer =
“ = cial nature, and personal wrongs to be compensated in_
“ Damages, with such additional regulations as are expedient
“ and necessary” reported that the Committee had gone through
“ the Bill and made several Amendments, which together with
the Bill and Report, He delivered in at the Table.

Report on the Bill
for altering the Ordinance
regulating the Proceedings &c.

Report of the Committee to whom was referred the Bill intituled “An Act or Ordinance
“to alter an Ordinance to continue in force for a ____
“limited time an Ordinance made in the twenty
“fifth year of his Majesty’s reign intituled An ____
“Ordinance to regulate the proceedings in the
“Courts of Civil Judicature and to establish ____
“Trials by Juries ~~by Juries~~ in actions of a ____
“Commercial nature and personal wrongs to
“be compensated in Damages with such ____
“additional regulations as are expedient and
“necessary.” ____

Friday the 4.th April 1788. ____
The Committee met viz.^t

M. ^r . Smith Chief Justice	M. ^r De S. ^t Ours
M. ^r Judge Mabane	Col. Dupré. ____
M. ^r Judge Fraser	

M.^r. Smith in the Chair

The Bill read at large in both Languages ____
and consisting but of one Clause, the same was ____
read again in the words following,

“Be it enacted by His Excellency the ____

Gov.^r

“ Governor and the Legislative Council, and it is hereby _
 “ enacted by the authority of the same that for Erecting the
 “ Jurisdictions for the determination of small causes, in _
 “ any District of this province, or the creating of a new
 “ District or Districts as by the Act or Ordinance passed _
 “ in the twenty seventh year of his Majesty’s Reign is
 “ directed, it shall not be necessary in the Law to effect
 “ the same, by the same Patent or Patents for appointing
 “ the Officers for such small Jurisdiction or District or
 “ Districts; and that every such Officer may be appointed
 “ by the Governor or Commander in Chief for the time ___
 “ being by separate Commissions or Patents according
 “ to the antient & accustomed manner respecting other
 “ Offices and Officers any thing in the said Act to the ___
 “ contrary notwithstanding.

The Chairman then put the Question thereon
 that the Clause stand,

M.^r Fraser then moved to strike out the
 words “in the said Act” near the close of the Bill and
 at the end of the Bill to add the words following, _____
 “in the said act herein before referred to intituled “An ___
 “ Ordinance to continue in force for a limited time an
 “ Ordinance made in the Twenty fifth year of His ___
 “ Majesty’s reign intituled An Ordinance to regulate the
 “ proceedings in the Courts of Civil Judicature and to
 “ establish Trials by Juries in actions of a Commercial
 “ nature and personal wrongs to be compensated in ___
 “ Damages with such additional regulations as are _
 “ expedient and necessary.”

The Chairman put the Question thereon ___
 and it was carried in the affirmative. ___

The

The Chairman then read the Title of the Bill and
put the Question whether it stand

M.^r Fraser – then moved that the Title be,

“An Act or Ordinance to alter the Ordinance
“herein after mentioned.”

The Chairman put the Question thereon
and it was carried in the Affirmative

Ordered that the Chairman sign the Report
signed by order of the Committee
/ signed / W.^m Smith Chairman

Order for a second
reading of the Bill

The Report read, and the Question of Currence put,
it was carried unanimously in the affirmative – Ordered
to be engrossed, and [^] a second reading for Wednesday next.

Inland Commerce

Ordered that the Bill passed this day, intituled,
“An Act or Ordinance further to regulate the inland
“commerce of this province, and to extend the same” – be
transcribed; and that M.^r Pownall; M.^r Grant and
M.^r De La Naudiere be a Committee to examine the
Transcript with the engrossed Bill, and # # proceedings,
and to report with all convenient speed.
adjourned till Wednesday next, at 10.

Voices on the Questions

		1. st Q.		2. nd Q.	
		A	N	A	N
M. ^r Dupré		1			1
M. ^r Boucherville		2		1	
M. ^r De La Naudiere		3			2
Sir John Johnson		4			3
M. ^r Davison		5			4
M. ^r De Longueuil			1		5
M. ^r Baby		6			6
M. ^r De S. ^t Ours			2		7
M. ^r Grant		7			8
M. ^r Caldwell		8			9
M. ^r Fraser		9			10
M. ^r Bellestre			3		11
M. ^r Pownall		10			12
M. ^r De Lery		11		2	
M. ^r Mabane			4	3	
M. ^r Collins		12			13
M. ^r Harrison		13			14
M. ^r Finlay		14			15
The Chief Justice		15			16
The Lieu. ^t Governor		16			17

Wednesday 9.th April 1788

His Honour The Lieutenant Governor, being indisposed,
The Honourable William ^{Present.} Smith, Esquire Chief justice.

Hugh Finlay
Edward Harrison
Adam Mabane
J. G. C. De Lery
George Pownall

Picotté De Bellestre
John Fraser
Henry Caldwell

William Grant
P. R. De S.^t Ours
Francis Baby
Joseph De Longueüil _ Esquire
Sir John Johnson ____ Baronet

Char.^s De La Naudière
René Am. Boucherville

&
Le C.^{te} Dupré ____ Esquire

Bill altering the
Ordinance for regulating“
the Proceedings, &c.

The Order of the day, for a second reading of the Bill, ____
intituled, “An Act or Ordinance to alter the Ordinance herein ____
after mentioned” read; And the said Bill read, in both languages,
Colonel Caldwell moved an amendment, in addition to the said
Bill, in the words following,

“ And be it enacted, by the same authority, that the Courts
“ of small jurisdiction by the said Ordinance authorised,
“ may have cognizance of the differences arising within
“ their respective Circles on petty Trespasses, by horses,
“ black cattle, sheep and swine; and also respecting
“ ditches, fences, and the portion of Land that by the
“ custom of the country, people are obliged to clear, ____
“ adjoining their neighbour’s fields, known by the Word
“ Découvert, and award damages not exceeding forty ____
“ shillings; also of all complaints of the Voyer against
“ persons neglecting to keep the Highroads in proper
“ repair. Provided always that nothing in this Act ____
“ contained shall be construct to give Cognizance in
“ any case, where title to the realty may come in ____
“ Question; and that if on stating the Issue between
“ the parties, either shall assent that He will question
“ the title of his Opponent on the Hearing, then all
“ further proceeding shall surcease to the coming
“ of the Judges on their usual circuits, who shall
“ hear and determine the same.”

Seconded by Sir John Johnson. ____ Debates arose. _ The
Question upon the amendment put, was carried in the Affir=
=mative by 16 Ayes ag.st I Naye, M.^r Boucherville standing
alone for the negative. ____ Then the question for a third
reading of the Bill on monday next was put, and carried
unanimously in the Affirmative.

M.^r Grant

Bill for the Winter Carriages. M.^r Grant from the Committee to whom was referred the Bill, intituled, “An Act or Ordinance to alter the ___
 “ present method of dragging sleds and Carioles, in order
 “ to remedy the inconveniencies arising from Cahauts or
 “ banks of Snow formed on the Winter roads” reported that the Committee had gone through the Bill, and made ___
 several amendments, which with the Report and ___
 Bill he delivered in at the Table.

The Report.

Report of the Committee of Council to ___
 whom was Referred the Bill intituled “An ___
 “Act or Ordinance to alter the present method ___
 “ of dragging Sleds and Carioles, in order to ___
 “ remedy the inconveniences arising from ___
 “ Cahauts or Banks of Snow formed on the ___
 “ Winter roads.” ___

The Committee met at the Council Chamber
 Thursday Morning 8⁰⁰ Clock 3 April 1788. ___

Present

Col. Caldwell	M. ^r De La Naudiere
M. ^r Grant	M. ^r Boucherville
M. ^r Longueuil	

M.^r Grant in the Chair

The Bill and the Translation being read by ___
 the Chairman in English and French, and then ___
 by paragraphs ___ First, the Preamble in the following words

“ **Whereas** His Majesty’s subjects ___
 “ have long experienced the difficulty of Winter Communication,
 “ and the labour and attention required of the Inhabitants to
 “ keep up and repair the Winter roads.” And whereas
 “ the present method of affixing the Winter carriages, known _
 “ by the names of Trains, Sleds and Carioles to their Shafts &
 “ Runners, is the cause of the bad Roads made by them ___
 “ during the Winter season; The Cross bar of the Shaft

Fixed

“ fixed by its chain under the front part of the Train Sled &
 “ Cariole, Collecting the new fallen snow as it is drawn along
 “ the Road by the Horse, and thereby forming at short distances
 “ the Hillocks or banks of snow called Cahauts, the hollows ____
 “ between which are sometimes upwards of two feet in depth to
 “ the great inconveniency of the public.”

“ And whereas a method is invented and used, of _
 “ affixing the Shaft to the Runner of the Train Sled and Cariole
 “ which if universally adopted will remedy the evil complained of, _
 “ at a very small expence, save much labour to the Inhabit =
 “ =ants, and facilitate travelling and Carriage of every denomina=
 “ = tion, according to actual experience, in that department of ____
 “ the King’s service under Isaac Winslow Clerke Esq.^r in
 “ the transportation of stores in very loaded Trains from ____
 “ Montreal to La Chine.” ~

The Chairman put the Question Whether it should _
 stand as a part of the Bill ? And it was carried unanimously
 in the Affirmative. ~

The Chairman then read the first enacting ____
 Clause in the following words. ~

1.st ____ “ Be it therefore enacted by his Excellency the Governor _
 “ and the Legislature Council, and it is hereby enacted & ordained ____
 “ by the authority of the same _ That no Winter Carriage
 “ shall be used after the tenth day of November next not _
 “ affixed to its Shafts according to one of the Models to be
 “ seen with the Clerk of the Markets of Quebec & Montreal,
 “ or one of the Captains of Militia of the Town of Three
 “ Rivers, and Parishes of _____ under the penalty
 “ of five shillings on the persons using the same, and the ____
 “ seizure and for forfeiture thereof.”

Then put the Question, whereon it was unanimous
 =ly agreed in the Affirmative. ~

Col.

Col. Caldwell then moved the following addition to the first enacting Clause

“On according to any other Model by which thro’ the means of the bar on the shafts the snow is not raised so as not to form cahots on the road as expressed in the Preamble of this Ordinance.”

Debates arose, and the Chairman putting ___ the Question, it was carried in the Negative, three ___ Noes against one aye. ~

For the negative	For the affirmative
M. ^r Boucherville	Col. Caldwell. ~
M. ^r De La Naudiere	
M. ^r De Longueüil	

The Chairman then read the second enacting Clause in ___ the following words. ~

2.nd ___ “And be it further enacted by the said authority ___ that after the ___ day of ___ The runners ___ of every new Train Sled or Cariole shall be at least nine Inches high [^] and two inches broad, and shall be rounded off at the end to ___ to which the Chains of the Shafts are fastned, under the penalty of Twenty shillings on the Maker, and ten Shillings on the Owner, and the seizure & forfeiture of ___ every train Sled or Cariole not Constructed according to this Act.”

Then M.^r De La Naudiere moved _ “ That the word Three after the word least be struck out, and the word two adopted in its place _ And that after the word Broads be added _ “ and six feet long at least.”

And the Question being then put on the ___ Clause, with the Amendment and addition _ It was unanimously carried in the Affirmative. ____

The Chairman then read the third Enacting clause, in the following words.

3.rd

- 3.rd _____ “And be it further enacted and ordained by the said authority
 “ _ That all Landholders and others who by their Tenures _
 “ and the Laws of the Country are Compellable to make and
 “ repair roads _ do immediately after every fall of snow care=
 “ =fully beat the King’s high roads with Sleds and Carioles,
 “ only affixed as aforesaid, continuing in other respects to set
 “ Beacons, make, repair and uphold the said Roads agreeable
 “ to the Law and usage of the province.” ~

Then put the Question, whether it should remain
 a part of the Bill _ Agreed unanimously accordingly. _

The Chairman then read the fourth enacting clause
 in the following words.

- 4.th _____ “And be it enacted and ordained by the authority aforesaid,
 “ that in the Winter all high roads in future within six _
 “ leagues of the Towns of Quebec Montreal and Three Rivers, _
 “ shall run on each side of Beacons to be set up between _
 “ them in one straight line as exactly as may be, and that
 “ Travellers, and Carriages shall take the right of the _
 “ Beacons in going to and coming from the Towns of _
 “ Quebec and Montreal aforesaid, under the penalty of
 “ Shillings for the neglect of erecting such Beacons by those
 “ whose duty it is at present to erect Beacons _ and of
 “ Shillings for wantonly not pursuing the route above pres=
 “ =cribed.”

Debates arose M.^r Boucherville moved ____
 “that the word six be struck out the word one adopted _
 “in its place _ and that the words Three Rivers be struck out.”

Carried unanimously that the Clause so amended
 should make part of the Bill. ~

The Fifth or last enacting Clause being
 read in the words following by the Chairman

And

“And be it further enacted by the Authority aforesaid
 “ That the several Fines and forfeitures beforementioned ____
 “ shall be recoverable by the Judgment of any one of his
 “ Majesty’s Justices of the peace with Costs, and the sale
 “ of at public Auction the effects of the Offender by ____
 “ distress, and returning the Overplus to the Owner on a
 “ summary hearing, and the testimony of one credible ____
 “ Witness, or other satisfactory proof, one half of each of ____
 “ which penalties and forfeitures shall be paid to such ____
 “ Surveyor or Under ____ Surveyor of Roads, Inspector of police
 “ Clerk of the Market, Post-Master, and Officer of ____
 “ Militia, as shall bring forward the Complaint for any ____
 “ offence against this Act ____ And it shall be the duty of ____
 “ the said Officers to attend vigilantly to the due execution
 “ thereof, and every of them shall incur the penalty of
 “ for every instance of his wilful negligence to be recovered
 “ in due form of Law in the Court of Com.ⁿ pleas ____
 “ of the District where such Penalty may incur”

And the Question being put – And Carried in
 the Affirmation two ayes against one noe.

For the Affirmative	For the Negative
M. ^r De Longueüil	M. ^r Boucherville. ____
M. ^r De La Naudiere	

The Committee then adjourned to 9 ____
 o’Clock to-morrow Morning. ~

Friday morning 4.th April, the
 Committee met according to adjournment

Present M.^r Grant
 M.^r De Longueüil
 M.^r De La Naudiere

The

The Chairman read the ingrossed Minutes, and then ____
 proposed to fill up the blanks throughout the Bill _ He _
 then read the first Enacting Clause and it was unanimously
 agreed to fill up the blank with the following Parishes _
 “Vaudreuil Soulange, L’Isle Perault – La Prairie ____
 Chambly, S.^t Jean, S.^t Denis, Boucherville Vercheres, _
 Sorel, Berthier, La Valterie L’Assomption Terrebonne ____
 La Riviere du Chene L’Isle Jesus, Masquinongé, ____
 Machiche, Masca La Baye du Fevre, Becancour ____
 Gentilly Champlain, S.^t Anne, Point aux Trembles
 de Quebec, Cap Santé, Dechambault, Lotbinière _
 S.^t Antoine, S.^t Nicholas, S.^t Henri, Point Levi, ____
 S.^{te} Marie en Nouvelle Beauce, Beaumont, S.^t Vallier,
 Berthier, S.^t Pierre Riviere du Sud, Cap S.^t Ignace, _
 S.^{te} Anne du Sud Rivière Ouel, Kamouraska, Rivière
 du Loup, Malbaye, Baye S.^t Paul S.^t Joachim, ____
 Chateau Riché, S.^t Pierre en L’Isle d’Orleans, &
 S.^t Jean”

Then on the Blank in the second enacting
 clause and carried unanimously to fill it up with the
 words “First day of November next.” ____ Then on the ____
 first blank in the fourth enacting Clause, agreed ____
 unanimously to fill it up with the words “five shillings”
 and then on the second blank - agreed unanimously ____
 to fill it up with the words “ten shillings”

Then in the blank in the 5.th or last enacting ____
 clause, and carried unanimously to fill it up with the words
 “fifteen shillings”

The Chairman then read the Title of the Bill _ And then
 put the question _ whether it should stand as the Title of the
 Bill? Carried unanimously in the Affirmative. ____

The Bill being gone thro’ the Chairman was ordered
 to Report the same and an engrossed Copy as carried. ____

By order of the Committee 4.th April 1788

/ signed / William Grant Chairman.

Memorial from the
Inhabitants of
Yamachiche

The Report read _ Ordered to lie on the Table, and _
be translated.

Colonel Caldwell moved for the reading of a Petition
of a Majority of the Inhabitants of the parish of S.^{te}
Anne d'Yamachiche, with the papers accompanying _
it _ Seconded by Sir John Johnson _ The Petition read,
Ordered to lie on the Table.

Thursday 10.th April 1788.

His Honour the Lieutenant Governor continuing ____
indisposed,

Present

The Honourable William Smith Esquire, Chief Justice

Hugh Finlay	William Grant
Edward Harrison	P. R. De S. ^t Ours
Adam Mabane	Francis Baby
J. G. C. De Lery	Joseph De Longueuil Esq ^{rs}
George Pownall	Sir John Johnson B. ^t
Picotté De Bellestre	Char. ^s De La Naudière
John Fraser	René A. Boucherville
Henry Caldwell	Le C. ^{te} Dupré _ Esquires.

Fisheries
&
Pilotage

The Clerks, by Order of His Excellency Lord Dorchester
laid before The Council the following Report of a _
special Committee of the Council respecting the Fisheries,
and the Pilotage of the River S.^t Laurence, together ____
with the Drafts of two Ordinances upon those Subjects,
which are ordered to lie on the Table.

The Report

“To His Excellency
“The Right Honourable Lord Dorchester

“ The Committee named for the Fisheries, to
“ whom, on the 5.th of last June, was referred the
“ Petition of M.^r Fraser to Your Lordship, relative
“ to the Superintendance of the Pilots, and who
“ were directed to prepare a Bill for better regulating
“ the Pilotage and Navigation of the River, to be
“ laid before the Legislative Council at their next
“ Session, “ Present
“ Messieurs “ Finlay ____ Grant
“ Harrison ____ Baby, &c
“ Pownall ____ Dupré
“ have the Honor to Report,

“ That having conceived it to be expedient to _
“ consider

consider ~~to consider~~ the regulation of the Pilots, and the improvement
 “ of the navigation of the River, as separate objects, they prepared ____
 “ two Bills, one for improving the navigation of the river S.^t Lawrence,
 “ and the other for regulating the Pilotage, which last Bill they have
 “ the Honor to transmit with this Report.

“ “The Committee will not presume to trouble Your Excellency
 with their draught of the Bill for improving the navigation, which
 “ had been framed in conformity with the Report they made to Your
 “ Lordship on the 24.th of last January, and referred by Your Excellency
 “ to the Consideration of a Committee of the whole Privy Council
 “ who did not approve of the mode proposed by this Committee _
 “ for raising money for the annual support of the Light & Buoys.

“ “The Committee beg Leave further to report to Your Lordship
 the Draft of an Ordinance for regulating the Fisheries in the River
 “ S.^t Lawrence, in Gaspé, at the Islands of Bonaventure, on the opposite
 “ shore of Percé, and on the north side of the Bay of Chaleur within
 “ this province. All which is most humbly submitted to Your
 “ Lordship’s great Wisdom.

“ “By order of the Committee

/ signed / Hugh Finlay _ Chairman

“ Council Chamber

“ 2.nd April 1788 _

M.^r Finlay moved that the Bill on the Table, intituled,
 “ An Ordinance for regulating the Pilotage in the River S.^t Lawrence”
 be read, and committed _ Seconded by M.^r Baby _ The Bill read,
 in both languages, The Question of Commitment put, carried in
 the Affirmative unanimously _ Referred to Messrs Mabane, Fraser,
 Caldwell, De S.^t Ours, & Davison, Sir John Johnson, & M.^r De La Naudiere.

M.^r Grant, from the Committee to whom it was referred to ____
 compare the Transcript of the Bill, intituled, “An Act or Ordinance
 “ further to regulate the inland commerce of this province, and
 “ to extend the same ” reported that they had waited on his _
 Lordship this day, and delivered to Him the Transcript.

M.^r Finlay moved that the Bill on the Table, intituled,
 “ An Act for regulating the Fisheries in the River of S.^t Lawrence,
 “ in the Bays of Gaspé and Chaleur, on the Island of Bonaventure
 “ and the opposite shore of Percé” be read and committed ____
 Seconded by M.^r Dupré _ The Bill being read in both languages,
 and the Question of Commitment put, it was carried unani=
 =mously in the Affirmative._ Referred to Messrs De Lery,
 Fraser, De Longueüil, De La Naudiere & De Boucherville.

M.^r Grant moved for a second reading of the Bill on
 the Table, intituled, “An Act or Ordinance to alter the present
 “ method of dragging sleds and carioles, in order to remedy the
 “ inconveniences arising from Cahauts or banks of Snow form’d on
 “ the winter-roads” _ Seconded by M.^r Finlay _ The Bill read in

both

both languages, Colonel Caldwell moved an Amendment to _ follow the 1.st enacting clause, in the following words,

“ Provided always and it is hereby enacted and
 “ understood by this Ordinance, that no person _
 “ shall be prevented from using Slays, Carioles, or _
 “ any other winter carriage, which are drawn by a
 “ pole with two horses, or two bullocks a=breast, or
 “ drawn by any other method whereby the Bar of
 “ the Shaft does not raise the snow, so as to form
 “ Cahots, as mentioned in the preamble of this _
 “ Ordinance.

1.st Question

the motion was seconded by M.^r Dupré _ On putting the Ques=
 =tion of concurrence, Debates arose, and it was carried in the
 Affirmative by 10 Ayes ag.st 6 Naves.

M.^r Finlay moved a further amendment of the
 1.st enacting clause by striking out all the words between_
 the words, same, and, under, and to insert in their stead _
 the following words,

“ that from and after the first day of November next
 “ every cariole or winter carriage used upon the _
 “ post road, or upon any other public winter-road
 “ within three leagues of the Cities of Quebec or
 “ Montreal”

2.nd Question

Seconded by M.^r De Lery. The Question was put, and carried in
 the negative by 14 Nays ag.st 2 Ayes.

M.^r Finlay moved that in the 5.th enacting Clause
 the word, Post, be struck out, and after the word, Master, _
 follow the words, of provincial post-houses. _ Unanimously _
 ;;----,---,, in the Affirmative.

M.^r Finlay moved to strike out the whole Preamble, and
 to adopt the words following,

“ Whereas the Inhabitants compellable to work on_
 “ the winter-roads are put to great Labour & loss of
 “ time, and travellers to much inconvenience by
 “ banks of Cahots created by the defective construction
 “ of the Carioles or carriages heretofore in use; and a
 “ new model invented and used in the King’s Service
 “ in the department of Isaac Winslow Clarke Esquire
 “ is found less instrumental to forming the _____
 “ impediments aforementioned; and for the purpose
 “ of introducing Carioles so fashioned and fixed, a
 “ model thereof is intended to be lodged in the Cities
 “ of Quebec & Montreal with the Clerks of the Market
 “ and elsewhere with such Captain of Militia in
 “ each parish residing nearest to the parish Church
 “ or place of public worship.”

3.rd Question

seconded by M.^r Grant _ Question put _ carried in the Negative
 by 11 Nays ag.st 5 Ayes.

M.^r

M.^r Boucherville moved to strike out the words, Surveyor or, in the fifth enacting Clause __ Unanimously in the Affirmative.

The Question was put „---,---,---,--- for a third reading of the amended Bill, on Monday next. Carried __ unanimously.

adjourned till to-morrow at 10.

Voices on the Questions	1. st Q ⁿ		2. nd Q		3. rd Q	
	A	N	A	N	A	N
M. ^r Dupré	1			1		1
M. ^r Boucherville	2			2		2
M. ^r De La Naudiere	3			3		3
Sir John Johnson	4			4		4
M. ^r De Longueuil		1		5		5
M. ^r Baby	5			6		6
M. ^r De S. ^t Ours	6			7		7
M. ^r Grant		2		8	1	
M. ^r Caldwell	7			9		8
M. ^r Fraser		3		10		9
M. ^r Bellestre	8			11		10
M. ^r Pownall	9			12	2	
M. ^r De Lery	10		1			11
M. ^r Mabane		4		13	3	
M. ^r Harrison		5		14	4	
M. ^r Finlay		6	2		5	

Friday 11.th April 1788

His Honour The Lieutenant Governor, continued indisposed
Present

The Honourable William Smith Esquire, Chief Justice

Hugh Finlay

Edward Harrison

Adam Mabane

J. G. C. De Lery

George Pownall

Picotté De Bellestre

John Fraser

Henry Caldwell

William Grant

P. R. De S.^t Ours

Francis Baby

Joseph De Longueuil _ Esq^{rs}

Sir John Johnson B.^t

Char.^s De La Naudiere

René Am. De Boucherville

&

Le C.^{te} Dupré ____ Esquires.

A Petition of several persons, inhabitants of Quebec, for
an Amendment of the Ordinance, intituled, “An Ordinance __

“ concerning Advocates, Attornies, Solicitors and Notaries, and for
J. W. inclosed to the Chair, and communicated to the Council

“ the more easy collection of His Majesty’s Revenues”[^] read _____
Ordered to lie on the Table.

Crown debts for Freights The Order of the day for a third reading of the Bill,
intituled, “An Act or Ordinance for the easy settlement and _
“ recovery of the Crown debts, incurred on the commercial____
“ transportation over the interior Lakes” read, and the Bill
read, M.^r Finlay moved to strike out [^] from the preamble, the

following

1.st Question2.nd Question

following words “and which sums therefore cannot be recovered without special provision” and to insert in their stead the words following, “the recovery of which sums may require — special provisions to be” — The Question of concurrence being put, it was carried in the Affirmative by 13 Ayes ag.st 3 Nays.

Then the Question was put for passing the Bill, — with the Amendment, and carried in the Affirmative by 14 Ayes ag.st 2 Nays.

Ordered that Colonel Caldwell, M.^r Grant and M.^r De S.^t Ours wait upon His Lordship with the ingrossed Copy and if any doubts arise in their minds with respect to the Copy, to communicate them to The Chair.

adjourned till Tuesday at 10.

Voices on the Questions	1. st Q		2. nd Q	
	A	N	A	N
M. ^r Dupré		1	1	
M. ^r Boucherville	1		2	
M. ^r De La Naudiere	2		3	
Sir John Johnson	3		4	
M. ^r De Longueuil		2		1
M. ^r Baby	4		5	
M. ^r De S. ^t Ours	5		6	
M. ^r Grant	6		7	
M. ^r Caldwell	7		8	
M. ^r Fraser	8		9	
M. ^r Bellestre	9		10	
M. ^r Pownall	10		11	
M. ^r De Lery	11		12	
M. ^r Mabane		3		2
M. ^r Harrison	12		13	
M. ^r Finlay	13		14	

Monday 14.th April 1788

Present

His Excellency The Right Honourable Guy Lord Dorchester, Governor
The Honourable, William Smith Esq.^e Chief Justice

Hugh Finlay	William Grant
Thomas Dunn	P. R. De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueüil ____ Esquires
Adam Mabane	Sir John Johnson Bar. ^t
J. G. C. De Lery	Charles De La Naudiere
George Pownall	René Am. De Boucherville
Picotté De Bellestre	&
John Fraser	Le C. ^{te} Dupré ____ Esquires
Henry Caldwell	

His Excellency signed the following Ordinances and passed them under the Great Seal, viz,

Chap. I. “An Act or Ordinance further to regulate the inland ____
“Commerce of this province, and to extend the same.

Chap. II “An Act or Ordinance for the easy settlement and recovery
“of the Crown debts incurred on the commercial transpor=
“=tation over the interior Lakes.

Ordered to be published in the Quebec Gazette.

Tuesday 15.th April 1788

His Honour The Lieutenant Governor, being indisposed

Present

The Honourable, William Smith Esquire Chief Justice

Hugh Finlay	William Grant
Edward Harrison	P. R. De S. ^t Ours
John Collins	Joseph De Longueüil _ Esq. ^{rs}
Adam Mabane	Sir John Johnson _ Bar. ^t
George Pownall	Charles De La Naudiere
Picotté De Bellestre	René Am. De Boucherville
John Fraser	&
Henry Caldwell	Le C. ^{te} Dupré ____ Esquires

The Faculty
Ordinance

+ see the Report in
pages 378 & 379.

M.^r Collins from the Committee to whom was referred the Bill, intituled, “An Act or Ordinance to prevent persons pratising
“ Physic or Surgery in the province of Quebec, or Midwifry in the
“ Towns of Quebec and Montreal, without Licence” reported that the Committee had gone through the Bill and adopted it without amendment, and he delivered in the Bill and Report at the Table; ^x being read, and the question of Concurrence put, _ M.^r Finlay moved to strike out the Words “by and with the advice
“ and consent of the.” in the first enacting clause. _ The Question put, it was carried unanimously in the Affirmative. ____ M.^r Finlay moved to strike out the Word “or” after the word Quebec, and to

invert

insert after the Word Montreal, the words “and Three Rivers” —
 The Question being put, it was carried in the Negative __, M.^r
 Finlay standing alone in the Affirmative. M.^r Mabane moved
 that the blanks be filled up with the words first ^ & November, carried unani=
 =mously. Then the Question for a second reading on Monday next was put, & carried unanimously.

Bill for altering the
 Ordinance regulating the
 Proceedings.

“ The order of the day, for a third reading of the Bill, __
 intituled, “An Act or Ordinance to alter the Ordinance herein
 after mentioned” read; and the Bill read in both languages
 The Question for passing it was put, and carried unanimously
 Referred to M.^r Collins, M.^r Bellestre, and M.^r Judge Fraser to __
 examine the Transcript with the engrossed Bill and Proceedings
 and wait on His Lordship therewith, and if any doubts arise
 in their mind with respect to the Transcript, to communicate
 them to The Chair.

Bill for the Winter
 carriages.

“ The Order of the Day for a third reading of the Bill
 intituled “An Act or Ordinance to alter the present method __
 of dragging Sleds & Carioles, in order to remedy the Inconveni=
 =encies arising from Cahauts or Banks of Snow, formed on the
 “ winter-roads” read; and the bill read in both languages __
 M.^r Mabane moved to add to the End of the Bill, in Conformity
 to the 10.th Article of His Majesty’s Instructions, the following
 Clause

“And be it also enacted by the same authority that the
 “several fines and forfeitures reserved by this Ordinance
 “to His Majesty, his Heirs and Successors for the public
 “Uses of this province and the Government thereof, shall
 “be paid to The Receiver General of the Province to be
 “accounted for to His Majesty, His Heirs and Successors, or
 “to the Commissioners of His Majesty’s Treasury for the
 “time being, and audited by His Majesty’s Auditor General
 “for the Plantations or his Deputy”

the question of concurrence put, it was carried unanimously
 in the Affirmative.

M.^r Grant moved to add to the fourth clause the __
 following words

“Whereas by the antient Usage and Police of the __
 “province, the public Winter-roads along the rivers
 “on the Ice were usually made by the same persons
 “as were compellable to make the Land-roads;
 “and the Roads across the said Rivers leading to
 “the Towns of Quebec, Montreal and Three Rivers
 “by the Inhabitants of the Country parishes who
 “had occasion for them, to go to those Towns; and
 “other roads across the said River, by the Inhabitants
 “of both Shores; Be it therefore further enacted, by
 “the same Authority, that the necessary and convenient
 “public winter Roads across the River S.^t Laurence
 “leading to the Towns of Quebec, Three Rivers and __

“ Montréal, shall be traced, made, kept up and beacons by the
 “ Inhabitants accustomed to make the same. And all other winter
 “ roads across the River S.^t Lawrence, shall be made, kept up and ____
 “ beacons by the Inhabitants of both Shores as customary; And
 “ all Winter-roads on the Ice along the said River or any other
 “ River in the province shall be traced, made, kept up, and
 “ beacons by the persons who are compellable to make the
 “ Land-roads, along the s.^d River or Rivers; and under the
 “ same Inspection, and under the same Fines, Penalties and
 “ Forfeitures on default, as are imposed by the Ordinance of the
 “ 17.th of His present Majesty’s Chap. 11. ____ Provided always, and
 “ nothing in this Clause shall be understood to subject a
 “ parish to any change of the antient manner of work on
 “ any of the River-roads aforementioned ____

1.st Question

the question was put and carried in the Affirmative by 11 Ayes ag.st
 3 Nays.

Colonel Caldwell moved to amend M.^r Grant’s amendment by
 striking out after the word “Inhabitants” the words following, “of
 “ both Shores as customary ” and there be inserted in their stead ____
 and after the Word S.^t Lawrence to add “and other Rivers”.

2.nd Question

the following words “according to ancient custom” ^ And that the
 Proviso at the end of the Amendment be struck out. Question put
 and carried in the Affirmative by 9 against 6 Nays.

M.^r Pownall moved, to add after the Word Act in the 5.th Clause
 the words “and the other half to His Majesty” and it was carried
 unanimously in the Affirmative

M.^r Harrison moved to strike out the words “by the Horse” ____
 in the Preamble, ~~and~~ carried unanimously in the Affirmative.

3.rd Question

M.^r Harrison moved to strike out the words between ____
Experience and the word in “in that department of the King’s
 “ Service under Isaac Winslow Clarke Esquires” It was carried in ____
 the Negative by 13 Nays ag.st 2 Ayes.

M.^r Grant moved to alter the Title by striking out the word
dragging and adopting the word “drawing” and to add “to amend
 “ the same.” It was carried unanimously.

4.th Question

Col. Caldwell moved to strike out the words in the Preamble
 to the amendment of the 4.th Clause “and other roads across the
 “ said River by the Inhabitants of both Shores” ____ Carried in the
 Affirmative by 11 Ayes ag.st 4 Nays.

M.^r Fraser moved to insert the Words “Suburbs of the” ____
 between the word of, and the word the, at the beginning of the
 4.th Clause ____ It was carried unanimously.

Then the Question was put “that the Bill pass? and it
 was carried unanimously.

It is committed to M.^r Harrison, M.^r Mabane & M.^r Grant
 to examine the Transcript with the engrossed Bill and Proceedings, and
 to wait on His Lordship therewith. If any doubts arise in their mind
 with respect to the Transcript ^ they are to communicate them to the Chair.

Votes

Votes on the Questions	1. st Quest		2. nd		3. rd		4. th	
	As	N	A	N	A	N	A	N
M. ^r Dupré		1	1			1	1	
M. ^r Boucherville		2	2			2	2	
M. ^r De La Naudière			3			3	3	
Sir John Johnson	1		4			4	4	
M. ^r De Longueuil	2			1		5	5	
M. ^r De S. ⁱ Ours	3		5			6	6	
M. ^r Grant	4			2		7		1
M. ^r Caldwell		3	6			8	7	
M. ^r Fraser	5		7			9	8	
M. ^r Bellestre	6		8			10		2
M. ^r Pownall	7			3		11		3
M. ^r Mabane	8			4	1			4
M. ^r Collins	9		9			12	9	
M. ^r Harrison	10			5	2		10	
M. ^r Finlay	11			6		13	11	

Faculty Report

“Report of the Committee to whom was referred the
“Bill, intituled, An Act or Ordinance to prevent persons
“practising Physic and Surgery within the Province of
“Quebec, or Midwifry in the Towns of Quebec and Montreal
“without Licence.

“The Committee met, viz

“Messrs_ “Collins
“Mabane
“De Lery
“De S.ⁱ Ours
“Baby.

“M.^r Collins in the Chair

“The Bill read at large in both languages beginning with the
“ Preamble, and then the first clause, in the words following.
“ 1.st enacting “Whereas many Inconveniencies have arisen to His
“ clause “Majesty’s Subjects in this Province from unskilful _
“ persons practising Physic & Surgery Be it enacted by His Excellency
“ the Governor & Commander in Chief and by and with the advice & _
“ consent of the Legislative Council that after the _ day of
“ _ next no person whatsoever shall on any Pretence Sell, vend, or
“ Distribute Medicines or prescribe for Sick persons for Gain on practise
“ Physic or Surgery within the Province or practise Midwifry in the
“ Towns of Quebec or Montreal or the Suburbs thereof without Licence
“ first had and obtained from His Excellency the Governor-or Commander
“ in chief of the Province for the time being which Licence shall not
“ be granted but upon Certificate of the Persons applying for the
“ same having been Examined and approved by such Persons as the

Governor_

“ Governor or Commander in Chief for the time being may have ____
 “ appointed for the purpose of Examining and Enquiring into the ____
 “ knowledge of such persons in Physic or Skill in Surgery or Pharmacy
 “ or Midwifry a Copy of which Certificate is to be annexed to the
 “ Licence which it to be enregistered in the Office of the Clerk of the
 “ peace of the Districts where the practitioner resides.

“The above Clause being read the Question was put whether it
 “should stand or not? _ Voted unanimously in the Affirmative

“ 2nd enacting “Every person acting in any of the Professions aforesaid without
 “ clause “such Licence shall forfeit the sum of Twenty pounds for the
 “ first Offence Fifty pounds for the Second & one hundred pounds and
 “ three months Imprisonment for every subsequent Offence committed
 “ against the true intent and meaning of this Ordinance to be recovered
 “ in the Court of the Common Pleas of the District where the Offence
 “ shall have been committed a Moiety of such forfeiture to be paid to _
 “ the Receiver General of the Province / and applied to the use of His
 “ Majesty’s Government here to be accounted for by him to His Majesty
 “ His Heirs and Successors or to the Commissioners of His Majesty’s _
 “ Treasury for the time being and Audited by His Majesty’s Auditor
 “ General for the Plantations or his Deputy / and the other Moiety
 “ to be paid to the person or persons who shall sue for the same. ____

“The above Clause being read the Question was put whether
 “it should stand or not? Voted unanimously in the Affirmative

“ Then the “Nothing in this Ordinance shall extend or be construed
 “ 3^d enacting “to extend to the Subjecting such persons as shall have
 “ clause
 “ taken a Degree in any University or who have been commissioned
 “ or warranted as Surgeon in His Majesty’s Army or Navy to any ____
 “ Examination previous to obtaining a Licence but to which Licence
 “ to be enregistered as above a Copy of the Degree or Certificate of the
 “ Commission or warrant shall be annexed.

“The above clause being read the Question was put whether it
 “ should stand or not _ Voted unanimously in the Affirmative

“ Then the
 “ 4th enacting “No Physician or Surgeon doing duty in the Army or _
 “ clause ____ “Navy within the Province to be obliged to have a ____
 “ Licence _____

“The Chairman put the Question whether it should stand or

not _

“not? Voted unanimously in the Affirmative
 “The Chairman then read the Title of the Bill in
 “the following word.

“An Act or Ordinance to prevent Persons ~~from~~ practising
 “ Physic and Surgery within the Province of Quebec or ____
 “ Midwifery in the Towns of Quebec & Montreal without
 “ Licence. ____

“ The Question was put whether it should stand or not
 “ Voted Unanimously in the Affirmative ____
 “ By order of the Committee
 “ signed

John Collins, Chairman
 15.th April 1788. ____

adjourned till to-morrow at 10

Wednesday 16.th April 1788.

His Honour The Lieutenant Governor continuing indisposed.
 Present

The Honourable William Smith Esquire, Chief Justice	
Hugh Finlay	P. R. De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueüil _ Esq. ^{rs}
A. Mabane	Sir John Johnson B. ^t
George Pownall	Charles De La Naudiere
John Fraser	&
Henry Caldwell	Le C. ^{te} Dupré _ Esq. ^{rs}
William Grant	

Bill altering the Ordinance regulating the Proceedings “ M.^r Collins from the Committee to whom it was referred to _
 examine the Transcript of the Bill, intituled, “An Act
 or Ordinance to alter the Ordinance herein after mentioned”
 reported that the Committee had waited on His Lordship and
 delivered Him the Transcript.

Pass Ordinance “ M.^r Pownall moved for Leave to bring in a Bill
 “ to amend the Ordinance for preventing persons leaving the
 “ province without a Pass.” Seconded by M.^r Finlay _ Ordered -
 accordingly ____ The bill being read in English ____ Ordered to be
 translated.

M^r

Inland Navigation “ M.^r Grant moved for leave to bring a Bill “for promoting the inland navigation and the Indian Trade” _____
Seconded by M.^r Finlay. Ordered accordingly.

Public Houses “ M.^r Pownall moved for leave to bring in a Bill “for the recovery of the penalty, prescribed by ~~the~~ Act of Parliament, incurred by persons keeping public Houses, without Licence.”
Seconded by M.^r Finlay. ___ Ordered accordingly.

adjourned till to-morrow at 10.

Thursday 17.th April 1788

His Honour The Lieutenant Governor, continuing indisposed

Present

The Honourable William Smith Esquire, Chief Justice

Edward Harrison	William Grant
Thomas Dunn	P. R. De S. ^t Ours
Adam Mabane	Francis Baby
J. G. C. De Lery	Jos. De Longueüil _ Esq ^{rs} .
George Pownall	Sir J. Johnson B ^t .
Picotté de Bellestre	Cha. ^s De La Naudière
John Fraser	R. Am. Boucherville, &
	Le C. ^{te} Dupré _____ Esquires

Inland navigation “ M.^r Dunn, for M.^r Grant, brought in the Bill, for promoting the inland navigation, and the indian Trade” ___ Being read, in both languages, M.^r Grant moved that it be committed to a Committee of the whole Council upon Saturday next” carried in the Affir=
=mative unanimously.

Winter Carriages “ M.^r Harrison from the Committee to whom it was referred to examine the Copy of the Bill, intituled, “An Act. or Ordinance to alter the present mode of drawing Sleds and Carioles, in order to remedy the inconveniences arising from Cahauts or banks of Snow formed on the winter roads, and to _ amend the same.” reported, that the Committee had waited this day on His Lordship and delivered Him the Transcript.

adjourned till Saturday the 19.th at 10.

Saturday 19.th April 1788

His Honour The Lieutenant Governor & The Chief Justice
being indisposed.

Present

The Honourable, Hugh Finlay ____

Thomas Dunn	William Grant
Edw. ^d Harrison	P. R. S. ^t Ours _ Esq. ^{rs}
John Collins	Sir John Johnson B. ^t
J. G. C. De Lery	Cha. ^s De La Naudière
George Pownall	R. A. Boucherville
Picotté De Bellestre	Le C. ^{te} Dupré ____ Esq. ^{rs}

The Order of the Day for the whole Council to proceed _
 “ in Committee, upon the Bill, intituled, “An Act or
 “ Ordinance for promoting the inland navigation and the
 indian trade” read, M.^r Dunn moved that as the ____
 Lieutenant Governor from indisposition is unable to ____
 attend the Council this day, the consideration of the
 Bill be put off till Monday – The Question being put, it
 was carried in the Affirmative by 7 Ayes ag.st 5 Naves.

M.^r De S.^t Ours from the Committee to whom was
 “ referred the Bill, intituled, An Ordinance for regulating
 the Pilotage in the River S.^t Lawrence” reported that
 the Committee had gone through the Bill and made ____
 several Amendments, which with the Bill and Report
 He delivered in at the Table. ____ The Report being read,
 Ordered to lie on the table, and be translated.

Vote on the Question

adjourned till Monday at 10.

	A	N
M. ^r Dupré		1
M. ^r Boucherville	1	
M. ^r De La Naudière		2
Sir John Johnson		3
M. ^r De S. ^t Ours		4
M. ^r Grant		5
M. ^r De Bellestre	2	
M. ^r Pownall	3	
M. ^r De Lery	4	
M. ^r Collins	5	
M. ^r Harrison	6	
M. ^r Dunn	7	

Monday 21.th April 1788

Present

His Honour Henry Hope Esquire Lieutenant Governor	
The Honourable, Hugh Finlay	2 William Grant
Thomas Dunn	1 Henry Caldwell
Edward Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Joseph De Longueuil _ Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson _Bar. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am. Boucherville
John Fraser	Le C. ^{te} Dupré _ Esquire

The order of the day for the whole Council to proceed in Committee on the Bill, intituled “An Art or Ordinance for promoting the inland navigation and the Indian Trade,” read; The Council resolved themselves into a Committee to proceed on the Bill – His Honour quitted the Chair.

His Honour resumed the Chair.

M.^r Grant, from the Committee of the whole Council upon the Bill before mentioned, reported progress, and __ prayed leave to sit again. Ordered accordingly.

The Order of the day for a second reading of the Bill intituled “An Act or Ordinance to prevent persons ____ practising Physic or Surgery in the province of Quebec or Midwifry in the Towns of Quebec and Montreal, __ without Licence” read; Ordered to stand over for to-morrow __

adjourned till to-morrow at 10. ____

Tuesday 22.nd April 1788

His Honour The Lieutenant Governor and The Chief Justice being indisposed

Present

The Honourable Hugh Finlay	Henry Caldwell
Thomas Dunn	William Grant
Edward Harrison	P. Roc De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Jos. De Longueuil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	Re. Am. De Boucherville
John Fraser	Le C. ^{te} Dupré ____ Esq. ^{rs}

M.^r De Lery moved that a Petition of some young Gentlemen, Clerks to Attornies and Notaries, and of other persons subscribing the same might be read: being read, Ordered to lie on the Table.

The Order of the day for a second reading of the Bill intituled “An Ordinance to prevent persons practising ____
 “ Physics or Surgery in the province of Quebec, or Midwifry
 “ in the Towns of Quebec and Montreal, without licence” ____
 read; and the Bill read in both languages ____ The Question
 was put for a third reading of it to-morrow _ Ordered
 accordingly.

M.^r Pownall brought in His Bill “for the better
 “ security of the Revenue arising on the retail of Wine,
 “ Brandy, Rum or other spirituous liquors” and being
 read in both languages, moved that it be committed
 to a Committee of the whole House for to-morrow. The
 Question of concurrence put, it was carried in the ____
 Affirmative by 15 Ayes ag.st 2 Nays ____ M.^r Mabane
 and M.^r Harrison in the negative.

The translation of the Bill “for amending the ____
 “ Ordinance for preventing persons leaving the Province ____
 “ without a Pass” read, M.^r Pownall moved it might
 be committed _ The Question of Concurrence put, it was ____
 carried in the Negative by 15 Nays ag.st 2 Ayes. ____
 Colonel Caldwell & M.^r Pownall in the Affirmative.

M.^r Grant moved that the Bill “for regulating
 “ the Pilotage in the River S.^t Lawrence” be now read ____
 a second time. The Bill being read in both languages
 ____ M.^r Grant moved that in the first line of the second
 clause the word “Four” before the word Pilots, be struck out
 and the word “Two” inserted in its stead : and that ____
 instead of the words “Two Apprentices” in the same clause
 be inserted the words “One Apprentice” ____ that after the
 word company, in the third line, be added the words “on or
 “ before the twenty fifth day of April one thousand seven
 “ hundred and eighty nine” and that the words “Two ____
Apprentices” in the several parts of the clause be changed
 into the words “One Apprentice” ____ And it was carried ____
 unanimously in the Affirmative ____ M.^r Grant then
 moved that after the words “Twenty One Years” in the
 same clause be added the following words” The said
 “ Apprentices may Pilots Ships for the benefit of their
 “ Masters, first obtaining the Governor’s licence, after
 “ four years apprenticeships, on a Certificate from the
 “ Superintendant and two experienced Pilots that they
 “ are qualified; the said Pilots not being their Masters.”
 The question of concurrence put, was carried unanimously
 in the Affirmative.

M.^r

M.^r Grant moved that the words “the Pilots boat” in the first and second Lines of the 4.th clause, and all the words after the word “first,” in the second line, till the word Pilots, inclusively in the sixth Line be struck out, and it was carried unanimously in the Affirmative.

M.^r Dunn moved that the word “or” in the first line of the seventh clause be changed into the word “and” and that after the word “than, in the first line, be added the words “at the rate of” and that all the words after the word “draw” in the third line, till the word “foot” in the fifth line be struck out, and that the blank be filled up with the words “forty shillings” Carried unanimously in the Affirmative.

M.^r Grant moved that the blank in the ninth clause be filled up with the words “forty shillings” carried unanimously in the Affirmative.

M.^r Dunn moved that the words “neglect or” be inserted after the word shall, in the fourth line of the tenth clause, carried unanimously.

M.^r De Longueuil moved to strike out the word, “Two,” in the third Line of the thirteenth Clause, and the word “Four” inserted in its stead __ Carried unanimously. The blank in that clause is ordered to be filled up with the words “Ten _ Pounds”

M.^r Pownall moved that the words “by getting drunk _ or otherwise” in the third line of the fourteenth clause be struck out __ Carried unanimously.

“ M.^r Grant moved to strike out the words “Mate’s wages” __ in the fifteenth clause, and to insert in their stead the words “Three pounds, ten shillings per months” Carried unanimously.

M.^r De La Naudiere moved that the words “equal wages with the mate of the said Vessel in the same clause be struck out, and the words “Three pound, ten shillings per month” inserted in their stead; Carried unanimously.

“ M.^r Grant moved an amendment to the Bill by _____
 “ inserting the following clause “That the masters of all Ships
 “ or Vessels that cast Anchor before Quebec and lay more than
 “ two tides, without being moored, if the weather permit, _____
 causing damage by such neglect to any other Ship or
 Vessel in the Harbour shall sustain and pay the said _____
 “ damage” _ The Question put, debates arose, carried in
 the Affirmative by 11 Ayes ag.st 5 Nays.

1.st Question

M.^r

- 2.nd question M.^r Grant moved a further Amendment by inserting the following clause “That if any Master of a Vessel shall lay at any wharf or quay, or ground in the harbour of Quebec, with more than one pound of Gun-powder on board, He shall incur a Penalty of twenty pounds for every such offence” Question put, and carried in the Affirmative by 14 Ayes ag.st 2 Nays
- 3.th Question M.^r Grant moved a further Amendment, by inserting the following clause “That if any Master of a Vessel throw ____ overboard, or cause to be thrown overboard in the harbour of Quebec any stone-ballast, he shall incur a penalty of five pounds for every such offence” The Question being put, it was carried in the Affirmative by 14 Ayes ag.st 2 Nays
- 4.th Question M.^r Grant moved a further amendment, by inserting the following clause “That if any master of a Vessel or other person whatsoever cause any Vessel to be graved in the Cul du Sac, or at any wharf or quay in Quebec, and there make or cause fire to be made for heating pitch, tar, turpentine oil, or tallow, he shall incur a penalty of ten pounds for every such offence.” Question put, and ____ carried in the Affirmative by 14 Ayes ag.st 2 Nays.
- 5.th Question M.^r Grant moved a further amendment by inserting the following clause “That the master of any ship or vessel lying at anchor in the river before Quebec, shall shew a light at the Bowsprit End, under the penalty of Ten shillings” Question put, and carried in the Affirmative by 14 Ayes ag.st 2 Nays.
- 6.th Question M.^r Grant moved a further amendment by adding the following clause “That if any Master of a Vessel shall lay his Vessels in the Cul de sac, otherways than with her head to the shore, and stern to the River, with an Anchor—laid down below the Reef of Rocks, or throw ballast of any kind overboard in the Cul de sac, he shall incur a penalty of ten shillings, and be obliged to remove the same.” ____ Question put, and carried in the Affirmative by 14 ____ . Ayes ag.st 2 Nays.
- M.^r Grant moved “that the several clauses proposed by him and now adopted as amendments, be inserted in the Bill, immediately before the clause regarding the ____ recovery and disposal of the fines ____ Question put, carried unanimously in the Affirmative.
- M.^r Grant moved that after the word “Deputy, in the said ____ Clause concerning the fines /now standing the last clause/ be inserted the following words “And it shall be the duty of the

Captain

Votes on the 1.st Question
on the 2.nd, 3.^d, 4.th, 5.th & 6.th
Questions.

	As	N	A	N
M. ^r Dupré	1		1	
M. ^r Boucherville	2		2	
M. ^r La Naudière		1	3	
Sir J. Johnson	3		4	
M. ^r De Longueuil	4		5	
M. ^r Baby	5		6	
M. ^r S. ^t Ours	6		7	
M. ^r Grant	7		8	
M. ^r Fraser		2	9	
M. ^r Bellettre	8		10	
M. ^r Pownall	9		11	
M. ^r De Lery	10		12	
M. ^r Mahane		3		1
M. ^r Collins	11		13	
M. ^r Harrison		4		2
M. ^r Dunn		5	14	

“ Captain of the port and superintendent of the Pilots to ____
“ see this Ordinance carried into execution under the penalty
“ of twenty shillings for every wilful neglect, to be recovered
“ and applied as aforesaid” The Question being put thereon
it was carried unanimously in the Affirmative.

M.^r Fraser moved that the following words be
added to the Title “and for preventing abuses in the port
“of Quebec” Question put, and carried unanimously in
the Affirmative. X

M.^r De Lery from the Committee to whom was ____
referred the Bill, intituled, “An Act for regulating the ____
“Fisheries in the River S.^t Lawrence, in the bays of Gaspé
“and Chaleurs, on the Island of Bonaventure, and the ____
opposite Shore of Percé.” reported that the Committee
had gone through the Bill and made several Amendments,
which with the Bill and report He delivered in at the
Table.

Report of the Committee of Council to ____
whom was referred “An Act for regulating
“the fisheries in the River S.^t Laurence in the
“Bays of Gaspé & Chaleurs, on the Island ____
“of Bonaventure & the opposite shore of Percé” ____

The Committee met at the Council Chamber
Thursday 17.th April 1788. ____

Present M.^r De Lery
M.^r Fraser
M.^r Longueuil
M.^r La Naudiere
M.^r Boucherville

M.^r De Lery in the Chair
The Bill and the translation read & then read again
by paragraphs. ____

The Preamble read in the words following ____
Whereas the fisheries have ever been found beneficial
to the trade of the Mother Country and as several ____

large

large Vessels have been yearly fitted out & equiped in England to carry on the Cod fishery in the Bay of Gaspé ___ at the Island of Bonaventure at Percé & in the Bay ___ of Chaleur in this province, in order to encourage that valuable branch of Trade

M.^r Fraser then moved, that the words in England at the beginning of the sixth line be left out & that the word therefrom be inserted in stead thereof. ___

And the Question being put, it was carried unanimously in the Affirmative. ___

Then the Chairman read the first enacting clause ___ in the words following,

“It is enacted by his Excellency the Governor ___
 “ & the Legislative Council, that all His Majesty’s subjects,
 “ shall peaceably have use and enjoy the freedom of taking
 “ bait & of fishing in any River, Creek Harbour or ___
 “ Road with liberty to go on shore on any part between ___
 “ Cape Cat on the South side of the River S.^t Laurence ___
 “ and ___ in Chaleur Bay within this
 “ Province & on the Island of Bonaventure for the purpose ___
 “ of salting, drying & curing their fish & they may cut down _ _
 “ wood & trees threat any place not exceeding
 “ yards back from high water mark for building making
 “ mending or repairing Stages, flakes hurdles, huts ___
 “ or Cookrooms & and other things that may be necessary ___
 “ for curing & preparing their fish for Exportation ___
 “ and all other things that may be useful to their ___
 “ fishing trade without any hinderance or interruption ___
 “ denial or disturbance from any person or persons whatsoever.

And the question being put thereon it was ___
 carried unanimously in the Affirmative, that it stand ___
 a part of the Bill. ___

The

The Chairman then read the second Enacting Clause in the words following

“And be it further enacted by the authority aforesaid ____
 “ that the Commander of every Ship or Vessel fitted out from ____
 “ Great Britain or the Dominions thereunto belonging, and ____
 “ entering into any Creek or Harbour, may reserve to himself
 “ so much beach or flakes or both as are needful for the number
 “ of boats he shall there use ____ Provided they are unoccupied ____
 “ by any other person, or are private property by Grant from ____
 “ His Majesty, or by Grant before the year 1760. ____

M.^r Fraser moves, that the words not in this & the preceding cases be inserted between the words are & private in the Thirteenth line. ____

& the question being put it was carried unanimously in the Affirmative. ____

The Chairman then read the third Enacting clause in the words following

“And be it further enacted by the authority aforesaid ____
 “ that no person or persons shall after the publication of this ____
 “ Ordinance rind any trees standing or growing on the said ____
 “ beach reserved for the use of the fishery, nor in the Woods adjacent,
 “ nor set fire to the Woods or do or cause to be done any damage
 “ to the same for any use whatsoever except only for necessary fuel
 “ and for building & repairing, huts, Stages flakes and other things
 “ necessary for carrying on their fishery & no person or persons ____
 “ whatsoever shall cast anchor or do any thing to annoy or hinder
 “ the hauling of Sayns in the accustomed baiting places or in
 “ places where Salmon are or may be caught, or shoot his ____
 “ her or their sayn or sayns within or upon the Sayn or
 “ Sayns of any other person whatsoever and also that no person ____
 “ or persons shall steal, purloin or take out of the net or nets

of ____

“ of any other person, nor steal, purloin or take away any
“ bait out of any fishing boat or steal Salmon out of any
“ net belonging to any other person under the penalty of –

And the Question being put thereon
it was carried unanimously that it stand a part of the
Bill. ____

The Chairman then read the fourth enacting clause in the words following

“And be it further enacted that no ballast or any
“ thing else hurtful to any of the Harbours in the extent of ____
“ Coast mentioned in this Ordinance shall be thrown out of ____
“ any Vessel or otherwise by any person whatsoever, but that
“ all Ballast or other things shall be carried on shore & lay’d
“ where they may do no annoyance under the penalty of ____
“ and no fisherman or other person shall throw any
“ fish Guts, offals or Gurry overboard, out of any Vessel or ____
“ Boat within the distance of two leagues of the shore or ____
“ Islands within this Province under a penalty of five ____
“ pounds

And the Question being put, it was carried ____
unanimously that it stand a part of the Bill ____

Then the Chairman read the fifth Enacting Clause in the words following

“And be it further Enacted that in Case any ____
 “ difference or Controversy shall arise between the Masters ____
 “ of fishing Ships Shallops boats or other Vessels for and ____
 “ concerning the right & property of fishing Rooms Stages _
 “ flakes or any other conveniency or building for carrying on
 “ their fishing or for curing their fish between Cape Cat &
 “ in the Bay of Chaleur at Percé &

on

“ on the Island of Bonaventure as aforesaid, the said differences ____
 “ disputes & Controversies shall be heard adjudged and determined
 “ by any two of His Majesty’s Justices of the peace in the ____
 “ District, & in case any of the Parties shall ^{think} Himself aggrieved _
 “ by such Determination or Judgement an Appeal shall be
 “ before
 “ as may be most convenient for the person appealing from
 “ the said Judgement. ____

And the Question being put it was unanimously
 agreed in the Affirmative that it stand a part of the bill. _

Then the Chairman read the sixth enacting clause _
 in the words following

“And be it further Enacted by the authority aforesaid ____
 “ that his Excellency the Governor or Commander in Chief for _
 “ the time being shall have full power and authority to ____
 “ appoint Cullers and Inspectors of Cod fish Salmon & Lumber
 “ and that no dried Cod fish or Salmon shall be shipped ____
 “ on Board any vessel for exportation to any European market
 “ or Lumber to any Market after Cullers & Inspectors ____
 “ shall be appointed without first having been duely ____
 “ Examined and approved of as Merchantable & fit for ____
 “ exportation and no Inspector or Culler shall demand ____
 “ more than _____ pence for examining and branding
 “ with his name each _____ of salmon nor more
 “ than _____ pence for examining & Culling each ____
 “ quintal of Merchantable Cod fish nor more then ____
 ex.^d “ _____ pence for examining & Culling each thousand
 “ feet of Boards or Planks & every person purchasing
 “ Cod fish within the province may refuse to receive them
 “ uncalled if on examination he may think they are not
 “ of the quality bargained for & the purchaser shall pay

the

“ the expence of Culling and any Culler or Inspector of ____
 “ fish or Lumber who shall refuse or neglect to do his duty
 “ when thereto required shall forfeit the sum of. ____

And the Question being put, it was carried ____
 unanimously that it stand a part of the Bill. ____

The Chairman then read the last Clause_
 of the Bill in the words following

“The penalties in this Ordinance may be ____
 “ sued for and recovered before any two of His Majesty’s
 “ Justices of the peace of
 “ one moiety to the Receiver General for the use of his
 “ Majesty and the other Moiety to the person who shall
 “ inform and sue & prosecute for the same. ____

M.^r Fraser moves that after the word : Majesty
 the following words be inserted His Heirs & Successors
or to the Commissioners of His Majesty’s Treasury
for the time being & audited by His Majesty’s Auditor
General for the Plantations or his Deputy ____

And the question being put it was carried _
 unanimously in the Affirmative. ____

The Chairman having gone through the bill,
 read the title in words following

“An act for regulating the fisheries in the
 “ River of S.^t Laurence, in the Bays of Gaspé and ____
 “ Chaleurs, on the Island of Bonaventure, & the opposite
 “ shore of Percé

M.^r Longueüil moves that the words or Ordinance
 be added to the two first words an Act and that the
 words & for the exportation of Lumber do follow the ____
 word Percé. ____

Which was carried in the Affirmative. ____
 by order of the Committee
 / signed / J. G. C. De Lery

The

The Report and amended Bill, read; M.^r Fraser moved for a second reading of the Bill to-morrow - Ordered accordingly. adjourned till to-morrow at 10.

Wednesday 23.nd April 1788

Present

The Honourable Henry Hope Esquire Lieu.^t Governor

Hugh Finlay	William Grant
Tho. ^s Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueüil
Adam Mabane	George Davison _____ Esq. ^{res}
J. G. C. De Lery	Sir John Johnson __ B. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am. De Boucherville
John Fraser	&
Henry Caldwell	Le C. ^{te} Dupré __ Esquire

M.^r Mabane desired Leave to enter in the Journals, a Dissent by Him and M.^r Harrison from the Vote of the Council of yesterday. Ordered accordingly.

“We dissent from the Vote of the Council of ____
“yesterday, which adopted additional Clauses, viz, the
“17.th 18.th 19.th 20.th 21.st & 22.nd to the ordinance for
“regulating the Pilotage of the River S.^t Lawrence for
“the following reasons,

“Because they contain objects foreign to that
“of the ordinance, and report matters for which Regu=
“=lations may be necessary, but which in our opinion
“should be provided for in a separate ordinance when
“the merits of them might be more maturely considered
“and extended.

/ signed / “ Edw.^d Harrison ____
“ A. Mabane

“23.rd April 1788

The order of the day for a third reading of the Bill intituled “An Ordinance to prevent persons practising Physic or Surgery in the province of Quebec, or Midwifry in the Towns of Quebec & Montreal, without licence,” read; and
“ the Bill read in both languages ____ M.^r Dunn moved ____
“ that the words “Commander in Chief” in the first enacting clause be struck out ____ That the word, and, precede the second paragraph ____ That the words “Provided always and it is hereby enacted” precede the third paragraph – And that the words “And that” be inserted to precede the last Paragraph. _ Seconded by M.^r Collins, Question put carried in the Affirmative unanimously.

M.^r

M.^r Collins moved an amendment by adding the following Clause “Provided also that nothing in this Ordinance shall be construed to prevent Retailers or others from selling such drugs for which a royal patent has been obtained”. Question
 “ put, carried unanimously in the Affirmative.

M.^r Mabane moved to insert the words “by Retail” ___ after the word “Medicines” in the seventh line of the first enacting clause, and it was carried unanimously.

Then the Question was put for passing the Bill, and it was voted unanimously in the Affirmative.

Ordered that M.^r Harrison, M.^r Fraser and M.^r De Longueuil be a Committee to examine the Transcript with the Bill and Proceedings, and wait on His Lordship therewith And if any doubts arise in their minds with respect to the Copy, to communicate them to The Chair.

The Order of the Day for a second reading of the Bill intituled “An Act or Ordinance for regulating the Fisheries in the River S.^t Lawrence, in the bays of Gaspé, & Chaleurs,
 “ on the Island of Bonaventure, and the opposite shore of
 “ Percé” read; and the Bill read in both languages M.^r
 “ Dunn moved that the words in the last enacting clause from _ the word aforesaid, in the 2.nd line to the word that, in the 8.th line ___ And that the words from the word “market, in the 12.th line to the word “without, be struck out ___ And that wherever Lumber or any thing relating thereto in the Body or little of ___ the Bill is mentioned, the same be struck out. ___ And that the following words be inserted after the word aforesaid “that after the appointment of such persons as His Excellency The Governor ___
 “ or commander in chief for the time being may commission as
 “ Cullers and Inspectors” ___ seconded by M.^r Collins ___ Question ___
 “ put, and carried unanimously in the Affirmative. ___ Then the Question for a third reading of the Bill with the Amendm.^{ts} on Friday next was put, and carried unanimously in the Affirmative.

The Council resolved themselves into a Committee of the whole Council, to proceed further upon the Bill, intituled An Act or Ordinance for promoting the inland navigation, and
 “ the indian trade” and His Honour quitted the Chair.

“ His Honour resumed The Chair.

M.^r Grant from the Committee of the whole Council, upon the said Bill, intituled, “An Act or Ordinance for ___ promoting the inland navigation and the indian trade” reported
 “ that the Committee had gone through the Bill, and made ___ several amendments, which with the Bill and Report he ___ delivered in at the Table.

Report of the Committee of the whole Council
to whom was referred the Bill or Ordinance intituled
“An Act or Ordinance for promoting the Inland
“Navigation and the Indian Trade.” ____

The Committee met at the Council Chamber ____

Monday 21.st April 1788. ____

Present

His Honour The Lieutenant Governor

M. ^r Finlay	M. ^r Pownall
M. ^r Dunn	Col. Caldwell
M. ^r Harrison	M. ^r Grant
M. ^r Collins	M. ^r Baby
M. ^r Judge Mabane	M. ^r De Longueuil
M. ^r Bellestre	M. ^r S. ^t Ours
M. ^r De Lery	S. ^r Jn. ^s Johnston Bar. ^t ____
M. ^r Judge Fraser	M. ^r De La Naudiere
	M. ^r Boucherville
	M. ^r Dupré. ____

M.^r Grant called to the Chair

The Chairman read the Bill in English and French, ____
and then by paragraphs.

The Preamble in the following words,

“**Whereas** the prosperity of this province depends upon
“ the increase of its Exports and the facilitating the water com=
“ =munications in the Western parts of it, while it ____
“ enlarges the Trade for Beaver, Peltries and Furs / hitherto
“ forming a ^{very} valuable remittance for the produce and manu=
=factures of Great Britain / will tend to bring many other
material articles into Market for Exportation, to the ____

great

“ great advantage of the province, and the general enlargement
 “ of the Shipping and Commerce of the Empire.” __

The Question put thereon that it stand a part
 of the Bill,

The Lieutenant Governor moved an amendment __
 of the preamble, by striking out the whole of it but the
 word “Whereas” and adopting the following words ____
 thereafter __

~~Whereas~~ present circumstances do not require
 that the Transport of Merchandize and Peltries over the __
 upper Lakes should be carried on solely by Vessels belong=
 =ing to His Majesty, and the thriving situation of the _
 New settlements of Loyalists in the Western Country
 makes it expedient under certain restrictions to facilitate
 the transport of a variety of other articles across those Lakes _
 which will tend to promote the Exportation from this
 Province, and consequently to increase its commerce.”

Debates arose

The Chairman then put the Question on the __
 Lieutenant Governor’s amendment, and it was carried __
 in the Affirmative 14 Ayes against 4 Nays viz

For the Affirmative

His Honour The Lieu.^t Gov.^r
 M.^r Dunn
 M.^r Harrison
 M.^r Collins
 M.^r Mabane
 M.^r De Lery
 M.^r Pownall
 M.^r Bellestre
 M.^r Fraser
 M.^r Caldwell
 M.^r Baby
 M.^r De Longueüil
 M.^r Boucherville
 M.^r Dupré. __

For the Negative

M.^r Finlay
 M.^r S.^t Ours
 Sir John Johnston B.^t
 M.^r La Naudiere. __

The

The Chairman then read the first enacting clause in the following words. ____

“Be it therefore enacted by His Excell.^{cy} the Governor
 “ and the Legislative Council, and it is hereby enacted by ____
 “ the authority of the same, that it shall and may be Lawful
 “ under the Restrictions and Regulations herein after mentioned
 “ to all his Majesty’s good and Leige subjects henceforth ____
 “ to become adventurers in any Commercial intercourse ____
 “ with the Indian Inhabitants of the Western parts of this
 “ Continent and that for the purposes aforesaid they may ____
 “ pass and repass unmolested , with all such Goods Wares
 “ and Merchandizes, as shall not be prohibited by Law, ____
 “ or at any time specified and prohibited by Proclamations
 “ to be issued and from time to time repealed, altered and
 “ changed, as the case from great and urgent causes may
 “ require, by the Governor or Commander in Chief of ____
 “ this Province for the time being, under the great seal ____
 “ thereof.”

The Question put thereon

M.^r Judge Mabane moved in the following words ____

“The first enacting clause being in contradiction to
 “ the fifth article of an Ordinance passed in the year ____
 “ 1777, which forbids all Commerce with the Indians except
 “ under a pass from the Governor or Commander in
 “ chief for the time being, M.^r Mabane moves that it should
 “ be left out entirely.”

Debates arose

The Question being then put on M.^r Judge Mabane’s
 Motion it was carried in the Affirmative, 15 Ays against ____
 3 Nays. ____

For

For the Affirmative

His Honour The Lieu.^t Gov.^r
 M.^r Harrison
 M.^r Mabane
 M.^r De Lery
 M.^r Pownall
 M.^r Bellestre
 M.^r Fraser
 M.^r Caldwell
 M.^r Baby
 M.^r De Longueüil
 M.^r La Naudiere
 Sir John Johnston B.^t
 M.^r Boucherville
 M.^r Dupré
 M.^r S.^t Ours

For the Negative

M.^r Finlay
 M.^r Dunn
 M.^r Collins. ____

The Chairman then read the second enacting clause ____
 in the following words

“And be it enacted by the same authority that the
 “ said Commercial Adventurers may cause their effects _
 “ to be waterborne in any king of Vessel under the ____
 “ burthen of ninety Tons, if the same be built and ____
 “ launched in any part or place within His Majesty’s
 “ Government, and all the Owners of the bottom and ____
 “ Cargo and the Captain Conductor Crew and ____
 “ Navigators be His Majesty’s good and faithful subjects,
 “ and the said Crew and Navigators shall / since the ____
 “ first of May 1783 / have taken the Oath of allegiance _
 “ to His Majesty prescribed by Law, or on doubt thereof
 “ shall take the same before his Embarking in such _
 “ adventure.”

The Question put thereon

The Lieu.^t Governor moved the following amendment

That

“That all the words from the beginning of the Clause to the
 “ word “Effects” inclusively, be struck out and the words following
 “ inserted in their place”

“Be it therefore enacted by His Excellency the ____
 “ Governor & the Legislative Council, and it is hereby ____
 “ enacted by the authority of the same” That it shall and
 “ may be lawful for all His Majesty’s good and leige ____
 “ Subjects trading to the Western Country by the way
 “ of the Great Lakes who shall have taken out the usual
 “ pass conformable to the Law actually in force thereon, ____
 “ to cause such their Effects and Merchandize as shall ____
 “ be specified in the said pass” _ The Question put thereon, ____

It was carried unanimously in the Affirmative ____
 The Question being then put on the remaining part of _
 the Clause with the Amendment it was carried unanimously _
 in the Affirmative. ____

The Chairman then read the Third enacting ____
 Clause in the following words. _

And be it further enacted by the same authority
 that every Vessel of any kind employed in the Commerce
 aforesaid, shall be furnished with the following documents,
 under the hand & seal of such Officer or Officers as ____
 shall be authorized by commission under the Great ____
 seal of this province to take and give the same, to wit
 a Register shewing that such vessel was built and _
 launched within His Majesty’s Government, and that
 the same is wholly owned by subjects of the British ____
 Crown, with their names and places of residence, and ____
 that oath had been made thereof by such and so many ____
 as had the greatest share and interest in such Vessel, ____
 her Tackle Apparel and Furniture and also a manifest
 specifying the quantity and quality of the Cargo shewing
 to the best of his knowledge and belief to whom the

same

same doth belong, upon the oath of the Chief Navigator ____
 of such vessel, and that they are also subjects of the British
 Crown with their names and usual places of residence, ____
 and also a pass or Clearance expressing the names of the
 Crew and their usual place of residence, and that they ____
 severally had taken the oath of allegiance aforesaid. ____

The Question put thereon

M.^r Dunn moved “that after the “word” Register “the
 following words be inserted”. ____

“For which he shall be paid for every ____
 “ vessel not exceeding twenty five Tons burden the ____
 “ sum of twenty shillings, and for every larger Vessel the
 “ sum of thirty shillings and no more”

The Question put thereon _ It was unanimously
 carried in the Affirmative. ____

The Question being put on the third clause ____
 so amended it was carried unanimously in the ____
 Affirmative. ____

The Chairman then read the fourth enacting
 Clause in the following words. ____

“And be it also enacted by the same authority
 “ that every Vessel unfurnished with the Documents ____
 “ aforesaid, / and not having lost the same by unavoi=____
 “ =able accident / shall and may be seized and detained,
 “ by order of the Commander of any of his Majesty’s
 “ vessels, or the Commandant of any post or Fort, _
 “ or of any Magistrate, or other person thereunto authorized
 “ by the Governor or Commander in Chief for the time
 “ being, and upon due prosecution and condemnation in
 “ any of His Majesty’s Courts in this Province, ____

shall

“ shall be forfeited and condemned together with her apparel _
 “ Furniture and Lading, one half part thereof for the use
 “ of His Majesty, and the other half for him or them swing
 “ for the same.” ____

The Question put thereon ____ it was carried
 unanimously in the Affirmative. ____

The Chairman then read the fifth enacting ____
 Clause in the following words,

“And be it also enacted by the same authority,
 “ that the said Register Manifest and pass or clearance
 “ shall on the arrival of such vessel at any post or ____
 “ place within His Majesty’s Government, be reported
 “ in twenty four hours to the person there then authoriz=
 “ =ed to receive the same, nor shall take her departure ____
 “ therefrom untill he hath visited the same or hath had ____
 “ six hours from the making such report for that purpose.”

The Question put thereon ____ it was carried unani=
 =mously in the Affirmative. ____

The Chairman then read the sixth enacting ____
 clause in the words following,

“And be it also enacted by the same authority ____
 “ that no Register as aforesaid shall be granted for any
 “ Vessel, without Bond to His Majesty first, given, ____
 “ in a sum double the value of the same, by so many
 “ of the Owners thereof as the person Commissioned ____
 “ to grant such Register shall conceive to be competent
 “ security residents of this Province, with condition that ____
 “ if she shall at any time afterwards be employed in ____
 “ any destination, other than such as her Clearance or ____
 “ pass shall from time to time specify, that the said sum
 “ shall be forfeited.” ____

The

The Question put thereon _ Carried unanimously in the Affirmative. ____

The Chairman then read the seventh enacting ____ clause, in the following words,

“And be it also enacted by the same authority, that
 “ the Adventurers in the Commerce aforesaid, shall not _
 “ be punishable or accountable, for the use of any Wood _
 “ or Timber cut down and taken for fuel or the purpose _
 “ of building Masting, equipping or repairing any such _
 “ Vessels, from the ungranted Territories and unlocated Lands
 “ of the Crown, provided always, and be it enacted, that ____
 “ no new fixed settlements shall be any where made ____
 “ in the Western Country, except for the temporary protection
 “ and defence of Commercial effects, without His Majesty’s
 “ Royal Grant or Patent first had under the Great ____
 “ seal of this Province.” ____

The Question put thereon it was carried unani=
 =mously in the Affirmative. ____

The Lieu.^t Governor then moved the following
 Clause to follow the seventh Clause. ____

Be it enacted by the same authority that in
 the transport of the abovementioned Merchandize effects
 & Peltries, the proprietors of all these Vessels shall
 without favour or affection be obliged to transport ____
 the same in due rotation as they shall have arrived _
 at the place of Deposit, according to a List which
 it has hitherto been usual to keep at such port
 or Deposit under the inspection of the Officer com=
 =manding, and which it is hereby enacted shall con=

=tinue

continue to be kept under the same inspection or of such other person as shall be appointed thereto by the Governor or Commander in Chief of the province, who are hereby _ authorized to see the same duly carried into execution. _

Debates arose,

The Chairman then put the Question _ whether _ the Lieutenant Governor's motion should make a part _ of the Bill _ Carried in the Negative 10 naves against _ 8 ayes. _

For the Negative

M.^r Finlay

M.^r Dunn

M.^r Harrison

M.^r Collins

M.^r Pownall

M.^r Belestre

M.^r Caldwell

M.^r S.^t Ours

M.^r Baby

M.^r Boucherville

For the Affirmative

His Honour the Lieu.^t Governor _

M.^r Mabane

M.^r De Lery

M.^r Fraser

M.^r De Longueüil

S.^r John Johnston B.^t

M.^r La Naudiere

M.^r Dupré. _

The Chairman then read the Eighth enacting clause _ in the following words

And be it also enacted by the same authority, that nothing in this Act shall be construed to affect any _ small vessels under the burthen of five Tons found navigating the River S.^t Laurence and the Bay of Quinty on the North Eastern side of Lake Ontario, for the convenience of the Loyalists and others in their settlements in the vicinity of those waters, provided always, that no such _ small vessels be at any time used for the purpose of _ any Trade prohibited by this Act, or any other Law of _ this Province.” _

The Question put thereon _ it was carried unanimously in the Affirmative. _

The

The Chairman then read the ninth enacting clause ____
in the following words. ____

“And be it also enacted by the same authority, that
“ the persons so to be Commissioned for the discharge of the
“ trusts aforementioned shall take no greater fee or reward, ____
“ than such as are herein after mentioned viz “For ____
“ all the Documents necessary prior to the proceeding on
“ any Voyage for every Vessel from five to twenty ____
“ Tons burden.” ____
“ for every Vessel above Twenty and not exceeding Fifty ____
“ Tons burden”
“ and for every vessel exceeding Fifty Tons burden ____
“ beside the Certificate of a Report of arrival at and
“ the passing a post, which is to be five shillings, ____
“ and for demanding any greater fee or reward, shall ____
“ forfeit Twenty pounds, with costs of suit to the
“ party injured, upon due conviction before any one of ____
“ His Majesty’s Justices of the peace, upon a summery
“ trial to be had for that purpose, and to be executed ____
“ by Warrant under his hand and seal, for the distress
“ and sale of the Goods and Chattels of the Offender, return=
“ =ing the Surplus.”

The Question put thereon _ it was carried
unanimously in the Affirmative. ____

The Chairman then read the tenth enacting ____
clause in the following words. ____

“And be it also enacted by the same authority, ____
“ that every person convicted in due form of Law, of ____
“ making a false oath in any of the cases in which ____

an

“ an Oath is required as aforementioned, shall incur the ___
 “ pains and penalties by Law annexed to the guilt of wilful
 “ and corrupt perjury.” ___

The Question put thereon _ it was carried unani=
 =mously in the Affirmative. ___

The Chairman then read the Eleventh enacting
 clause in the following words,

“And be it also enacted by the same authority, ___
 “ that if any person shall bona fide have contracted to be
 “ one of the Crew of any Vessel, in any intended adventuring
 “ Voyage in the Commerce aforesaid and shall have ___
 “ entered into a written Contract to perform the same ___
 “ and afterwards shall desert from the services of the Vessel for _
 “ twenty four hours, he shall upon due conviction thereof, before
 “ one of His Majesty’s Justices of the peace be sent to the
 “ Common prison and there remain for the space of one ___
 “ Month without bail or mainprize, unless one of the Owners
 “ or the Captain or Conductor of the Vessel, shall in writing
 “ under his hand directed to such Justice and left with
 “ him, consent to his discharge; and if such desertion ___
 “ be while such Vessel is out, and before her return, such _
 “ Deserter shall lose his wages, and be also liable to im=
 =prisonment for three months, and it shall be the ___
 “ duty of the Captain or Conductor, and of the Crew to
 “ neglect no means, in their power to apprehend and bring
 “ to Justice upon their return from their adventuring ___
 “ Voyage any person of the same, or of any other Crew, ___
 “ who shall have Committed any Crime, which by the
 “ Law of the Land is punishable by the loss of the life ___
 “ or Limb of the Offender, and for wilfull neglect, to give
 “ assistance in such service, or to obey the Lawful ___

command

“ command of any Magistrate for such purpose, shall upon
 “ due conviction, on Indictment or Information be subject ____
 “ to such fine and Imprisonment as His Majesty’s Court
 “ of King’s Bench shall adjudge against such person, so
 “ as aforesaid convicted by the regular course of the Law.”

The Question put thereon _ it was carried unanimously
 in the Affirmative. ____

The Chairman then read the Twelfth enacting clause
 in the following words,

“And be it enacted by the same authority, that ____
 “ nothing in this Act contained to the contrary notwith=
 “ =standing shall be construed to make it necessary
 “ for any Vessel being a Canoe or Batteau, or open
 “ Boat ~~going on these Lakes~~ under the Burden of
 “ Tons to be furnished with such Register as aforementioned.”

The Question put thereon

The Lieu.^t Governor then moved that after the word “Boat”
 and before the word “under” be inserted the words “going on these
 Lakes”

The Question put thereon it was carried ____
 unanimously in the Affirmative. ____

Then the Chairman read the Thirteenth enacting clause
 with its preamble in the following words,

“And more effectually to protect the said Trade _
 “ in the fair and just conduct thereof, and to promote a _
 “ friendly intercourse with the Indian Inhabitants, and for _
 “ a remedy against Contingencies unforeseen, and abuses” _

“Be it further enacted by the same authority

That

“ That all public negotiations with their Tribes or Chiefs
 “ or National subjects, and all conferences and Councils, and
 “ Public Talks Treaties and exchanges of Belts of Wamp=
 “ =um and the Gift of any Memorials or Symbols for _
 “ any such purposes, without the express authority of the __
 “ Governor for the time being, under his hand and _
 “ seal at arms, are hereby strictly prohibited; and that __
 “ every such further regulations and Restrictions relating __
 “ to the said Trade and Navigation as it may be __
 “ found necessary by the Governor of this Province for the
 “ time being to make, and for great and urgent causes _
 “ and Considerations, declared and promulged by proclama=
 “ =tion under the Great Seal, shall thenceforth be as valid __
 “ and effectual in the Law, as if the same was herein __
 “ expressly enacted and ordained.”

Debates arose _ And the Question being put thereon ____
 it was carried in the Negative 16 Naves against 2 ayes _

For the Negative

His Honour the L.^t Gov.^r

M.^r Finlay

M.^r Dunn

M.^r Harrison

M.^r Collins

M.^r Mabane

M.^r De Lery

M.^r Pownall

M.^r Belestre

M.^r Fraser

M.^r Caldwell

M.^r Baby

M.^r De Longueüil

S.^r John Johnston B.^t

M.^r Boucherville

M.^r Dupré. ____

For the Affirmative

M.^r La Naudiere

M.^r S.^t Ours. ____

The Bill being gone through the Lieu.^t Governor ____

moved

moved the following clause to be added to it. _

“Provided nevertheless that nothing herein ____
 “ enacted shall be construed to prevent His Excellency ____
 “ the Governor, or the Commander in Chief of this province
 “ for the time being, upon any great and urgent occasion,
 “ when he may think such order necessary and for the ____
 “ security of the Province, to prohibit for any given ____
 “ time by an order under his hand and seal, all such
 “ Vessels and Craft from navigating the Lakes, or to
 “ prevent the s.^d Governor or Commander in Chief from making
 “ any other temporary regulations regarding these Vessels and
 “ Craft under similar circumstances by an order under his
 “ hand and seal that he shall Judge adviseable or expedient
 “ for the like purpose”. ____

The Question put thereon carried unanimously
 in the Affirmative. _

The Chairman then read the title of the Bill in
 the following words,

“An Act or Ordinance for promoting the
 “ Inland Navigation, and the Indian Trade”

The Question put thereon

M.^r Harrison then moved to strike out after the ____
 word Navigation, the words “and the Indian Trade,” ____
 and to add the words “upon the upper Lakes.” ____

And the Question being put thereon, it was
 carried unanimously in the Affirmative. ____

Ordered by the Committee that the Chairman
 report progress and desire leave to sit again. _

Wednesday

Wednesday 23.^d April 1788. _

The Committee met in the Council Chamber

Present

The same Members as before
And M.^r Geo. Davison. _

The Chairman read the engrossed Minute. _
Then M.^r Finlay moved the following additional _
clause. _

And it being the intent of the Legislature by this Act
to give the Inland commerce all the facilities necessary _
for its expansion that may consist at the same time _
with the security of His Majesty's Dominions and the
common welfare of the Province, and that every unnecess=
=ary let and impediment may be effectually prevented
and the Merchants encouraged by the security of their _
Effects to a spirit of Adventure in the Indian Trade _
which has proved so fruitful a source of remittance
for the Manufactures & supplies drawn from Great ____
Britain and other parts of His Majesty's Dominions _
and effectually to guard the Trading adventurer against
all corruption partialities preferences Monopolies and _
favoritism in the Officers so to be constituted for the purpose
of granting Registers Manifests Clearances and Passes. _

Be it further enacted by the same authority
that nothing in this or any other Act or Ordinance _
contained to the contrary shall be construed to make it
necessary to any such Vessel of any King so to be employed
in the said Western Commerce to have more than one

set

set of the several Documents aforementioned and that ___
 the Officers to be authorized by Commission to grant
 them in manner aforesaid shall give all reasonable expedition
 and freely permit all and every species of Goods Wares _
 and Merchandizes to pass other than the Articles to be
 prohibited and specified in such regulating orders as he ___
 may from time to time receive from the Governor _
 and Commander in Chief of the province for the time
 being under his hand and seal at Arms a list of which ___
 Articles so prohibited fairly transcribed every such Officer ___
 shall affix up in some conspicuous part of his Office ___
 that the Merchants and Adventurers may have due ___
 access to the same and full knowledge thereof for the ___
 safe and secure conduct of their Trade” _ And for the
 breach of this Injunction the party injured shall be
 recompensed in Damages by his Action in the due ___
 course of the Law.”

The Question put thereon

Debates arose _ And it was carried in the Negative
 15 Naves against 4 Ayes. ___

For the Negative

His Honour the Lieu.^t Gov.^r

M.^r Judge Dunn

M.^r Harrison

M.^r Collins

M.^r Judge Mabane

M.^r De Lery

M.^r Sec.^y Pownal

M.^r Belestre

M.^r Judge Fraser

M.^r Caldwell

M.^r De S.^t Ours

M.^r Baby

M.^r De Longueuil

M.^r Boucherville

Col. Dupré. ___

For the Affirmative ___

M.^r Finlay

M.^r Davison

S.^r John Johnston B.^t

M.^r De La Naudiere

Report ordered to be made by the
 Committee. ___

/ signed / William Grant

Chairman. ___

The Report read, and the Question for Engrossment & for a second reading of the Bill, on Friday next, put, it was carried unanimously in the Affirmative.

The order of the Day for the Committee of the whole Council to proceed upon the Bill for the better security of the Revenue arising on the retailing of Spirituous Liquors, read; M.^r Pownall moved to enlarge the Order till Saturday next __ Ordered accordingly.

Ordered a third reading of the Pilotage Bill for ____ to-morrow.

Adjourned till 10 to-morrow

Thursday 24.th April 1788

Present

The Honourable Henry Hope Esquire Lieutenant Governor

Hugh Finlay	William Grant
Thomas Dunn	P. R. De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Jos. De Longueüil
Adam Mabane	George Davison __ Esquires
J. G. C. De Lery	Sir John Johnson __ Bar. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am. De Boucherville
John Fraser	&
Henry Caldwell	Le Co. ^{te} Dupré __ Esquires

The order of the day for a third reading of the Bill, intituled, An Act or Ordinance for regulating the Pilotage in the River of S.^t Lawrence, and for preventing abuses in the port of Quebec” __ read; and the Bill read in both languages, M.^r Dunn moved to insert the following Preamble to precede the 17.th clause”

“And whereas for the Security of Vessels in the Harbour of Quebec, and to prevent accidents by fire, the following regulations are highly necessary; Be it therefore enacted and it is hereby enacted by the Authority aforesaid” __

And that the following Proviso be inserted to conclude the Bill

“Provided nevertheless that nothing in this Ordinance to the contrary notwithstanding shall extend or be construed to extend to any of His Majesty’s Ships of War that may come into, or be stationed in the River S.^t Lawrence, or Harbour of Quebec.”

The Question being put, it was carried unanimously, in the Affirmative.

M.^r

M.^r Grant moved that the words “Captain of the Port” in the 11.th and 23.rd articles or clauses be struck out, and that the words “Superintendent of Pilots” be inserted in _ their place in the 11.th Article, and the words “Inspector of” “of Police or any person duly authorised by Him” in the 23.^d Article _ Question put _ carried in the Negative by 13 __ Naves ag.st 6 Ayes.

M.^r Grant moved that after the words “one Apprentice” in the 2.nd Article, this words “at least” be inserted, and it was _ carried unanimously.

Then the Question for passing the Bill was put, and it was carried unanimously.

Ordered that M.^r Finlay, M.^r Davison & M.^r Boucherville be a Committee to examine the Transcript with the Bill & Proceedings, and wait on His Lordship therewith, and if any doubts arise in their mind with respect to the Copy, to ____ communicate them to the Chair.

adjourned till to morrow at 10.

Friday 25.th April 1788

Present

The Honourable Henry Hope Esquire Lieutenant Governor

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	George Davison __ Esquires
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am. De Boucherville
John Fraser	&
Henry Caldwell	Le C. ^{te} Dupré __ Esquires

The order of the day for a third reading of the Bill for ____ regulating the Fisheries, read; and the Bill read in both ____ languages; M.^r Finlay moved, that the first blank in the ____ first enacting clause be filled up, with these words, “and the” “first rapid in the river of Ristigouche above the Islands that” “lie higher up than the new mission in the said river which” “empties itself” __ That the first blank in the fifth enacting clause be filled up with the words “The Rapids in the River of Ristigouche” “aforesaid” And that the second blank in that clause be filled up with

with the words “The Lieutenant Governor of the District, or _
 “ Judge of the Common Pleas for the same” _ The Question was
 put and carried unanimously in the Affirmative. Then
 M.^r Finlay moved, that after the word, Judgment, at the end
 of the fifth enacting clause, be added the following words _____
 “who are hereby authorised finally to determine the same.” _
 The Question was put and carried in the Affirmative by 16 Ayes
 ag.st 2 Nays _ M.^r Boucherville and M.^r De La Naudiere for the
 negative. _ M.^r Grant moved to add the following proviso to _
 that clause “Provided the Effects, Rights or Property so decided _____
 “ does not exceed the value of fifty pounds sterling, in which case
 “ an appeal from the Judgment of the said Lieutenant Governor or
 “ Judge of Common Pleas may be had to His Majesty’s court of
 “ Appeals for the province.” _ Question put, and carried unanimously.

M.^r Grant moved that the following words in the first clause
 be struck out, viz “at any place not exceeding _____ yards back _
 “ from high water mark” Question put, and carried unanimously
 in the Affirmative.

M.^r Dunn moved that all the words in the 6.th Clause
 after the word “Inspectors” in the second line be struck out, and
 the following words adopted in their stead”_ All salmon, Mackerel,
 “ Herrings, or other wet fish packed in casks, shall, prior to their
 “ being shipped for any foreign market, be carefully examined and
 “ inspected by some one of the Cullers or Inspectors commissioned
 “ as aforesaid; and all such as he shall find to be good & merchant=
 “ =able, he shall brand on the head of the Cask in legible _
 “ characters his name and the Year in which he examined the
 “ same, and for his trouble He shall be paid six pence for every
 “ Hogshead, Tierce or Barrel; and three pence for every smaller
 “ cash; and whenever any disputes happen between the Seller &
 “ purchaser of any dried Cod fish, the same shall be culled by
 “ such Culler or Inspector for which he shall be paid at the rate of
 “ one penny per Quintal, and any Culler or Inspector commissioned
 “ as aforesaid who shall refuse or neglect his duty herein before
 “ mentioned, when thereunto required without a legal and just _
 “ cause for such refusal, shall forfeit and pay for every such neglect
 “ and refusal the sum of five pounds.” _ The Question was _
 put and carried unanimously.

M.^r Finlay moved that the following words be inserted
 to precede the last clause “And be it further enacted by the
 “ same authority That”_ That the word of be struck out, and the
 word for adopted in its stead; and that the blank be filled up _
 in the words “The District” _ and also that after the word Moiety, be
 inserted the words “whereof to be paid”_ Question put, and carried _____
 unanimously in the Affirmative. The blanks were filled up with _
 the words “Five pounds penalty”. _

Then

Then the question for passing the Bill was put & carried unanimously in the Affirmative.

M.^r Finlay, M.^r Dunn and M.^r De S.^t Ours are appointed a Committee to examine The Transcript and ___ wait on His Lordship with it, and if any doubts arise in their minds concerning the copy they are to communicate them to the Chair.

M.^r Harrison from the Committee to whom it was committed to examine the Transcript of the Bill _____ intituled, “An Act or Ordinance to prevent persons _____ practising Physic & Surgery [^]with in the province of Quebec or Midwifry in the Towns of Quebec and Montreal without licence” reported having waited on His Lordship with the Transcript.

The order of the day for a second reading of the Bill, intituled, “An Act or Ordinance for promoting the inland navigation” read; On reading the Bill, M.^r Grant moved an amendment of the Preamble by striking out all the Words after the Word Majesty, and adopting the following words in their stead “And whereas the prosperity of this province depends upon the increase of its exports _ and the facilitating the water communication in the western parts of it, while it enlarges the Trade for Beaver, Peltries and Furs, hitherto forming a very valuable _____ remittance for the produce and manufactures of Great Britain, which will tend to bring many other materials into market for exportation, to the great advantage of the province and the general enlargement of the Commerce of the Empire” Question being put, debates arose, and it “was carried in the negative by 15 ag.st 4

1.st Question

Examined
JW

M.^r Grant moved that the following enacting clause should be inserted to follow the Preamble, “Be it further enacted by His Excellency the Governor and The Legislative Council, and it is hereby enacted by the authority of the same, that it shall and may be lawful under the Restrictions and Regulations herein after mentioned, to all His Majesty’s good and liege Subjects henceforth to become adventurers in any commercial intercourse with the Indian Inhabitants of the western parts of this continent and for that purpose _

aforesaid

Examined

JW

“ aforesaid they may pass and repass unmolested with all such
 “ goods, wares and merchandizes as shall not be prohibited by ____
 “ Proclamations to be issued, and from time to time repealed, ____
 “ altered and changed as the case from great and urgent causes
 “ may require, by the Governor or Commander in Chief of this
 “ province for the time being, under the Great Seal thereof.”

2.nd Question

The Question was put, and carried in the Negative by 15 ag.st
 4 _____

3.rd Question

M.^r Grant moved that the words “actually in force thereon”
 after the words “conformable to the Law” be struck out in the
 first enacting clause. The Question was put, and carried in
 the Affirmative by 12 Ayes ag.st 7 Nays.

4.th Question

Sir John Johnson moved that the following clause be adopted ____
 after the 7.th clause “ And to remove the Trees felled into the River of
 “ S.^t Lawrence, and the small rivers falling into it westward of the eastern
 “ bounds of the Township of Lancaster, which have greatly incommoded
 “ the navigation, by compelling boats to contend with the force of
 “ the Currents, Be it further enacted by the same authority, that the
 “ Offence aforesaid shall incur the Penalty of Ten Shillings for every
 “ Tree so felled to be recovered in a summary way before any one of
 “ His Majesty’s Justices of the peace, and levied by His Warrant to
 “ any constable or peace Officer for the Distress and Sale of the ____
 “ offender’s goods and chattels at public auction, returning the
 “ Surplus if any there be to the Offender. And for the Removal of
 “ the present obstructions by the fifteenth day of July next, it
 “ shall be the Duty of the Residents claiming the Lands on the Shores
 “ within one league of any tree laying in the water, and inconve=
 “ =nient to the navigation as aforesaid to take away or prevent
 “ the same; and that every person neglecting such duty shall
 “ incur the penalty of five pounds, to be recovered in manner
 “ aforesaid. All which said penalties shall belong one Moiety
 “ thereof to the Crown, and be paid to the Receiver General, and
 “ accounted for by him, as his duty and the royal Instructions ____
 “ may from time to time require, and the other Moiety belong
 “ to Him who shall sue for the same.” ____ The Question was put
 and carried unanimously in the Affirmative

M.^r Dunn moved that after the words “trust afore=
mentioned” in the ____ clause, the following words may be
 inserted “shall with all possible dispatch make out the
 “ Clearance of such Vessel, for her intended Voyage, and shall ____
 “ annex the same to the manifest of her Cargo, which the
 “ master shall then deliver to him for that purpose, for
 “ which Clearance, for every intended voyage, He shall take
 “ no greater fee or reward than such as are herein after

mentioned

5.th Question

“mentioned, viz “And that the words “shall take no greater
 “fee or reward than such as are herein after mentioned, viz
 “for all documents necessary prior to the proceeding on any
 “Voyage” be struck out. The Question was put, and it
 was carried in the Affirmative by 16 ag.st 3 -

6.th Question

M.^r Grant moved that the following Clause be
 adopted as part of the Bill and be inserted next after
 that last read “And more effectually to protect the said
 “ Trade in the fair and just conduct thereof, and to promote
 “ a friendly intercourse with the Indian Inhabitants, and
 “ for a remedy against contingencies unforeseen and
 “ abuses Be it further enacted by the same authority, ___
 “ that all public negotiations with their Tribes or Chiefs
 “ on national subjects, and all conferences and Councils
 “ and public Talks, Treaties and Exchanges of Belts of
 “ Wampum, and the gift of any Memorials or Symbols _
 “ for any such purposes, without the express authority
 “ of the Crown, or of the Governor, for the time being, under
 “ his Hand and Seal at arms, are hereby strictly prohibited,
 “ and that every such further regulations and restrictions
 “ relating to the said trade and navigation, as it may be
 “ found necessary by the Governor of this province, for the
 “ time being to make, and for great and urgent causes ___
 “ and considerations declared and promulged by proclamation
 “ under the Great Seal shall thenceforth be as valid and ___
 “ effectual in the Law, as if the same was herein expressly
 “ enacted and ordained.” ___ The Question was put, and ___
 carried in the Negative by 15 Nays ag.st 4 Ayes.

7.th Question

M.^r Grant moved, that in the clause the words
 “by an order under his hand and seal” be struck out ___
 and the words “by proclamation under the Great Seal”
 inserted in their stead ___ The Question was put, and ___
 carried in the Negative by 13 Nays ag.st 5 Ayes.

M.^r Grant moved that the following clause be
 adopted to follow the Clause “And be it enacted by
 “ the same authority that every such pass or permission
 “ as may by this or any other Act or Ordinance be made
 “ necessary, for the inland trade, from the Governor or—
 “ commander in Chief, for the time being, shall be
 “ valid, if granted by such person or persons as may be
 “ duly commissioned for that purpose; and that Security
 “ may be taken for the execution of such Commission, ___
 “ according to such Instructions, as the Governor or Commander
 “ in Chief, for the time being, may describe and declare, under
 “ his hand and seal at Arms; any thing in this or any former
 Act

8.th Question

“ Act or Ordinance to the contrary notwithstanding”. The Question was put, and carried in the Negative by 13 ____ against 5 ____

The Lieutenant Governor moved to adopt the ____ following clause at the End of the Bill “Be it also ____
 “ enacted by the same authority, and it is hereby enacted, that
 “ in the transport of the several merchandize and Effects _
 “ as heretofore mentioned in this Act or Ordinance, the Propri=
 “ =etors of all such Vessels above twenty Tons shall be obliged
 “ without favour or affection, to transport all merchandizes _
 “ and effects whatever in due rotation as they shall have
 “ arrived at the place of Deposit, according to an open List ____
 “ which it has hitherto been usual to keep at such post or
 “ Deposit under the inspection of the Officer commanding, and
 “ which open list it is hereby enacted shall continue to be
 “ kept in the same manner under similar inspection, or
 “ under that of such other person as shall be appointed thereto
 “ by the Governor or Commander in Chief of the province for
 “ the time being, and which persons are hereby authorised to
 “ see the same duly carried into execution. Provided always
 “ that nothing in this clause shall be construed to extend to
 “ prevent the proprietors of any of these Vessels above twenty
 “ tons, from putting on board, in preference to those of all others
 “ persons, any goods or Effects which shall be declared upon
 “ the oath of himself or his Agent to be bonâ fide, the ____
 “ property of his own house, to the extent of a third of the
 “ lading of the Vessel, although such goods or effects may
 “ not be intitled to be received on board according to the
 “ rotation directed as above to be kept at the place of ____
 “ Deposit.” The Question was put, and carried in the ____
 Affirmative by 12 ag.st 5 _

9.th Question

Then the Question was put for a third reading to _
 - morrow, and it was carried unanimously in the
 Affirmative.

The Votes

Votes on the 9 foregoing Questions.

	1. st Quest. ^a		2. nd		3. rd		4. th		5. th		6. th		7. th		8. th		9. th	
	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N	A	N
M. ^r Dupré		1		1	1		1		1			1		1		1	1	
M. ^r Boucherville		2		2		1	2		2			2		2		2	2	
M. ^r De La Naudière	1		1		2		3			1	1		1		1		3	
Sir John Johnson B. ¹	2		2		3		4			2	2		2		2		4	
M. ^r Davison		3		3		2	5		3			3		3	3			
M. ^r De Longueuil		4		4		3	6		4			4		4		3	5	
M. ^r Baby		5		5	4		7		5			5		5		4	6	
M. ^r De S. ^t Ours		6		6	5		8		6			6		6		5	7	
M. ^r Grant	3		3		6		9			3	3		3		4			1
Colonel Caldwell		7		7	7		¹⁰		7			7						
M. ^r Fraser		8		8		4	¹¹		8			8		7		6	8	
M. ^r Bellestre		9		9		5	¹²		9			9	4			7	9	
M. ^r Pownall																		
M. ^r De Lery		¹⁰		¹⁰		6	¹³		¹⁰			¹⁰		⁸		8	¹⁰	
M. ^r Mabane		¹¹		¹¹		7	¹⁴		¹¹			¹¹		⁹		9	¹¹	
M. ^r Collins		¹²		¹²	8		¹⁵		¹²			¹²		¹⁰		¹⁰		2
M. ^r Harrison		¹³		¹³	9		¹⁶		¹³			¹³		¹¹		¹¹		3
M. ^r Dunn		¹⁴		¹⁴	¹⁰		¹⁷		¹⁴			¹⁴		¹²		¹²		4
M. ^r Finlay	4		4		¹¹		¹⁸		¹⁵		4		5		5			5
The Lieut. Governor		¹⁵		¹⁵	¹²		¹⁹		¹⁶			¹⁵		¹³		¹³	¹²	

adjourned till to-morrow at 10.

Saturday 26.th April 1788

Present

The Honourable Henry Hope Esquire Lieutenant Governor——

William Smith Esq.^r Chief Justice

Thomas Dunn

William Grant

Edward Harrison

P. Roc De S.^t Ours

John Collins

Francis Baby

Adam Mabane

Joseph De Longueüil

J. G. C. De Lery

George Davison __ Esq.^{rs}

George Pownall

Sir John Johnson _ Bar.^t

Picotté De Bellestre

Cha.^s De La Naudiere

John Fraser

René Amable Boucherville

Col. Caldwell

Le C.^{te} Dupré _ Esquires

The order of the day for a third reading of the Bill, intituled,
 “ An Act or Ordinance for promoting the inland navigation” ____
 read; and the Bill read in both languages, M.^r Harrison moved
 that the word, Five, in the ____ line of the 9.th clause be struck
 out, and the word, Ten, inserted in its stead _ The Question was
 put and carried in the Affirmative by 18 ag.st 2 _ M.^r Grant and
 His Honour The Lieut. Governor being for the negative.

The Lieutenant Governor moved for an amendment of
 the preamble to the first enacting clause by striking out the
 words “to promote the exportation” in the 9.th line, and inserting
 the words “to increase the exports of this province” in their stead;
 and striking out the words “to increase” in the 11.th line, and
 inserting the words “to augment” in their stead. The Question _
 was put and carried unanimously.

Then the Question was put for passing the Bill, and
 carried unanimously.

Ordered that M.^r Dunn, M.^r Grant and M.^r Baby be a
 Committee to examine the Transcript, and to wait on His _
 Lordship therewith; and if any doubts arise in their minds ____
 with respect to the Copy, they are to communicate them
 to the Chair.

The order of the day read, to proceed in a Committee of the
 whole Council, upon the Bill, intituled “An Act or Ordinance
 “ for the better Security of the revenue arising on the Retail of Wine
 “ Brandy, rum, or other spirituous liquors” ____ His Honour quitted
 the Chair.

His Honour resumed the Chair.

M.^r Pownall from the Committee of the whole Council
 upon the said revenue Bill reported Progress, and prayed
 leave to meet again on monday next _ Ordered accordingly
 adjourned till Monday at 10——

Monday 28.th April 1788

Present

The Honourable Henry Hope Esquire Lieutenant Governor	
William Smith Esquire Chief Justice	
Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Jos. De Longueuil
Adam Mabane	George Davison__ Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am. De Boucherville
John Fraser	&
Henry Caldwell	Le C. ^{te} Dupré _ Esquires

M.^r Collins from the Committee charged to examine the Transcript of the Bill, for regulating the Pilotage of the River S.^t Lawrence, reported that they had waited on His __ Lordship therewith.

M.^r Dunn from the Committee charged to examine the Transcript of the Bill for regulating the Fisheries __ reported that they had waited on his Lordship therewith

The order of the day read for proceeding further upon the Bill intituled “An Act or Ordinance for the better—
 “ security of the Revenue arising on the retail of Wine,
 “ Brandy, Rum, and other spirituous Liquors.” The Council resolved themselves into a Committee of the whole Council and His Honour quitted the Chair.

His Honour resumed The Chair.

M.^r Pownall from The Committee of the whole Council upon the said Revenue Bill, reported, that the Committee had gone through the Bill, and made several Amendments which with the Bill and Report He delivered in at the Table.

The said Report read, ordered an Engrossment of the Bill for a second reading this Day.

The Order for a second reading of the Bill, intituled __
 “ An Act or Ordinance for the better security of the Revenue ____
 “ arising on the retail of Wine, Brandy, Rum, and other—
 “ spirituous Liquors”, read; and the Bill read in both __
 languages by paragraphs, the Question for a third
 reading to morrow, was put, and carried unanimously
 in the Affirmative.

adjourned till to-morrow at 10—

The

The Report on the Revenue Bill.

“ Report of the Committee of the whole Council
 “ on the Bill, intituled, An Act or Ordinance
 “ for the better security of the Revenue arising
 “ on the retail of Wine, Brandy, Rum or
 “ other sprirituous Liquors.

“ Saturday 26.th April 1788.

“ Present

“ His Honour The Lieutenant Governor	
“ His Honour The Chief Justice	
“ M. ^r Dunn	“ M. ^r Harrison
“ M. ^r Collins	“ M. ^r Judge Mabane
“ M. ^r De Lery	“ M. ^r Bellestre
“ M. ^r Judge Fraser	“ M. ^r Caldwell
“ M. ^r Grant	“ M. ^r S. ^t Ours
“ M. ^r Longueüil	“ M. ^r Baby
“ Sir J. Johnson Bar. ^t	“ M. ^r Davison
“ M. ^r Boucherville	“ M. ^r De La Naudiere
	“ M. ^r Dupré

“M.^r Secretary Pownall, in the Chair

“The Chairman read the Bill at large, and then the
 “ translation; after which he proceeded to read it again
 “ by Paragraphs.

“The Preamble was then read in these words.

“Whereas in pursuance of an act of Parliament,
 “ intituled, An Act to establish a fund towards further ____
 “ defraying the charges of the administration of Justice and
 “ support of the civil government within the province of—
 “ Quebec in America, passed in the 14.th year of His Majesty’s
 “ reign, a penalty of ten pounds sterling is ordained upon_
 “ keeping a house or place of entertainment, or retailing
 “ liquors without a licence, as in the said Act directed,
 “ and to the end that licences may issue only to such_
 “ persons as shall keep orderly houses, and that the penalties
 “ incurred may be expeditiously recovered for the uses in
 “ the said Act of parliament declared.

“The Chair then put the Question that it stand part
 “ of the Bill _ Carried unanimously in the Affirma_
 “=tive

“The Chairman then read the first enacting clause in
 “ the words following.

“Be it enacted by His Excellency The Governor, and
 “ The Legislative Council that no Grant of any Licence

as

“ as by the said act is authorised to be given, shall issue
 “ until the person named in the same shall file with the
 “ Secretary of the province, or his Agent, an application for
 “ such licence, and thereon a Certificate signed by five _____
 “ creditable Inhabitants of the parish, where the same _____
 “ shall be declared to be carried into execution, of whom
 “ the Captain of Militia of the same parish shall be one
 “ and countersigned by either the parson, Rector or Curate
 “ of the parish, or one of the Justices of the District, pur=
 “ =porting that they are severally well acquainted with
 “ such petitioner, and that they recommend him as a _____
 “ proper subject for the liberty therein asked for, nor until
 “ he shall have taken the Oath of Allegiance required by Law
 “ and shall also have entered into Bond to His Majesty
 “ in the Sum of ten pounds, with condition, that if He
 “ shall during the time such licence shall be granted, do
 “ his utmost to keep the King’s peace, and an orderly
 “ house, nor sell any spirituous liquors after the Termi=
 “ =nation thereof, without a new licence first had and _____
 “ obtained, then the said Bond to be void or else to remain
 “ in full force and virtue. Which Oath and Bond the said _____
 “ Secretary or his Agent is hereby authorised to administer
 “ take and file, and for the same to charge the sum of—
 “ shillings, and no more, under the pain of—
 “ incurring the guilt and punishment of Extortion upon
 “ conviction thereof in the due course of the Law.

“The same being read accordingly, His Honour The
 “ Lieutenant Governor moved, that the words from the word
 “ signed’ to the word, one be struck out of this clause
 “ and that instead thereof, the words “by the Captain
 “ of Militia of the parish where the same shall be _____
 “ declared to be carried into execution” be inserted.

“The Question was put on His Honour The

“Lieutenant Governor’s motion, and this _____

“Amendment carried unanimously in the

“Affirmative.

“His Honour The Lieutenant Governor again moved _____
 “ that the words in the same clause “or one of the Justices
 “ of the District” be struck out, and that the words “Or
 “ by a magistrate residing in the same parish or Township”
 “ be substituted _ Debates arose,

“The Question was put on His Honour The Lieu.^t _____
 “ Governor’s second Amendment; carried unanimously in the
 “ Affirmative.

M.^r

“M.^r Boucherville then moved that after the Word, Township, in His _____
 “ Honour the Lieutenant Governor’s amendment to this clause, be inserted
 “ the words,” or by the Seigneur of the parish,” _ Debates arose
 “The Question put on this Amendment carried unanimously
 “in the affirmative

“M.^r Boucherville again moved that between the word, obtained,
 “ and the word, then, in this clause, the following words be inserted, _____
 “ nor shall during his licence vend any strong liquors during divine
 “ service on Sundays or Holidays, except for the use of the sick or—
 “ travellers ” _ Debates arose,
 “Question put on this amendment carried unanimously
 “in the Affirmative.

“The Chairman then proceeded to read the second enacting
 “ clause in the following words,

“And be it enacted by the same authority that such _____
 “ penalty of ten pounds for selling without licence, as well as the
 “ penalty of every bond for keeping the peace and an orderly house
 “ as above mentioned, shall and may be cognizable in a summary
 “ way by any three Justices of the peace, or by any two Justices of—
 “ the peace, and any one of the Judge of the Court of the Common_
 “ Pleas, or the major part of them, such Judge of the Common Pleas
 “ being one. to be levied with Costs of Suit by Warrant for the
 “ distress and sale of the Goods and Chattels of the party convicted,
 “ directed to any constable or peace officer, returning to the Owner
 “ the Surplus, if any then left.

“The same being read, His Honour the Lieutenant Governor
 “ moved, to strike out of this Clause the words “or by any two _____
 “ Justices of the peace and any one of the Judges of the Common Pleas”
 “ And to strike out also the words in the same clause “such Judge
 “ of the Common Pleas being one”, Debates arose

“The Question then put on this amendment carried unani=
 “ =mously in the Affirmative.

“Proceeded to read the last enacting Clause in words following,

“And be it enacted by the same authority that the fines and
 “ penalties that may be recovered by the authority of this Ordinance
 “ shall be divided and applied in the manner following, that is to
 “ say One moiety to the person who shall inform or prosecute for
 “ the same, and the other moiety to be paid into the hands of the
 “ Receiver General for His Majesty’s use.

“The same being read M.^r Grant moved an addition to this _
 “ clause in the words following.” Provided always that nothing in
 “ this Act contained shall be construed to extend to deprive the_____
 commissioners

“ Commissioners of the peace of the Towns of Quebec, Three Rivers
 “ and Montreal from granting Certificates for licences to Tavern—
 “ keepers as heretofore used and accustomed.

“The Question being put on M.^r Grant’s motion, carried
 “unanimously on the Affirmative.

“Ordered that the Chairman report Progress made on the
 “ Bill and pray leave to sit again on Monday Morning. The
 “ Committee then adjourned to Monday Morning.

“Monday 28.th April 1788

“Committee met according to adjournment

“Present

“ His Honour The Lieutenant Governor
 “ His Honour The Chief Justice
 “ M.^r Finlay _____ M.^r Judge Dunn
 “ M.^r Harrison _____ M.^r Collins
 “ M.^r De Lery _____ M.^r Bellestre
 “ M.^r Grant _____ M.^r Davison
 “ M.^r Dupré _____ M.^r De Lanaudiere

“ Title of the Bill read in the following words, “An Act
 “ or Ordinance!

“ The Chairman put question whether it sho.^d
 “ stand part of the Bill? carried unanimously in the _____
 “ Affirmative.

“ M.^r Boucherville then moved for the following ____
 “ addition to the last enacting clause in the following____
 “ words, “Provided also and be it enacted by the same____
 “ Authority that such penalty to incur for retailing ____
 “ liquors without licence, shall be only in the case of Sale
 “ of any quantity less than three Gallons.

“Question then put, Whe.^r this stand part of the
 “ Bill?. Carried unanimously.

“The Chairman then moved for leave to sign the
 “ Report.

“ By order of Committee
 “ / signed / Geo. Pownall

“Chairman

Tuesday 29.th April 1788

Present

The Honourable Henry Hope Esq.^r Lieu.^t Governor—
 William Smith Esq.^r Chief Justice
 M.^r Finlay _____ M.^r Grant
 M.^r Dunn _____ M.^r De S.^t Ours
 M.^r Harrison _____ M.^r De Longueuil
 M.^r Collins _____ M.^r Davison
 M.^r Mabane _____ Sir John Johnson B.^t
 M.^r De Lery _____ M.^r De La Naudiere
 M.^r Pownall _____ M.^r Boucherville
 M.^r Bellestre _____ and
 M.^r Fraser _____ M.^r Dupré.
 M.^r Caldwell _____

The order of the day for a third reading of the Bill, intituled,
 “ An Act or Ordinance for the better security of the Revenue arising
 “ on the retail of Wine, Brandy, Rum or other spirituous Liquors”.
 read; and the Bill read in both languages, M.^r Mabane moved,
 that in the clause which declares the mode of Recovery, the penalty _
 of ten pounds sterling for selling liquors without licence, as well as
 the penalty of every bond for keeping the peace and an orderly house _
 the words “three Justices of the peace or the major part of them” be
 struck out, and the following words substituted in their place,
 “ One or more Justices of the peace with a Right of Appeal from the
 “ Decision of such Justice or Justices to the Quarter Sessions of the
 “ District”__ Question put, and carried in the Negative by 18 ag.st
 2 __ M.^r Boucherville & M.^r Mabane for the Affirmative.

M.^r Dunn moved that after the words used and accustomed
 in the 13.th line of the last article, the following words be inserted
 “and that the recognizances to be entered into by all Retailers _
 “of spirituous liquors in the Towns of Quebec, Montreal & Three Rivers
 “and the Suburbs thereof, be made out by the Clerk of the peace
 “as heretofore, and taken in the presence of any two of the Justices
 “in their respective districts.” __ Question put & carried in
 the negative by 13 ag.st 7.

1.st Question

The Lieutenant Governor moved that in the first enacting ^ clause
 all the words, from the word Bond, to the end of it, be struck out,
 “ and the following inserted in their stead “shall be taken and ____
 entered into in the presence of any two Justices or more of the District.
 The Question was put and carried in the Affirmative by 17 ag.st ____
 3.

Then the Question was put for passing the Bill, and
 carried unanimously.

Ordered that M.^r Dunn, M.^r Pownall & M.^r Boucherville be
 a Committee to examine the Transcript, and wait on His Lordship
 with it, and if any doubts arise in their minds with respect to the ____
 Copy, they are to communicate them to the Chair.

*

adjourned till to-morrow at the Château
 at 3/4 past 12.

2.nd Question

* Votes on these two Questions

	A	N	A	N
M. ^r Dupré		1	1	
M. ^r Boucherville	1		2	
M. ^r La Naudiere		2	3	
Sir John Johnson		3	4	
M. ^r Davison		4	5	
M. ^r De Longueuil		5	6	
M. ^r S. ^t Ours		6	7	
M. ^r Grant		7		1
M. ^r Caldwell	2		8	
M. ^r Fraser	3		9	
M. ^r Bellestre		8	10	
M. ^r Pownall	4			2
M. ^r De Lery	5		11	
M. ^r Mabane	6		12	
M. ^r Collins		9	13	
M. ^r Harrison		10	14	
M. ^r Dunn	7		15	
M. ^r Finlay		11		3
The Ch. Justice		12	16	
The L. ^t Governor		13	17	

Wednesday 30.th April 1788

At The Castle of Saint Lewis _____

Present

Excellency The Right Honourable Guy Lord Dorchester

His The Honourable Henry Hope Esquire Lieut. Governor.

William Smith Esquire Chief Justice

Hugh Finlay

William Grant

Thomas Dunn

P. R. De S.^t Ours

Edw.^d Harrison

Francis Baby

John Collins

Joseph De Longueuil

Adam Mabane

George Davison Esquires

J. G. C. De Lery

Sir John Johnson B.^t

George Pownall

Cha.^s De La Naudiere

Picotté De Bellestre

René Amable Boucherville

John Fraser

&

Henry Caldwell

Le C.^{te} Dupré ____ Esquires

- Chap. III. The Bill, intituled, “An Act or Ordinance, for _____
 “ promoting the inland Navigation” read; His Lordship
 signed it, and passed it under the Great Seal of the Province
 The following Bills being likewise read, viz,
 Chap. IV. The Bill intituled, “An Act or Ordinance for the better
 “ Security of the Revenue arising on the Retail of Wine, Brandy,
 “ Rum or other spirituous Liquors.”
 Chap. V. The Bill intituled, “An Ordinance for regulating the ____
 “ Pilotage in the River S.^t Lawrence, and for preventing abuses in
 “ the port of Quebec.
 Chap. VI. The Bill, intituled, “An Act or Ordinance for regulating
 “ the Fisheries in the River of S.^t Lawrence, in the bays of—
 “ Gaspé and Chaleurs, on the Island of Bonaventure, and ____
 “ the opposite shore of Percé.
 Chap. VII. The Bill intituled “An Act or Ordinance to prevent Persons
 “ practising Physic or Surgery within the province of Quebec, or
 “ Midwifry in the Towns of Quebec and Montreal, without licence.
 Chap. VIII. The Bill, intituled, “An Act or Ordinance to alter the ____
 “ Ordinance herein after mentioned.
 Chap. IX. The Bill, intituled “An Act or Ordinance to alter the ____
 “ present method of drawing Sleds and Carioles, in order to remedy
 “ the inconveniencies arising from Cahauts or Banks of Snow ____
 “ formed on the Winter Roads, and to amend the same.

His Lordship signed them and passed them under the Great Seal.

Ordered to be published with all convenient—
 Dispatch.

His Excellency prorogued the Legislative Council, till
 further Notice.

JWilliams
 30.th April 1788.

At The Castle of S.^t Lewis

Monday 16.th March 1789

Present

His Excellency The Right Honourable Guy Lord Dorchester	
The Honourable, William Smith Esquire Chief Justice	
Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	George Davison
J. G. C. De Lery	Charles De La Naudiere
George Pownall	René Amable De Boucherville
Picotté De Bellestre	Le C. ^{te} Dupré __ Esquires

His Excellency opened the Session with the following
Speech from The Chair.

“Gentlemen,

Divers regulations for the public utility having
been reported to me by Committees of the Council, I shall order them
to be laid before you. __

Some have been printed, the better to enable you to _
deliberate upon them, in your places of residence, previous to my __
assembling you in your Legislative capacity. __

My assent shall not be wanting for all such laws __
as the condition of the people, and the common welfare, shall appear
to require. __

The provisions recommended, and such others as may
occur to you, concerning which you may not have been able, as
yet, to obtain information adequate to their importance, will of __
course remain for another Session; but it may nevertheless be
expedient to state the result of your present deliberations __
thereon in the form of Bills, that, being printed, they may be
matured and perfected for your next convention. __

You

You will however perceive the necessity of passing an Ordinance for regulating the practice of the Law, as these _ now in force expire at the end of the Session. _____

At the Castle of S.^t Lewis
Monday the 16.th of March 1789
Present

The Honourable, William Smith Esquire Chief Justice_____	
Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueüil
Adam Mabane	George Davison
J. G. C. De Lery	Cha. ^s De La Naudiere
George Pownall	René Amable De Boucherville
Picotté De Bellestre	Le C. ^{te} Dupré _ Esq. ^{rs}

Read His Excellency's Speech;
Ordered to be translated.

Address M.^r Finlay moved an Address of Thanks to His ____
Lordship, for His Speech from The Chair – Seconded by M.^r Dunn.
Ordered that M.^r Finlay, M.^r Dunn, M.^r Harrison
M.^r Collins, M.^r Mabane, M.^r De Lery & M.^r Baby
be a Committee to report a Draft.

adjourned till to-morrow at 12, at the
Council Chamber in the Bishop's Palace.

Tuesday 17.th March 1789
Present

The Honourable, William Smith Esquire, Chief Justice	
Hugh Finlay	Paul Roc De S. ^t Ours
Thomas Dunn	Francis Baby
Edw. ^d Harrison	Joseph De Longueüil
John Collins	George Davison __ Esq. ^{rs}
Adam Mabane	Sir John Johnson Bar. ^t
J. G. C. De Lery	Charles De La Naudiere
George Pownall	René Am. De Boucherville
Picotté De Bellestre	&
William Grant	Le C. ^{te} Dupré Esquires

Address M.^r Finlay from the Committee for preparing an
Address of Thanks to His Excellency for His Speech, reported
the Draft, in the words following,

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

May it please Your Excellency,

“ The Legislative Council most humbly
“ thank Your Lordship, for Your Speech from the Chair.
“We are most thoroughly persuaded of Your
“ Lordship’s ready Assent to all such Bills as may pass
“ The Legislative Council, that appear to Your Lordship
“ to be so framed, as to conduce to the Happiness of
“ the people of this province.
“Such provisions as may have occurred, or
“ that may further occur during the present Session,
“ but which it may not be in our power to mature at
“ this Convention, shall be brought forward in the mode
“ recommended by Your Lordship, to be considered in the
“ Recess, and perfected at our next Meeting.

As

“As the Ordinances for regulating the practice
 “ of the Law expire with the Session, We shall make
 “ that important and necessary Concern one of the
 “ first Objects of Our Attention.

“We should be wanting to Ourselves, and to the
 “ people, if We did not add, My Lord, that all His –
 “ Majesty’s subjects of this province, must feel their
 “ Confidence in Your Administration strengthened, by
 “ that Vigilance which is promoting and early attention
 “ to the public Exigencies, and the Wisdom and Tenderness
 “ deciding by the publication of the Intended Regulations,
 “ the best mode of rendering the Laws most safe to The
 “ Crown and the Subject.

“Council Chamber
 “ March 1789”

The Question of concurrence being put, it passed _
 unanimously in the Affirmative.

Ordered that Sir John Johnson, M.^r De
 La Naudiere, and M.^r Dupré, wait on
 His Lordship with a Copy, requesting to
 know His pleasure thereon.

Law Bill.

M.^r Finlay moved for leave to bring in a Bill, to
 “ continue the Ordinances regulating the practice of
 “ the Law; and to provide more effectually for the Dispensa=
 “ =tion of Justice, and especially in the new Districts.” _
 _ Seconded by M.^r Dunn _ The Bill being brought in
 Ordered to be read for the first time. _ Read accordingly.
 _ Ordered to lie on the Table.

adjourned till to – morrow at 11 o’clock

Wednesday 18.th March 1789

Present

The Honourable William Smith Esquire Chief Justice

Hugh Finlay	Paul Roc De S. ^t Ours
Thomas Dunn	François Baby
Edward Harrison	Joseph De Longueüil
John Collins	George Davison __ Esq. ^{re}
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Charles De La Naudiere
Picotté De Bellestre	René Amable De Boucherville
William Grant	Le C. ^{te} Dupré ____ Esq. ^{rs}

Address.

altered in Council
W S

Sir John Johnson from the Committee named to wait on His Lordship to know His pleasure on the Address of—
Thanks, reported, that His Lordship will receive the same ____
at
~~either this day before twelve o'clock, or to-morrow between the Hours of eleven and twelve, as will be most convenient to the Council~~ ____ Ordered to be engrossed, and presented.

adjourned till to – morrow at 11.

Thursday 19.th 1789

Present

The Honourable Hugh Finlay Esquire

Edward Harrison	François Baby
John Collins	Joseph De Longueüil Esq. ^{re}
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Charles De La Naudiere
Picotté de Bellestre	René Am. De Boucherville
William Grant	Le C. ^{te} Dupré ____ Esquire
Paul Roc De S. ^t Ours	

Address

The Chief Justice being absent, through Indisposition, ____
M.^r Finlay took the Chair, and reported, That yesterday The Chief Justice, with the Council attended His Lordship at The Castle of S.^t Lewis, when the Address of thanks was read and presented by The Chief Justice in the usual manner.

Law Bill

The Clerk of the Council, by Order of His Excellency Lord Dorchester, laid on the Table the Draft of the Bill ____
“to continue the Ordinances for regulating the practice
“of the law, and to provide more effectually for the ____
“dispensation of Justice, and especially in the New Districts”
together with the different Reports and Papers connected therewith; accompanied with a Schedule.

M.^r

Rules

M.^r Grant moved in the words following “As on Tuesday last, after reading the Bill, intituled, “An Act or Ordinance to continue the Ordinance regulating the practice of the Law, and to provide more effectually for the dispensation of Justice, and especially in the New Districts” the Chief Justice suggested the propriety of— leaving that Bill upon the Table, until the sense of The Council was declared for his direction, upon two Questions respecting the Order of proceeding;

“That by the Course in England, the Speaker of The House of Commons took no part in Debates; but that The Speaker of the Lords House might deliver and support His Opinion, if He was a Lord of Parliament; and,

“That it was the practice of Parliament, not to ___ commit any Bill until it had been twice read; when it would be better known, than after only one reading, whether it ought or ought not to be committed; and, if committed, whether to a private or special Committee, or to a Committee of the whole House?

“I move that the Council resolve to adopt the ___ practice of the House of Lords, respecting the Liberty of The Chair to reason and argue on all Questions agitated in Council; and that the President or Chairman may have a Voice, except when His Vote shall create an ___ Equality, and would thereby prevent a Resolve and ___ Decision”

This Motion was seconded by Sir John Johnson
On putting the Question, it passed in the Negative by 7 Naves ag.st 6 Ayes.

For the Negative
M.^r Dupré
M.^r De Boucherville
M.^r De Longueüil
M.^r Baby
M.^r De Bellestre
M.^r De Lery
M.^r Harrison__

For the Affirmative
M.^r De La Naudiere
Sir John Johnson
M.^r De S.^t Ours
M.^r Grant
M.^r Pownall
M.^r Collins

M.^r Grant moved “that it be a standing Rule of the Council, in their proceedings, that no Bill pass to ___ Commitment, until it has had two Readings” ___ Seconded by Sir John Johnson__ passed unanimously in the Affirmative.

Notary Bill

M.^r De La Naudiere moved in these words, “Je propose
 “ de presenter le projet d’une Ordonnance pour prevenir aucune
 “ doute sur l’autorité de certains Actes et Registres de Notaires
 “ dans le District de Hesse”_____ Seconded by M.^r Pownall
 Ordered that Leave be given to bring in the Bill.

Rules

M.^r Harrison moved “that the Council resolve
 “ to adopt the practice of The House of Lords, respecting the
 “ Liberty of The Chair to reason and argue on all Questions
 “ agitated in Council, and that the president or Chairman
 “ may have a voice, except when His Vote shall create an
 “ Equality, and would thereby prevent a Resolve and ____
 “ Decision”_____ Seconded by M.^r Collins ____ The Question
 being put, it was carried in the Affirmative by ____
 7 Ayes ag.st 6 Naves.

For the Affirmative	For the Negative
M. ^r De La Naudiere	M. ^r Dupré
Sir John Johnson	M. ^r De Boucherville
M. ^r De S. ^t Ours	M. ^r De Longueüil
M. ^r Grant	M. ^r Baby
M. ^r Pownall	M. ^r Bellestre
M. ^r Collins	M. ^r De Lery
M. ^r Harrison	

adjourned till to morrow at 11. _____

Friday 20.th March 1789

Present

The Honourable, William Smith Esquire, Chief Justice	
Hugh Finlay	P. R. De S. ^t Ours
Edw. ^d Harrison	François Baby
John Collins	Joseph De Longueüil
J. G. C. De Lery	George Davison ____ Esq. ^{rs}
George Pownall	Sir John Johnson Bar. ^t
Picottée De Bellestre	Charles De La Naudiere
William Grant	René Am. De Boucherville
	Le C. ^{te} Dupré ____ Esquires

JW. The Chief Justice signified to the Council that He had,
 this morning, received a Petition from M.^r Turgeon Jun.^r and ____
 M.^r Bedard, for Leave to bring in a Bill to alter the Law ____
 and being read
 respecting the Admission of Attornies ____ Ordered to be read ^ ____
 Ordered that Leave be given to the Petitioners to bring in
 the Bill they desire.

Ordered

Law Bill
2.nd reading

“ Ordered a second reading of the Bill, “to
“ continue the Ordinances regulating the practice of—
“ the Law, and to provide more effectually for the
“ dispensation of Justice, and especially in the New—
“ Districts”_ The Bill being read, in both languages,
Ordered to be committed to a Committee of the whole
Council, and that the Committee proceed thereon ____
next Tuesday.

Colonel Caldwell took his Seat
adjourned till Monday at 11 o'clock

Monday 23.rd March 1789
Present

The Honourable, William Smith Esquire Chief Justice	
Hugh Finlay	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueüil
J. G. C. De Lery	George Davison____ Esq. ^{rs}
George Pownall	Sir John Johnson, Bar. ^t
Picotté De Bellestre	Charles De La Naudiere
Henry Caldwell	René Amable De Boucherville
William Grant	Le C. ^{te} Dupré ____ Esquires

Still _ Bill

The Clerk of The Council, by Order of His Excellency Lord
Dorchester laid on the table, a Report of a Committee of
the Privy Council, of the Heads or Draft of a Bill for—
prohibiting the Use of small Stills, within the province
together with the Bill _ Ordered that the Draft of the _
Bill be read _ Being read in both languages _ Ordered _
a second reading for to-morrow.

The Hesse
Notary _ Bill

M.^r De La Naudiere pursuant to leave before granted,
brought in a Bill “to strengthen certain Deeds and ____
“ Writings in the District of Hesse”_ Ordered to be read ____
“ Being read in both languages ____ Ordered that it be read a
second time to-morrow.
adjourned till to-morrow at 11.

Tuesday 24.th March 1789
Present

The Honourable, William Smith Esquire Chief Justice

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueüil
Adam Mabane	George Davison__ Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré __ Esquires

Interior _ Navigation Bill

The Clerk of the Council by Order of His Excellency Lord Dorchester, laid on the Table a report of a Committee of—the Privy Council for the inland Navigation, together with the Draft of a Bill, “to explain and add to the Act intituled
“ An Act or Ordinance for promoting the inland Navigation.” __
Ordered that the Draft be read __ Being read in both languages,
Ordered that it be read a second time on Thursday next.

Still _ Bill

“ Read, a second time, the draft of the Bill “for ____ prohibiting the use of small Stills”, in both languages. __
Ordered to be committed to a Committee of the whole Council, for Thursday next.

Hesse
Notary Bill

“ Read, a second time, in both languages, the Bill “to strengthen certain Deeds and Writings in the District of Hesse”
Ordered to be committed to a Committee of the whole Council, for Friday next.

The Council resolved themselves into a Committee of the whole Council, to proceed upon the Bill “to continue the
“ Ordinances regulating the practice of the Law, and to
“ provide more essentially for the dispensation of—
“ Justice, and especially in the New Districts” __ And The Chief Justice left the Chair.

The Chief Justice resumed The Chair

Law Bill

M.^r Finlay from the Committee of the whole Council upon the Bill “ to continue the Ordinances regulating the practice of
“ the Law, and to provide more effectually for the dispensation
“ of Justice, and especially in the New Districts” reported Progress, and begged leave to sit again next Thursday __ Ordered __
accordingly.

adjourned to Thursday at 10 o’clock.

Thursday 26.th March 1789

Present

The Honorable William Smith Esquire Chief Justice

Hugh Finlay	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueüil
J. G. C. De Lery	George Davison _ Esq. ^{rs}
George Pownall	Sir John Johnson _ Bar. ^t
Picotté De Bellestre	Charles De La Naudiere
Henry Caldwell	René Amable De Boucherville
W. ^m Grant	Le C. ^{te} Dupré _ Esquires

Inland Navigation Bill

Read a second time, in both languages, the Bill
 “ to explain and add to the Act intituled “An Act or Ordinance
 “ for promoting the inland navigation” __ Ordered to be __
 committed to a Committee of the whole Council for Monday
 next.

The Council resolved themselves into a Committee
 of the whole Council, to proceed further upon the
 Bill “to continue the Ordinances regulating the
 “ practice of the Law, and to provide more effectually
 “ for the dispensation of Justice, and especially in
 “ the New Districts,” as well as upon the Bill “for
 “ prohibiting the use of small Stills” __ And
 the Chief Justice left the Chair.

The Chief justice resumed the Chair

Law Bill

M.^r Finlay, from the Committee of the
 whole Council, upon the Bill “to continue the
 “ Ordinance regulating the practice of the Law,
 “ and to provide more effectually for the dispensation
 “ of justice, and especially in the New Districts,”
 reported progress, and beg’d leave to sit again
 on Thursday the sixteenth day of april; __
 Ordered accordingly __

The Chief Justice left the Chair.

The Chief Justice resumed the Chair.

Still Bill

M.^r Finlay, from the Committee of the
 whole Council, upon the Bill “to prohibit the
 “ use of small stills;” Reported, that it was Ordered
 by the Committee, with universal consent,
 that

that the new draft be substituted in the place of the first Bill, and that the Committee take course thereon, as in the case of the Bill Committed; And that on the motion of the Chief justice it was ordered that the Chairman report the course resolved on in the Committee; and He prayed leave to proceed, agreeable to the ____ Resolve of the Committee, on Thursday next.

Ordered accordingly.

Fishery Bill

M.^r Grant moved for leave to bring in a Bill “to amend an Act, intituled an Act or Ordinance, “for regulating the fisheries in the river S.^t Lawrence, “in the Bays of Gaspé, & Chaleurs, on the Island “of Bonaventure, and the opposite shore of Percé”

Seconded by M.^r Dupré; leave being granted, the Bill was brought in; **Ordered** to be read for the first time, being read, **Ordered** to be read a second time, on Monday next.

adjourned till to-morrow at 11

Friday 27.th March 1789

Present

The Honourable William Smith Esquire Chief Justice

Hugh Finlay

P. R. De S.^t Ours

Edw.^d Harrison

Francis Baby

John Collins

J. De Longueüil

J. G. C. De Lery

George Davison - Esq.^{rs}

George Pownall

Sir John Johnson Bar.^t

Picotté De Bellestre

Charles De La Naudiere

William Grant

René Amable De Boucherville

Le Comte Dupré. Esquires

The Council resolved themselves into a committee of the whole Council to proceed upon the Bill “to strengthen certain deeds & “ writings in the district of Hesse” And the Chief justice left the Chair

The Chief Justice resumed the Chair

Hesse

Notary Bill

M.^r Grant from the Committee of the whole Council upon the Bill “to strengthen certain deeds and writings in the “ Districts of Hesse”, reported progress, and prayed leave to sit again on Monday next, **Ordered** accordingly

adjourned to Monday at 11

Monday 30.th March 1789
Present

The Honourable, William Smith Esquire Chief Justice

Hugh Finlay	Francis Baby
Edw. ^d Harrison	J. De Longueuil
John Collins	George Davison __ Esq. ^{re}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Picotté De Bellestre	Cha. ^s De La Naudiere
William Grant	René Am. De Boucherville
P. R. De S. ^t Ours	Le C. ^{te} Dupré __ Esq. ^{re}

Fishery _ Bill Read for the second time, in both languages, the Bill
intituled “An Act or Ordinance to amend an Act or Ordinance
“ for regulating the fisheries in the river S.^t Lawrence, in the
“ bays of Gaspé and Chaleurs, on the Island of Bonaventure,
“ and the opposite shore of percé”__ Ordered to be committed
“ to a Committee of the whole Council for to – morrow.

Road - Bill The Clerk of the Council, by Order of His Excellency __
Lord Dorchester, laid on the table, a Report of a Committee of
the privy Council, with a Bill, respecting Roads and Bridges
“ in the central districts of Quebec and Montreal” Ordered that
the bill be read __ The Bill being read __ Ordered that it be
read a second time on Saturday next, the 4.th of April.

Hesse
Notary Bill M.^r Grant, from the Committee of the whole Council _
upon the Bill “to strengthen certain Deeds and Writings in
“ the district of Hesse” reported that the Committee had gone
through the Bill, and made several Amendments, which __
with the Bill and Report He delivered in at the table; __ The
Report was Read in the Words following, viz.^t

March 27.th 1789
In Committee of the whole Council
Present

William Grant in the Chair
The Honorable Chief Justice Smith

M. ^r Finlay	M. ^r Baby
M. ^r Harrison	M. ^r De Longueuil
M. ^r Collins	M. ^r Davison
M. ^r De Lery	Sir John Johnston Bar. ^t
M. ^r Pownall	M. ^r De La Naudiere
M. ^r Bellestre	M. ^r De Boucherville
M. ^r De S. ^t Ours	M. ^r Dupré

The Bill intituled “an Act or Ordinance
to

“ to strengthen certain deeds and writings in the Districts of Hesse”
 being read at length in both languages by the Chairman and
 then by paragraphs _ The enacting clause in the following words,
 “Be it enacted by His Excellency the Governor and the Legislative
 Council, and it is hereby enacted by the Authority of the same
 that all such notarial Acts, bonâ fide transacted by any ____
 person in the said district, in the Character of a Notary, who
 was not duly appointed, and before the due appointment of
 another Notary for the same District, shall not be invalid, merely
 for want of Authority vested in due form of Law, in the person
 or persons that have so acted as notary or notaries public in the
 said district, but that the same shall be deemed and adjudged
 to be as valid as if he or they then had lawful authority to
 perform the functions of that Office or Employment.
 “And that the event & circumstance of the removal of the said
 Records or Register to Quebec, shall not be construed to destroy
 their authenticity and legal Effect, saving nevertheless to all
 persons interested and concerned, their other exceptions to the
 faith & authenticity of the said Records and Register, upon
 such proofs as may be offered against them, for any cause, other
 than the bare change of the Deposit and custody of them, in
 the manner aforementioned”

The Chairman put the question whether it—
 should stand or not? Unanimously agreed in the Affirmative.

Then the Chairman read the preamble in the ____
 following words.

“Whereas the want of a notary duly authorized to
 “ perform the functions of that employment in the District of
 “ Hesse, since the death of Thomas Williams alledged to have
 “ been in that office, which death happened in the year one thousand
 “ seven hundred & eighty five, and the removal of the Records or
 “ and other writings and instruments
 JW “ Register of the Contracts, Mortgages, Conveyances ^ touching ____
 “ property in the said district, from the same, to the Secretary’s
 “ Office in Quebec in the year one thousand seven hundred &
 “ eighty four, by order of the then Governor may give occasion
 Ex.^d “ to doubts & controversies, detrimental to Individuals and
 injurious to the peace of the district, ____ to prevent the same.”

And the Question being put whether it should stand,

Sir John Johnson then moved, that
 all the Words between the word “Whereas” in the preamble

and

and the word “and” in the fifth line be struck out, and in their place inserted the words following “the want of a regular succession of Notaries duly appointed to perform the functions of that employment in the districts of Hesse.” And that the words between the word “Quebec” and the word “may” in the tenth line, be struck out, and in their place inserted the words following “by order of the Government in the administration of His Excellency Sir Frederick Haldimand for their Greater _____ security & preservation.”

The question being put thereon it was Carried unanimously in the affirmative.

Then the Chairman read the title in the following words

“An Act or Ordinance to strengthen certain deeds & writings in the district of Hesse.”

And put the Question whether it should so stand?

Carried Unanimously in the affirmative.

By order of the Committee

(sign’d) William Grant

Chairman.

The Report being read, The Council concurred with The Committee _ Ordered that the Bill be engrossed, and read a third time on Saturday next.

Seed Corn Bill

M.^r Davison moved that a Committee be appointed to take into consideration the general scarcity of Bread Corn, & to bring in a Bill to provide for the public relief; Unanimously agreed to _ And Mess.^{rs} Bellestre, Fraser, De S.^t Ours, De Longueuil, Davison, Sir John Johnson, & M.^r De Boucherville are appointed the Committee for that purpose.

The Council resolved themselves into a Committee of the whole Council, to proceed upon y.^e Bill “for _____ “promoting the inland navigation” And the Chief justice left the Chair.

inland Navigation Bill

The Chief justice resumed the Chair

M.^r Grant from the Committee of the whole Council upon the Bill “for promoting the inland navigation” Reported progress, and beg’d leave to sit again on Friday next at 11 o’Clock _ Ordered accordingly.

adjourned till to morrow at 11.

Tuesday 31.st March 1789

Present

The Honorable William Smith Esquire Chief Justice

Edward Harrison	Francis Baby
John Collins	Joseph De Longueüil. Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Picotté De Bellestre	René Amable De Boucherville
William Grant	Le Comte Dupré . Esquires
P. Roc De S. ^t Ours	

Faculty

M.^r De Lery moved for leave to bring in a Bill to amend the Act intituled “An Act or Ordinance to prevent persons
“ practising Physic and Surgery within the province of Quebec,
“ or Midwifry in the Towns of Quebec and Montreal, without ____
“ licence”. Seconded by M.^r Dupré, Ordered accordingly.

The Council resolved themselves into a Committee of the whole Council, to proceed upon the Bill “to amend the Act or
“ Ordinance for regulating the fisheries in the river S.^t Lawrence,
“ in the Bays of Gaspé and Chaleurs, on the Island of Bonaventure,
“ and the opposite Shore of Percé,” And the Chief Justice Left the Chair.

The Chief Justice resumed the Chair

Fishery Bill

M.^r Grant from the Committee of the whole Council upon the Bill “to amend the Act or Ordinance for regulating
“ the fisheries in the river S.^t Lawrence in the Bays of Gaspé
“ and Chaleurs, on the Island of Bonaventure, and the opposite
“ Shore of Percé,” Reported Progress, and beg’d leave to sit again next Thursday at 11 o’Clock.

Adjourned till Thursday at 11.

Thursday 2.nd April 1789

Present,

The Honorable Hugh Finlay Esquire

Tho. ^s Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueüil
Adam Mabane	George Davison Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Picot. ^é De Bellestre	Charles De La Naudiere
Henry Caldwell	René Amable De Boucherville
W. ^m Grant	Le Comte Dupré Esquires

The Council resolved themselves into a Committee of the whole Council, to proceed further upon the Bill “to amend
“ the Act or Ordinance for regulating the fisheries in the River S.^t
“ Lawrence, in the Bays of Gaspé & Chaleurs, on the Island of
Bon

Fishery Bill

“ Bonaventure and the opposite shore of Percé, “And M.^r Finlay left the Chair.

M.^r Finlay resumed the Chair

M.^r Grant from the Committee of the whole Council upon

the Bill “to amend the Act or Ordinance for regulating the fisheries in the river S.^t Lawrence, in the Bays of Gaspé & Chaleurs, on the Island of Bonaventure & the opposite shore of Percé, “reported that the Committee had gone through the Bill and made several amendments, which with the Bill and report, He delivered in at the table, the Report was read in the following words Viz.^t

31.st March 1789

In Committee of the whole Council upon the Bill intituled “an Act to amend An Act intituled “An Act or Ordinance for regulating the fisheries in the River of S.^t Lawrence in the Bays of Gaspé and Chaleurs, on the Island of Bonaventure and the opposite shore of Percé,”

Present W.^m Grant in the Chair
Hon.^{ble} Chief Justice, ≠ //, Edw.^d Harrison, John Collins, J. G. C. De Lery, Picotté De Bellestre, Francis Baby, Joseph De Longueüil, Esq.^{rs} Sir John Johnson Bar.^t, R. A. De Boucherville & Comte Du Pré Esq.^{rs}

The Chairman read the Bill in French & English, & then the first enacting clause in the following words.

“Be it therefore enacted by His Excellency the Governor & the Legislative Council and it is hereby directed and enacted by the authority of the same, that no suffrance to ship, or clearance to depart, be given at any of His Majesty’s Custom houses in this province to any person to ship or put on ____ board of any Vessel any wet fish or any Vessel suffered to depart with wet fish in casks on board such as specified in the Act intituled” “An Act or Ordinance for regulating the fisheries in the River S.^t Lawrence, in the Bays of Gaspé & Chaleurs, on the Island of Bonaventure & the opposite shore of Percé”, “That have been examined, & inspected & market on the Head of the Cask by a Commissioned Culler & Inspector as by the s.^d Act is directed”.

The Chief Justice then moved that the first clause of the Bill be struck out, and in stead thereof that the words following be inserted. “Be it enacted by His Excellency the Governor and the Legislative Council, and it is enacted by the authority of the same, That if any person shall directly or indirectly be instrumental in shipping any fish by the above mentioned

Act

“ Act directed to be inspected, culled, marked, or branded with=
 “ =out such inspection, culling, marking & branding first made,
 “ Or if any Officer of the Customs shall permit such shipping
 “ before the same shall be so branded or marked, He, whether the
 “ shipper or officer of the Customs, shall incur the penalty of
 “ three pounds for every hogshead, tierce or barrel shipped contrary
 “ to the directions of this Act to be recovered & applied, as directed,
 “ respecting any other penalty in the Act first above mentioned.”

Unanimously carried in the Affirmative.

The Chairman then read the second enacting clause
 in these words,

“And be it further enacted by the same Authority that
 “ every person who shall have shipped, or procured to be shipped
 “ before inspection & marking, as the said law directs, any wet ____
 “ fish in casks shall forfeit and incur a penalty of
 Ex.^d “ Pounds for every cask so fraudently shipped, which penalty
 “ may be sued, recovered & applied as the other penalties incurred ____
 “ under the Act or Ordinance beforementioned.”

The Chief justice then moved that the whole
 of the second enacting clause be struck out.

Unanimously carried in the Affirmative.

Then the title was read in the following words,

“An Act to Amend an Act intituled “An Act or Ordinance
 “ for regulating the fisheries in the River of S.^t Lawrence in the
 “ Bays of Gaspé & Chaleurs, on the Island of Bonaventure
 “ and the opposite shore of Percé,”

And the Question being put whether it
 should stand,

Unanimously carried in the affirmative

/ sign'd /

William Grant
 Chairman

The Report being read, The Council concurred with the
 Committee _ Ordered that the Bill be engrossed for a third ____
 reading on Tuesday next.

Faculty M.^r Dunn moved that a petition of James Davison, François
 La Jus, and Frederick W.^m Oliva, for an amendment of the Act or
 Ordinance concerning “the Practice of Physic & Surgery within this
 “ province, or Midwifry in the Towns of Quebec & Montreal without

Lic

“Licence”, be read, Being read Ordered to lie on the Table.

Seed Corn Bill

M.^r Davison from the Committee appointed “to take into consideration the General scarcity of Bread Corn and to bring in a Bill to provide for the public Relief,” reported that the Committee had gone through the Object referred to them, & he delivered in the Bill & Report at the table. The Report was read, as follows

Council Chamber 2.nd April 1789

Present, Mess. ^{rs} de Bellestre	Sir John Johnson
De S. ^t Ours	De Boucherville
Davison	(Fraser absent)
De Longueuil	

Being the Committee named “to take into consideration the present scarcity of Bread Corn and to bring in a Bill for the Public Relief:” having given the same their mature consideration, are of opinion, that a Law which would facilitate the means of sowing the grounds occupied by Indigent land holders would be the most effectual expedient towards relieving the Public Distress, arising from the present Dearth and the Committee beg leave to submit the annexd Draught of a Bill for that purpose to the discussion of the Legislature.

By order of the Committee

/ sign’d / George Davison
Chairman.

Ordered that the Bill be read _ The Bill being read in both languages, Col.^l Caldwell moved for a second reading of the Bill to=day, unanimously agreed to, The Bill being read a second time, Ordered to be committed to a Committee of the whole Council for to=morrow at 10 o’Clock.

Militia Bill

M.^r Baby moved for leave to bring in a Bill, to explain and amend the Ordinance “for better regulating the Militia of this province” and rendering it of more general utility towards the preservation & security thereof” Seconded by M.^r De Boucherville _ Ordered accordingly. The Bill being brought in, in French, Ordered to be translated and read to=morrow.

The Council resolved itself into a Committee of the whole Council to proceed further upon the Bill “to prohibit the use of small stills” and M.^r Finlay left the Chair

M.^r Finlay resumed the Chair.

M.^r

Still Bill

M.^r Finlay from the Committee of the whole Council upon the Bill “to prohibit the Use of small Stills” reported ____ progress, & beg’d leave to sit again on Tuesday next at 10 ____ o’Clock. Ordered accordingly

Adjourned till to-morrow at 10 _

Friday 3.rd April 1789

Present

The Honourable Hugh Finlay Esquire

Edward Harrison	Francis Baby
John Collins	Joseph De Longueuil
J. G. C. De Lery	George Davison_ Esq. ^{res}
George Pownall	Sir John Johnson Bar. ^t
Picotté De Bellestre	Cha. ^s De La Naudiere
Henry Caldwell	René Am. De Boucherville
William Grant	Le C. ^{te} Dupré_ Esq.rs____
Paul Roc De S. ^t Ours	

Still _ Bill

Colonel Caldwell moved that a Petition of James __ Stapleton, a Rectifier of Spirits, relating to the Still _ Bill now in Committee, be read _ Being read, Ordered to lie on the table.

Militia _ Bill

Read in English the Bill, “to explain and amend the
“ Ordinance for better regulating the Militia of this province, and
“ rendering it of more general utility towards the preservation
“ and security thereof”_ Unanimously agreed that the Bill
be read a second time to-day ____ Being read a second time
in both languages _ Ordered to be committed to a Committee
of the whole Council for Wednesday the 8.th instant.

Navigation Bill

M.^r Grant, Chairman of the Committee of the whole
“ Council upon the Bill, “to explain and add to the act, ____
intituled “An Act or Ordinance for promoting the inland ____
“ navigation” moved that the Order of the Council, for
proceeding further in Committee, be enlarged till Wednesday
next; Ordered accordingly.

Bill concerning
Attornies &c

M.^r Baby moved for leave to bring in a Bill “to
“ amend an Ordinance intituled an Ordinance concerning ____
“ Advocates, Attornies, Solicitors, and Notaries, and for the more
“ easy collection of His Majesty’s Revenues”_ Seconded by M.^r
Grant _ Ordered accordingly _ The Bill being brought in, in
French, and read, Ordered to be translated and read ____
to-morrow.

The

M.^r Dunn took his Seat.

The Council resolved themselves into a Committee of the whole Council to proceed upon the Bill, intitled, _
 “An Act or Ordinance for facilitating the means of—
 “ providing Seed for the Ground, during the present dearth”
 And M.^r Finlay left the Chair.

M.^r Finlay resumed The Chair

Seed _ Corn Bill M.^r Davison, from the Committee of the whole Council upon the Bill intitled “An Act or Ordinance
 “ for facilitating the means of providing Seed for the
 “ Ground, during the present dearth,” reported progress and
 beg’d leave to sit again to – morrow at 10 __ Ordered
 accordingly.

Adjourned till to-morrow at 10.

Saturday 4.th April 1789

Present

The Hono^{ble} Tho^s Dunn Esquire

Edw.^d Harrison

P. R. De S.^t Ours

John Collins

Jo.^p De Longueuil Esq.^{rs}

Adam Mabane

Sir John Johnson Bar.^t

J. G. C. De Lery

Charles De La Naudiere

George Pownall

René Am. De Boucherville

Pict.^e De Bellestre

Le C.^{te} Dupré, Esquires

William Grant

Road Bill Read, a second time, the Bill, intitled, “An Act or Ordinance
 “ respecting Roads & Bridges in the Central districts of Quebec and
 “ Montreal” M.^r Grant moved that the Question of Commitment be
 deferred till Tuesday next – Carried in the Affirmative by 7 Ayes
 against 6 Naves.

For the Affirmative

For the Negative

Sir John Johnson

M.^r Dupré

M.^r De S.^t Ours

M.^r De Boucherville

M.^r Grant

M.^r De Longueuil

M.^r De Bellestre

M.^r Baby

M.^r Pownall

M.^r De Lery

M.^r Collins

M.^r Mabane

M.^r Harrison

Hesse Notary Bill

M.^r Grant moved that the third reading of the Hesse Notary _ Bill
 be likewise deferred till Tuesday next. __ Unanimously agreed to.

Concerning the }
 Attornies &c }

Read the first time the English translation of the Bill, intitled _
 “ An Ordinance to amend an Ordinance, intitled an Ordinance concerning
 “ Advocates, Attornies, Solicitors & Notaries, & for the more easy collection of
 “ His Majesty’s Revenues” Ordered that the Bill be Read a second time
 on Tuesday next

adjourned till Tuesday at 10.

Tuesday 7.th April 1789

Present

The Honourable William Smith Esquire, Chief Justice

Hugh Finlay	P. R. De S. ^t Ours
Thomas Dunn	Francis Baby
Edw. ^d Harrison	Joseph De Longueüil
John Collins	George Davison ____ Esquires
Adam Mabane	Sir John Johnson Bar. ^t
J. G. C. De Lery	Charles de La Naudiere
Picotté De Bellestre	René Amable De Boucherville
John Fraser	Le C. ^{te} Dupré _____ Esquires
William Grant	

Hesse
Notary Bill

Read in both languages, for the third time, the Bill, ____
intituled, “An Act or Ordinance to strengthen certain Deeds and
“ Writings in the District of Hesse” ____ Then the Question was put,
“ Whether the Bill pass? “Whereupon M.^r Fraser moved, “that the
“ consideration of the Question on the third reading of this Bill
“ be postponed till to-morrow, having been absent on the former
“ readings” The question of concurrence being put, it was ____
carried in the Negative by 11 Naves against 8 Ayes.

For the Negative	For the Affirmative
M. ^r De La Naudiere	M. ^r Dupré
Sir John Johnson	M. ^r Boucherville
M. ^r Davison	M. ^r De Longueüil
M. ^r Baby	M. ^r Fraser
M. ^r De S. ^t Ours	M. ^r De Bellestre
M. ^r Grant	M. ^r De Lery
M. ^r Pownall	M. ^r Mabane
M. ^r Collins	M. ^r Dunn
M. ^r Harrison	
M. ^r Finlay	
The Chief Justice	

Then the Question Whether the Bill pass was repeated
and it was carried unanimously (by 17 Voices) in the
Affirmative; M.^r Fraser & M.^r Mabane having withdrawn.

M.^r Fraser & M.^r Mabane resumed their Seats

Fishery _ Bill

On putting the Question for a third reading of the Bill
intituled, “An Act to amend An Act intituled, An Act or—
“ Ordinance for regulating the fisheries in the River of S.^t Lawrence,
“ in the bays of Gaspé and Chaleurs, on the Island of———
“ Bonaventure, and the opposite Shore of Percé,” M.^r Dunn moved
“ that the third reading of this Bill be postponed to the next—
“ Session, and that the Bill be printed, for the information of—
“ all persons concerned in that important branch of Commerce.”
The Question of Concurrence was put and carried unanimously
in the Affirmative.

The

Cariole Ordinance

The Clerk of the Council, by Order of His Excellency Lord Dorchester, laid on the Table a Report of a Committee of the Privy Council, upon the Representations made from several __ parishes against the Cariole Ordinance __ Ordered to be __ translated, and lie on the Table.

Shippers

Bill concerning Attornies &c

Read, in both languages, for the second time, the Bill, intituled, "An Ordinance to amend an Ordinance, intituled An Ordinance concerning Advocates, Attornies, Solicitors and Notaries, and for the more easy Collection of His Majesty's revenues." Ordered to be committed to a Committee of the whole Council for Saturday next.

JWilliams

Road Bill.

The Clerk of the Council by farther Order of His _ Excellency Lord Dorchester, laid on the Table, Representations of certain Shippers, concerning the graving of Vessels in the Cul de Sac __ Ordered to lie on the table.

The Question was put upon the Bill, intituled, "An Act or Ordinance respecting Roads and Bridges in the central districts of Quebec and Montreal" Whether it sho.^d be committed or not? Where upon M.^r De Longueüil moved that the decision of this question be deferred till Saturday next" and the question of concurrence being put on this motion, it was carried in the Negative by 12 Naves __ against 7 Ayes.

For the Negative

M.^r De La Naudiere
Sir John Johnson
M.^r Davison
M.^r De S.^t Ours
M.^r Grant
M.^r Fraser
M.^r Pownall
M.^r Collins
M.^r Harrison
M.^r Dunn
M.^r Finlay
The Chief Justice

For the Affirmative

M.^r Dupré
M.^r De Boucherville
M.^r De Longueüil
M.^r Baby
M.^r Bellestre
M.^r De Lery
M.^r Mabane

Then the Question was put "Whether this Bill be committed to a Committee of the whole Council, to be proceeded upon next Saturday"? and it was carried in the Affirmative by 13 Ayes ag.st 6 Naves.

For the Affirmative

M.^r Dupré
M.^r De La Naudiere
Sir John Johnson
M.^r De S.^t Ours
M.^r Grant
M.^r Fraser
M.^r Bellestre
M.^r Pownall
M.^r Collins
M.^r Harrison
M.^r Dunn
M.^r Finlay

For the Negative

M.^r De Boucherville
M.^r Davison
M.^r De Longueüil
M.^r Baby
M.^r De Lery
M.^r Mabane

The

Still - Bill

The Council resolved themselves into a Committee of the whole Council, to proceed further upon the Bill “to prohibit the use of small Stills” and The Chief Justice left the Chair.

The Chief Justice resumed the Chair.

M.^r Finlay from the Committee of the whole Council, upon the Bill “to prohibit the use of small Stills” reported _ that the Committee had gone through the Bill, and made several Amendments, which with the Bill and Report He delivered in at the Table _ The Report was read in the words following, viz _

In Committee of the whole Council

On the Heads of a Bill to prohibit the use of Small Stills

Thursday the 26.th March 1789

M.^r Finlay in the Chair

The Chief Justice	S. ^t Ours
Mess. ^{rs} Harrison	Baby
Collins	De Longueüil
De Lery	Davison
Pownall	Sir John Johnson
Bellestre	Lanaudiere
Caldwell	Boucherville
Grant	C. ^{te} Dupré

Read the Bill in English and in French, then [^] read the first enacting clause in both Languages & having been put to the vote whether this Committee concur with the report of the special Committee on this Clause? the Chief justice moved “To reject the first clause” and speaking to the motion opened His design of introducing a new draft for the like purpose. Ordered with universal consent that the new draft be substituted in the place of the first Bill, and that the committee take course thereon, as in the case of the Bill committed. On [≠] motion of the _ Chief Justice also Ordered that the Chairman report the course resolved upon in the Committee, and pray leave to proceed _ agreeable to the resolve of the Committee, on Thursday next.

Thursday 2.nd April

Present

M.^r Finlay in the Chair

Mess. ^{rs} Dunn	S. ^t Ours
Harrison	Baby
Collins	De Longueüil
Mabane	Davison
De Lery	Sir John Johnson
Bellestre	La Naudiere
Caldwell	Boucherville
Grant	Comte Dupré

Read the first enacting clause of the Bill substituted in the place of the first Bill in the following words

I “Be it therefore enacted by His Excellency the Governor & the Legislative Council, and it is hereby enacted by the authority of the same, that it shall not be lawfull for any person to distil any species of spirituous or strong liquor in any Still not containing One hundred Gallon after days from the publication of this Act.”

The Question having been put Whether the first clause should stand, it was passed in the Affirmative unanimously.

Read the second enacting clause in these words

II “And be it further enacted by the same authority that every still, not containing One Hundred Gallons aforesaid be forfeited, and that the owner or owners thereof, and the person or persons by whom or in whose behalf the same shall have been used, and the actual occupant of the house, building or apartment, in which any such still shall have been ___ discovered forfeit a penalty each & every of them of Pounds sterling money of Geat Britain, if good & sufficient proof shall be brought of such still having been used for the distilling of some species of spirituous or strong liquor after days ___ from the publication of this Act”

The Question being put on the second enacting clause whether it should stand? it was voated unanimously in the affirmative

The third enacting clause was read in the words following

III. “And be it further enacted by the same authority that it shall be lawful for any person having a warrant for that ___ purpose from any two Justices of the peace (one of whom shall be of the Quorum) under their hands & seals, to enter at any time of the day, any house or building, and to seize any Still found in the same, not containing one hundred Gallons.”

“Provided always that no such warrant shall be ___ valid unless proof shall first have been made before the same Justices by the Oath of One Credible witness at least, that such Still hath been used for the distilling of some species of spirituous or strong liquor after days from the publication of this Act “And provided further that this Act “shall

“ shall not be construed to extend to any small still which any person
 “ shall have authority to use for medical or philosophical purposes
 “ or experiments, by a licence under the hands and seals of any three
 “ Justices of the peace (one of whom shall be of the quorum) which
 “ licence shall not be valid unless the person applying for the ____
 “ same shall first before the said justices have given bond to His
 “ Majesty in the sum of Pounds sterling money of—
 “ Great Britain upon condition that such still shall not be used
 “ for any other than medical or philosophical purposes or experiment,
 “ nor for any purpose whatever contrary to the true intent &
 “ meaning of this Act, which said bond shall be forthwith
 “ lodged in the office of the Clerk of the Court of Common pleas of
 “ the District;

The Question was put, Whether y^e third enacting clause should stand? and it was carried unanimously in the affirmative

The fourth enacting clause was then read as follows

IV. “And be it further enacted by the same authority that
 “ in every case of failure of the conditions upon which any such
 “ licence shall have been granted the said licence shall be void
 “ and the still so used contrary to the intent & meaning of this
 “ Act shall be seized, forfeited & destroyed, as if no such licence had
 “ been granted for the same”

The Question was put on the fourth enacting clause whether it should stand? It was voted unanimously in the affirmative

The fifth enacting clause was read in these words

V. “And be it further enacted by the same authority, that any
 “ Still seized, & adjudged to be forfeited by authority of this Act ____
 “ shall be destroyed, & the materials thereafter sold at Auction.

The Question being put, Shall this clause stand? it was unanimously voted in the affirmative

Then the last clause was read in these words

VI “And be it further enacted by the same authority that—
 “ all & every forfeiture & penalty created by this Act, may be ____
 “ sued for & recovered by warrant of distress, and sold before any
 “ three justices of the peace (one of whom shall be of the Quorum)
 “ One half to be paid to the Receiver general for the use of His Majesty
 “ and the other half to the person or persons suing for the same, all
 “ necessary charges attending the prosecution & sale being first
 “ deducted therefrom, returning the overplus if any there be to the Owner
 of

of the goods destrained”

M.^r Grant moved, that after the word every in the second line in the sixth enacting clause be inserted the words Still so seized and sold at Auction and

And the Question being put on the Motion, it passed _ unanimously in the affirmative. Then the Question was put,

Shall the last Clause pass as amended by M.^r Grant’s motion ? It was carried unanimously in the affirmative.

The Committee then proceeded to fill up the Blanks in the Bill

It was unanimously agreed that the blank in the first enacting clause which follows the [^] word after in the seventeenth line be filled up with the words six months and that the Word days in the eighteenth line be struck out.

That the first Blank in the twenty fourth line of the second enacting clause be filled up with the word Ten, and that the second Blank in the same or second enacting clause immediately following the word after in the thirty third line be filled up with the words six months, and that the word days in the said thirty third line be struck out.

That the Blank in the thirty fifth line of the third enacting clause be filled up with ^{the} words six months between the word after and the word day, and that the word day be struck out.

That the Blank in the sixty second line of the third enacting clause preceeding the word pounds be filled up with the word Fifty.

The preamble was read in these words

“Whereas small Stills, by reason of their cheapness promote “and encourage the practice of excessive drinking of spirituous or “strong liquors, & of the worst quality, to the great injury of the Health, “Morals & lives of the people”

And being post to the vote Whether it should stand _ without amendment, it was carried unanimously that it stand

The Title was next considered; it was read in those words

“An Act or Ordinance to prohibit the use of Small

“Stills

The Question being put, whether the title stand?

Voted unanimously in the affirmative.

Then the Chairman reported progress to the Council and obtained leave to sit again on tuesday at ten o’Clock

(sign’d) by order of the Committee in the Council Chamber 7.th April 1789

Hugh Finlay Chairman

Still _ Bill

The question of concurrence was thereupon put and carried unanimously in the affirmative, Ordered that the Bill be engrossed.

M.^r Grant moved “that the Bill, intituled An Ordinance to prohibit the use of small stills be printed, and the third reading _____ thereof postponed for the present session” Unanimously carried in the affirmative.

Adjourned till to morrow at 10 o’Clock.

Wednesday 8.th April 1789

Present

The Honourable William Smith Esquire Chief Justice

Hugh Finlay

William Grant

Thomas Dunn

Paul Roc De S.^t Ours

Edw.^d Harrison

Francis Baby

John Collins

Joseph De Longueuil _ Esq.^{rs}

Adam Mabane

Sir John Johnson Bar.^t

J. G. C. De Lery

Charles De La Naudiere

George Pownall

Le C.^{te} Dupré ____ Esq.^{res}

Picotté De Bellestre

John Fraser

Ordered,

Fishery

That a Copy of the Bill, intituled, “An Act to—
“ amend an Act, intituled, An Act or Ordinance for regulating
“ the Fisheries in the River of S.^t Lawrence, in the bays of—
“ Gaspé and Chaleurs, on the island of Bonaventure, and the
“ opposite shore of Percé.”

Stills

And a Copy of the Bill, intituled, “An Act or—
“ Ordinance to prohibit the use of small Stills”,
be laid before His Excellency The Governor, and
that M.^r Dunn, M.^r Collins, and M.^r Grant present the same,
and signify the Desire of the Council, that these Bills be
printed, before any further proceedings are had thereon.

Ordered,

Hesse

Notary Bill

That the Bill, intituled, “An Act or Ordinance to
“ strengthen certain Deeds and Writings in the District of—
“ Hesse,” be carried up to His Excellency The Governor by M.^r
Finlay, M.^r De Longueuil and M.^r Dupré; and that they
inform His Lordship that the Council have passed the
same, and submit it to His Lordship’s assent, that
it be enacted into a Law.

On

- Petition of certain Shippers On reading the Petition of certain Shippers, for an Amendment of the Law that forbids the graving of Vessels in the Cul de Sac __ M.^r Grant moved “that the __ Petitioners have leave to bring in a Bill, for the __ purposes mentioned in the Petition” __ Seconded by M.^r Baby __ Ordered accordingly, and that the Bill be brought in by a Member.
- Faculty M.^r De Lery, according to leave, brought in His _ Bill, intituled, “An Act or Ordinance to amend the Act or Ordinance to prevent persons practising Physic and __ Surgery within the province of Quebec, or Midwifry in the Towns of Quebec and Montreal, without Licence” __ Ordered to be read __ Being read, Ordered to be translated and read a second time to– morrow.
- Inland Navigation On reading the Order of the day for the Council to proceed in a Committee of the whole Council, upon the Bill, intituled “An Act or Ordinance to explain and add to the Act intituled An Act or Ordinance for promoting the inland Navigation” Resolved accordingly, and The Chief Justice left the Chair.
- The Chief Justice resumed The Chair
Present
- Inland Navigation The same Members, together with M.^r De Boucherville M.^r Grant from the Committee of the whole Council upon the Bill, intituled, An Act or Ordinance to explain and add to an Act, intituled, An act or Ordinances for promoting the inland navigation” reported Progress, and beg’d leave to sit again next Saturday. __ Ordered accordingly.
- Militia On reading the order of the day for going into a __ Committee of the whole Council upon the Bill, intituled, __ JW “ An Act or Ordinance to explain and amend an Act, __ the Militia of this province, & rendering it of more general utility towards intituled, an Ordinance for better regulating ^ the preservation and Security thereof” it was ordered that this Bill be proceeded on, next Saturday.
- Seed Corn The Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill, intituled, _ “ An Act or Ordinance for facilitating the means of providing Seed Corn for the Ground, during the present dearth” __ And _ the Chief Justice left the Chair.

The

Seed Corn

The Chief Justice resumed the Chair,

M.^r De S.^t Ours from the Committee of the whole Council upon the said Bill, intituled, “An Act or Ordinance for facilitating the means of providing seed-corn for the ground, during the present dearth; signified that in the absence of M.^r Davison, through Indisposition, the Committee had chosen Him Chairman, And He reported Progress, and beg’d leave to sit again to—morrow morning at 10 o’clock __ Ordered accordingly.
adjourned till to morrow at 10.

Thursday 9.th April 1789
Present

The Honourable William Smith Esquire Chief Justice

Hugh Finlay	John Fraser
Tho. ^s Dunn	Henry Caldwell
Edw. ^d Harrison	William Grant
John Collins	Paul Roc De S. ^t Ours
Adam Mabane	Joseph De Longueüil_ Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
George Pownall	René Am. De Boucherville
Picotté De Bellestre	Le C. ^{te} Dupré __ Esq. ^{rs}

Faculty

Read, for the second time, in both languages, the Bill intituled “An Act or Ordinance to amend the Act, intituled, An
“ Act or Ordinance to prevent persons practising Physic &
“ Surgery within the province of Quebec, or Midwifry in the
“ towns of Quebec and Montreal, without licence”__ Ordered to_
be committed to a Committee of the whole Council for
Tuesday next.

Seed _ Corn

The Order of the day for going into a Committee of—
the whole Council, upon the Bill, intituled, “An Act or ____
“ Ordinance for facilitating the means of providing
“ Seed-Corn for the Ground, during the present dearth,” __
being read, The Council resolved accordingly, and The
Chief Justice left the Chair.

The Chief Justice resumed the Chair
Present

The same Members, except M.^r Mabane
Present likewise

Seed Corn

M.^r De Boucherville & M.^r Baby.
M.^r De S.^t Ours from the Comittee of the whole
Council

Council upon the Bill, intituled, “An Act or Ordinance for
 “facilitating the means of providing seed - corn for the
 “ground during the present dearth” reported that the ____
 Committee had gone through the Bill, and made several
 Amendments, which with the Bill and report He ____
 delivered in at the Table; the Report was read as follows

In Committee of the whole Council

3.rd April 1789

On the Bill for facilitating the means of providing
 Seed for the ground during the present dearth.

M.^r Davison in the Chair

Mess. ^{rs}	Finlay	De Lery	De S. ^t Ours
	Dunn	Pownall	Sir John Johnson
	Collins	Caldwell	De Longueüil
	Harrison	Grant	De La Naudiere
	Bellestre	Baby	Dupré

Read the Bill in English & in French, Then read the enacting
 Clause in the words following,

“Be it enacted by His Excellency the Governor & the Legislative
 “Council and it is hereby enacted by the authority of the same that from
 “and after the publication of this ordinance all & every person or persons
 “who shall furnish to any Landholder or Landholders any kind of grain
 “Flax seed or Potatoes for the purpose of seed either at a fixed price payable
 “at a future period not sooner than the 30.th day of September next
 “or on Condition of receiving a proportion of the Crop that may be pro=
 “=duced therefrom as may be agreed on between the parties shall have a
 “right to be paid the sum, Stipulated or to receive the proportion of
 “the Crop agreed on out of the ensuing Crop of grain or other ____
 “movable property of the person so purchasing or contracting in preference
 “to all other debts whatever and that a note or obligation in Writing
 “signed by the party or acknowledged by him in presence of one Credible
 “Witness Confessing that He is indebted to the Seller or furnisher any
 “certain sum of money for seed Corn or engaging to deliver any fixed
 “proportion of the Crop that may grow from any quantity of Grain
 “furnished to him for seed, shall be taken & received in all the Courts of
 “this Province as sufficient evidence to entitle the Seller or furnisher
 “to a preference of payment out of all the moveable property of the
 “Debtor and in Case of any Wait of Execution issuing against the
 “moveable property of any such debtor previous to the 30.th day of
 “september, and His moveable property being Seized or sold in
 “virtue thereof it shall and may be lawful for any Creditor or
 “Creditors to whome the said debtor may be indebted for seed corn

as

“ as aforesaid to come into any court of this province and to require
 “ that as much money as may be sufficient to discharge His Debt shall
 “ he retained in the hands of the Sheriff or other officer executing the s.^d
 “ Writ till the time that the obligation of the said Debtors falls due
 “ if the grain is sold at a Certain price or till the Harvest is got in
 “ if it is furnished on Condition of receiving a fixed proportion of the
 “ Crop; and if the debtor does not then pay & discharge His obligation
 “ or deliver the proportion of the Crop agreed on, It shall and may be lawful
 “ for any of the said Courts to order the Amount of the said debt to be
 “ paid out of any monies in the Hands of the Sheriff or other officer
 “ arising from the sale of the moveable property of such Debtor any
 “ Law or Custom to the Contrary Notwithstanding.

M.^r Grant moves that the word Flax seed in the 6.th Line
 be struck out, and that the words not sooner in the 7.th Line and
than the 30.th day of September in the 8.th Line, and previous to the 30.th
day of September in the 25.th Line, be also struck out, and that the
 words after the word “whatever” in the 14.th Line to the word confessing
 in the 16.th Line be struck out, and the words and that a Note or
other writing acknowledged before and Witnessed by either the
curate of the parish or two signing Witnesses, or the bargain made
and the seed Corn delivered in presence of two Credible witnesses
without any written promise or obligation whatever” be inserted in
 their stead, and that the word Confess.^d in the 16.th Line be struck out
 and the word proved be inserted in its stead ~

Agreed to unanimously

M.^r Grant then moved the following additional Clause
 “And be it enacted by the same authority that this Act shall be in force
 “ to the end of the Session of the Legislative Council which will be in
 “ the year of our Lord 1790 and no longer”~ on which the Question being
 put, Voted unanimously in the affirmative.

Then read the Preamble to the Bill in the words following

“Whereas there is great reason to apprehend that owing to the
 “ present poverty of a Great Number of the Landholders of this
 “ province they will not be able to procure seed Corn for the
 “ ensuing spring whereby a great part of the best land may remain
 “ unsown and the Country be again exposed to a dearth still ____
 “ more distressing than that which now prevails, and there is also
 “ reason to conclude that many of the more wealthy Landholders &
 “ others who are possessed of more grain than is requisite for serving
 “ their own grounds, might be induced to furnish seed corn on

credit

“ Credit to those whose Crops failed last Harvest, if greater security
 “ was granted for the recovery of Debts so Contracted.

“And the question being put if the same should ____
 stand? Voted unanimously in the Affirmative

Then read the title of the Bill in these words;

“ Act or ordinance for facilitating the means of Providing seed
 for the ground during the present dearth” and the question
 being put if it should stand? Voted unanimously in the
 Affirmative.

Ordered that the Chairman report progress and
 pray leave to sit again.

The Committee met 8.th April 1789

Present M.^r De S.^t Ours

Hon^{ble} Chief Justice Smith

Mess.^{rs} Finlay Judge Fraser

Judge Dunn Grant

Harrison Baby

Collins De Longueüil

Judge Mabane S.^r John Johnson Bar.^t

De Lery De La Naudiere

Pownall De Boucherville

Bellestre Dupré

M.^r De S.^t Ours elected to the Chair M.^r Davison being indisposed

Ordered that the Chairman report progress and pray leave to
 sit again to = morrow

9.th April 1789 the Committee met according
 to adjournment

Present M.^r De S.^t Ours

And the other members as before together with Col.^l
 Caldwell, except Judge Mabane.

M.^r Grant moved

“That the Bill hitherto proposed
 in committee be rejected & the following Bill Adopted in its
 place.

An Act or Ordinance for the relief of the poor in the

Loan of seeds for corn & other necessities. ____

“Whereas many Farmers distressed by the shorts harvests

“ of the last year have consumed what was necessary for seed

“ towards their support in the next, and such as are able to

“ spare seed for their supplies may not be willing to trust it

“ to the poorer Inhabitants without indisputable security for

“ the repayment thereof at the next ensuing harvest. In tenderness

“ to the distressed & to prevent a general dearth,

Be

Be it enacted by His Excellency the Governor of the Legislat.^e
 “ Council & and it is hereby enacted by the authority of the same that
 “ if any contract or agreement shall within two months after the
 “ passing of this Act be Bona Fide made in writing for supplies
 “ of seed Corn or Potatoes in the presence of one of His Majesty’s
 “ Justices of the peace or a Curate of any parish, or a Captain of
 “ the Militia and one other credible witness not exceeding thirty
 “ Bushels of Wheat & fifty Bushels of other Bread Corn, or Grain,
 “ nor twenty Bushels of potatoes to anyone Buyer or Borrower,
 “ his debt therefor, shall in all Courts be deemed and adjudged
 “ to be a privileged debt, with the benefit of preference to the
 “ Lender before any other Creditor for any demand of any kind
 “ whatsoever, any law, usage or custom to the contrary notwithstanding,
 “ =standing, saving nevertheless to His Majesty his Heirs and
 “ successors all the Rights of the Crown with its dues & demands
 “ as fully & effectually as if this Act had never been made. ____

“ The Question being put, it was unanimously carried in the Affirmative.

Signed by Order of the Committee _ (signed) P. R. S.^t Ours

The Question of concurrence being put it was ____
 Carried unanimously in the Affirmative Ordered that the Bill be _
 engrossed, And Ordered on account of the Urgent Necessity of the Case
 that the engrossed Bill be read the third time to day.

The said Bill being read the third time, Ordered, on the Question,
 that the Bill Pass.

Ordered that M.^r Pownall, M.^r De S.^t Ours & M.^r De Boucherville
 wait upon his Excellency the Governor, with the engrossed Bill, ____
 intituled, “An Act or Ordinance for the relief of the poor in the Loan
 of Seed Corn and other necessaries” And that they inform His Lordship
 “ that the Council have passed the same, and submit it to His ____
 Lordship’s assent, that it be enacted into a Law.

Adjourned till Saturday next at 10.

Saturday

Saturday 11.th April 1789
Present

The Honorable William Smith Esquire Chief Justice

2 Hugh Finlay	Henry Caldwell
3 Tho. ^s Dunn	William Grant
4 Edw. ^d Harrison	P. R. De S. ^t Ours
5 John Collins	Francis Baby
6 J. G. C. De Lery	Jo. ^s De Longueuil

8 P. ^{te} De Bellestre	René Am: De Boucherville
9. John Fraser	

———7. George Pownall	Le C. ^{te} Dupré, Esquires

Road Bill

On Reading the Order of the day, the Council resolved themselves
“ into a Committee of the Whole Council to proceed upon the Bill, intituled
“ An Act or Ordinance respecting Roads & Bridges in the Central districts
of Quebec & Montreal” And the Chief Justice left the Chair.

The Chief Justice resumed the Chair.

Road Bill

M.^r Finlay from the Committee of the whole Council upon the
“ Bill intituled “An Act or Ordinance respecting Roads & Bridges in the central
districts of Quebec & Montreal” Reported progress & beg’d leave to sit again
as the Council may think fit to direct Ordered accordingly; and—
ordered that the Committee resume the Business referred to them, ____
immediately after the meeting of the Council on the next adjournment.
adjourned to meet immediately at the Council Chamber in
the Castle of S.^t Lewis to attend His Lordship, agreeable to Notification _
of His Lordship’s pleasure, signified by the Clerk.

Saturday 11.th April 1789
At the Castle of S.^t Lewis
Present

The Honorable William Smith Esquire Chief Justice

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Jo. ^s De Longueuil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Geo. Pownall	Charles De La Naudière
Picotté De Bellestre	René Am: De Boucherville
John Fraser	Le Cte Dupré, Esquires

Seed Corn

His Excellency Lord Dorchester entered the Council Chamber, &
“ being seated in the Chair, The Bill (passed the ninth instant) intituled
“ An Act or Ordinance for the Relief of the poor in the Loan, of Seed-
Corn, & other necessities” was read,

And

“ And the Bill / passed on the eight instant) intituled, “An Act
“ or Ordinance to strengthen certain creeds & writings in the district of
Hesse” was also read, They received His Excellency’s Assent, and being signed,
were passed under the Great Seal of the province. Ordered to be published
with all convenient dispatch.

His Excellency retired

The Council then adjourned to the Council Chamber in
the Bishop’s Palace, to resume the business of the day.

At the Council Chamber in the Bishop’s Palace

Present

The Hon.^{ble} William Smith Esq.^{re} Chief Justice

Hugh Finlay

John Fraser

Tho.^s Dunn

Henry Caldwell

Edw.^d Harrison

William Grant

John Collins

P. R. De S.^t Ours

Adam Mabane

Francis Baby

J. G. C. De Lery

Jos.^h De Longueüil Esq.^{rs}

Geo: Pownall

Sir John Johnson Bar.^t

Picotté De Bellestre

Cha.^s De La Naudière

René Am: De Boucherville

Le Cte Dupré, Esq.^{res}

Roads

The Order of this morning for resuming the business of the Roads
in Committee, at the present adjournment, read; The Council resolved
themselves into a Committee of the whole Council to proceed accordingly,
and the Chief Justice left the Chair.

Roads

The Chief Justice resumed the Chair

M.^r Finlay from the Committee of the whole Council upon the
“ Bill intituled “An Act or Ordinance respecting Roads & Bridges in the
Central districts of Quebec & Montreal”, reported Progress, and begged ____
leave to sit again next Monday __ Ordered accordingly. ~

Inland Navigation

“ M.^r Grant from the Committee on the Bill intituled “An Act or
“ Ordinance to explain and add to the Act intituled, An Act or Ordinance +
for promoting the inland Navigation” reported Progress, and beg’d leave
to sit again next Monday Ordered accordingly, And Ordered that the
inland Navigation Bill be taken up first.

Adjourn’d till Monday at 11.

Monday 13.th April 1789

Present.

The Hon[#]ble William Smith Esq.^r Chief Justice

Hugh Finlay

William Grant

Tho.^s Dunn

P. R. De S.^t Ours

Edw.^d Harrison

Francis Baby

J. G. C. De Lery

Jos.^h De Longueüil

Geo: Pownall

René Am. De Boucherville

Picotté De Bellestre

Le C.^{te} Dupré Esq.^{rs}

John Fraser

M. Dunn Brought in a Petition of certain Clerks to Attornies
and

Bill concerning
Attornies &^{ca} ____.

and Notaries, in opposition to the petition of Mess.^{rs} Bedard & Turgeon mentioned in the journals of the 20.th of March, & moved that the same be read, Being read, Ordered to lie on the table.

Inland Navigation “ The Order of the day for going into a Committee of the whole Council, to proceed further upon the Bill “to explain and ___
“ add to the act, intituled An Act or Ordinance for promoting the inland navigation” being read, Resolved accordingly, and the Chief Justice left the Chair.

The Chief Justice resumed the Chair

Present, the same Member, with Sir John Johnson, Col. Caldwell and M.^r Collins.

Inland Navigation M.^r Grant from the Committee of the whole Council upon
“ the Bill “to explain and add to the Act, intituled An Act or Ordinance for promoting the inland navigation” reported, that the Committee had gone through the Bill, and made several amendments & additions which with the Bill and Report the delivered in at the table, The ___ report was read in the Words following,

Council Chamber 30.th March 1789

“ In Committee of the whole Council upon the Bill, intituled, An Act
“ to explain and add to the Act, intituled An Act or Ordinance for promoting the inland navigation,”

Present

William Grant Chairman

Hon[#]ble Chief Justice Smith

Mess.^{rs} Finlay

De Longueüil

Harrison

Davison

Collins

Sir John Johnson Bar.^t

De Lery

De La Naudière

Bellestre

De Boucherville

De S.^t Ours

Le Comte Dupré

Baby

Ist“ The Chairman read the Bill in Both languages, & then by clauses, the first enacting clause, in the following words,

“ “Be it therefore enacted be his Excellency the Governor
“ and the Legislative Council, and it is hereby enacted by the ___
“ authority of the same, that the manifest of the Cargo shall _
“ discriminate the parcels concerning which the Chief Navigator is
“ to take the oath required by the said act, from those concerning—
which he may object to take the same oath, and that with

res=

“ respect to the last mentioned parcels it shall suffice if he do swear,
 “ that he knows not nor has ~~he~~ heard nor believes that they belong to
 “ persons who are not his Majesty’s Subjects and Resident within
 “ the dominions of Great Britain.”

And the question being put, whether it should stand or
 not, M.^r Finlay moved to adjourn to Friday, and that the
 Chairman report progress.

Council Chamber Friday 3.nd April

Present

William Grant Chairman

Mess. ^{rs} H: Finlay	Fr: Baby
Ed: Harrison	Jo. ^h De Longueüil
John Collins	Geo: Davison
J. G. C. De Lery	S. ^r John Johnson Bar. ^t
Geo: Pownall	Charles De La Naudiere
Pic: De Bellestre	R: A: De Boucherville
Henry Caldwell	Le Comte Dupré
P. R. De S. ^t Ours	

Further adjourned at the request of the Chairman, to Wednesday
 the 8.th

Council Chamber Wednesday 8.th

Present

William Grant Chairman

The Hon[#]ble Chief Justice Smith

Mess. ^{rs} Finlay	Fraser
Dunn	De S. ^t Ours
Harrison	Baby
Collins	De Longueüil
Mabane	Sir John Johnson Bar. ^t
De Lery	De La Naudiere
Pownall	Le C. ^{te} Dupré
De Bellestre	

The Chairman read again the 1.st enacting clause,

Then M.^r Finlay moved in the following words,

That from the word same in the fourth line of the first clause,
 the remaining words be struck out, and the following words be inserted
 in their stead,

“That the oath to the manifest of the cargo of such vessels trading
 “ to the Western Countries which by the said act are required to have
 “ registers shall suffice as to such articles as are not shipped upon
 “ the private account of the Chief Navigator, if he shall swear that
 “ the quantities and qualities are in his manifest states according
 to

“ to his bills of lading, and that the manifest doth express
 “ the whole thereof according to the best of His Knowledge and
 “ belief, and likewise every article of trade on his private accou^t.,
 “ or on account of any person whatsoever.

“And Whenever any part of the cargo shall consist of
 “ the enumerated articles of Wine, or Spirituous liquor, Flints,
 “ Lead, Gunpowder, Guns, Arms, or any instrument of War, ____
 “ Molasses, Coffee, Tea, Chocolate, Pork, Beef, Flower, Bread, Butter
 “ Indian Corn, or other Grain, Pot and Pearl Ashes, Hemp, Flax,
 “ or Flax seed, Live stock, Beaver, Furs or Skins of any kind, ____
 “ Ginseng, or any other produce, or cordage, Bar Iron or Nails,
 “ Canvas or naval stores, the Quantity & Quality on Board, or
 “ in every such bill of lading shall be precisely expressed in
 “ the manifest, but as to other goods, wares, and Merchandize
 “ it shall suffice to distinguish them by Casks, Boxes, Bales,
 “ Trunks, and Packages, under marks and numbers, and to
 “ declare in the bills of lading, or general manifest, their ____
 “ contents under the general discriminatives of Woollens, Linens,
 “ Grocery, Hardware, Haberdashery, Mercery and the like”

“And it shall suffice at the intermediate ports on the
 “ Inland Navigation where entries are made of effects of any kind
 “ to be forwarded or reshipped to a second, third or fourth Port,
 “ that the packages or parcels be entered according to their marks
 “ and numbers discriminating their general Contents under the
 “ Heads of Dry Goods, Liquids, Furs and the like, and the names
 “ of the shippers, except Arms, Amunition, warlike stores and
 “ spirituous liquors which shall always be entered as act the
 “ first Port of shipping according to their Contents quantity
 “ and quality, to the end that alteration if any has been ____
 “ designedly made may appear.

“And when it appears to the superintendant at any
 “ intermediate Port of the Inland Navigation, or he has good Ground
 “ to suspect that the packs or packages of Beaver, Furs or Skins
 “ are not according to the entry made at his office by the shipper
 “ or agreeable to the manifest, or in the same state as to quantity
 “ and quality as at the first port of embarkation, he may legally
 JW “ in ^{all} such cases stop & open & examine the same, & may seize
 all

“ all such Packs or Packages and prosecute the same to condem=
 “ =nation in the same manner as directed respecting other —
 “ confiscations in the said act, if upon the oath of one Credible
 “ Witness it shall appear that any part thereof has been sold
 “ or transported or taken out with # intent to be sold & fraudelently
 “ carried out of the province by any person or persons whatsoever.
 “ And if any Beaver, Furs or Skins, or any Arms, Amunition,
 “ Warlike Stores or spirituous liquors shall be shipped without
 “ entry at the superintendant’s Office and not be expressed in the
 “ Bills of lading and manifest in the manner aforesaid the same shall
 “ be subject to seizure and Confiscation and be proceeded against and
 “ applied in the same manner directed as to other confiscations in the
 “ said Act.”

The Chairman then put the Question, whether the Committee concurred in M.^r Finlay’s Motion.

Carried Unanimously in the Affirmative.

The Chairman then read the 2.nd enacting clause in the following words.

II.nd “And be it further enacted by the same authority, that as —
 “ often as the Vessel may be seized for not being documented as by
 “ the said Act is required it shall not expose to Confiscation either
 “ the Vessel or her apparel and furniture, or the property therein of
 “ any of the shippers not privy thereto or concerned therein, provided —
 “ they shall respectively be “His Majesty’s good and faithful subjects
 “ residing within His Dominions”.

The question being put thereon carried unanimously in the affirmative.

III.rd. The Chairman then read the 3.rd enacting clause as follows

“But for the prevention of frauds in the Navigation and
 “ Commerce aforesaid.
 “Be it further enacted by the authority aforesaid; that as often
 “ as any Vessel shall be found sailing from any port of His Majesty’s
 “ Territories on the lakes not Documented, as by law directed, the captain
 “ or Chief Navigator, shall not only be answerable to all and every
 “ person and persons who may receive Loss and damage thereby, but
 “ shall incur a penalty of five hundred pounds to His Majesty to
 “ be sued for and recovered in any Court of Justice within this province,
 “ one third of which Forfeiture shall belong to the person or persons
 “ suing for the same.”

and

“And for the more secure recovery thereof, such Captain
 “ or Chief Navigator shall be detained and imprisoned until he
 “ shall have paid the said penalty or he shall have entered into
 “ recognizance in double the said penalty with two sufficient
 “ Sureties in the judgment of one of the judges of the Common
 “ pleas of the district of the port, post or place to which he ____
 “ may be brought personally to appear in the Court of King’s
 “ Bench at the City of Montreal within one year from the date
 “ of such recognizance, there to answer to any suit to be brought
 “ against him for the said penalty, and to abide the judgment
 “ of the said Court.”

And the Question being put whether it should stand.
 Carried Unanimously in the Affirmative.
 Then the 4.th enacting clause was read as follows,

IV.th“

“And be it also enacted by the same authority that
 “ whenever the Court before which any proceedings may be had
 “ for any such seizure or penalty shall give Judgment for the
 “ Acquittal of the property seized or the discharge of the party ____
 “ prosecuted but shall at the same time cause to be entered in
 “ the minutes of the Court that the prosecutor had probable ____
 “ cause for making the seizure, or commencing the same suit,
 “ the owner or dependant shall not recover any damages or Costs
 “ against any persons concerned in such seizure or prosecution.”

And the question being thereon put, carried unanimously
 in the Affirmative

The Bill being gone through, M.^r Finlay then moved _
 V.th the following additional clause,

“And be it further enacted by the same authority that all
 “ passes and permits for trading adventured with any of the Indian
 “ Nations heretofore made necessary to be under the Hand of the
 “ Governor or Commander in chief for the time being by virtue of
 “ an act intituled “An Ordinance to prevent the selling of strong
 ““ liquors to the Indians in the province of Quebec, as also to deter
 ““ persons from buying their arms or cloathing and for other
 ““ purposes relative to the trade and intercourse with the said
 ““ Indians passed in the seventeenth year of His Majesty’s Reign”,

shall

shall be as valid in the Law if the same shall be under the
 “ signature of such person or persons as shall have authority to
 “ grant such pass or permit by any instrument from the Governor
 “ or Commander in Chief for the time being under his hand and
 “ seal at arms.

“ The question of concurring being put, carried unanimously in
 the affirmative.

M.^r Finlay then Moved the following additional Clause.

VI.th

JW “ “And to the end that the inland trade with the Indians
 “ may be free and open to all his Majesty’s ^{faithful} subjects, and be so regulated
 “ as to consist with the common Safety.”

“Be it further enacted by the same authority, that no goods, wares,
 “ and merchandize shall be carried out on either the S.^t Lawrence & Outawa
 “ River or by any other Route for the purpose ~~for the purpose~~ of any—
 “ inland commerce with the indians without a pass or permits expressing
 “ the value, the names and places of residence of the party employed in ____
 “ the adventure, the destination intended, the name and place of residence of
 “ the Chief conductor, and of all the persons interested, employed or aiding ____
 “ therein, nor without entering into Bond or recognizance to His Majesty
 “ in double the sum, which all the goods wares and merchandize to be
 “ mentioned in the pass or permit may be computed to be worth by the
 “ person or persons granting the same, or may be valued on oath by
 “ the invoice or account of the owner or by his agent or other chief conductor
 “ if he shall be inclined to shew & swear to the same, That if failure be
 “ made in any of the conditions or terms expressed in such pass or Permit
 “ that then the penalty mentioned in the said recognizance shall be
 “ forfeited to the Crown, and be recovered in the due course of the Law.”

Ex.^d

“And every such pass or permit shall accordingly declare the
 “ terms thereof to be,”

First ~ “that none of the goods wares and merchandize, shall
 “ be sold, exchanged, bartered or delivered directly nor indirectly to
 “ any person or persons other than Indians or such as are subjects
 “ of and started residents of the dominions or possessions of the
 “ British Crown.”

Secondly ~ “that no part of the said goods wares & merchandize
 “ shall be arrived at any port or place twenty four hours without notice
 “ thereof and the production of the pass or permit to the officer commanding
 “ the same, and to the superintendant of Inland Navigation if any
 “ there be, and shall not leave the said post or place nor pass within
 “ six miles therefrom without the like notice & production of the said
 “ permit.”

thirdly

Thirdly ~ “that the returns for the goods wares & merchandize
 “ and every part thereof so carried out of what nature the same
 “ may be shall not be transported out of His Majesty’s protection
 “ and Dominions, but be brought to the town of Montreal, Three
 “ Rivers, or Quebec, except as to such part thereof as may be consum’d
 “ or lost or sold or delivered, and that only to such as are then steted
 “ residents of His Majesty’s Dominions and subjects of the British
 “ Crown.”

Fourthly ~ “that neither the Chief Conductor nor any of
 “ his assistants in such trading adventure, with his privity and
 “ approbation or connivance shall hold any manner of Council or
 “ public talk with any Indians or others not subjects of the British
 “ Crown relating to any national or general concern, and confine all
 “ their Conferences & Dealings to sales, Bartery & exchange, merely
 “ of a private & commercial nature.”

“Provided always that nothing in this clause or act contain’d
 “ shall prevent the Governor or Commander in Chief for the time
 “ being to extend, and enlarge the trade & Commerce of the province
 “ by relinquishing or relaxing any of the aforesaid conditions or
 “ restrictions or any part thereof declaring the same by Proclamation
 “ under the Great Seal.”

The question being put thereon carried unanimously in the
 affirmative

VIIth M.^r Finlay then moved the following additional clause,
 “And Whereas it may happen to be expedient from the temper
 “ of the Indians, the state of the frontieres & the conditions of public ____
 “ affairs, to restrain the ordinary intercourse with the Indians, and
 “ for that purpose to give orders relative even to the supplies already
 “ on the way,”

“Be it therefore also enacted by the same authority, that it
 “ shall at all times be lawful to the Commanding Officer of any ____
 “ post or place, to stop and detain all such articles on their way
 “ into the inland country, as he shall be authorized to detain by
 “ any general instructions relating to the inland commerce, issued
 “ by the Governor or Commander in chief for the time being, under
 “ His Hand & Seal at arms, in which case he shall certify such ____
 “ detention, specifying the Articles, under his Hand, & deliver
 “ the

“ the Certificate of the same to the Chief Conductor of the adventure, and
 “ transmit a duplicate thereof without delay to the Governor or Commander
 “ in chief for the time being, and afterwards dispose of the same as the
 “ Governor or Commander in chief for the time being by writing, in like
 “ manner shall direct and Command. Provided always that nothing
 “ in this article be construed to deprive the owner of the effects so
 “ stoped and detained temporarily of his Right & property therein, but
 “ the same and every part thereof, shall be delivered back to him
 “ or the value thereof as soon as public ~ exigency will permit &
 “ allow.”

Ex.^d

And the Question being put thereon Carried unanimously
 in the Affirmative.

John

VIII.th

Then Sir ^ Johnston moved the following additional clause.

“And for as much as the necessary Intercourse of the inhabi=
 “ =tants of this province and the settlement of the new districts will
 “ require the transportation of Goods & Effects not intended for the ____
 “ Indians Commerce,”

Be it therefore enacted by the same authority that
 “ nothing in this or any other act or ordinance contained shall
 “ be construed to prevent the free transportation of such goods
 “ wares & merchandize though not authorized by such pass or permit
 “ as aforementioned, if the same shall not consist of any of the
 “ enumerated articles aforementioned, or when consisting of such ____
 “ articles if the person claiming or having the Custody & carriage of
 “ the same shall make oath that he is a stated inhabitant of this
 “ province, naming the place where, and that he hath taken the
 “ usual Oath of Allegiance to His Majesty, and that the articles
 “ he is transporting are not intended to his knowledge or belief for
 “ any Commerce with the indians, but that they are intended for
 “ use and Consumption among his Majesty’s subjects, and ____
 “ that they shall not be carried beyond any port of military
 “ post without giving information to the Commanding Officer—
 JW “ and to the superintendant of ^ the inland navigation there, of
 “ every such articles, that such person as may be authorized
 “ for that purpose may if he shall suspect fraud in the intent of
 “ any further transportation of the said goods, cause the like
 “ oath to be exacted. And no detention nor any such oath shall
 be

“ be exacted on any pretext or suspicion but where the articles in
 “ transportation if wet Goods shall exceed the quantity of two __
 “ hundred & fifty Gallons and if Dry Goods, the quantity of one
 “ Ton weight or measurement unless the same consist of arms __
 “ Gunpowder & other implements of War.”

The Question being put thereon carried unanimously in
 the Affirmative.

Sir John Johnston then moved the following additi=
 =onal Clause,

IXth “And be it further enacted by the same authority, that
 “ no person shall have authority to stop such transportation
 “ but such as shall be thereunto authorized by name or general
 “ discription by the Governor or Commander in Chief for the
 “ time under his hand and seal at arms every of whom shall
 “ also have authority to administer such oath and in the case
 “ of every detention of goods the Governor or Commander in
 “ Chief shall be informed thereof, and the like course shall
 “ be taken respecting the same as herein before directed as to the
 “ detention of Goods at any post or place in the Western Country.

The Question being put thereon, carried unanimously in
 the Affirmative.

Sir John Johnston then moved the following additional
 clause,

Xth “And in Order to prevent the accidents that happen
 “ to Canoes, the property therein, and the Navigators thereof—
 “ in the dangerous passage down the rapids of the Outawais
 “ or Great River “between the lower carrying place of the Chaudiere
 ““ and the Allumets by reason of persons selling spirituous liquors
 ““ to the Canoe men, thereby intoxicating them, and rendering them
 ““ incapable to conduct & manage the Canoes in the said rapids
 ““ to the great injury of the trade” and the risque of the lives
 “ of the Navigators. Be it enacted by the authority aforesaid
 “ that every person who shall be convicted before any one or
 “ more justices of the peace, upon the oath of the informer &
 “ one more credible witness of having sold or given any spiri=
 “ =tuous liquors to any Canoe man in his passage down the
 “ Outawais or Great River between the lower carrying place of

the

“ of the Chaudiere and the place called the allumets, shall forfeit
 “ and pay the sum of twenty pounds, and lose the benefit of his
 “ licence, if any he has for selling spirituous liquors, which ____
 “ penalty may be sued & recovered summarily before one or more
 “ justices of the peace, and applied as aforesaid.”

The Question being put thereon carried unanimously in the affirmative

Sir John Johnston then moved the following additional clause.

XIth “ “And whereas it is made penal to settle in the indian villages
 “ without licence by the 3.rd Clause of the said act passed in the 17th—
 “ year of His Majesty’s Reign”

“Be it further enacted by the same authority that nothing
 “ in the said Clause shall be deemed to affect such as are lawfully ~
 “ employed in the inland Commerce or such as resort to this province with
 “ the intention bonâ fide of settling the waste lands of the Crown, and who
 “ are in the Course to conform to the regulations by the Government for
 “ that purpose made and established. But to such as shall arrive
 “ at any Port Post or Place where any Magistrate may reside and
 “ shall not within twenty four Hours thereafter take the Oath of——
 “ allegiance to the British Crown; in which case the Defaulters ____
 “ shall incur the Penalty of Ten Pounds, and may be committed and
 “ proceeded against as persons concerned in illicit Trade.”

“Provided always nevertheless that it shall be lawful to all
 “ persons to pass & repass any part of this province with a permission
 “ under the signature of such person as shall be authorized to grant
 “ the same by any instrument to be issued by the Governor or Commander
 “ in Chief for the time being under His Hand and seal at Arms, such
 “ person conforming to the Conditions Regulations and terms in His
 “ permission prescribed or expressed.”

The Question being put thereon, carried unanimously in the Affirmative

XIIth “ Sir John Johnston then moved the following additional clause,
 “ “And be it enacted by the same authority that it shall and may be
 “ lawful for the person or persons authorized as aforesaid to grant licence
 “ or pass and take Bond for trading Adventures as aforesaid to demand &
 “ take a fee not exceeding five shillings for the entry of the Cargo, pass,
 “ Bond and Clearance of every Boat Battoe or Canoe expressed in such
 “ pass or permit & no more. And for the entry and Oath required by the
 “ eighth clause or Section of this law or Ordinance, one shilling & six pence
 “ may

“ may be taken & no more by the person authorized to administer the
 “ same, and for the entry, search & clearance of every boat, battoe, or
 “ Canoe on the purposes of trade or carrying Goods, Wares, Furs or Merchan=
 “ dize to or from any port, post or place in the inland Navigation to
 “ the westward of La Chine, the superintendent or person authorized
 “ to enter and clear the same, may demand and take for every open
 “ Boat, Battoe, or Canoe under the burthen of ten tons, the sum of
 “ one shilling & six pence & no more.”

The Question being put thereon carried unanimously in the affirmative.

Sir John Johnston then moved the following additi=
 =onal Clause,

XIIIth “ “And be it further enacted by the same authority, that entry
 “ and report shall be made and Clearance or permit to pass or depart
 “ taken out at every post or military post and place in the Western __
 “ Country from the Commanding officer or superintendent of Navi=
 “ =gation or person or persons authorized to grant the same at such
 “ port or post, and all & every person neglecting to make such entry &
 “ report on arrival or neglecting to take such pass, permit, or clearance
 “ before departure from any of the ports, posts, or places aforesaid __
 “ shall incur a penalty of fifty pounds, to be sued recovered & applied
 “ as other forfeitures and penalties under this act.”

The Question being put thereon Carried unanimously in the affirmative.

The Chairman then read the preamble in the following words,

“Whereas it is expedient to the prosperity of the Commerce
 “ which it was the intention of the said Ordinances to encourage,
 “ that it be unclogged with any impediments / not necessary for
 “ the security of His Majesty’s inland territories.”

Sir John Johnston then moved, that the words”
 “ not necessary for the security of His Majesty’s inland territories”
 be struck out, and that the word “unnecessary” be inserted between
 the the word “any” and the word “impediments”. Carried unanimously
 that Sir John Johnston’s amendment to the preamble be adopted.

The Chairman then read the title in the following words,

“An Act to explain and add to the Act intituled “An
 “Act

“ An Act or Ordinance for promoting the inland navigation””

Sir John Johnston then moved, that the words “add to”
be struck out, & the word “amend” inserted in their place

Carried unanimously in the affirmative.

Saturday 11.th April

Pres.^t W.^M Grant in the Chair

Hon[#]ble Chief Justice Smith

Mess. ^{rs} Finlay	Caldwell
Dunn	S. ^t Ours
Harrison	Baby
Collins	De Longueüil
De Lery	De Boucherville
Bellestre	Le C. ^{te} Dupré
Fraser	Sir John Johnston Bar. ^t
Pownall	De La Naudiere.
Mabane	

Progress reported and leave prayed by the Chairman to sit on
Monday next at 10 o’Clock.

Monday 13.th April

Pres.^t W.^M Grant

Hon[#]ble Chief Justice Smith

Mess. ^{rs} Finlay	Caldwell
Dunn	De S. ^t Ours
Harrison	Baby
Collins	De Longueüil
De Lery	Sir John Johnston Bar. ^t
Pownall	De La Naudiere
Bellestre	De Boucherville
Judge Fraser	Le Comte Dupré

The Blanks being filled up with unanimous consent, and
the report read,

Ordered to be reported

/signed/ by order of the Committee

/signed/ William Grant, Chairman

Then the Question of concurrence was put, and carried in the
affirmative unanimously Ordered that the Bill be engrossed and
read, the third time, on Wednesday next.

Roads

The Council resolved themselves into a Committee of the
whole Council, to proceed further on the Bill, intituled, “An Act
“ or Ordinance respecting Roads and Bridges in the central districts
“ of Quebec & Montreal” And the Chief Justice left the Chair.

The Chief Justice resumed the Chair

Roads

M.^r Finlay from the Committee of the whole Council, on
the s.^d Bill, reported progress, and beg’d leave to sit again to-morrow
morning at 10 o’Clock Ordered accordingly

adjourned till to morrow at 10.

Ex.^d
W G.

Tuesday 14.th April 1789

Present

The Hon^{ble} William Smith Esquire Chief Justice

Hugh Finlay

Henry Caldwell

Tho.^s Dunn

William Grant

Edw.^d Harrison

P. R. De S.^t Ours

John Collins

Francis Baby

Adam Mabane

Jo.^s D Longueüil Esq.^{rs}

J. G. C. De Lery

Sir John Johnson Bar.^t

Picotté De Bellestre

René Am: De Boucherville

John Fraser

Le Comte Dupré Esq.^{rs}

Roads

On reading the Order of the day, for going into a Committee of the whole Council to proceed further upon the Bill “respecting roads & Bridges in the central districts of Quebec & Montreal” the Council resolved accordingly, and the Chief Justice left the Chair

The Chief Justice resumed the Chair

Present

The same members, with M.^r De La Naudiere & M.^r Pownall

Roads

M.^r Finlay from the Committee of the whole Council, upon the said Bill “respecting Roads & Bridges in the central districts of Quebec & Montreal”, reported progress, and beg’d have to sit again to-morrow at 10 o’Clock _ Ordered accordingly
adjourned till to morrow at 10.

Wednesday 15.th April 1789

Present

The Hon^{ble} William Smith Esquire Chief Justice

Hugh Finlay

Henry Caldwell

Tho.^s Dunn

William Grant

Edw.^d Harrison

P. R. De S.^t Ours

John Collins

Francis Baby

Adam Mabane

Jo.^s D Longueüil Esq.^{rs}

J. G. C. De Lery

Sir John Johnson Bar.^t

Geo: Pownall

Cha.^s De La Naudiere

Picotté De Bellestre

René Am: De Boucherville

John Fraser

Le Comte Dupré ~__Esq.^{rs}

Inland Navigation

Read in Both languages, for the third time the Bill “to explain and amend the Act intituled “An Act or Ordinance for promoting the inland Navigation”. whereupon M.^r Mabane moved in the following words “M.^r Mabane proposes by way of amendment, that the 11.th article of the Ordinance, which has been read a third time, should be left out.”

Rules

The Chairman for his Direction, in point of Order, puts

the

the Question “Whether any amendment shall be made to an engrossed
 “ Bill in the stage of the present Bill, of the Import of the present motion,
 “ and not by way of Ryder” The Question put thereon, and debates arose,
 “ whether the motion be received in the form in which it is made or not?”

And it was carried in the Affirmative by 14 ag.st 4

For the Affirmative

M.^r Dupré
 M.^r De Boucherville
 M.^r De Longueüil
 M.^r Baby
 M.^r De S.^t Ours
 Col: Caldwell
 M.^r Fraser
 M.^r De Bellestre
 M.^r Pownall
 M.^r De Lery
 M.^r Mabane
 M.^r Collins
 M.^r Harrison
 M.^r Dunn

For the Negative

M.^r De La Naudiere
 Sir John Johnson
 M.^r Grant
 M.^r Finlay

Then the Question was put on M.^r Mabane’s motion, for striking
 out the 11.th Article,

And it was carried in the Negative by eleven ag.st seven

For the Negative

M.^r De La Naudiere
 Sir John Johnson
 M.^r De S.^t Ours
 M.^r Grant
 Col: Caldwell
 M.^r Fraser
 M.^r Pownall
 M.^r Collins
 M.^r Harrison
 M.^r Dunn
 M.^r Finlay

For the Affirmative

M.^r Dupré
 M.^r De Boucherville
 M.^r De Longueüil
 M.^r Baby
 M.^r Bellestre
 M.^r De Lery
 M.^r Mabane

M.^r Mabane read his dissent in the words following

“M.^r Mabane desires that the reason for his Vote on the 11.th article

“ be entered on the Minutes by way of dissent in the following words:

JW “ “It Appears to me that the 3.rd article of the Ordinance of 1777 which
 “ prohibits persons [^]from settling on any indian village within the province
 “ without a licence in writing from the Governor, Lieu.^t Governor or
 “ Commander in Chief for the time being, should, instead of being repeal’d
 “ at a time, when so many Inhabitants from the American States resort
 “ to the Indian Villages or Countries, rather be strengthen’d and _____
 “ extended. Ordered

Inland Navigation

Ordered unanimously that the Bill pass
 Ordered that M.^r Finlay, M.^r Dunn, & M.^r Harrison wait
 upon His Excellency the Governor, with the ingrossed Bill intitled
 “ An Act or Ordinance to explain & amend the Act intitled, An Act
 “ or Ordinance for promoting the inland navigation”, and that
 they inform His Lordship that the Council have passed the same,
 and submit it to His Lordship’s assent, that it be enacted into
 a Law.

Adjourned till to-morrow at 10

Thursday 16.th April 1789

Present

The Honorable William Smith Esquire Chief Justice

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Jo. ^s De Longueuil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Geo: Pownall	Ch. ^s De La Naudiere
P. De Bellestre	René Am: De Boucherville
John Fraser	Le C. ^{te} Dupré Esquires

On account of the Business respecting the Ecclesiastics of
 S.^t Sulpicius taken up in privy Council. Ordered that the
 Legislative Council be adjourned till to-morrow at 10 o’Clock.

Friday 17.th April 1789

Present

The Hon[#]able William Smith Esquire Chief Justice

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
J. G. C. De Lery	Jo. ^h De Longueuil Esq. ^{rs}
Geo: Pownall	Sir John Johnson Bar. ^t
P.té De Bellestre	Charles De La Naudiere
John Fraser	René Am: De Boucherville
	Le C. ^{te} Dupré Esq. ^{rs}

Roads

The Council resolved themselves into a Committee of
 the whole Council to proceed further upon the Bill “respecting
 “ the Roads & Bridges in the central Districts of Quebec & Montreal”
 and the Chief Justice left the Chair.

The

Roads	The Chief Justice resumed the Chair The same members present, with M.^r Judge Mabane M.^r Finlay, from the Committee of the whole Council upon the said Bill “respecting the Roads & Bridges in the central _____ “ Districts of Quebec and Montreal “reported progress, and pray’d leave to sit again on Monday morning, Ordered accordingly adjourned till to-morrow at 10
Post=Houses	Saturday 18.th April 1789 Present The Hono^rble W.^m Smith Esquire Chief Justice Hugh Finlay Henry Caldwell Tho.^s Dunn William Grant Edw.^d Harrison P. R. De S.^t Ours John Collins Francis Baby Adam Mabane Jos.^h De Longueuil Esq.^{rs} J. G. C. De Lery Sir John Johnson Bar.^t Geo: Pownall Cha.^s De La Naudiere Pi.^{te} De Bellestre René Am: De Boucherville John Fraser Le C.^{te} Dupré Esquires M.^r Finlay moved for leave to bring in a Bill “to continue “ the Ordinance intituled, An Ordinance further to continue & to amend “ an Ordinance made on the ninth day of March in the 20.th Year “ of His Majesty’s reign, intituled, An Ordinance for regulating all _____ “ such persons as keep horses & carriages to let & hire for the accomo= “ =dation of travellers, commonly called & known by the name of “ Maitres de Poste.” Seconded by M.^r Mabane, Ordered accordingly.
Police ~	M.^r Finlay moved for leave to bring in a Bill, “further to “ continue an Ordinance, intituled, An Ordinance to empower the “ Commissioner of the peace to regulate the police of the towns of “ Quebec & Montreal, for a limited time” Seconded by M.^r Mabane Ordered accordingly.
Pilotage	M.^r Grant moved for leave to bring in a Bill “to amend “ the Ordinance for regulating the pilotage in the river S.^t Lawrence “ and for preventing abuses in the Port of Quebec” Seconded by M.^r Baby, The Bill according to leave, being brought in, was read for the first time ~ Ordered to be read the second time on Monday next.
Law	The Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill “to continue “ the Ordinances regulating the practice of the law, and to provide “more

“ more effectually for the dispensation of Justice, and especially
 “ in the New Districts.” And the Chief Justice left the Chair

The Chief Justice resumed the Chair

Law

M.^r Finlay from the Committee of the whole Council on
 the s.^d Bill “to continue the Ordinances regulating the practice of
 “ the law, and to provide more effectually for the dispensation
 “ of Justice, & especially in the New districts”, Reported Progress
 and prayed leave to sit again next Wednesday, Ordered accordingly.

Western Districts.

M.^r Mabane moved in the words following “M.^r Mabane
 “ moves with a View to procure information on a Subject of
 “ such importance as making laws & regulations for the Districts
 “ of Luneburg, Mecklenburg, Nassau, & Hesse, that the Surveyor
 “ General be directed to lay before the L: Council the Number of
 “ Inhabitants who have been settled on the waste lands of
 “ the Crown within those districts since the year 1783”, The
 Question put, debates arose, carried in the negative by 15 ags.^t 3

For the Affirmative

M.^r De Longueüil

M.^r De Lery

M.^r Mabane

For the Negative

M.^r Dupré

M.^r De Boucherville

M.^r De Lanaudiere

Sir John Johnson

M.^r Baby

M.^r De S.^t Ours

M.^r Grant

Col. Caldwell

M.^r Fraser

M.^r De Bellestre

M.^r Pownall

M.^r Collins

M.^r Harrison

M.^r Dunn

M.^r Finlay

Militia

The Council resolved themselves into a Committee of
 “ the whole house to proceed upon the Bill, intituled “An Act or
 “ Ordinance to explain & amend the Act, intituled, An Act or ____
 “ Ordinance for better regulating the militia of this province
 “ and rendering it of more general utility towards the preservation
 and security thereof” and y.^e Chief Justice left the Chair

The Chief Justice resumed the Chair

M.^r

Militia M.^r Baby from the Committee of the whole Council upon the s.^d Bill, for “explaining & amending the Act, intitled, An Act or Ordinance for better regulating the Militia of this province and rendering it of more general utility towards the preservation “ and security thereof”~ Reported progress ~ and begged leave to “ sit again next monday at 10 o’Clock Ordered accordingly ~
Adjourned till Monday at 10.
Monday 20th, April 1789

Present

The Hon^{ble} William Smith Esquire Chief Justice

Hugh Finlay

Henry Caldwell

Tho.^s Dunn

W.^m Grant

Edw.^d Harrison

P. R. De S.^t Ours

John Collins

Francis Baby

Adam Mabane

Jos.^h De Longueüil Esq.^{rs}

J. G. C. De Lery

Sir John Johnson Bar.^t

Geo: Pownall

Charles De La Naudiere

P. De Bellestre

René Am: De Boucherville

John Fraser

Le C.^{te} Dupré Esquires

Pilotage Read for the second time the Bill, intitled, “An Act or Ordinance to amend the Ordinance, intitled An Ordinance for regulating the pilotage in the “ River S.^t Lawrence and for preventing abuses in the port of Quebec” On “ the Question of Commitment, it passed in the Affirmative by 15 ags.^t 3.

For the Affirmative

For the Negative

M.^r Dupré

M.^r De Lery

M.^r De Boucherville

M.^r Mabane

M.^r De La Naudiere

M.^r Harrison

Sir John Johnson

M.^r De Longueüil

M.^r Baby

M.^r De S.^t Ours

M.^r Grant

M.^r Bellestre

M.^r Pownall

M.^r Collins

M.^r Dunn

M.^r Finlay

Ordered to be Committed to a Committee of the whole Council for to-morrow.

Roads The Order of the day for proceeding further in a Committee of the whole Council upon the bill “respecting the Roads & Bridges in the central Districts of Quebec & Montreal”, read, Resolved accordingly & the Chief Justice left y.^e “ Chair. _____ The Chief Justice resumed the Chair.

Roads M.^r Finlay from the Committee of the whole Council upon the s.^d Bill “respecting Roads & Bridges in the central Districts of Quebec & Montreal”~ reported progress & pray’d leave to sit again next Thursday. ~ Ordered _____ accordingly.

Adjourned till to-morrow at 10.

Tuesday 21.st April 1789

Present

The Honorable William Smith Esquire Chief Justice

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	W. ^m Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Ad: Mabane	Jos. ^h De Longueüil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Geo: Pownall	Cha. ^s De La Naudiere
P. ^{te} De Bellestre	René Am: De Boucherville
John Fraser	Le C. ^{te} Dupré Esq. ^{rs}

Militia The Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill “for explaining & amending the Act, intituled, An Act or Ordinance for better regulating the Militia of this province, and rendering it of more general utility towards the preservation & security thereof.” And the Chief Justice left the Chair

The Chief Justice resumed the Chair

Militia M.^r Baby from the Committee of the whole Council upon the s.^d Bill “for explaining & amending the Act, intituled, An Act or Ordinance for better regulating the Militia of this province, and rendering it of more general Utility towards the preservation & security thereof”, ____ reported progress & begged leave to sit again to morrow morning, Ordered accordingly.

Adjourned till to morrow at 10.

Wednesday 22.nd April 1789

Present

The Honble William Smith Esquire Chief Justice

Tho. ^s Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Jos. ^h De Longueüil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Geo: Pownall	Cha. ^s De La Naudiere
Pl. ^{te} De Bellestre	René Am: De Boucherville
John Fraser	Le C. ^{te} Dupré Esq. ^{rs}
Henry Caldwell	

Militia The order of the day being read, for proceeding further in a Committee of the whole Council upon the Bill, intituled, “An Act or Ordinance for better regulating the militia of this Province and _

“ and rendering it of more general utility towards the preservation and
 “ security thereof” The Council resolved accordingly, and the Chief Justice
 left the Chair.

The Chief Justice resumed the Chair

Militia M.^r Baby from the Committee of the whole Council upon the s.^d Bill
 intitled “An Act or Ordinance for better regulating the militia of this ~
 “ province, and rendering it of more general utility towards the preservation
 “ and security thereof”, Reported progress & beg’d leave to sit again to morrow
 Ordered accordingly.

Toll M.^r Pownall moved for leave to bring in a Bill, intituled, “An
 “ Act for securing more effectually the Toll of the Bridge over the
 “ river S.^t Charles near Quebec” Seconded by M.^r De La Naudiere, Ordered
 accordingly, The Bill being brought in, Ordered to be translated.

Adjourned till to-morrow at 11

Thursday 23.rd April 1789

Present

The Honourable William Smith Esquire, Chief Justice	
Hugh Finlay	William Grant
Thomas Dunn	P. R. De S. ^t Ours
Edw. ^d Harrison	Francis Baby
Adam Mabane	Joseph De Longueuil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson B. ^t
George Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am: De Boucherville
John Fraser	Le C. ^{te} Dupré____ Esq. ^{rs}
Henry Caldwell	

Toll Bill

“ The Bill intituled, “An Act for securing more effectually the
 “ Toll of the Bridge over the River S.^t Charles near Quebec” being
 read in both languages, Ordered to be read a second time to-morrow

Police

“ M.^r Finlay, according to leave, brought in a Bill, “to continue
 “ the Ordinance empowering the Commissioners of the peace to ____
 “ regulate the police of the Towns of Quebec and Montreal, for a
 “ limited time” ____ Being read in both languages _ Ordered to be
 read for the second time to_morrow.

Maîtres de Poste

“ M.^r Finlay, pursuant to leave, brought in a Bill, “to
 “ continue the Ordinance passed the thirtieth day of April in the
 “ twenty seventh year of his Majesty’s reign, for regulating the Maîtres
 “ de poste” ____ Being read in both languages _ Ordered to be read for
 the second time to_morrow.

M.^r

Post-Office

M.^r Finlay moved for leave to bring in a Bill, intituled,
 “ An Ordinance for securing and improving correspondence ____
 “ throughout the province, and to facilitate intercourse by post
 “ between the western districts and Montreal” Seconded by
 M.^r Grant ____ The Bill was offered ____ Ordered to be translated.

Seamen

M.^r Finlay moved for Leave to bring in a Bill ____
 intituled “An Act to discourage desertion, and for regulating
 “ seamen in the merchant-service” ____ Seconded by M.^r Dunn.
 The Bill was offered ____ Ordered to be translated.

Abandon

M.^r Dupré offered a petition from divers persons ____
 of the Town and Vicinity of Montreal, for a Law to disallow
 and forbid the Custom commonly called L’Abandon des ____
Animaux ; and moved that the same be read ____ Being
 read, Ordered to be translated, and laid on the table.

Law Bill

Pursuant to the Order of the Day, the Council
 resolved themselves into a Committee of the whole Council
 to proceed further upon the Bill, intituled “An Act or—
 “ Ordinance to continue the Ordinances regulating the ____
 “ practice of the Law, and to provide more effectually for
 “ the dispensation of Justice, and especially in the new ____
 “ Districts” And the Chief Justice left the Chair,

The Chief Justice resumed The Chair,

Law Bill

M.^r Finlay from the Committee of the whole Council
 upon the said Bill “to continue the Ordinances regulating
 “ the practice of the Law, and to provide more effectually for
 “ the dispensation of Justice, and especially in the new ____
 “ Districts” reported, that the Committee had gone through
 the Bill, and made several Amendments and Additions,
 which with the Bill and Report he delivered in at the
 table. ____ The Report was read in the words followings,

In Committee of the whole Council
 Council Chamber, Bishop’s palace
 March 24.th 1789

Present

M.^r Finlay in the Chair

The Chief Justice	Pownall	Longueuil
Messrs_ Dunn	Bellestre	Davison
Harrison	Caldwell	Sir John Johnson
Collins	Grant	La Naudiere
Mabane	S. ^t Ours	Boucherville
De Lery	Baby	Comte Dupré

On the Bill, intituled “An Act to continue the Ordinances
 regulating

“ regulating the practice of the Law, and to provide more effectually
 “ for the dispensation of Justice, and especially in the New Districts”

The Bill was read in both languages, then the Chairman
 proceeded to read it Clause by Clause.

Read the first clause in these words

1 “Be it enacted by His Excellency The Governor and the Legislative
 “ Council, and it is hereby enacted by the authority of the same
 “ that the Act entitled, An Ordinance to regulate the proceedings in
 “ the Courts of civil Judicature, and to establish Trials by Juries in
 “ actions of a Commercial nature, and personal wrongs to be
 “ compensated in damages, passed in the twenty fifth year of His
 “ Majesty’s reign, together with the Act continuing the same, with
 “ additional regulations, passed in the twenty seventh year of—
 “ His Majesty’s reign, be continued until the thirtieth day of—
 “ April which will be in the year of our Lord One thousand—
 “ seven hundred and ninety one, and no longer.

Debates arose, on a Motion made by M.^r Mabane in the
 following words.

“M.^r Mabane proposes that the first clause of the intended __
 “ Ordinance should be amended as follows

“Be it enacted and ordained by His Excellency the Governor,
 “ and the Legislative Council, and [^]by the authority of the same it is hereby
 “ enacted and ordained that an Ordinance made and passed the __
 “ twenty fifth of April in the twenty fifth year of His Majesty’s reign
 “ intituled, An Ordinance to regulate the proceedings in the Courts of—
 “ civil Judicature, and to establish trials by Juries in actions of a
 “ commercial nature, and personal wrongs to be compensated
 “ in damages, and every clause and article therein contained,
 “ be continued, and the same is hereby continued from the
 “ expiration thereof to the End of the Sessions of the Legislative
 “ Council which will be held in the Year of our Lord one thousand
 “ Seven hundred and ninety one, and no longer; provided __
 “ nevertheless that in all causes of which the Common Pleas __
 “ have cognizance above ten pounds sterling, the same shall be
 “ proceeded in, heard, and determined only in regular terms ____
 “ consisting of the first fifteen days / Sundays and Holidays
 “ excepted / in the months of January and July, and the last
 “ fifteen Days of March and September yearly, the first ____
 “ return days whereof shall always be the first day of the
 “ term, and the rest of the return days and the general rules
 “ of practice such as the respective Judges of the Common Pleas
 “ shall fix in a formulary”

The Question being put, whether M.^r Mabane’s motion
 sho.^d pass,

 Davison
 De Longueuil
 Baby
 S.^t Ours
 Grant
 Caldwell
 Bellestre
 Pownall
 De Lery
 Collins
 Harrison
 Chief Justice

Against the motion
 Messieurs Dupré
 Boucherville
 De La Naudiere
 Sir J. Johnson #

For the Motion
 Messrs_ Mabane
 Dunn

The

The Question was put, Do the Committee concur with the special Committee, on the first clause of the Bill?

Affirmative	Negative
Messrs _ Dupré	Messrs_ Dunn
Boucherville	Mabane
De La Naudiere	Davison
Sir John Johnson	
De Longueüil	
Baby	
S. ^t Ours	
Grant	
Caldwell	
Bellestre	
Pownall	
De Lery	
Collins	
Harrison	
The Chief Justice.	

Carried in the Affirmative.

The second clause of the Bill was read in the words _
following

- II “And the better to adapt the general provision to the
“ present condition of the province, lately decided into the
“ five new Districts of Gaspé, Luneburg, Mecklenburg, Nassau
“ and Hesse,
“ Be it further enacted by the same authority that _
“ it shall be no exception or challenge to a Juror on any
“ Inquest or Trial in either of the said New Districts, that ___
“ He is not a Freeholder, if such Juror being otherwise ____
“ qualified, shall have been for one Year, the actual occupant
“ of one hundred acres of land, under the permission or—
“ authority of the Government, with in the District for which
“ he is summoned, and shall have had a Certificate thereof ____
“ signed by the Governor or Commander in Chief for the time
“ being, or under the signature of the Surveyor General, or
“ Deputy Surveyor General, or any Deputy of them or either
“ of them.

The Committee gave their Voices for the second clause
unanimously in the Affirmative.

- III The third Clause was then read in these words
“And be it also enacted by the same authority, that _
“ until the Bench of the Court of Common Pleas for the
“ District of Hesse, shall have three Judges duly appointed
“ to officiate thereon, all the powers and authorities of the
“ whole number shall be vested in such person as shall
“ have a Commission to be the first Judge thereof; any
“ other Law, Act or Ordinance to the contrary notwithstanding.
Debates

Debates arose on the Question being put, Shall the Clause stand? and being put to the Vote, the Voices stood,

For the III. ^d Clause	Against the III. ^d Clause
Messieurs _ Dupré	Messieurs _ Boucherville
De La Naudiere	De Longueüil
Sir John Johnson	Bellestre
Davison	De Lery
Baby	Mabane
S. ^t Ours	Dunn
Grant	
Caldwell	
Pownall	
Collins	
Harrison	
The Chief Justice	
carried in the Affirmative	

The IV clause was read in the words following.

- IV “And on account of the remoteness of the said New Districts
 “ and for the security of the Subject, and to prevent long
 “ Imprisonments, and to lessen the public charges in criminal
 “ prosecutions, Be it further enacted by the same authority
 “ that on all trials to be had in either of the new Districts
 “ before Commissioners of Oyer and Terminer or General Goal
 “ Delivery, when the Chief Justice of the Province may happen
 “ not to be One, the execution of the sentence or Judgment of
 “ the Court shall be suspended until the pleasure of the Governor
 “ or Commander in Chief for the time being, shall be signified
 “ thereon, by warrant under his hand and seal at Arms.”

The fourth clause was agreed to without a dissenting voice.

The fifth clause was next read, as follows,

- V “And to the End that the Government may have full ____
 “ information of the proceedings of the said Courts of Criminal
 “ Jurisdiction Be it also enacted by the same authority, ____
 “ that it shall be the duty of the said Courts, with all ____
 “ convenient speed, to transmit to the Governor for the ____
 “ time being, not only copies of the Indictment, Information,
 “ or Charge, and of the Plea, and other proceedings in every
 “ cause before them had, but of the written and parole
 “ testimony read and given to the Jury, and the Scope and
 “ Substance of the points rules in Evidence, and of their
 “ Charge to the Jury, and copy of the Verdict, and of every
 “ material transaction in the Cause, together with such
 “ observations as they may think proper to make on
 every

“ every such cause and trial, and the whole under the ____
 “ Signatures of the Majority of the Judges before whom ____
 “ every such trial was had. Provided always, and be
 “ it nevertheless enacted by the same authority, that
 “ it shall not be necessary to make such report of the
 “ proceedings, nor to stay the execution of the sentence
 “ or Judgment in any case where it shall not extend
 “ to Life or Limb, nor to any greater fine than the ____
 “ Sum of Twenty five pounds sterling money of Great
 “ Britain.

“And wherever so great a Sum shall be adjudged
 “ for a fine, forfeiture or penalty in any court of—
 “ Sessions of the peace, to be held in either of the said New
 “ Districts, execution shall in like manner, be stayed,
 “ until such information is given to the Government
 “ by the Major part of the Justices before whom the
 “ Trial was had, or Judgment given, as is above directed ____
 “ to be given, by the Courts of Oyer and Terminer and ____
 “ General Goal delivery, except that it shall not be ____
 “ necessary in such Courts of Sessions to reduce to writing all
 “ the testimony that may be given to the Jury on Trials ____
 “ before them had, but that instead thereof, it shall suffice
 “ to report only the main scope and substance thereof, and
 “ that the execution in every case to the amount aforesaid
 “ given by either of the Courts of Sessions of the peace of—
 “ the said New Districts, shall also await the Signification
 “ of the Pleasure of the Governor or Commander in Chief—
 “ in the manner aforementioned.

After the reading of the fifth clause, the Question
was put, Whether it should stand?

Debates thereon arose, and the question being
put, the voices stood for the Affirmative, seventeen,
M.^r Davison being alone in the Negative.

Then the sixth clause was read in these words,

VI “And be it also enacted by the same authority that until
 “ the new Districts aforesaid, shall be furnished with safe
 “ Goals and Prisons, and as often as the Majority of the ____
 “ Commissioners of such Courts of Oyer and Terminer and ____
 “ General Goal Delivery sitting therein shall conceive it to be
 “ unsafe to continue within their District any Prisoner
 “ convicted before them of a capital offence, they may
 take

“ take course for conveying him to such other of His Majesty’s ___
 “ Prisons as they may designate for his being safely kept to abide
 “ the Judgment of the Law; and the Sheriff and Goaler, Bailiffs ___
 “ and Officers to whom any such Traitor or Felon shall have been
 “ delivered shall be respectively answerable for the prisoner, and
 “ upon his escape shall severally be subject to all such punish=
 “ =ments, pains, penalties and forfeitures as they would respec=
 “ =tively have incurred, had such prisoner received such Judgment
 “ upon a conviction for the like offence committed within the
 “ Bailiwick for which they serve.

The Question was put, whether the sixth clause should stand?

Voted unanimously in the Affirmative

VII The seventh clause was next read, in the following words,
 “And whereas the want of a Notary duly authorized to ___
 “ perform the functions of that Employment in the Districts of Hesse
 “ since the death of Thomas Williams alledged to have been in that
 “ office, which death happened in the year one thousand seven
 “ hundred and eighty five; and the removal of the records or
 “ Register of the Contracts, Mortgages, conveyances and other—
 “ writings and Instruments touching property in the said
 “ Districts from the same to the Secretary’s office in Quebec, in
 “ the year one thousand seven hundred and eighty four by
 “ order of the then Governor, may give occasion to doubts and
 “ controversies detrimental to Individuals and injurious to
 “ the peace of the district : to prevent the same.

“Be it also enacted by the same authority that all
 “ such notarial acts, bonâ fide transacted by any person
 “ in the said District, in the character of a Notary, who was
 “ not duly appointed, and before the due appointment of—
 “ another Notary for the same Districts, shall not be invalid
 “ merely for want of authority vested in due form of Law
 “ in the person or persons that have so acted as Notary or—
 “ Notaries public in the said District, but that the same
 “ shall be deemed and adjudged to be as valid as if he or___
 “ they then had lawful authority to perform the functions
 “ of that office or employment. And the event and circum=
 “ =stances of the removal of the said records and Register
 “ to Quebec shall not be construed to destroy their authenticity
 “ and legal effect; savings nevertheless to all persons interested
 “ and concerned their other exceptions to the faith and authen=
 “ =tivity of the said Records and Register upon such proofs as

may

“ may be offered against them for any cause other than
 “ the bare change of the deposit and custody of them, in
 “ the manner aforementioned.

The seventh clause was unanimously rejected
 on the motion of the Chief Justice.

The eighth clause was read as follows / which
 now becomes the seventh /

VIII

“And whereas the detention of prisoners until
 “ the sitting of the Court of King’s bench, or the sitting
 “ of Commissioners of Oyer and Terminer and General
 “ Goal Delivery hath been very burthensome to the Public,
 “ and is likely to be encreased by the insufficiency of
 “ the Goals in the old Districts, and the total want of
 “ them in the new Districts; and it often happens that
 “ persons committed for simple larcenies are either
 “ acquitted, or only found guilty petty larceny,
 “Be it therefore enacted by the same authority,
 “ that simple larceny, where the Goods stolen shall not
 “ in value exceed twenty shillings sterling money of—
 “ great Britain, shall be deemed and adjudged only __
 “ petty larceny; and whenever any person shall stand
 “ committed to Goal for no higher offence than a breach
 “ of the peace or petty larceny, and shall not within __
 “ forty eight hours after his commitment find Bail
 “ sufficient in the opinion of any one Justice of the
 “ peace for his appearance at the next Sessions of the
 “ peace for the District where the offence is charged to be
 “ committed, it shall be lawful for any three Justices _
 “ of the peace (one of whom shall be of the Quorum) to
 “ meet and cause the offender to be convened before them
 “ at some public and convenient place, and then and
 “ there, or at such other time and place to which____
 “ they may adjourn, to hear the charge and defence with
 “ the evidence for and against the prisoner, and to _
 “ determine the same, and upon their conviction of the
 “ guilt of the prisoner to give Judgment against him _
 “ for such corporal punishment / not extending to life
 “ or limb / as they or the major part of them shall, in __
 “ their discretion, think adequate to the demerit of—
 “ his offence, and that after the execution thereof the
 “ Offender shall be discharged; but if He shall not have been

a

“ a stated Resident of the province for twelve months preceding
 “ his commitment, and shall in twenty days after his discharge
 “ be found within the same Districts, and shall willfully have
 “ remained in the same, it shall be lawful for any one ____
 “ Justice to commit Him to prison, and for three Justices to
 “ proceed against Him, in manner aforesaid, and to adjudge
 “ him to such further correction / not extending to Life or limb)
 “ as they in their discretion shall think proper, unless He
 “ shall find good and sufficient sureties, in the opinion of the
 “ Justices by whom he shall be tried, to recognize in such Sum
 “ as they shall appoint for his good behaviour for seven Years,
 “ on giving which he shall be set at liberty, and the Recog=
 “ =nizance be filed with the Clerk of the peace.

“And all Goalers, Constables and Peace officers when
 “ thereunto required shall be aiding and assisting to the Justices
 “ employed in the said Service, under the penalty of ten Shillings
 “ for every default, to be recovered before any one Justice of—
 “ the peace, in a summary way, by warrant of distress and
 “ sale of the Offender’s goods and chattels, returning the Overplus
 “ to the Owner, if any there be, after deducting the penalty _
 “ and the Costs, one half of which penalty shall belong to the
 “ person suing for the same, and the other to the Crown, and be
 “ forthwith paid by the Officer executing the said warrant, __
 “ into the hands of His Majesty’s Receiver General.

The Question being put, Whether the eighth clauses
 should stand, the voices stood

For the Affirmative	For the Negative
Messrs ____ Dupré	Messrs _ Davison
De La Naudiere	Mabane
Boucherville	Dunn
Sir John Johnson	
De Longueüil	
Baby	
S. ^t Ours	
Grant	
Caldwell	
Bellestre	
Pownall	
De Lery	
Collins	
Harrison	

The Chief Justice

Carried in the Affirmative.

The same members voted for filling up _ first blank
 in the eighth clause with the Words Twenty five, and the second
 blank with the word Ten.

The

The ninth clause was next read, in the following words,
 IX “And in as much as the annual collection of the Trade _
 “ will require yearly circuit courts to be held in the ____
 “ northern parts of the District of Hesse,
 “Be it also enacted by the same authority, that -
 “ it shall be lawful for the Governor or Commander in
 “ Chief, for the time being, by Proclamation to be issued
 “ under the Great Seal of this province, by and with the
 “ advice of His Majesty’s Council, to ascertain the terms
 “ of such Sessions, and the Cognizance of the causes then
 “ to be tried and adjudged, and the mode of proceeding
 “ therein, and whatever shall appear to be requisite for
 “ the effectual administration of civil Justice at such
 “ Circuit Courts, or the perfecting the business thereof in
 “ any other Court, of the said, or any other District; ____
 “ this Act, and any other Law, usage or custom to the
 “ contrary thereof notwithstanding.

The Question having been put, Whether the
 ninth clause should stand, it was voted in
 the Affirmative, by all the members except
M.^r Mabane.

The Bill having been gone through M.^r Grant
 moved that a clause be added in the following
 words,

“And be it further enacted by the same authority _
 “ that in civil actions to be instituted in the district of
 “ Hesse, it shall not be a ground of exception of any kind
 “ whatsoever to oust the Courts of the said District of—
 “ Jurisdiction that the cause of action arose out of the
 “ same, or that by reason of the Domicile of the Defendant
 “ it ought to be brought elsewhere, but that all the ____
 “ proceedings in causes there instituted, and the Judgment
 “ and execution thereon, shall be deemed and adjudged to
 “ have the like force, effect, and consequences in all respects
 “ whatsoever, as if the cause of action and ground of—
 “ defence had arisen, and all transactions relating to the
 “ same had happened within the said District of Hesse.

Debates arose on this motion, and being put to
 the vote, whether the proposed clause should make
 part of the Bill? the voices stood

For

For the clause
 Messrs Dupré
 De La Naudiere
 Sir John Johnson
 De Longueüil
 Baby
 De S.^t Ours
 Grant
 Caldwell
 Bellestre
 Pownall
 De Lery
 Collins
 Harrison
 Dunn

The Chief Justice

Carried in the Affirmative.

M.^r Grant then moved that another clause be added to the Bill
 in these Words,

“And for as much as for want of a regular Magistracy, and
 “ an establishment for the convenient dispensation of Justice in the
 “ district of Hesse, attempts may be made to elude the payment of-
 “ just debts under pretext of the Laws of prescription or limitation,
 “ which presuppose a state of general tranquility, and the easy
 “ and free course of Justice,

“Be it also enacted by the same authority that every
 “ such plea or Defence under the Laws of prescription or limitation
 “ be adjudged to be nul and void in every cause to be instituted
 “ in the Courts of the said Districts of Hesse, except in actions and
 “ cases accruing posterior to the first day of January One thousand
 “ seven hundred and ninety. Provided always, and be it enacted
 “ that nothing herein contained shall be construed to revive
 “ a demand for cause of action arisen prior to the first day
 “ of January in the Year of our Lord one thousand seven hundred
 “ and eighty Six.

The Question, Shall this clause, by M.^r Grant’s second motion_
 proposed, stand and make part of the Bill, was put,
 Debates arose, and being put to the vote, the voices
 stood

For the Affirmative
 Messieurs Dupré
 Boucherville
 De La Nauaudiere
 Sir John Johnson
 Davison
 De Longueüil
 Baby
 S.^t Ours
 Grant
 Caldwell
 Bellestre
 Pownall
 Collins
 Harrison

The Chief Justice

Against the Clause
 Messrs __ Boucherville
 Davison
 Mabane

For the Negative
 Messieurs De Lery
 Mabane
 Dunn

carried

carried in the Affirmative

The Question shall the first blank in the clause
be filled up with the word January for the month
and Ninety for the Year, being put, the Voices stood

For the question	Against the Question
The same Members who	The same members who
voted for the Clause	voted against the Clause

The Question was then put on the second blank
in the Clause

Shall the blank be filled up with the word
January for the month, and with the words ____
Eighty Six for the Year? And being put to the
vote the voices stood

In the Affirmative	In the Negative
Messrs __ Dupré	Messrs Davison
Boucherville	Caldwell
De La Naudiere	De Lery
Sir John Johnson	Mabane
De Longueuil	Collins
Baby	
S. ^t Ours	
Grant	
Bellestre	
Pownall	
Harrison	
Dunn	

The Chief Justice

carried in the Affirmative

M.^r Grant proposed a third additional clause in ____
the following words,

“And whereas the western Districts of Luneburg, Mecklenburg,
“ Nassau and Hesse are, and probably will be chiefly inhabited
“ by persons born within the ancient dominions of the Crown
“ of Great Britain,

“Be it further enacted by the same authority, that in
“ civil causes hereafter to be tried, or adjudged and determind _
“ in either of the said New Districts, where the Title to the
“ Freehold shall not come into question, no proof offered in
“ such cause shall be deemed to be inadmissible that would
“ be sufficient to sustain the point for which the same is _
“ offered, either by the ancient or present Laws of the province
“ or by the Laws of England.

The Question being put “Whether the Clause should
be adopted, and make part of the Bill; Debates arose
The Chief Justice moved that the Chairman report Progress
and pray leave to sit again next Thursday.
carried unanimously.

Thursday

Thursday 26.th March
The Committee met according to adjournment
Present

M.^r Finlay in The Chair

The Chief Justice	S. ^t Ours
Messieurs _ Harrison	Baby
Collins	De Longueüil
De Lery	Davison
Pownall	Sir John Johnson
Bellestre	La Naudiere
Caldwell	Boucherville
Grant	Conte Dupré

M.^r Davison moved in these words

“That the consideration of the Bill for regulating the practice of
“ the Law should be deferred to a future day, on account of the absence
“ of the Judges of the Court of Common Pleas, which I suppose to be
“ occasioned by their necessary duty on the Bench of the said Court.

After Debates on this motion M.^r Davison desired leave
to withdraw his motion, which was granted accordingly.

Then M.^r Grant moved in the following words

“That the consideration of the third or last motion made by Me
“ on the 24.th instant be further delayed to Wednesday next: its ____
“ importance to the welfare, prosperity and happiness of His ____
“ Majesty’s Subjects in this Colony being such as demands the most
“ mature and deliberate reflexion of every member of His ____
“ Majesty’s Council, as a Legislator, and as an Inhabitant thereof;
“ and that the Chairman report progress, and desire leave to sit
“ again on that day.

Agreed to by all the Members present, The Chief Justice
excepted, who moved,

“That instead of the day named in M.^r Grant’s motion, the
“ further consideration of the motion be postponed until ____
“ Thursday the 16.th of April.
carried unanimously ____ adjourned accordingly.

Thursday the 16.th April

The Council’s time was taken up, in Committee, on a
Reference from His Excellency Lord Dorchester, of a
Petition from the Ecclesiastics of the Seminary of Montreal,

Saturday 18.th April

The Committee resumed the consideration of M.^r Grant’s
third motion.

Present

M.^r Finlay in the Chair

The Chief Justice	Grant
M. ^r _ Dunn	Caldwell
Harrison	Baby
Collins	S. ^t Ours
Mabane	Dupré
Bellestre	De Longueüil
De Lery	Sir John Johnson
Fraser	De La Naudiere, and
Pownall	Boucherville

The

The motion was read in English and in French

The Question was then put ___ Shall the motion
pass and the matter therein proposed become a ___
clause of the Bill? _ Debates arose _ and being
put to the Vote, the voices stood,

For the clause proposed
Twelve Voices
carried in the Affirmative

Against the Clause proposed
Six

The Chief Justice then moved that the following Clause
be added to the Bill.

“Where moveables shall be taken in Execution by
“ the Sheriff of the district of Hesse, Luneburg, Mecklenburg,
“ or Nassau, he shall cause such seizure to be published _
“ at the Church door of the parish, immediately after divine
“ service, on the first Sunday succeeding such Seizure, or
“ if there be no Church in the Township or Parish, then such
“ seizure shall be notified by publication or advertisement
“ in writing affixed to the Door of the Court-house of the
“ District, and also at the nearest Grist-mill, as soon as ___
“ may be after such seizure, and the said Notification shall
“ design the day and place, where and when he means to _
“ proceed to the sale thereof, not protracting such sale _
“ Beyond fourteen days from the date of such publication.
“ And when Lands and Tenements shall be taken in Execution
“ by the Sheriff of either of the said Districts, He shall advertise
“ the Sale by three several publications in writing to be
“ fixed at the door of the Court- house of the District, and in
“ some ostensible place in the office of the Clerk of the Court-,
“ whence the execution issued, and at the nearest Grist-mill;
“ Such notice to be renewed the first monday of three
“ successive months preceding the Sale, which shall not
“ take place in less than four months after the date of
“ the first publication.

This Clause was adopted without one dissenting
voice.

M.^r Dunn then moved that the Clause following be _
added to the Bill.

“Be it further enacted by the same authority, that in
“ all actions of a commercial nature to be instituted in any
“ of the Districts in this province, it shall not be a legal ___
“ exception that the cause of action arose out of such District,
“ or that by reason of the Domicile of the Defendant it ought
“ to be brought elsewhere, but that all the proceedings in
“ such actions, and the Judgments and Executions thereon
shall

“ shall be deemed and adjudged to have the like force and effect in every
 “ respect, as if the cause of action and ground of defence had arisen,
 “ and all transactions relating thereto had happened in the District
 “ where the Action is instituted; any Law, Usage or Custom to the
 “ contrary notwithstanding.

The Question being put, it passed unanimously in the affirmative.

Colonel Caldwell moved in the words following

“That the word personal, be inserted between the words all
 “ and actions in the second line, and that the words “of a _____
 “ commercial nature” in the second and third Lines be struck out”;
 And the question being put, the Voices stood Seventeen for the Amendment, and but one against it.

carried in the affirmative.

M.^r Dunn then moved, that a clause be added in these words,

“And be it enacted by the same authority that the course
 “ and Power given by the Act, intituled, “An Ordinance to regulate
 “ the proceedings in the courts of civil Judicature and to establish
 “ trials by Juries in actions of a commercial nature, and personal
 “ wrongs to be compensated in Damages “for perfecting the _____
 “ execution of a Judgment out of the District where the same
 ” was rendered, shall be pursued in every old or new District of—
 “ the province.

Which was agreed to without a dissenting voice.

And having gone through the whole Bill, the Chairman proceeded to read the Title, in these words,

“An Act to continue the Ordinances regulating the
 “practice of the Law, and to provide more effectually
 “for the dispensation of Justice, and especially in
 “the New Districts.

And the Question being put whether the Title sho.^d stand; it was agreed to unanimously in the Affirmative.

At a Meeting of the Committee on the Hesse Law Bill

23.rd April 1789

Present

M.^r Finlay in the Chair

The Chief Justice	Grant
Messieurs _ Dunn	S. ^t Ours
Harrison	Baby
Mabane	Longueüil
Pownall	Dupré
De Lery	Sir John Johnson
Bellestre	De La Naudiere
Fraser	Boucherville
Caldwell	

The

The Chief Justice moved the following Clause,
be the last clause of this Bill

“And that parties adjudged in the said New
“ Districts may not be deprived of their right and benefit
“ of Appeal.
“Be it further enacted, by the same authority,
“ that the giving security as heretofore used on the bringing
“ of a Writ of Appeal shall, as effectually suspend ____
“ Execution in causes of the said Districts, as in the old
“ Districts on the actual production of a Writ of Appeal,
“ such Appellant in all other respects conforming to the
“ Law of Appeals as it now stands, and suing out ____
“ with in twenty days after Judgment an office copy of
“ the proceedings in the cause adjudged, which to prevent
“ delays shall be as effectual before the appellate ____
“ Jurisdiction, as if transmitted according to the present
“ Law and Usages in appeals from the Common Pleas ____
“ Courts of the old Districts.

The question being put, the Clause was _____
adopted without one dissenting Voice

[illegible]

The Report being read, the question of concurrence was put, and it passed unanimously in the Affirmative
Ordered to be engrossed and read for the third time on Tuesday next.

Roads The Council resolved themselves into a Committee of the whole
Council to proceed further on the Bill “respecting Roads & Bridges in
“ the central Districts of Quebec & Montreal” And the Chief Justice left
the Chair.

The Chief Justice resumed the Chair

M.^r Finlay from the Committee of the whole Council upon the s.^d Bill “respecting roads and Bridges in the central Districts of Quebec and Montreal”, reported progress, & beg’d leave to sit again __ to=orrow. Ordered accordingly

Adjourned till to=orrow at 10

Friday 24th, April 1789

Present

The Honorable William Smith Esquire Chief Justice

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Joh. De Longueuil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Geo: Pownall	Cha. ^s De La Naudiere
Picotté De Bellestre	René Am: Boucherville
John Fraser	Le C. ^{te} Dupré Esquires

Toll Bill ~ “Read for y^{te} second time the Bill, intituled, “An Act for securing more effectually the Toll of the Bridge over the River S.^t Charles near Quebec,” Ordered to be Committed to a Committee of the whole Council for to-morrow.

Police ~ “Read for the second time the Bill, “to continue the Ordinance empowering the commissioners of the peace to regulate the police of the towns of Quebec and Montreal for a limited time”, Ordered to be Committed to a Committee of the whole Council for to-morrow.

Maîtres de Poste } “Read for the second time the Bill, “to continue the Ordinance passed the thirtieth day of April in the twenty seven year of His Majesty’s Reign for regulating the Maîtres de Poste”, Ordered to be engrossed & read a third time to-morrow.

Carioles “M.^r Dupré moved for leave to bring in a Bill, to repeal the Ordinance passed the last Session, intituled, “An Act or Ordinance to alter the present mode of Drawing Sleds and Carioles, in order to remedy the inconveniencies arising from Cahots or Banks of Snow formed on the winter Roads, and to amend the same”. Seconded by M.^r De Boucherville, Ordered accordingly.

Roads ____ Pursuant to the Order of the day the Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill “respecting Roads & Bridges in the central districts of Quebec & Montreal”, and the Chief Justice left the Chair.

The Chief Justice resumed the Chair.

Roads “M.^r Finlay from the Committee of the whole Council upon the said Bill, “respecting Roads & Bridges in the central districts of Quebec & Montreal”, Reported progress, and beg’d leave to sit to-morrow, Ordered accordingly.

Militia “The Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill, “for explaining & amending the Act intituled, “An Act or Ordinance for better regulating the Militia of this province and rendering it of more general utility towards the preservation & security thereof” And the Chief Justice left the Chair.

The Chief Justice resumed the Chair

M.^r Baby

Militia M.^r Baby from the Committee of the whole Council upon the s.^d Bill”, for explaining and amending the Act, intituled, An Act or Ordinance for better regulating the Militia of this province, and rende=
 “ =ring it of more general utility towards the preservation & security
 “ thereof”, reported progress, & beg’d leave to sit again to=morrow ____
 “ Ordered accordingly.

Attornies The Council resolved themselves into a Committee of the whole Council to proceed upon the Bill,” to amend an ordinance, intituled an Ordinance concerning Advocates, Attornies, Solicitors, & Notaries, and
 “ for the more easy collection of His Majesty’s revenues,” And the Chief
 “ Justice left the Chair.

The Chief Justice resumed the Chair.

Attornies M.^r Baby from the Committee of the whole Council upon y.^e s.^d Bill, “to amend an ordinance, intituled an Ordinance concerning Advocates, Attornies, Solicitors, & Notaries, and for the more easy
 “ collection of His Majesty’s revenues” reported progress & beg’d leave to
 “ sit again to=morrow. Ordered accordingly.

Adjourned till to morrow at 10

Saturday 25th April 1789

Present

The Hon ~ able William Smith Esq.^r Chief Justice

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Jos. ^h De Longueüil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Geo. Pownall	Cha. ^s De La Naudiere
Pté De Bellestre	René Am: De Boucherville
John Fraser	Le C. ^{te} Dupré, Esq. ^{rs}

Maîtres
de
Poste }

Read for the third time the Bill, “to continue the Ordinance passed the 30.th day of April in the 27.th Year of His Majesty’s reign
 “ for regulating the Maîtres de Poste”, Ordered unanimously that
 “ the Bill pass.

Ordered that M.^r Fraser, M.^r De S.^t Ours & M.^r De Boucherville wait upon His Excellency the Governor, with the ingrossed Bill, intituled
 “An

An Ordinance to continue the Ordinance passed the 30.th day of April in
 “ the 27.th year of His Majesty’s reign for regulating the Maitres de Poste”, and
 “ that they inform His Lordship that the Council have passed the same, and
 submit it to His Lordship’s assent, that it be enacted into a Law.

Winter Carriages M.^r Dupré, pursuant to leave, brought in the Bill “for repealing, in
 part the Ordinance concerning the winter carriages”, being read in both lan=
 “ =guages, Ordered to be read a second time next Monday.

Roads Pursuant to the Order of the day, the Council resolved themselves
 into a Committee of the whole Council to proceed further upon the Bill” _____
 respecting Roads & Bridges in the central Districts of Quebec & Montreal” and the
 “ Chief Justice left the Chair.

The Chief Justice resumed the Chair.

M.^r Finlay from the Committee of the whole Council upon the
 s.^d Bill “respecting roads & Bridges in the central Districts of Quebec and
 Montreal”, reported progress, & beg’d leave to sit again next Monday,
 “ Ordered accordingly.

Militia The Council resolved themselves into a Committee of the whole Council
 to proceed further upon the Bill “for amending the Militia Ordinance”
 and the Chief Justice quitted the Chair.

The Chief Justice resumed the Chair

M.^r Baby from the Committee of the whole Council upon the s.^d
 Bill “for amending the Militia Ordinance”, reported that the Committee had
 gone through the Bill, and made several amendments, which with the Bill
 and report He delivered in at the table, On the question of Concurrence it
 passed unanimously in the affirmative, Ordered to be engrossed, and
 read a third time on Monday next.

L’Abandon Col: Caldwell moved for leave to bring in a Bill “to restrain the trespassing
 of Horses, Horned Cattle, Sheep, & Dogs, at particular Seasons of the year, which
 is known by the name of the Abandon”, Seconded by M.^r De Longueuil, Ordered
 “ accordingly.

Faculty. The Council resolved themselves into a Committee of the whole Council
 to proceed upon the bill, “to amend the Act respecting the practice of Physic
 and Surgery &^{ca}”, And the Chief Justice left the Chair

The Chief Justice resumed the Chair.

Faculty. M.^r De Lery from the Committee of the whole Council upon the s.^d
 Bill “respecting the practice of Physic & Surgery &^{ca}”, reported progress &
 beg’d leave to sit again next monday. Ordered accordingly.

Adjourned till Monday at 9.

The Report was read in the following words

498A

At a Committee of the whole Council on the Bill intituled “An Act or Ordinance to explain and amend an ordinance for better regulating the Militia of this Province, and rendering it of more general utility towards the preservation and Security thereof.”

Saturday, 18.th April 1789.

Present

M^r Baby in the Chair,

The Honourable The Chief Justice

Mess. ^{rs} Finlay	De Lery	Caldwell	Sir John Johnson
Dunn	Pownall	Grant	De Lanaudiere
Harrison	Belestre	De S ^t Ours	De Boucherville
Collins	Fraser	De Longueüil	Le Comte Dupré

The Bill read both in English and French ____

The first clause read as follows:

Whereas an Experience of two Years has shewn the necessity of making some amendments and additions to an ordinance passed on the twenty third day of April, in the Year of our Lord one thousand Seven hundred and eighty Seven, and in the twenty seventh Year of His Majesty’s Reign, intituled “An Ordinance for better regulating the Militia of this Province, and rendering it of more general utility towards the preservation and Security thereof.” And whereas the same experience has proved, that the high fines fixed by the said Ordinance may reduce to indigence the family of a militia man of moderate circumstances.

Be it enacted by His Excellency the Governor and the Legislative Council, and it is hereby enacted by the authority aforesaid, that the Board of Field Officers appointed by he said Ordinance shall be authorized to lessen the fines or substitute imprisonment in stead thereof as from the circumstances of the Offence they may think fit; but that such Imprisonment is in no case to exceed the period of time limited by the said Ordinance.

The Question being put whether the first Article should Pass, debates arose, and the Question was put to the votes.

For the clause

Mess. ^{rs} Dupré	Belestre
Boucherville	De Lery
De Longueüil	Mabane
Fraser	Dunn

Against it

Mess. ^{rs} Lanaudiere	Caldwell
Sir John Johnson	Pownall
S. ^t Ours	Harrison
Grant	Finlay
	Chief Justice

Carried in the Negative

The Second Clause read as follows

“Be it also enacted by the authority aforesaid, that the Board of Field Officers, when the fine exceeds the sum of ten Shillings, shall consist always of the Colonel, Lieu.^t Colonel and Major, and in case of any of them being absent of the Officers next in Rank.”

The second clause passed Unanimously

The President reported the proceedings of the Committee, and requested that he might take the Chair on Monday following, at ten o’clock, which was ordered accordingly. ____

Wednesday, 22^d April 1789 —

The Committee assembled

Present

M.^r Baby in the Chair

The Honourable the Chief Justice

M. ^r Dunn	M. ^r De Lery	M. ^r Caldwell	Sir John Johnson
M. ^r Harrison	M. ^r Pownall	M. ^r Grant	M. ^r De Lanaudiere
M. ^r Collins	M. ^r De Belestre	M. ^r De S ^t Ours	M. ^r De Boucherville
M. ^r Mabane	M. ^r Fraser	M. ^r de Longueüil	Le C ^{te} Dupré ____

M.^r

M^r De Boucherville moves that the following clause follow the preamble:

“Be it enacted by His Excellency the Governor and the Legislative Council, and it is hereby enacted by the same authority, that the Board of Field Officers appointed by the said Ordinance shall be authorized to lessen such fines as they ~~may~~ shall think the circumstances of the Offence may require; and whereas it may happen that the Offender may not be possessed of any known property, the said Board, in such case, shall cause the said Offender to be imprisoned, if within forty eight hours from the date of the sentence he has not complied thereto; Provided always that such imprisonment does not exceed the period of Eight Days.

The Question was moved whether this clause should pass, and after debates, it was put to the votes.

For the clause		Against it	
Mess. ^{rs} Dupré	}	De Lanaudiere	Grant Collins
Boucherville		Sir John Johnson	Caldwell Harrison
De Lery		De Longueüil	Fraser
Mabane		De S ^t Ours	Belestre Dunn Pownall The Chief Justice

Carried in the Negative

M^r Caldwell then moved the following words to be substituted in the place of the motion rejected, and that they follow the preamble.

“Be it enacted by the same authority, that the Court of Field Officers shall, in case of a disobedience to the said Article of the said Ordinance, be authorized, it the person convicted of such disobedience shall not pay the fine of five pounds within forty eight hours after Sentence, to commit the same to prison, provided such imprisonment shall not exceed the term of one month.”

Carried in the Affirmative

For the Affirmative		For the negative
Mess. ^{rs} Dupré	De Lery	Sir John Johnson
De Boucherville	Mabane	De S ^t Ours
De Lanaudiere	Dunn	Grant
De Longueüil		Fraser
Caldwell		Collins
		Harrison
Belestre		Chief Justice
Pownall		

The third clause was read as follows

“And in order to explain in a clearer manner the times of review fixed by the said ____ Ordinance, as well as to anticipate the particular circumstances that may require them”

Be it therefore enacted by the said authority, that the Militia shall assemble, and be reviewed one day in every month from the first day of May to the thirtieth day of September, and at such other times as the Commander in Chief shall think necessary

The Question was moved and put to the votes __ after Debate

For the Affirmative		For the negative
Mess. ^{rs} Dupré	Fraser	Mess. ^{rs} Grant
De Boucherville	Belestre	Collins
De Lanaudiere	Pownall	Harrison
Sir John Johnson	De Lery	
De Longueüil	Mabane	
Caldwell	Dunn	
De S ^t Ours	Chief Justice	

Carried in the Affirmative

The fourth clause read as follows:

“Be it further enacted that whoever shall quarrel or insult by abusive words an Officer or Serjeant being in the Execution of His Office, shall suffer punishment according to the nature of such offence, by sentence of the Board of Field Officers, not exceeding however a fine of forty shillings and fifteen days imprisonment”

The Question being moved on the above clause, was after debate, put to the votes.

For the Affirmative				For the Negative	
Mess. ^{rs} Dupré	De Longueuil	Belestre	Collins	Mess. ^{rs} Grant	
De Boucherville	De S ^t Ours	Pownall	Dunn	Harrison	
De Lanaudiere	Caldwell	De Lery		Chief Justice	
Sir John Johnson	Fraser	Mabane			

Carried in the Affirmative

Colonel Caldwell moved the following words to follow the fourth clause —

“and whereas doubts might arise respecting the appointment of Officers or militia men to different Companies, or changing from one Company into another after their appointment.

“Be it enacted by the authority aforesaid that the Colonel, or Commanding Officer of battalions, as they are or hereafter may be embodied, shall have power to make such changes in the appointment of such men and Officers to the said several companies, as in their opinion and judgement. Service may require.”

On the question being moved, it was, after debates, put to the votes.

For the Affirmative		For the Negative	
Mess. ^{rs} Dupré	}	Mess. ^{rs} De Boucherville	~~Grant~~
Caldwell		De Lanaudiere	Belestre
Fraser		Sir John Johnson	De Lery
Mabane		De Longueuil	Pownall
Dunn		De S ^t Ours	Collins
		Grant	Harrison
			Chief Justice

Carried in the Negative

The fifth clause was read as follows:

“Be it further enacted by the authority aforesaid, that in every case of prosecution, the Board of Field Officers shall be “authorized to levy the fines and costs by an order under their hands and Seals for imprisoning or seizing and Selling the “personal property of the offender, directed either to the Sheriff or to the Serjeant of Militia, who are authorized and ordered to “execute the same; and that in any case whatever no appeal from the Judgement of the board of Field Officers or from any “prosecutions whatever shall be brought into any of His Majesty’s Courts of Justice, any law or custom to the contrary notwithstanding; but when the fine shall exceed five pounds, or when the imprisonment shall be for a longer time than eight “days, an appeal may be brought ~~against~~ before the Governor or Commander in Chief for the time being, who is hereby author “=ised to hear and finally determine for the confirmation or reversal of the Sentence or Judgement of the Board of Field Officers”

The Question being moved for the clause to pass, after debates it was put to the votes.

For the Affirmative		For the Negative	
Mess. ^{rs} Dupré	}	Mess. ^{rs} De Lanaudiere	Pownall
De Boucherville		Sir John Johnson	De Lery
De Longueuil		De S ^t Ours	Collins
		Grant	Harrison
Fraser		Caldwell	Dunn
Mabane		Belestre	Chief Justice.

Carried in the Negative

The Sixth clause was read as follows:

“Be it also enacted that the Serjeants of the Towns, Suburbs and precincts shall not be compelled to serve in the Offices of Jurors or Constables as long as they continue to be Serjeants.”

The Question being moved whether this clause should pass, it was put to the votes

For the Affirmative				For the Negative	
Mess. ^{rs} Dupré	De Longueuil	Belestre	Collins	Mess. ^{rs} Grant	
Boucherville	De S ^t Ours	Pownall	Dunn	Harrison	
De Lanaudiere	Caldwell	De Lery	Chief Justice		
Sir John Johnson	Fraser	Mabane			

Carried in the Affirmative

The seventh clause was read as follows:

“Be it also enacted by the same authority, that it shall be lawful for the Governor or Commander in Chief for the time being, “to make from time to time, and issue under his hand and Seal, such Regulations as he shall think necessary for the “better discipline of the militia: provided nevertheless that the Offenders against such regulations shall not be — “liable to a Higher fine than that of forty shillings, and to an imprisonment of more than eight days.”

The Question being moved whether this clause should Pass, it was put to the votes.

For the clause				Against it	
Mess. ^{rs} Dupré	De Longueuil	Fraser	Mabane	}	M ^r . Harrison
Boucherville	De S ^t Ours	De Belestre	Collins		
De Lanaudiere	Grant	Pownall	Dunn		
Sir John Johnson	Caldwell	De Lery	Chief Justice		

Carried in the Affirmative

JW

The

The President Reported that the proceedings of the Committee and asked for liberty to sit again tomorrow Thursday. _ Ordered accordingly
Adjourned to Thursday at eleven o'clock.

Thursday the 23.^d April 1789. __

On account of the business of Council the Committee adjourned to resume the consideration of the Bill on Friday the 24th.

Friday the 24th.

Present

The Hon.^{le} Chief Justice, Mess.^{rs} Finlay, Dunn, Harrison, Collins, Mabane, De Lery, Pownall Belestre, Fraser, Caldwell, Grant, De S^t Ours, De Longueuil, S.^r John Johnston, De Lanaudiere, De Boucherville and Dupré.

Read the Report in French, ordered to be translated, and that the Committee should proceed further on the report tomorrow adjourned to Saturday the 25th

Saturday 25th

present as before ____

The Chairman reads the preamble in the following words

"Whereas an experience of two Years hath shown the necessity of making some amendments and additions "to the Ordinance made and passed the twenty third day of April which was in the Year of our Lord one thousand "seven hundred and Eighty seven and in the Twenty Seventh Year of His Majesty' Reign intitled "An Ordinance "for the better regulating of the Militia of this Province and rendering it of more general utility towards the "preservation and Security thereof" And whereas the same experience hath Evinced that the High Fines "fixed by the said Ordinance may reduce to indigence the family of a militia man of moderate circumstances

Debates arose upon the Chairmans putting the Question whether it should

Stand

For the Affirmative

Mess. ^{rs} Dupré	Caldwell	Collins
De Boucherville	Fraser	Dunn
De Lanaudiere	Belestre	Finlay
S. ^r John Johnston	Pownall	&
De Longueuil	De Lery	
De S ^t Ours	Mabane	The Chief Justice

For the Negative

Grant
Harrison

Carried in the Affirmative

Then the tile was read in the followings words

"An Act or Ordinance to explain and amend an Act entitled "An act or Ordinance for better regulating the militia of this Province and rendering ~~these~~ it of more general utility towards the preservation and Security thereof

The Question being put it was carried in the Affirmative M^r Harrison only dissenting

par ordre du Comité

(signed)F. Baby président

Monday 27th April 1789

Present

The Honorable William Smith Esquire Chief Justice

Hugh Finlay

Henry Caldwell

Tho.^s Dunn

William Grant

Edw.^d HarrisonP.R. De S.^t Ours

John Collins

Francis Baby

Adam Mabane

Jos.^h De Longueuil, Esq.^{rs}

J. G. C. De Lery

Sir John Johnson, Bar^t

Geo: Pownall

Charles De La Naudiere

Pté De Bellestre

René Am: De Boucherville

John Fraser

Le C^{te} Dupré, Esq.^{rs}

Militia ~

Read for the third time, in both Languages the Bill for

explaining and amending the militia Ordinance, Whereupon M.^rDe Longueuil moved that after the word same in the first Article

the following words be inserted “That the field officers constituted

“ by the abovesaid Ordinance shall be authorised to diminish such

“ penalties and fines as by the circumstances of the offence they

“ shall think requisite. Provided always that it shall not

“ extend or be continued to extend beyond the first offence of the

“ first article, the first & second offence of the third article, the second

“ offence of the fourth article, and the first offence of the ninth

“ article, and” On the Question it passed in the Negative by 10 ags^t 8.

In the Affirmative

In the Negative

M.^r DupréM.^r De La NaudiereM.^r BouchervilleM.^r John JohnsonM.^r De LongueuilM.^r De S.^t OursM.^r BabyM.^r GrantM.^r CaldwellM.^r FraserM.^r BellestreM.^r PownallM.^r De LeryM.^r CollinsM.^r MabaneM.^r HarrisonM.^r DunnM.^r Finlay

“ “ M.^r Mabane moved in the following words, Viz.^t M.^r Mabane
 moves as an amendment that the I.st Article should be as follows,

“ “ Whereas an experience of two years hath shown the expediency
 “ of making some amendments and additions to the Ordinance passed
 “ the 23.nd day of April which was in the year of our Lord one thousand
 seven hundred & eighty seven and in the 27.th year of His Majesty’s

reign

“ reign entitled ““an Ordinance for the better regulating the Militia of this
 ““ province and rendering it of more general Utility towards the preservation
 ““ and security thereof.”” “Be it enacted by His Excellency the Governor &
 “ L. Council and it is hereby enacted by the authority of the same, that
 “ whenever any person shall be convicted of the first offence mentioned
 “ in the first article of the above recited Ordinance & shall not have p.^d
 “ the fine of five pound within 48 hours after such Conviction, it
 “ shall be lawful the for the field officers, who tried the offence, to commit
 “ the offender to prison provided such imprisonment shall not
 “ exceed the term of one Month. And that which now constitutes the
 “ preamble & first Article should be struck out.” On the Question it
 past in the Affirmative by 10 ags.^t 8

In the Affirmative

M.^r Dupré

M.^r Boucherville

M.^r De Longueüil

M.^r Baby

Col: Caldwell

M.^r Fraser

M.^r De Bellestre

M.^r De Lery

M.^r Mabane

M.^r Dunn

In the Negative

M.^r De La Naudiere

Sir John Johnson

M.^r De S.^t Ours

M.^r Grant

M.^r Pownall

M.^r Collins

M.^r Harrison

M.^r Finlay

M.^r Mabane moved further in the words followings, “M.^r Mabane
 “ moves the second Article should be amended as follows
 “ “Whereas inconveniences have arisen from the Court of Field
 “ Officers not being authorised to diminish the fines and penalties imposed
 “ by the subsequent articles of the said ordinance,
 “ “Be it enacted by the same authority that the said Courts of
 “ Field Officers shall have full power to reduce & diminish the s.^d
 “ penalties & fines according the circumstances of the case and
 “ their discretion. And be it further enacted by the same authority
 “ that when the fine shall exceed ten shillings, the Court of Field
 “ officers shall consist of the Colonel, Lieut. Colonel & Major & in case
 “ of the Absence of any of them, of the officers next in rank.

The Motion passed in the Affirmative by 11 ags.^t 6.

In the Affirmative

M.^r Dupré

M.^r Boucherville

Sir John Johnson

M.^r De Longueuil

M.^r Baby

Col. Caldwell

In the Negative

M.^r De La Naudiere

M.^r S.^t Ours

M.^r Grant

M.^r Collins

M.^r Harrison

M.^r Finlay

In the Affirmative

M.^r Fraser
 M.^r Bellestre
 M.^r De Lery
 M.^r Mabane
 M.^r Dunn

Col Caldwell moved that the second clause of the Bill as it passed the Committee be struck out, carried in the Affirmative by 13 ags.^t 3.

In the Affirmative

M.^r Dupré
 M.^r Boucherville
 M.^r De La Naudiere
 Sir John Johnson
 M.^r De Longueüil
 M.^r Baby
 Col: Caldwell
 M.^r Fraser
 M.^r De Bellestre
 M.^r De Lery
 M.^r Mabane
 M.^r Dunn
 M.^r Finlay

In the Negative

M.^r S.^t Ours
 M.^r Grant
 M.^r Harrison

M.^r Baby moved that the following clause be inserted at y^e end of the Bill

And be it also enacted by the same authority that in the regulations^{so} to be issued for the better discipline of the Militia either of the fines & penalties in the s.^d act mentioned may be lessened, as the Gov.^r or Commander in chief for the time being shall in his discretion be pleased to ordain in manner aforesaid and that in all levies of the same by warrant of distress or otherwise, the Costs & charges attending the levy, shall be also recoverable, provided always that such Costs do not altogether exceed the sum of five shillings with a mileage fee in addition thereto of one shilling for every league in the services, to be computed from the place of the receipt of the warrant, to the place of the execution thereof, and in that proportion for a smaller distance, On the Question, it passed in the Affirmative by 14 ags.^t 3.

In the Affirmative

M.^r Dupré
 M.^r Boucherville
 M.^r La Naudiere
 Sir John Johnson
 M.^r De Longueuil
 M.^r Baby
 M.^r Grant
 M.^r Fraser

In the Negative

M.^r S.^t Ours
 M.^r Collins
 M.^r Finlay

In the Affirmative

M.^r Bellestre
M.^r Pownall
M.^r De Lery
M.^r Mabane
M.^r Harrison
M.^r Dunn

On the Question for passing the Bill M.^r Harrison moved
in the following words.

M.^r Harrison moves, that as the Act or Ordinance to explain
and amend an act or ordinance for better regulating the Militia of this
province, & rendering it of more general utility towards the preservation
and security thereof, concerns the public, That the Question whether
this Bill pass, or not may be postponed till the next Session of y.^e
Legislative Council, And that it be printed in the interim.

Passed in the Negative by 11 ags.^t 7

For the Affirmative

Sir John Johnson
M.^r De S.^t Ours
M.^r Grant
M.^r Pownall
M.^r Collins
M.^r Harrison
M.^r Finlay

For the Negative

M.^r Dupré
M.^r Boucherville
M.^r De La Naudiere
M.^r De Longueüil
M.^r Baby
Col: Caldwell
M.^r Fraser
M.^r De Bellestre
M.^r De Lery
M.^r Mabane
M.^r Dunn

Ordered that the Question for passing the Bill be
postponed till to morrow.

Adjourned till to morrow at 10

Saturday 28.th April 1789

Present

The Hon ^{ble} William Smith Esquire Chief Justice	
Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Jos. ^h De Longueuil Esq. ^{rs}
J. G. C. De Lery	Sir John Johnson Bar. ^t
Geo: Pownall	Cha. ^s De La Naudiere
Pté De Bellestre	René Am: De Boucherville
John Fraser	Le C. ^{te} Dupré, Esquires.

Pursuant to the Order of the day, the Question for passing the Bill “for explaining and amending the Militia Ordinance,” was resumed, and carried in the affirmative by 13 ags.^t 5.

Militia

For the Affirmative	For the Negative
M. ^r Dupré	M. ^r Grant
M. ^r Boucherville	M. ^r Pownall
M. ^r De La Naudiere	M. ^r Collins
Sir John Johnson	M. ^r Harrison
M. ^r De Longueuil	M. ^r Finlay
M. ^r Baby	
M. ^r S. ^t Ours	
M. ^r Caldwell	
M. ^r Fraser	
M. ^r Bellestre	
M. ^r De Lery	
M. ^r Mabane	
M. ^r Dunn	

Ordered that M.^r Mabane, M.^r De La Naudiere & M.^r Dupré wait upon His Excellency the Governor with the engrossed Bill intituled An Act or Ordinance to explain and amend an Act, intituled, An Act or Ordinance for better regulating the militia of this province, and rendering
 “ it of more general utility towards the preservation & security thereof,”
 “ and that they inform His Lordship that the Council have passed y^e
 “ same, and submit it to His Lordship’s assent that it be enacted into a Law.

Law Bill

Read, pursuant to the Order of the day, for the third time y^e Bill, intituled “An Act to continue the Ordinance regulating the practice of the law & to provide more effectually for the dispensation of Justice and especially in the new districts” whereupon M.^r Grant
 “ moved that between the word, and and the word probably in the

pre=

=amble to the 11.th Section of this Bill, be inserted the words “ also y^e district of Gaspé ” On the Question it passed in the affirmative by 10 ags.^t 8.

“	For the Affirmative	For the Negative
	M. ^r De La Naudiere	M. ^r Dupré
	Sir J. Johnson	M. ^r Boucherville
	M. ^r Grant	M. ^r De Longueüil
	Col: Caldwell	M. ^r Baby
	M. ^r Fraser	M. ^r De S. ^t Ours
	M. ^r Pownall	M. ^r Bellestre
	M. ^r Collins	M. ^r De Lery
	M. ^r Harrison	M. ^r Mabane
	M. ^r Dunn	
	M. ^r Finlay	

M.^r Grant moved that after the word Nassau in the 12.th Section of this Bill, be inserted the Words “or Gaspé” On the Question, it passed in the Affirmative by 14 ags.^t 4.

For the Affirmative	For the Negative
M. ^r Dupré	M. ^r Boucherville
M. ^r De Lanaudiere	M. ^r De Longueuil
Sir J. Johnson	M. ^r De Lery
M. ^r Baby	M. ^r Mabane
M. ^r S. ^t Ours	
M. ^r Grant	
Col. Caldwell	
M. ^r Fraser	
M. ^r Bellestre	
M. ^r Pownall	
M. ^r Collins	
M. ^r Harrison	
M. ^r Dunn	
M. ^r Finlay	

M.^r Mabane moved in these words “M.^r Mabane moves that as an amendment to the Ordinance, the 11.th Article should be left out entirely” On the Question it passed in the Negative by 10 ags.^t 8.

“	For the Affirmative	For the Negative
	M. ^r Dupré	M. ^r De La Naudiere
	M. ^r Boucherville	Sir J. Johnson
	M. ^r De Longueuil	M. ^r S. ^t Ours
	M. ^r Baby	M. ^r Grant
	M. ^r Fraser	Col: Caldwell
	M. ^r Bellestre	M. ^r Pownall
	M. ^r De Lery	M. ^r Collins
	M. ^r Mabane	M. ^r Harrison
		M. ^r Dunn
		M. ^r Finlay

M.^r Baby moved “that the preamble of the 11.th Article be struck out of the Bill” It was carried in the Negative by 14 ags.^t 4.

For the Affirmative

M.^r Dupré

M.^r Baby

M.^r De Lery

M.^r Mabane

For the Negative

M.^r Boucherville

M.^r De La Naudiere

Sir J. Johnson

M.^r De Longueuil

M.^r De S.^t Ours

M.^r Grant

Col: Caldwell

M.^r Fraser

M.^r Bellestre

M.^r Pownall

M.^r Collins

M.^r Harrison

M.^r Dunn

M.^r Finlay

The Question was put whether the Bill pass, and it was carried in the affirmative by 10 ag.st 8.

For the Affirmative

M.^r De La Naudiere

Sir John Johnson

M.^r De S.^t Ours

M.^r Grant

Col: Caldwell

M.^r Pownall

M.^r Collins

M.^r Harrison

M.^r Dunn

M.^r Finlay *

For the Negative

M.^r Dupré

M.^r De Boucherville

M.^r De Longueuil

M.^r Baby

M.^r Fraser

M.^r De Bellestre

M.^r De Lery

M.^r Mabane

Seamen

Read for the first time the Bill, “to discourage desertion & for
“ regulating seamen in the merchant service” Ordered to be read a 2.nd
time to morrow.

Correspondence

Read for the first time the Bill “for securing & improving –
“ correspondence” Ordered to be read for the second time to=morrow.

Winter Carriages.

Read for the second time the Bill “to repeal in part the Act–
“ concerning Winter Carriages,” Ordered to be committed to a Committee
of the whole Council for to=morrow.

Adjourned till to morrow at 10.

* Ordered that M.^r Finlay, M.^r Dunn and M.^r De Lery wait upon
His Excellency. The Governor with the engrossed Bill entitled, “An
“ Act to continue the Ordinance regulating the practice of the
“ Law, and to provide more effectually for the dispensation of
“ Justice, and especially in the New Districts.” And that they
inform His Lordship that the Council have passed the same
and submit it to His Lordship’s Assent that it be enacted
into a Law.

Wednesday 29.th April 1789

Present

The Honourable, William Smith Esq. ^{rs}	Chief Justice
Hugh Finlay	William Grant
Thomas Dunn	P.R. De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueüil Esq. ^{rs}
Adam Mabane	Sir John Johnson__ Bar. ^t
J. G. C. De Lery	Cha ^s . De La Naudiere
Picotté De Bellestre	René Am: De Boucherville
John Fraser	Le Comte Dupré __ Esq. ^{rs}
Henry Caldwell	

The business of the Session being still unfinished, divers Bills remaining still to be proceeded upon,

The first Question proposed by the Chair, is, “Whether the Session will determine to-morrow, being the last day of the present month, or may continue after it, without a new Summons?” — Debates arose thereon, and it was carried in the Affirmative, that the Session by Law ends to-morrow.

For the Affirmative

For the Negative

M.^r Dupré

M.^r De Boucherville

M.^r De La Naudiere

Sir John Johnson

M.^r De Longueüil

M.^r Baby

Col. Caldwell

M.^r Fraser

M.^r De Lery

M.^r Mabane

M.^r Collins

M.^r Harrison

M.^r Grant

M.^r De Bellestre

M.^r Dunn

M.^r Finlay

The second Question proposed by the Chair, is, “Whether the issuing to Us of a new Summons for a Meeting in the first, or any other day of the ensuing month of May, will be valid in the Law— for finishing the remaining business of the present Session?”

M.^r De S.^t Ours then moved the previous Question in these

Words “Whether the Question put by the Chair is not out

“ of the Sphere of this Council, being the Governor’s Prerogative,

“ acting agreeable to the Act of Parliament?”

That the Question proposed
by the Chair be put _____ }

That it be not put

M.^r De La Naudiere

Sir John Johnson

M.^r Baby

M.^r Grant

Col. Caldwell

M.^r De Lery

M.^r Collins

M.^r Harrison

M.^r Dunn

M.^r Finlay

M.^r Dupré

M.^r De Boucherville

M.^r De Longueüil

M.^r De S.^t Ours

M.^r Fraser

M.^r De Bellestre

M.^r Mabane

Then the second question from the Chair was resumed, and carried unanimously in the Affirmative.

The

The third question proposed by the Chair is, “At such
 “ meeting, ought the proceedings to be de novo, as usual
 “ upon a prorogation” Carried in the Affirmative by 14 __
 ag.st 3. __

In the Affirmative

In the Negative

M.^r Dupré

M.^r De Boucherville

M.^r De La Naudiere

Sir John Johnson

M.^r De Longueuil

M.^r Baby

M.^r De S.^t Ours

Col. Caldwell

M.^r Fraser

M.^r De Bellestre

M.^r De Lery

M.^r Mabane

M.^r Collins

M.^r Finlay

M.^r Grant

M.^r Harrison

M.^r Dunn

The Council resolved themselves into a Committee
 of the whole Council, to proceed upon certain Bills committed
 and the Chief Justice quitted the Chair.

The Chief Justice resumed the Chair

Roads

M.^r Finlay, from the Committee of the whole Council
 upon the Bill, intituled, “An Act or Ordinance respecting
 “ Roads and Bridges in the central District of Quebec and
 “ Montreal” reported that the Committee had gone through
 the Bill and made various Amendments and Additions
 which with the Bill and Report He delivered in at the
 Table __ The Report is in the words following,

In a Committee of the whole Council on the Bill entitled
 “ An Act or Ordinance respecting Roads & Bridges in the Central Districts of
 “ Quebec & Montreal

Saturday 11th April 1789

Present

M.^r Finlay in the Chair

The Hon^{ble} Chief Justice Smith

Mess.^{rs} Dunn

Harrison

Collins

De Lery

Pownall

Bellestre

Fraser

Caldwell

Grant

S.^t Ours

Baby

De Longueuil

Sir J. Jonhson

Boucherville

Dupré

Read the Bill in English and in French

Adjourned to attend the Call of His Excellency Lord Dorchester to a
 Privy Council _____

The Committee met again the same day

Members as before

with

Mess.^{rs} Mabane, and De La Naudiere

Read the first Clause in the following words,

I.st

I.st “Be it therefore enacted by His Excellency the Governor and the
 “ Legislative Council, & it is hereby enacted by the authority of the same that
 “ except as herein after mentioned the services & charge of working upon, repairing
 “ and maintaining the publics roads shall be the duty of all the occupants or
 “ proprietors of Lands fronting the same, who shall execute and perform
 “ the work in such manner as shall be directed from time to time under the
 “ authority hereby constituted for the purpose above mentioned consisting
 “ of a Surveyor General for the district, deputy Surveyors for the Parishes,
 “ Inspectors in each parish under them, and a Superintendant General over
 “ all for the two Districts of Quebec & Montreal.

“That the Surveyor General of each Districts, & the Superintendant of
 “ both Districts be such persons as shall be thereunto appointed by Commission
 “ under the Great seal; that the deputy surveyors be [^]the Captains of Militia
 “ for the time being, and the inspectors of roads such inferiors Officers, as
 “ by their Captains shall be appointed, every of which Officers shall take
 “ an oath to the following effect;

“That he will without hatred or malice, favor,
 “ or affection, faithfully and impartially execute the office & trust to which
 “ he shall be so commissioned or appointed according to the Laws for that
 “ purpose made and to the best of his skill & understanding.” Which said
 “ oath shall be taken by the superintendant General and the Surveyors
 “ General of the Districts before such person or persons having a Dedimus
 “ Protestatem to administer oaths to any public officers; and by the Deputy
 “ Surveyors & Inspectors, before the superintendant General or Surveyor
 “ General of the District whenever thereunto by any of them required.”

The Question, Shall the Clause pass? being put, Debates arose,
 “and being put to the vote the voices stood

For the Clause, _____ Eight voices

Against the Clause, _____ Ten voices

Carried in the negative,

Adjourned until Monday at ten o’Clock.

Monday the 13.th April 1789

The Committee met according to adjournment

Present

M.^r Finlay in the Chair

The Hon^{ble} the Chief Justice Caldwell

Mess.^{rs} Dunn Grant

Harrison De S.^t Ours

Collins Baby

De Lery De Longueuil

Pownall Sir J. Johnson

Bellestre La Naudiere

Fraser Boucherville &

Le C^{te} Dupré

M.^r Dunn

M.^r Dunn moved that the following clause be substituted in y^e place of y^e Clause negatived by the Committee.

“ Be it therefore enacted by His Excellency the Governor & the Legislati^e Council and it is hereby enacted by the authority of the same that the
 “ surveyor General of the roads commissioned or to be commissioned
 “ for the Districts of Quebec & Montreal, and all Captains of the Militia or
 “ under Surveyors or Inspectors or inferior Officers of the Militia having
 “ any concern in executing the trust mentioned in the Act entitled an
 “ Ordinance for repairing & amending the public Highways & Bridges
 “ in the province of Quebec shall severally take an Oath, to the following
 “ effect, that he will without hatred [^] or malice, favour or affection
 “ faithfully & impartially execute the Office & trust to which he shall
 “ be so commissioned or appointed according to the Laws for that
 “ purpose made, and to the best of His skill & understanding.

“ And Whereas it was the usage & custom of the Ancient Government
 “ prior to the British Conquest of the province to have an Officer
 “ acting as Superintendant General over all the High Ways under
 “ the stile or title of Grand Voyer for the whole Province & acting occa=
 “ =sionally by subordinate agents, & the present Government may
 “ conceive it to be for the public utility to constitute a Superintend.^l
 “ General of Roads for more districts than one,”

“ Be it also enacted by the same authority that every such
 “ Superintendant General by what ever name distinguished shall
 “ take the like oath, which oath so to be taken by such Super=
 “ =intendant Gen.^l or by the surveyor General of any particular __
 “ district shall be administered before such person or persons having
 “ dedimus protestatem for the taking the oaths of any public Officers
 “ and by the other subordinate Officers
 “ abovementioned whenever thereunto required by & before such Super=
 “ ^
 “ =intendant General or the Surveyor General of the District to which
 “ they may respectively belong to whom authority is hereby given to
 “ administer the same ”

“And if any under Surveyor or Inspector of Roads shall decline
 “ his trust by refusing to take the s.^d Oath or otherwise or shall signify
 “ his desire to be discharged therefrom by writing under his signature
 “ to the Surveyor General of His District, it shall devolve upon such
 “ other fit person of the same parish as the Surveyor General of the
 “ district shall nominate to the office of under surveyor or inspector
 “ with the approbation of the Majority of the parishioners attending

“on

Yeas
 Mess.^{rs} La Naudiere
 Sir J. Johnson
 S.^t Ours
 Grant
 Caldwell
 Bellestre
 Pownall
 Collins
 Harrison
 Dunn
 Chief Justice
Nays
 Mess.^{rs} Dupré
 Boucherville
 De Longueuil
 Baby
 Fraser
 De Lery.

“on his notification of the time & place in writing for an election affixed
 “for two sundays preceding the same on the door of the Church of the Parish,
 “and every person so elected for refusing to serve for a year ensuing or neglecting
 “to take the s.^d Oath when required shall incur a penalty of _____ pounds;
 “and the like course shall be had for filling up all vacancies in future in
 “the s.^d subordinate Offices of Under Surveyor & Inspector.”

The Chairman then put the Question, Shall the Clause proposed by
 M.^r Dunn be adopted?

Debates arose

and it being put to the Vote, the voices stood
 For adopting the Clause _____ 11 Voices
 Against the Clause _____ 6 Voices
Carried in the Affirmative

Colonel Caldwell moved as ~~an~~ amendment, that the Words “under
the Stile & title of” in the second & third lines of the second page of the
 Clause moved by M.^r Dunn, be struck out, and that the word or be
 substituted in their place, and being put to the vote, the voices stood

Seven for Colonel Caldwell’s amendment and Ten ags.^t it.
 Carried in the Negative. ~

Yeas
 Mess.^{rs} Dupré
 Boucherville
 De Longueuil
 Baby
 Caldwell
 Fraser
 Bellestre
Nays
 De La Naudiere
 S.^t J. Johnson
 S.^t Ours
 Grant
 Pownall
 De Lery
 Collins
 Harrison
 Dunn
 C.^h Justice

Monsieur De Boucherville then moved in these words

“Que tout ce que a raport au mot de grand Voyer Gen.^l
 “ou Superintendant general soit effacé dans tous les ____
 “endroits de l’article.”

and being put to the vote, there were
 For the Motion ____ 2 Voices
 Ags.^t the Motion ____ 15 Voices
 Carried in the Negative.

Nays
 Mess.^{rs} Dupré
 Lanaudiere
 S.^t J. Johnson
 Longueuil
 Baby
 S.^t Ours
 Grant
 Caldwell
 Bellestre
 Pownall
 De Lery
 Collins
 Harrison
 Dunn
 Ch: Justic
Yeas
 De Boucherville
 Fraser.

Yeas
 Mess.^{rs} De La Naudiere
 S.^t J. Johnson
 De S.^t Ours
 Grant
 Pownall
 Collins
 Harrison
 Dunn
 C.^h Justice
Nays
 Dupré
 Boucherville
 De Longueuil
 Baby
 Caldwell
 Fraser
 De Bellestre
 De Lery.

H.nd

Read the second enacting clause in the words following.

“And be it further enacted by the same authority, that it shall be the duty
 “and within the sphere, of the authority of a Surveyor General of the Roads or of
 “the Superintendent General in writing under his signature to give order
 “or proces verbal respecting Roads & Bridges & particularly to direct when &
 “where, & in what manner a permanent road shall be fenced, ditched, guarded,
 “or defended, marked, made, repaired, cleared or worked upon; & what kind of Bridges
 “shall be constructed, when, where & how, & for the preparation of the same,
 “and how & whence from what or whose land the materials for reads or
 “Bridges are to be cut, dug up or collected, & when & where temporary

roads

“roads for winter upon [^] ^{ye} land or water shall run be open & made
 “practicable, and to apportion the work for either road or Bridges, &
 “permanent or temporary roads among particulars, individuals or
 “between several parishes, or the whole or part of a Parish collectively
 “and to Command the implements, Carts & Carriages necessary for y^e
 “work, allowing the supply & work of a Cart, one horse & a driver for
 “one day to be ~~equal~~ ^{equivalent} to three days Labor of only one man with
 “the implements he furnishes for the Words & service aforesaid.”

arose

The Question, Shall the Clause stand? was put, Then debates,
 It was [^] ^{put} to the vote, & the voices stood,

For the Clause _____ 9.

Ags.^t the Clause _____ 8

Carried in the affirmative

Adjourned until Tuesday the 14.th instant.

14.th April

Met on Tuesday according to adjournment

M.^r Finlay in the Chair

The Hon^{ble} Chief Justice

Mess.^{rs} Caldwell

Mess.^{rs} Dunn

Grant

Harrison

De S.^t Ours

Collins

Baby

Mabane

De Longueuil

De Lery

S.^r J. Johnson

Pownall

De La Naudiere

De Bellestre

De Boucherville

Fraser

Dupré

Yeas

Mess.^{rs} De Longueuil
 Baby
 Caldwell
 De Lery
 Mabane

Nays

Mess.^{rs} Dupré
 Boucherville
 La Naudiere
 S.^r J. Johnson
 De S.^t Ours
 Grant
 Fraser
 De Bellestre
 Pownall
 Collins
 Harrison
 Dunn
 C.^b Justice.

Colonel Caldwell moved, that an addition be made in amendment
 of the second clause in the following words

“ Provided always and it is hereby understood & enacted that
 “this clause shall extend only to such roads & bridges as shall here=
 “=after be laid out or Ordered, those roads & bridges already laid out &
 “made the proces verbaux of which have been Homologated & the repartition
 “of work made shall be in future repaired as already directed under
 “the superintendancy of the Grand Voyer, & other officers named by ____
 “this act, & no charge shall be made in the repartition of work nor
 “any order for repairs given that shall exceed the cost of, ____
 “shillings except a neighbouring Commissioner of the peace join ____
 “the Grand Voyer of the province or of the district in such order.

The Question, shall the motion pass? [^] ^{was} put, and the
 voices stood

For the motion _____ 5

Ags.^t the motion _____ 13

Carried in the Negative

Read

IIIrd

Read the third clause in the words following.

Yeas
Mess.^{rs} De Lanaudiere
S.^r J. Johnson
De S.ⁱ Ours
Grant
Pownall
Collins
Harrison
Dunn
Finlay
C.^h Justice
Naves
Mess.^{rs} Dupré
De Boucherville
De Longueuil
Baby
Caldwell
Fraser
De Bellestre
De Lery.
Mabane

“Always Provided and be it also enacted, that in the case of turning
“or altering an old road, or the Laying out of a new road [^] within one league thro’
“lands not yet patented or granted by the Crown; or the construction of any
“Bridge of the Length of more than twenty four feet french measure, or
“twenty six feet English, & of the breadth of 18 feet french measure, or
“nineteen & a half english, no such order shall be made by the Surveyor
“General without previous consultation with the Captains of Militia
“of the parishes, or parts of a parish to be charged therewith & the Consent of
“the major part of them declare^ding in writing under their signatures, in the
“presence of two witnesses at least, attesting the same.

The Question was put, whether the Clause should stand
debates arose.

The voices were asked, & there appeared

For the Clause, _____ nine

ags.^t the Clause, _____ nine

“The Chairman’s voice decided that the Clause should stand.

Read the fourth enacting clause in the following words

IVth

Yeas
Mess.^{rs} Dupré
De La Naudiere
S.^r J. Johnson
De Longueuil
Baby
Grant
Bellestre
Pownall
Mabane
Collins
Harrison
C.^h Justice.
Naves
De Boucherville
S.ⁱ Ours
Caldwell
Fraser
De Lery.
Dunn.

“And be it further enacted by the same authority that nothing in any
“such orders of the Surveyor General to be expressed, shall be deemed valid to
“compel any Hospital, Order or Community of Women founded or instituted for
“mere charitable uses & purposes to contribute to any part of the Labour or
“any shuch roads or bridges on account of any lands or possessions of such
“charitable order or community laying in Common or in woods unfenced
“& untenanted.”

After debates had on the Clause, the Question was put,
whether the Clause shall stand?

The voices standing 12 yeas, and 6 Naves, it
was carried that the Clause stand.

Read the fifth enacting clause in the following words.

Vth

Yeas
Mess.^{rs} De Lanaudiere
S.^r J. Johnson
Grant
Collins
Harrison
Pownall
Dunn
C.^h Justice.
Naves
Mess.^{rs} Dupré
Boucherville
De Longueuil
Baby
S.ⁱ Ours
Caldwell
Fraser
Bellestre
De Lery.
Mabane.

“And be it also enacted by the same authority that the deputy Surveyors
“shall once a year from a new & perfect list & transmit copies to the Superintendent
“General & the surveyor general of the district of all the persons in their _____
“parish liable to work on the roads & bridges thereof; & affix up another
“Copy of such list in such part of the parsonage home of the parish
“where there may be easy & free access thereto for its being generally
“know in the same, & it shall also be the duty of such deputy Surveyor
“to name & appoint inspectors of the roads of their parish, & to assign to
“each

“each his Portion of road for his oversight, of which the inspectors respectiv.^s
 “shall once in two weeks take a view, & having maked the defects thereof
 “and the nuisances therein, & of the Bridges and ditches shall warn the
 “inhabitants thereof to the end that they may be removed & remedied, & shall
 “inform the deputy surveyors of the parish or one of them of all
 “neglects & offences that come to his knowledge respecting such part of
 “the road as shall have been assigned to his oversight & care. And of
 “all the Roads & Bridges under the care of such deputy Surveyors —
 “they shall themselves respectively make visitation once in every
 “month for the purpose of diligent enquiry into their condition
 “and correcting faults & abuses, & shall from time to time obey all
 “the orders of the superintendent general of the Districts for the
 “faithful execution of the Laws relating to the making & amending
 “Bridges [^] ditches & High Ways.

On the Question shall the Clause stand?

debates arose

and being put to the vote, the voice stood

For the Clause, eight Voices.

ag.st the Clause, ten Voices.

Carried in the Negative.

#

Yeas

Mess.^{ns} De Lanaudiere
 S.^r J. Johnson
 De S.^t Ours
 Grant
 Pownall
 Collins
 Harrison
 Dunn
 Finlay
 Chief Justice

Naves

Dupré
 De Boucherville
 De Longueuil
 Baby
 Caldwell
 Fraser
 De Bellestre
 De Lery.
 Mabane

~~VII~~th

Then the sixth enacting clause was read in these words,

“And be it enacted by the same authority that wherever the
 “Surveyor general or Superintendent General shall lay out a
 “public road it shall not be less than 30 feet wide, and that no
 “order for any Bye road or private way shall Justify any general
 “charge of the parishioners for working on the same, but that the
 “burthen thereof shall be wholly borne by those for whose benefit
 “it was laid out, and in such proportions as the order of the
 “Surveyors General respecting the same shall direct”

After debates were had on this clause, the Question was put,
 shall the Clause stand? #

The voices for it, & the voices against it being equal, the
 Chairman’s Voice decided the Question in the affirmative.

Yeas

Mess.^{ns} Dupré
 De Boucherville
 De Longueuil
 Fraser
 De Bellestre
 De Lery.
 Mabane.

Naves

~~VII~~th

Read the seventh clause of the Bill in these words.

“And be it further enacted by the same authority, that whenever a
 “road is to be laid out through wood lands, whether of a seigneurie or
 “as ungranted belonging to the Crown beyong the length of one League,
 “and also where any Bridge is to be constructed of more than the length
 “of

Naves
 Mess.^{rs} De La Naudiere
 S.^r J. Johnson
 S.^r Ours
 Grant
 Caldwell
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice.

“of 50 feet, the order therefore shall be void unless the superintendent ____
 “General shall have concurred in the same after a view of the place in Question
 “by him & the surveyors general of the district, & a summons to all the deputy
 “surveyors of the parishes in the vicinity of such intended road or Bridge,
 “giving them an opportunity to be present at such view & to assist in
 “the deliberations respecting the design.

The Question being put, whether the Clause stand?

The voices stood

For the Clause ____ 8 Voices

ags.^t the Clause ____ 10 Voices

Carried in the Negative.

#

Read the Eighth enacting Clause as follows

Yeas
 De La Naudiere
 S.^r J. Johnson
 S.^r Ours
 Grant
 Caldwell
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice

~~VIII~~th

“And be it also by the same authority further enacted, that for every
 “default of not working upon the road or Bridge, or neglect to comply with the
 “order of the Surveyor General or superintendent General so to be made for
 “the purposes aforesaid, the party offending shall incur the penalty of
 “five shillings or such sum less as to the offence in such order may be
 “expressed. And that the inspectors respectively for every neglect or disobedience of
 “such orders as may be given for the execution of their trusts by the Surveyor
 “General or Superintendent General shall severally incur the penalty of
 “ten shillings, or such lesser sum as such order may annex to any
 “particular instance of neglect or disobedience & who ever shall by any
 “ways or means throw impediments into any road or injure the same
 “or any of the bridges, fences or ditches, or shall cause his Cattle or
 “hogs to be turned out into the same, to the annoyance of passengers
 “or the obstruction of the passage, he shall incur the penalty of 5
 “shillings, for every such offence”

Then the Question was put, shall this eighth clause stand? it
 was carried in the affirmative, there being ten voices for it, and but
 eight voices against it.

Then the ninth clause of the Bill was read in the following
 words,

Yeas
 Mess.^{rs} Dupré
 De La Naudiere
 S.^r J. Johnson
 Grant
 Caldwell
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice

~~IX~~th

Naves
 De Boucherville
 Longueuil
 Baby
 De S.^r Ours
 Fraser
 Bellestre
 De Lery.
 Mabane.

“And be it also further enacted by the same authority, that no Order
 “to be made for turning or altering an old road, nor for laying out a new road
 “shall be valid & executed until the same hath been filed with the Clerk of
 “the peace of the district, & the Justices in their Sessions shall have ratified
 “the same previous to which a Copy of such order shall have been left
 “at the parsonage house of the parish for the inspection of the parishioners
 “and a Notification thereof affixed to the door of the parish Church for
 “three sundays successively next anterior to such ratification by
 “the Justices in Session; who in case of opposition on the part of
 “any person or persons who may conceive themselves to be aggrieved there
 by

“thereby, shall hear the parties, & if to the s.^d Justices there shall appear
 “good Cause to refuse to confirm such orders, may amend the same, or
 “may form such other order as shall in their judgment be right & equitable,
 “and the same shall be then Carried into execution, by the deputy Surveyor
 “and inspectors as fully & effectually as if the same had been made
 “by the Surveyor General of the district or by the superintendent General.

The Question was then put, whether the clause should stand?
 debates arose,

It was put to the vote, & the voices stood, Ten voices for
 the Clause, & eight against it. +

Carried in the Affirmative.

≠ Yeas

La Naudiere
 S.^r J. Johnson
 Grant
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice
Naves
 Dupré
 Boucherville
 De Longueuil
 Baby
 S.^r Ours
 Caldwell
 Fraser
 Bellestre
 De Lery.
 Mabane.

~~XI~~th

Read the tenth Clause, in these words,

“And whereas it may happen to be expedient, not only to subject one
 “or more parishes or parts of a parish to supply such work upon
 “roads as would otherwise have fallen upon such Charitable foundations
 “as are before exempted [^] there from; but where the occupant or proprietor shall
 “not be known, or where from the low condition of the occupant or
 “proprietor the excess of labour required from him by reason of the
 “quantum & difficulty of the roads adjoining his lands or possessions,
 “Be it therefore enacted by the same authority, that the Survey.^r
 “General, or superintendent General, shall in every case requiring
 “such consideration have authority to take order for the supply
 “of such defect by an ~~appointment~~ ^{apportionment} of the work to be done whether
 “on roads or bridges, among such other inhabitants of the vicinity
 “as he may in his order name and appoint for that purpose
 “individually or collectively.”

The Question whether the 10th Clause should stand? was
 put, debates arose thereon, and having been put to the Vote, y^e
 voices stood, For the Clause, _____ 8 Voices

Ags.^t the Clause, _____ 10 Voices

Carried in the Neg[#]ative.

Yeas

Mess.^{rs} De La Naudiere
 S.^r J. Johnson
 Grant
 Caldwell
 Fraser
 Collins
 Dunn
 Ch: Justice

Naves

Mess.^{rs} Dupré
 Boucherville
 De Longueuil
 Baby
 S.^r Ours
 Bellestre
 Pownall
 De Lery.

~~XI~~th

The Eleventh Clause was next Read in these Words,

“And for as much as it highly proper and necessary that y^e
 “access to the Cities of Quebec & Montreal as places of general resort &
 “Commerce be at all times easy & the Citizens are deeply interested
 “therein and the labour of effecting the desired conveniency of good
 “roads would exceed the abilities of the inhabitants without the s.^d
 “Cities but in the precincts thereof.”

“Be it therefore also enacted by the same authority that such of
 “the inhabitants of the said Cities respectively other than

“off=

Naves
Mabane
Harrison.

“ officers of the King’s regular forces of the army & Navy not of the Staff
“ or holding Civil employments, and Citizens ^{or} others having farms or
“ lands in the parishes of Quebec & Montreal subjecting themselves to
“ work on the roads, as shall at any time of the year for the space of
“ one month altogether keep a horse or horses within the Cities or
“ parishes aforesaid shall contribute to the repair of every such road or
“ bridge as the superintendent shall designate & direct within the
“ said parishes respectively.”

“And for this purpose it shall be lawfull for the Superintendent
“ General to take order for bringing every such Citizen & others to con=
“ =tribute either personally or by such person or persons as he shall
“ substitute in this place, and upon any default of a days work the
“ defaulter shall incur the penalty of six shillings for every horse
“ so kept by him”

“And all penalties by this act imposed shall be recoverable in a summary
“ way before any single Justice of the peace with Costs, by any person who
“ shall sue for the same, to be levied by warrant of distress to the Sheriff, & Constable
“ or any peace officer upon the goods & Chattles of the defaulter [^] authorising the sale of
“ the same and returning the surplus if any there be to the owner, two ____
“ sixth parts thereof shall belong to the person suing for the same together
“ with the Costs recovered, and other two sixth parts thereof to His Majesty
“ and be paid by the officer receiving the same to the King’s Receiver General,
“ and the residue to the superintendent General of the two districts to be
“ by him laid out on the Roads of that vicinity where the offence shall have
“ been Committed or the penalty have incurred.”

The Question, Whether the eleventh clause shall stand! being
put, ____ Debates arose, ____ & having been put to the vote, the votes
stood

For the Clause, _____ 8 Voices

Ag.st the Clause, _____ 10 Voices

Carried in the Negative

The Day being far spent, adjourned to friday the 17.th ,

Met on Friday the 17.th April according to adjournment

Present

M.^r Finlay in the Chair

~~The Hon.^{ble}~~ The Chief Justice

Mess.^{rs} Dunn

Harrison

Collins

Mabane

De Lery

Pownall

De Bellestre

Fraser

Caldwell

Grant

De S.^t Ours

Baby

De Longueuil

S.^r J. Johnson

De La Naudiere

De Boucherville

Dupré

Read the twelfth clause, and the Question being asked, Whether
the

+

Yeas
 Mess.^{rs} La Naudiere
 S.^t J. Johnson
 S.^t Ours
 Grant
 Caldwell
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice

Naves
 Mess.^{rs} Dupré
 Boucherville
 De Longueuil
 Baby
 Fraser
 De Bellestre
 De Lery.

~~XII~~ th

the Clause should stand in these Words

“And be it further enacted by the same authority, that the
 “Surveyor General of each district shall employ himself annually
 “from the tenth of may to the first of November in visiting y^e
 “roads & bridges within his district, and in giving the necessary ____
 “orders & directions for the amendment thereof, and he shall keep
 “a register of all the orders by him issued touching the same, and as
 “often as thereunto required by the Superintendent General make
 “written report to him of the state & condition of the roads he shall
 “have visited or which are in any part of his district, and twice annu=
 “=ally the Superintendent General himself shall make a like visita=
 “=tion through both the s.^d districts, to wit, between the first of May
 “& first of November, & between the first of December & the first
 “of april, and thereupon not only lay the report of the Surveyors General
 “to himself before the Governor or Commander in Chief for the time being,
 “but a report of his own with such remarks & observation as may
 “tend to inform the Government whether this act has been faithfully
 “executed, & if not, the cause thereof, and by what means that service may
 “in future be more effectually promoted, and when it shall be found
 “by the Surveyor General of any district or by the Superintendent Gen^l:
 “that any deputy surveyor has made default of duty, it shall be
 “lawfull for them or either of them to name & appoint a fit person
 “to act in his place & stead, & to serve as deputy surveyor for one
 “year, who on refusal to act shall forfeit the sum of five pounds
 “to be applied by the Superintendent General to be laid out on
 “the Highroads, to be recovered as herein before directed.”

The voices stood

For the Clause, _____ Ten
 Ags.^t Clause, _____ Seven

+

Carried in the affirmative.

The thirteenth clause was next read in the words following.

“And whereas disputes & contraversies have subsisted respecting
 “roads to the Mills of Certain Seigneurs claiming the same as banal
 “Mills”

“Be it therefore enacted by the same authority that whenever a grist
 “mill shall have been erected by the proprietor of the ^a Seigniori at his
 “own charge and not at the charge of the inhabitants thereof, & be in
 “a state and condition fit for the use & service of a Signiori and such
 “proprietor shall require it the Surveyor General of the district shall
 “with

#

Yeas
 Lanaudiere
 S.^t J. Johnson
 Grant
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice

rs

Naves
 Dupré
 Boucherville
 Longueuil
 Baby
 S.^t Ours
 Caldwell
 Fraser
 Bellestre
 De Lery

~~XIII~~ th

“with the approbation of the Superintendent General [^] or the Superintendant alone may take ____
 “order for laying out such road as shall be most for the joint intrest of
 “the Seignior or Proprietor and the tenants or inhabitants of the Seigniory
 “and also for the making of the bridges & ditches and for the future main=
 “=tenance and repairs of the same Roads ditches & Bridges.

“Provided always that the order for every such road give it a breadth of
 “twenty feet, and that the expense of rendring it practicable to a Cart or ____
 “Carriage with a burthen of eight minots or french bushels of wheat at least
 “be wholly defrayed by the Seignior, Seigniors or Proprietors, and that the Tenants
 “or inhabitants sustain only the future expence attending the repair of
 “the same road & the Bridges & ditches thereof,”

The Question, Whether the thirteenth Clause should stand, being
 ask’d

The voices stood
 For the Clause _____ 8 Voices
 Ags.[†] the Clause _____ 9 Voices
 ≠

Carried in the Negative

Read the Fourteenth Clause in these words

“And Provided further & be it also enacted that nothing herein ____
 “contained shall be construed to influence the Question, whether any Mill
 “be a banal Mill or not, or any tenant or inhabitant be compellable
 “to resort to it or not, respecting which all parties concerned are left to
 “the Judgment of the Law, and their own Contracts & agreements.

The Question being put, Whether this Clause Stand?

There were twelve voices against it, & six voices for it

+

Carried in the Negative.

+
Yeas
 De La Naudiere
 Grant
 Fraser
 Collins
 Dunn
 Ch: Justice
 rs Naves
 Dupré
 Boucherville
 S.[†] J. Johnson
 De Longueuil
 Baby
 S.[†] Ours
 Caldwell
 Bellestre
 Pownall
 De Lery.
 Mabane
 Harrison.

~~XIV~~ th

The fifteenth Clause was read, in the words following.

“And it is also hereby provided and enacted that if any agreement or
 “convention hath been made relating to any Mill or Mill road between a tenant
 “or tenants of a Seigniory & the Seignior or proprietor thereof, nothing in this
 “Act shall be construed to change or vacate such compact or agreement or
 “to affect the rights of the parties under the same, it being the intent of
 “this act & so declared that all such of the inhabitants as shall be ____
 “accustomed to use the Mill road shall be subject to the Order for the
 “reparation and Maintenance thereof, until he shall in the due course
 “of the Law be adjudged to be not compellable to resort to the s.^d Mill
 “nor to bear any part of the charge of the Road leading thereto.”

The Question was put, Whether the fifteenth clause shall stand?
 seven voices only stood for it & Eleven voices against it.

###

Carried in the negative.

+++
Yeas
 La naudiere
 S.[†] Ours
 Grant
 Fraser
 Collins
 Dunn
 Ch: Justice
 rs Naves
 Dupré
 Boucherville
 S.[†] J. Johnson
 Longueuil
 Baby
 Caldwell
 Bellestre
 Pownall
 De Lery.
 Mabane
 Harrison.

~~XV~~ th

+

Yeas

M.^r Dupré
La Naudiere
S.^r J. Johnson
Baby
S.^r Ours
Grant
Caldwell
Fraser
Collins
Pownall
Harrison
Dunn
Ch: Justice

Nayes

M.^r Boucherville
Longueuil
Belletre
De Lery
Mabane.

~~XVI~~th

The Sixteenth Clause was then read as follows

“And it is further by the same authority enacted that nothing
“in this act contained [^] shall be construed to give authority for the laying out of any
“new road whatsoever or turning the course of an old one, so as to
“run through any mans garden or Orchard or to [^] the demolition or Injury
“of his house, barn, Mill or any other buildings of any kind what=
“=soever, nor to the detriment of his Mill pond [^] or Mill race or the turning of his
“water course without the consent of the owner clearly signified by
“an Instrument in writing under his hand & attested by two credible
“witnesses or before a Notary public.

debates arose

The Question was put, shall the sixteenth Clause
stand as part of this Bill?

The voices stood

Thirteen, for the Clause

Five, ag.st the Clause

+

Carried in the affirmative.

Monsieur S.^r Ours then moved that [^] ^{to} the sixteenth Clause be added these
words

“That nothing in this clause shall be deemed to affect any
“of the Streets laid out or projected in and for either of the Towns of
“Quebec, Montreal, or three Rivers or the Banlieus thereof or of any
“other town in either of the districts aforementioned.”

The Question, Whether the amendment shall be adopted? was put
the voices stood

Fourteen, for the amendment

Four, ag.st the amendment

≠

Carried in the affirmative.

Col: Caldwell then moved that the words following be made
part of this Ordinance.

“ Provided also and be it enacted by the same authority that
“when it may be necessary to lay out a new road or build a New Bridge,
“or change an old road, or repair or change the scite of an old Bridge,
“that the Grand Voyer of the Province or of the districts previous to his
“granting the procès verbal shall assemble the deputy Inspectors or
“sous Voyers officers of Militia and the principal inhabitants or Notables
“of the parish where such road or bridge is to be made or repaired to the
“number of 20 in a 100 at least of the inhabitants of which the said
“parish shall be composed of, wich Sous Voiers, Officers of militia &
“principal inhabitants he shall consult as well on the manner of
“Laying out the road, building or repairing the Bridge, as in making
“the repartition of the work the Names of which Sous Voyers Officers
“of

#

Yeas

M.^r Dupré
Boucherville
La Naudiere
S.^r J. Johnson
Longueuil
Baby
S.^r Ours
Caldwell
Belletre
Mabane.
Collins
Harrison
Dunn
Ch: Justice

Nayes

Grant
Fraser
Pownall
De Lery.

+++

Yeas

M.^r Dupré
Longueuil
Baby
S.^r Ours
Caldwell
Fraser
Dunn
Nayes
Boucherville
La Naudiere
S.^r J. Johnson
Grant
Fraser
Pownall
De Lery
Mabane
Collins
Harrison
Ch: Justice.

“of Militia and other inhabitants present shall be entered in the Proces
 “Verbal according to the Ancient usages & Customs of this Country any
 “thing on this Ordinance to the Contrary notwithstanding.

The Question, shall the clause proposed by Col. Caldwell’s motion
 be adopted? was put ~ The Voices stood

For the Motion, 7 Voices

ag.st the Motion, 11 Voices

+++

Carried in the negative.

Then read the Seventeenth Clause in the following words

xvii “And as it may so happen that a very great space of a Waste
 “or Woodland may intervene between one village or settled Seigniorie &
 “an=other, and it would not be equitable on the one hand to put the
 “whole charge of the road, over such intervening waste or Woodland
 “upon the proprietor or proprietors thereof nor to exempt them entirely
 “from contributing to a road which by promoting the settlement of their
 “lands or Seigniories must conduce to their emolument.”

“Be it therefore also enacted by the same authority that in
 “Laying out every such road, & in all orders relative to the same, y^e
 “Superintendant General shall be aiding to the surveyor General of the
 “district & having deliberated upon and formed an estimate of the
 “proportion in money which such proprietor or proprietors of the ____
 “intervening seigniories Waste or Woodlands ought to bear of the labour
 “and expence of forming a good practicable road through the same / the
 “rest being a charge on so many of the neighbouring parishes &
 “settlements as by the order shall be assigned / then such ____
 “proprietor shall pay the same money so adjusted for his share
 “to the surveyor General of the district who shall faith fully ____
 “apply the same for such service, & upon default of the payment
 “thereof for three callender months after the order for that purpose
 “made & notified by written advertisement affixed to the door of the
 “two parish Churches nearest to both ends of such road for three succes=
 “=sive Sundays the Surveyor general shall have authority to sit
 “apart for sale as much of the Land at public auction as may
 “be deemed sufficient to raise such sum together with the charges of
 “the Sale, and to sell the same & return the surplus if any there
 “be to the proprietor, and his conveyance so made shall give as ____
 “perfect a title to the Purchaser & His Heirs and assigns as if all
 “persons having Right thereto had joined in the same in due form
 “of Law; and the same Lands so conveyed shall thenceforth be as
 “free and clear from all rents, Burdens, & demands whatsoever of the
 “former owner or seignior, as if they never had been parcel of such
 Seigs

+

Yeas
La Naudiere
S.^t J. Johnson
Grant
Bellestre
Pownall
Ch: Justice

Naves
Dupré
Boucherville
Longueuil
Baby
S.^t Ours
Caldwell
Fraser
De Lery
Mabane
Collins
Harrison
Dunn.

“Seigniorly or were totally disunited there from; but without detriment
“nevertheless to any of the rights of the Crown as to all such land so
“to be sold which are to be saved as fully to all intents & purposes
“as if this Act had never been made, provided always that if the s.^d
“proprietor shall make or cause to be made one eighth part of the
“s.^d road in the space of two years from the date of the Surveyor
“General or Superintendant General’s order or Verbal proces for
“making the same & shall give good & sufficient security to the
“liking of the Surveyor General for the true performance thereof,
“then & in that case his proportion in money shall not be ____
“leviable”,

And after the road shall be so made the same shall be
“subject as other roads are to such future order as may be
“Lawfully made for repairing & Maintaining the same.”

The Question being put, Whether the seventeenth
clause shall make part of Ordinance? The [^] voices stood

x.^d

For the Clause _____ Six
Ag.st the Clause _____ Twelve

+

Carried in the Negative.

Then Read the Eighteenth Clause in these Words

~~XVIII~~th

“And seeing that misunderstandings frequently happen between
“adjoining tenant and tenants relative to the course that the overflowings
“of their ditches & drains ought to take by which the Highroads at
“certain seasons are greatly injured, to prevent the same”

“Be it further enacted by the authority aforesaid that whenever
“any difference shall arise between tenant & tenant relative to water
“courses, ditches, or fences, the matter in dispute shall be heard &
“adjudged & decided by the Surveyor General or Superintendent General
“and the Majority of seven disinterested inhabitants of the Neighbour=
“=whood to be named by the Surveyor general of the district or
“Superintendent General & such determination to be declared in Writing
“under their signatures shall be binding on all parties and it shall
“be the duty of the Surveyor General of the district or of the Superintendent
“General to enter a minute of the determination aforesaid upon his
“Journals & deliver a Copy thereof to each of the parties interested under
“his hand & seal.”

The Question being put, shall this clause stand? there were
given

Eleven Voices for the Clause
Seven Voices against the Clause

≠

Carried in the Affirmative

The

≠

Yeas
La Naudiere
S.^t J. Johnson
S.^t Ours
Grant
Fraser
Bellestre
Pownall
Collins
Harrison
Dunn
Ch: Justice

Naves
Dupré
Boucherville
Longueuil
Baby
Caldwell
De Lery
Mabane.

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Yeas
 La Naudiere
 S.^r J. Johnson
 S.^r Ours
 Grant
 Fraser
 Bellestre
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice
Naves
 Dupré
 Boucherville
 Longueuil
 Baby
 Caldwell
 Pownall
 De Lery.

~~XX~~th

The Nineteenth Clause was read as follows

“And whereas many great inconveniencies have been felt in divers _____
 “parts of this province from the want of ditches of a proper depth & breadth
 “for the purpose of draining low & marshy lands through which the King’s
 “High roads must necessarily pass, & it would be grievously burthensome on
 “the proprietors of such lands to exact that necessary work from them.”

“Be it enacted by the same authority that the surveyors general with
 “the approbation of the Superintendant General after viewing the same
 “shall take order for making such sufficient ditches or drains requiring
 “all such persons in the Vicinage to work upon & make the same as [^] he
 “in his Judgment may consider to be interested in draining the s.^d Lands
 “and any person refusing to work at the s.^d ditches or drains when
 “thereunto duly required shall incur the penalty of five shillings for
 “every such refusal to be levied & recovered in manner aforementioned.

The Question was put, Shall the nineteenth Clause stand?
 The voices stood.

For the Clause, _____ 11 _____ voices

Ag.st the Clause, _____ 7 _____ voices

+

Carried in the Affirmative.

The Twentieth Clause was read in these words

“And be it also enacted by the same authority that all the orders respecting
 “roads and bridges within the districts of Quebec & Montreal as they stand at present
 “limited, made in vertue of An Act intituled “An Ordinance for repairing and amending
 “the public Highways & bridges in the province of Quebec” passed in the seven=
 “=^{te}nth year of His Majesty’s reign shall be as valid as if this not had
 “never been made until they shall be revoked altered or changed by other
 “orders or regulations to be made under the authority of this act, but the
 “s.^d ordinance shall hereafter have no force as to roads in future to be laid
 “out, or bridges or ditches hereafter to be constructed in the said
 “districts, & with respect to other than the districts of Quebec
 “and Montreal shall be deemed to be henceforth fully annulled
 “and repealed.”

The Question being put Whether the twentieth clause shall
 stand?

debates arose,

It was put to the vote, & the Voices being equal, the Chair=
 =mans voice carried it in the affirmative.

#

#

Yeas
 De La Naudiere
 S.^r J. Johnson
 S.^r Ours
 Grant
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice
Naves
 Dupré
 Boucherville
 Longueuil
 Baby
 Caldwell
 Fraser
 Bellestre
 De Lery
 Mabane.

~~XX~~th

Read

Read the twenty first Clause in the words following

+

Yeas
 La Naudiere
 S.^r J. Johnson
 S.^r Ours
 Grant
 Caldwell
 Fraser
 Bellestre
 Collins
 Harrison
 Dunn
 Ch: Justice
Naves
 Dupré
 Boucherville
 Longueuil
 Baby
 De Lery
 Mabane.

XXIth

“And be it further enacted by the same authority that every person under
 “the Surveyors General of the district into whose hands any money may
 “come in the execution & by Virtue of this act shall once in three months
 “account therefore upon oath to the Surveyor General of the district who
 “shall in like manner report the same to and account for whatever he
 “may have received & how he has disposed of the same once in six months
 “to the superintendent General or oftener if by him thereunto required, &
 “that a general account of both & of what may have come to the hands
 “of the superintendant General, & of the disposition thereof be once a
 “year filed in the Office of the Clerk of the Council & a fair Copy thereof
 “be by the Clerk of the Council produced at every convention of the Leg.^{ive}
 “Council & laid upon the table for the perusal of the Members thereof.”

The Question, shall the clause stand? being put, the Voices
 stood

That the Clause stand _____ 11

Ags.^t the Clause _____ 7

+

Carried in the affirmative.

The Chief Justice moved

“That the Bill before the Committee and the
 “proposed amendments be printed for the advantage of that local information
 “necessary to the digest of the regulations essential to the comfort of the
 “inhabitants of conducive to agriculture and the cultivation & settlement
 “of the province; an object recommended to the attention of the Council
 “by the Noble Lord at the Head of the Government at his arrival & since
 “repeated by the solemn & special references which terminated in the
 “report of the present Bill”

“That the further consideration of the subject of Highways
 “and Bridges be nevertheless reassumed on Monday next: but confined to
 “such provisions only, as the defective condition of the roads universally ____
 “confessed shews to be absolutely necessary and that correspondent ____
 “provisions be selected devised & stated in the form of a Bill for the further
 “consideration of this Committee towards such immediate relief to the Country
 “as it may be safe & just to afford, and which ought not to be deferred
 “for doubts upon points requiring delay & move mature deliberation upon
 “the subjects of the Highways taken in its whole extent; that it be
 “Committed to M.^r Dunn, Col: Caldwell, M.^r Grant, M.^r De S.^t Ours, &
 M.^r

#

Yeas
 M.^r Dupré
 De Boucherville
 De La Naudiere
 S.^r J. Johnson
 Baby
 Grant
 De S.^t Ours
 Caldwell
 Fraser
 Bellestre
 Pownall
 Mabane
 Collins
 Harrison
 Dunn
 Ch: Justice
Naves
 M.^r De Longueuil
 De Lery.

“M.^r Boucherville, to prepare the Bill proper for the present exigency, to be
“submitted to the Committee at such subsequent meeting on Monday next.

The Question was put, Whether the Chief Justice’s Motion should
pass, & the Voices stood

For the Motion _____ 16

Ag.st the Motion _____ 2

#

Carried in the affirmative

Adjourned until Monday 20.th Inst.^t

The Committee meet according to adjournment

Monday 20.th April

Present

M.^r Finlay in the Chair

The Hon ^{ble} The Chief Justice

Grant

Mess.^{rs} Dunn

S.^t Ours

Harrison

Baby

Collins

Longueuil

Mabane

S.^r J. Johnson

Belestre

De Boucherville

De Lery

De La Naudiere &

Pownall

Le C.^{te} Dupré

Fraser

Caldwell

M.^r Dunn from the special Committee delivered to the Chairman the
heads of a Bill intituled “An act or Ordinance respecting roads & bridges in the
“Central Districts of Quebec & Montreal, & further to amend the Laws now in
“force concerning the same”. The Bill was read in English & French, Then
the Chairman proceeded to read the Bill Article by Article.

Read the first Article in the Words following.

“Be it enacted by His Excellency the Governor & the Legislative Council, and

1.st “it is hereby enacted by the authority of the same, that the Surveyor General of
“the roads Commissionated or to be commissionated for the districts of Quebec [^] & Montreal and
“all Captains of Militia or under surveyors or Inspectors, or inferior officers of
“Militia, having any concern in executing the trust mentioned in the Act—
“intituled “An Ordinance for repairing & amending the public Highways and
““bridges in the province of Quebec”, shall severally take an oath to the following
“effect that he will without hatred, or Malice, favour, or affection, faithfully &
“impartially execute the office & trust to which he shall be so commissionated
“or appointed according to the laws for that purpose made & provided, & to the
“best of His skill knowledge & understanding.”

The Question was put, Whether the Clause just read as above, shall
be adopted for the present Bill? debates arose & being put to the vote the
voices stood;

For the Clause _____ ten voices

ags.^t the Clause _____ Eight voices

#

Carried in the affirmative

Read

+++

Yeas

M : De La Naudiere
S.^r J. Johnson
De S.^t Ours
Grant
Caldwell
Pownall
Collins
Harrison
Dunn
Ch: Justice.

Naves

M.^r Dupré
De Boucherville
De Longueuil
Baby
Fraser
De Bellestre
De Lery
Mabane.

2.nd

Read the second Clause in these words

And Whereas it was the usage & custom of the ancient Government prior to the British Conquest of the province to have an officer acting as superintendent General over all the High ways under the stile & title of Grand Voyer for the whole Province & acting occasionally by subordinate Agents, & the present Government may conceive it to be for the public ____ utility to constitute a Superintendant General of roads for more ____ districts than one, “Be it also enacted by the same authority that every “such superintendent General by whatever name distinguished shall “take the like oath, which oath so to be taken by such superintendent “General, or by the Surveyor General of any particular district shall be “administered before such person or persons having dedimus protestatem “for the thaking the oaths of any public officers, and by the other “subordinate officers above=mentioned whenever thereunto required “by & before such Superintendant General or the Surveyor General of “the districts to which they may respectively belong, to whom ____ “authority is hereby given to administer the same. And every “subordinate officer refusing to take the s.^d oath when thereunto “required shall incur a penalty of twenty shillings for every such “refusal”. The Question, Shall this clause be adopted to make part of the present Bill? debates arose, It was put to the vote, & the voices stood,

For the Clause _____ Eight

Ag.st the Clause _____ Ten

+

Carried in the Negative.

#

Yeas

La Naudiere
S.^t J. Johnson
S.^t Ours
Grant
Caldwell
Pownall
Collins
Harrison
Dunn
Ch: Justice.

Naves

Dupré
Boucherville
Longueuil
Baby
Fraser
Bellestre
De Lery
Mabane.

3.rd

Read the third clause in the words following

“And be it further enacted by the same authority that the Surveyor “General of each district take order once a year to form an acurate list “of all persons in his district liable to work on the roads & Bridges therein; “and transmit a Copy thereof to the superintendant General & take order “also to affix a Copy of so much of such list, in any conspicuous part “of the parsonage House of every parish of His Districts as relates to such “parish for its being generally known in the same to the inhabitants “and others interested”

The Question was put, shall this clause be adopted for the present Bill?

For the Clause _____ Ten

Ag.st the Clause _____ Eight

#

Carried in the affirmative.

Read the fourth clause, in these words,

+

Yeas
M.^r De La Naudiere
S.^r J. Johnson
S.^r Ours
Grant
Caldwell
Pownall
Collins
Harrison
Dunn
Ch: Justice.

Naves
Dupré
Boucherville
Longueuil
Baby
Fraser
Bellestre
De Lery
Mabane.

4.th

“And be it further enacted by the same authority that whenever a road is
“to be laid out through woodlands whether of a Seigniorial or as ungranted
“belonging to the Crown beyond the length of one League, & also where any
“bridge is to be constructed of more than the length of fifty feet the order
“therefore shall be void unless the Superintendant General shall have
“concurred in the same after a view of the place in question by Him &
“the Surveyor General of the district, and a summons to all the deputy
“Surveyors of the parishes in the Vicinity of such intended road or Bridge
“giving them an opportunity to be present at such view and to assist
“in the deliberations respecting the design.”

The Question, Shall this clause be adopted & make part of the
present Bill? Debates arose, The Voices stood

For the Clause _____ 10, voices

Against the Clause _____ 8, voices

Carried in the affirmative.

#

Yeas
La Naudiere
S.^r J. Johnson
S.^r Ours
Grant
Caldwell
Pownall
Collins
Harrison
Dunn
Ch: Justice.

Naves
Dupré
Boucherville
Longueuil
Baby
Fraser
Bellestre
De Lery
Mabane.

5.th

Read the fifth Clause as follows,

“ And be it further enacted by the same authority that the Surveyor
“General of each district shall employ himself annually from the tenth of
“May to the first of November in visiting the roads & bridges within His
“districts and in giving the necessary orders & directions for the amendment thereof,
“and he shall keep a register of all the orders by him issued touching the same & as often
“as thereunto required by the Superintendent General on able written report to him
“of the state & condition of the roads he shall have visited, or which are in any
“part of his districts and twice annually the superintendent General himself
“shall make a like visitation through both the s.^d Districts to wit between the
“first of May and the first of November, & between the first of December & the
“first of April, and thereupon not only lay the report of the Surveyors General to
“himself before the Governor or Commander in Chief for the time being, but a report
“of His own with such remarks & observation as may tend to inform the Governm.^t
“whether this act has been faithfully executed, & if not, the cause thereof and by
“what means that service may in future be more effectually promoted.”

The Question, shall this clause be adopted for the present Bill? was put
The voices stood,

For the Clause _ 10 Voices

ag.st the Clause _ 8 Voices

#

Carried in the affirmative.

M.^r Dunn moved “that between the words Superintendan General in this clause
“and the word Make, the words not exceeding twice a year, be inserted.

The Motion was carried in the affirmative

Ten voices for it. Eight voices against it.

Read

+

Yeas
 M.^r Dupré
 La Naudiere
 S.^r J. Johnson
 S.^r Ours
 Grant
 Bellestre
 Pownall
 Collins
 Dunn
 Ch: Justice
Naves
 Boucherville
 Longueuil
 Baby
 Caldwell
 Fraser
 De Lery
 Mabane
 Harrison.

6th

Read the sixth Clause, in these words.

“And Whereas frequent disputes happen between the Seigniors in this
 “province and their Tenants concerning the Roads leading to Banal Mills
 “and it being not yet adjusted by whom such roads should be made and
 “kept in repair.

“Be it therefore enacted by the same authority that all Roads to
 “be opened to any Banal Mill, shall at the expence of the Seignior, be
 “marked and laid out twenty feet wide at least by the Surveyor General
 “of the district, or by the Superintendent General, and being so marked
 “and laid out all the wood thereon shall also at the expence of the Seignior
 “be cut down & taken away and every other obstruction removed, and
 “afterwards all the inhabitants who are obliged to grind their Corn at such
 “Mill shall jointly compleat the same with proper ditches & fences on each
 “side thereof, & bridges where necessary, that the same may be good & practicable
 “in all seasons of the year, and shall continue to uphold & repair the same
 “as a public Highway.

The Question shall this clause be adopted? was put, and the
 voices stood

For the Clause _____ 10 Voices
 Ag.st the Clause _____ 8 Voices.

+

Carried in the affirmative.

#

Yeas
 Dupré
 La Naudiere
 S.^r J. Johnson
 Baby
 S.^r Ours
 Grant
 Caldwell
 Fraser
 Bellestre
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice
Naves
 Boucherville
 Longueuil
 De Lery
 Mabane.

7th

Read the seventh clause in these words.

ex.^d

“And it is further by the same authority enacted that nothing in
 “this Act or Ordinance shall be construed to give authority for the Laying out
 “of any new road whatsoever, or the turning the course of an old one, so as to
 “run through a man’s garden or orchard or to the demolition or injury
 “of his house, barn, mill or other building of any king whatsoever, or to
 “the detriment of His mill pond or mill race, or the turning of His water
 “Course without the consent of the owner clearly signified by an
 “instrument in writing under his hand attested by two credible witnesses
 “or before a Notary Public, provided that nothing in this clause shall
 “be deemed to affect any of the streets laid out or projected to be laid out
 “in and for either of the towns of Quebec Montreal or Three Rivers or the
 “Banlieus thereof, or in any other town in either of the districts afore=
 “=mentioned.”

The Question, shall this Clause be adopted & make ____
 part of the present Bill, being put

The Voices stood

For the Clause _____ 14
 Ags.^t the Clause _____ 4

#

Carried in the affirmative.

Read the eighth Clause, in these words

- 8.th “And seeing that Misunderstandings frequently happen between adjoining
 “tenant & tenat, proprietor & proprietor relative to the Course that the over=
 “=flowings of their ditches & drains ought to take by which the Highways
 “are at certain seasons greatly injured, to prevent the same Be it further
 “enacted by the authority aforesaid that whenever any difference shall arise
 “between Tenant & Tenant proprietor & proprietor relative to the water courses
 “by which the HighRoads are affected the matter in dispute shall be heard
 “~~and~~ adjusted & decided by the Surveyor or Superintendant General and
 “the Majority of seven disinterested inhabitants of the neighbourhood to be
 “named by the Surveyor General of the districts or Superintendent Gen.^l
 “and such determination to be declared in writing under their signatures
 “shall be binding on all parties, and it shall be the duty of the Surveyor
 “General of the district or of the Superintendent General to enter a minute
 “of the determination aforesaid upon his journals and deliver a Copy thereof
 “to each of the parties interested under his hand & seal.

The Question being put, shall this clause make part of the present
 Bill debates arose, & being put to the vote, the voices stood.

For the Clause __ Eight

Ag.st the Clause __ Ten.

+

Carried in the Negative.

Read the Ninth Clause in the words following,

^ parts

- 9.th “And Whereas many great inconveniences have been felt in divers ^ of this
 “province from the want of ditches of a proper depth & breadth for the purpose
 “of draining low & Marchy lands through which the Kings Highroad must
 “necessarily pass, & it would be grievously burthensome on the proprietors of
 “such lands to exact that necessary work from them
 “Be it enacted by the same authority that the Surveyor General with
 “the approbation of the superintendent General after viewing the same
 “shall take order for making such sufficient ditches or drains, requiring
 “all such persons in the Vicinage to work upon & make the same as he
 “in his Judgment may consider to be interested in draining the said _____
 “Lands, and any person refusing to work at the s.^d ditches or drains _____
 “when thereunto duly required shall incur the penalty of five shillings
 “for every such refusal.”

The question being put, Whether the ninth Clause should be adopted
 and make part of this Bill, debates arose, & being put to the vote, the
 voices stood

For the Clause _____ Eleven Voices

Ag.st the Clause _____ Seven

#

Carried in the Affirmative.

+

Yeas

La Naudiere
 S.^r J. Johnson
 S.^t Ours

Grant
 Fraser
 Bellestre
 Harrison
 Dunn.

Naves

Dupré
 Longueuil
 Baby
 Caldwell
 Pownall
 De Lery
 Mabane
 Collins
 Ch: Justice

Yeas

La Naudiere
 S.^r J. Johnson
 S.^t Ours

Grant
 Fraser
 Bellestre
 Pownall
 Collins

Harrison
 Dunn.

Ch: Justice.

Naves

M.^r Dupré
 Boucherville
 Longueuil
 Baby
 Caldwell
 De Lery
 Mabane.

Read the tenth Clause in these words

10.th “And be it further enacted by the same authority that every ____
 “person under the Surveyor General of the District into whose hands any
 “money may come in the execution & by virtue of this Act, shall once
 “in three months account therefore upon oath to the surveyor General of the
 “district, who shall in like manner report the same, & account for what=
 “=ever he may have received and how he has disposed of the same once in six
 “months to the Superintendent General or oftener of by him thereunto required
 “and that a general account of both, & of what may have come to the hands
 “of the Superintendent General, & of the disposition thereof, shall by him,
 “together with the Vouchers thereof be once a year filed in the office of
 “the Clerk of the Council & a fair copy thereof be by the Clerk of the Council
 “produced at every convention of the Legislative Council & laid upon the
 “table for the perusal of the Members thereof.”

The Question was put, whether this Clause shall be adopted?

It was rejected Unanimously.

The Eleventh Clause was then Read as follows.

11.th “And be it further enacted by the same authority that the several
 “fines & penalties inflicted by this Act shall be sued for, Levied and
 “applied, in the same manner as directed by the Laws now in force,
 “respecting the public Roads in this province”

The Question being put, Whether this Clause should stand?

The Voices were

For the Clause	}	Against the Clause
Twelve		+ Six

Carried in the Affirmative.

“Read the preamble in the following Words,

“Whereas a Commodious Land Carriage as promoting Agriculture
 “population & Commerce is one of the first objects of all policed ____
 “Countries, & for want of a due attention to it great portions even of
 “the granted & patented parts of this province, capable from their
 “situation and quality of the soil of yeilding an abundant produce,
 “remain still uncultivated & unsettled, to the loss of the proprietors &
 “the Common detriment.”

The Question, was put, whether it should stand?

The Voices were, Twelve for it, & Six ags.^t it

Carried in the Affirmative.

Read

+

Yeas

Lanaudiere
 S.^t J. Johnson
 S.^t Ours
 Grant
 Caldwell

Fraser
 Pownall
 Collins
 Harrison
 Dunn
 Ch: Justice.

Naves

Dupré
 Boucherville
 Longueuil
 Baby
 De Lery

Mabane.

+

Yeas
M.^r La Naudiere
S.^r J. Johnson
S.^t Ours
Grant
Caldwell
Bellestre
Pownall
Collins
Harrison
Dunn
Ch: Justice

Read the Title as follows

“An Act or Ordinance respecting Roads & Bridges in the
“central Districts of Quebec, & Montreal, & further to amend the Laws
“now in force concerning the same.

The Question Was Put,
Shall the Title be adopted?
The Voives Stood,

Naves
M.^r Dupré
Boucherville
De Longueuil
Baby
Fraser
De Lery
Mabane.

For the Title

Against the Title

Eleven

Seven.

+

Carried in the Affirmative.

Adjourned to meet the 23.rd

Thursday 23.rd April 1789.

The Committee met according to adjournment

Present

M.^r Finlay in the Chair

The Chief Justice

Grant

Mess.^{rs} Dunn

S.^t Ours

Harrison

Baby

Mabane

Longueuil

De Lery

S.^r J. Johnson

Pownall

De La Naudiere

Bellestre

Boucherville

Fraser

Le Comte Dupré.

Caldwell

Colonel Caldwell moved that there be added a Clause in these words,

“And because the roads in the proximity of the Towns of Quebec
“and Montreal require more labour to put them in a good condition
“than can be reasonably expected from those chargeable the Law as it
“now stands with that service, and it is just and fair that the Citizens sh.^d
“not be totally exempted from a charge towards benefits of so much ____
“consequence to their comfort, as an easy access by good Roads to their
“Towns, which themselves use, and by using contribute to impair.

“Be it therefore enacted by the same authority that the Surveyor ____
“General of the province or district shall have power to take order or make
“out Proces Verbal for bringing the inhabitants of the said towns respec=
“=tively to contribute to all public Highways leading to the s.^d Towns within
“their respective parishes, & that for every default of compliance with
“such order there be incurred or penalty of ____ Shillings to be recovered as ____
“directed respecting other fines & penalties in the penal Laws, relating to ____
“Highways; provid always that the proces verbal for the purposes in
“this clause expressed be approved by the Majority of Magistrates residing
“in the parish, & of any three members of His Majestys Council certified

at

“at the foot of such order their respective signatures & the same
 “be filed in the office of the Clerk of the Sessions of the Peace, & published
 “in the Public Gazette of the s.^d Towns respectively for a period including
 “three sundays after the date of the same order & provided further that
 “such order be not compulsory on any inferior Classes, but such ____
 “Citizens as shall occupy a house that has for ____ years by part
 “rented or where the same hath not been rented for that period, might
 “have been rented for so much in the Judgment of Him or them by
 “whom such order shall be made and approved in manner aforesaid,
 “at the avarage rent of ____ pounds at the least, and provided also
 “that no Citizen be made chargeable or compellable to work on such
 “roads more than ____ days in any one year, but that nevertheless the
 “work they shall perform shall be in proportion to the rent of the
 “Houses they shall occupy and also provided that such order shall
 “not affect any person of the King’s Army or Navy (not of the Civil ____
 “branch of the Staff) nor any person in holy orders, nor any Member
 “of any public Order or Institution for the education of youth
 “nor of any house or foundation instituted for any charitable use
 “and the moiety of all moneys to arise by the order or orders to be made
 “under the authority of this act & incurred for offending the same shall
 “be received and applied by the Surveyor General of the province
 “or district towards the improvement of the Roads by this clause
 “ of the Act intended to be laid out & repaired, & the application ____
 “whereof the Surveyor General of the province shall exhibit a
 “particular written account under his signature every six
 “months to the Governor & Commander in Chief for the time
 “being and file a Copy thereof in the office of the Clerk of the
 “peace of the district.

debates arose and

The Question being put on the motion

The Voices stood.

For it	Ags. ^t it
Sir John Johnson	Mess. ^{rs} Dupré
Mess. ^{rs} Grant	Boucherville
Caldwell	La Naudiere
Fraser	Longueuil
Pownall	Baby
Dunn	S. ^t Ours
The Chief Justic	Bellestre
	De Lery
	Mabane
	Harrison.

Carried in the Negative.

Col.¹

Col.¹ Caldwell then moved, that the following clause make part of y^e Bill

“And because the roads in the proximity of the Towns of Quebec and Montreal require more labour to put them in a good Condition, than can be reasonably expected from those chargeable by the Law as it now stands with that service, and it is just and fair, that the Citizens should not be totally exempted from a charge towards benefits of so much consequence to their comfort, as an easy access by good roads to their Towns which themselves use, & by using contribute to impair;”

“Be it therefore enacted by the same authority, that the Surveyor General of the province or district, shall have power to take order, or make out Proces Verbal for bringing the inhabitants of the s.^d Towns respectively, to contribute to all public Highways leading to the said towns within their respective parishes; and that for every defaults of compliance with such order, there be incurred a penalty of ten shillings, to be received as directed respecting other fines and penalties in the ___ penal laws relating to Highways; provided always that the proces verbal for the purposes in this clause expressed, be approved by the Majority of the Magistrates residing in the Parish, and of any three Members of His Majesty’s Council, certified at the foot of such order, under their respective signatures and the same be filed in the Office of the Clerk of the Sessions of the Peace, and published in the public Gazette of the said Towns respectively for a period including three Sundays after the date of the same order, and provided further that such order be not compulsory on any inferior classes, but such Citizens as shall occupy a house that has for three years by past rented, or ___ where the same hath not been rented for that period, might have been rented for so much, on the judgement of him or them by whom such order shall be made, and approved in the manner aforesaid at the average ^{rent} of Forty pounds at the least; and provided also, that no citizen be made chargeable or compellable to work on such roads more than four days in any one year, but that nevertheless the work they shall perform shall be in proportion to the rent of the houses they shall occupy.”

“And also provided that such order shall not affect any person of the King’s Army or navy / not of the civil branch of the staff / nor any person in Holy Orders, nor any Member of any public Order or Institution for education of youth, nor of any house or foundation instituted for any charitable use, and the moiety of all monies to arise by the order or orders to be made under the authority of this act, & incurred, for ___ offending the same, shall be received and applyed by the Surveyor Gen.¹ of the province or district, towards the improvement of the roads by
“this

“this clause of the Act intended to be laid out & repaired, and the application
 “whereof the Surveyor General of the province shall exhibit a particular
 “written account under his Signature every six months, to the
 “Governor or Commander in chief for the time being, & file a Copy
 “thereof in the office of the clerk of the Peace of the Districts.”

The question, shall Colonel Caldwell's Motion thus Amended
 by himself pass?

On the question the voices stood as on the first motion
 the same yeas Voting for, & the same Nays Against the Motion.

Carried in the Negative.

Colonel Caldwell then made a third Motion, Viz.¹ that the following
 make a Clause in the Bill

“Whereas in the new Districts of this province above Montreal
 “inhabited chiefly by His Majesty's old Subjects who have taken
 “refuge there, there are no Grand Voyers appointed, and from the
 “distance it cannot be expected that the Grand Voyer of the province sh.
 “extend his tournés there; and where as at the extremity of this province
 “towards Lake Champlain, & at Missisquoi Bay, there are considerable
 “settlements also of His Majesty's Old subjects, who from their distant
 “situation, and the time it would take to send for & keep the Grand
 “Voyer of their District to compleat the laying out of the great extent
 “of roads that are necessary, they, (being young settlers) could ill bear y^e
 “expence, and whereas many of the Captains of Militia in those places,
 “who by the Law now in force are under surveyors of roads, have Commissions
 “as magistrates, and that it is necessary that the road ordinance shall
 “be legally enforced,”

Be it enacted by the authority aforesaid, that one month after the
 “publication of this ordinance, or sooner if from the distance of the ____
 “aforesaid Districts & places knowledge can be had thereof that it shall
 “and may be lawful, and the Field officers, Captains, & other officers
 “of Militia of the Seigniories, Townships or Parishes, with the
 “Church Wardens & other parish officers, where parishes are formed, ____
 “are hereby required to call a meeting of the principal inhabitants
 “of such seigniorie, Townships or Parishes, notifying the same by
 “advertisements in writing, fixed at places of the greatest resort in the
 “same, & appointing a central place, and at a convenient distance
 “of time, when such inhabitants are hereby directed & required to
 “meet & proceed to the election (by a Majority of voices of those present)
 “of, from four to eight Surveyors of roads, according to the extent of
 “such Seigneurie, Township, or parish; & return of such Surveyors
 “so

“so chosen shall be made by an Officer of the Militia not being a ____
 “magistrate, at the next special Session of the peace for Highroads held in
 “the said seigneurie, township, or parish, or in the neighbourhood thereof,”

“Be it also enacted by the same authority, that the Magistrates
 “residing in such seigneurie, township or parish, or the Neighbour=
 “=hood thereof, within the distance of fifteen miles shall, and they are
 “hereby required every three months to hold special Sessions of the
 “Peace for highroads, the first of which shall be held as soon as may
 “be after the Surveyors are elected, not less than two to make a Quorum
 “where no more can be conveniently assembled, when the s.^d Magistrates
 “at their discretion shall, & they are hereby directed, by warrants under
 “their hands & Seals to nominate # and appoint two or more surveyors
 “of Roads from those so chosen to act in such seigneurie, township or
 “parish for the year ensuing, which appointment shall be notified to
 by an Officer of Militia serving him with said Warrants, and if in six days

“them in six days ^ after the s.^d Notice those or any of them so ____
 “appointed shall neglect or refuse to take the Oath of office prescribed
 “by this act, before one of the Justices of the peace who held the Sessions,
 “who, or any of them, are hereby authorized to administer the same,
 “or shall refuse to take upon him or them the office of Surveyor of
 “Roads & execute the same, he or they shall severally forfeit the sum of
 “Five Pounds, & in case of such refusal, the Magistrates shall again
 “assemble & appoint one or more that have been elected as aforesaid, who
 “shall execute the office under the like penalty, all which penalties
 “shall be levied & appropriated as other fines are which are imposed
 “by this Road ordinance”.

“And be it further enacted by the authority aforesaid, that in all
 “matters respecting Roads & bridges, it shall be the duty of the Magistrates
 “in their Sessions to declare unto the Surveyor of the roads their duty, &
 “if any difficulty arises respecting any particular Road or Bridge, y^e
 “Magistrates aforesaid shall direct, that an assembly of those interested
 “in such Road or Bridge may be called, and the surveyor or surveyors are
 “directed to have the work executed according to the Majority of voices present
 “at such meeting.”

The question was put, Whether the Clause proposed by Colo.¹
 Caldwell’s third motion shall be adopted?

The day being far spent, the Committee adjourned to meet
 to morrow, the 24.th

Friday

Friday 24.th April

The Committee met according to adjournment

Present

M.^r Finlay in the Chair

The Hon ~ ble Ch: Justice	De Lery	De Longueüil
Mess. ^{rs} Dunn	Fraser	Sir John Johnson
Harrison	Caldwell	Boucherville
Mabane	Grant	De La Naudiere
Bellestre	S. ^t Ours	&
Pownall	Baby	Dupré.

The Motion made by Colo.^l Caldwell at the last meeting of the Committee and left undetermined was now put to the vote, and the Voices stood ___ unanimously ag.st it

Colonel Caldwell then moved that a Clause be added to the Bill, in the words following

“And be it enacted by the same authority, that the Grand Voyer of the province & of the district shall, & they are hereby directed in their tournés to attend to the different applications made to them for laying out roads, and take that opportunity for laying out the same, without putting the inhabitants to the expence of sending for them, or any other expence than what the fee ordinance directs for making out the proces verbal”

“And the Question being put, Whether the proposed clause shall be adopted, It was voted in the Negative, Col: Caldwell’s being the sole voice for it.

M.^r Lanaudiere moved that a Clause be added to the Bill in these words,

“And Whereas it is highly necessary that the access to the Towns of Quebec & Montreal, as places of General resort & Commerce, should be easy and Commodious at all seasons, and seeing that the Citizens of those towns are deeply interested therein, & that the work necessary for ___ keeping the said roads in proper repair, would greatly exceed the abilities of the proprietors of the Lands without the walls tho’ in the precincts thereof,”

“Be it enacted by the same authority, that all the inhabitants of the Towns of Quebec & Montreal & the tenants & Proprietors within their ___ respective Banlieus who shall keep at any time of the year for the space of one month or more, one or more horses, whether for the ___ purpose of working or of pleasure (Officers of His Majesty’s Army or Navy other than such as are of the Civil Branch of the Staff and ___ Licensed Carters ~~only~~ excepted) shall contribute to the upholding

“mending

“mending and repairing such roads, or any Bridge within the same, as
 “shall be designated by the Surveyor General of the district, as hereafter
 “mentioned.”

“And that all and every inhabitant of the s.^d Towns, & their respective
 “Banlieus, and the tenants & proprietors of lands therein as aforesaid, shall
 “make entry at the office of the surveyor General of the district of the number
 “of Horses by him or them kept, within six weeks after the publication of
 “this ordinance, and he shall there take a certificate of the s.^d entry, ____
 “signed by the surveyor Gen.^l of the district, or any person by him for that
 “purpose thereunto legally authorised, under the penalty of four pounds
 “for refusing or neglecting to make such entry within the time above
 “specified”,

“And it shall further be lawfull for the Surveyor Gen.^l of the district
 “or the Superintendent General, to take order t’oblige every inhabitant in the
 “said Towns & their respective Banlieus to contribute three days work in
 “the Year for every horse by him kept as aforesaid, with a good Cart drawn
 “by an able horse, well tackled, & a Good driver having a spade, pick=axe &
 “Hoe, And for every refusal to attend and work on the days fixed by the Surveyor ____
 “General of the district, the person so refusing shall forfeit and pay a fine of five
 “Shillings” debates arose; and the Question being put, whether the clause
 “proposed be adopted? The Voices stood,

For the Clause
 Mess.^{rs} De La Naudiere
 S.^r J. Johnson
 Mess.^{rs} De S.^t Ours
 Caldwell
 Fraser
 Pownall
 Dunn
 Ch: Justice

Ags.^t the Clause
 Mess.^{rs} Dupré
 De Boucherville
 De Longueuil
 Baby
 Grant
 Bellestre
 De Lery
 Mabane
 Collins
 Harrison.

Carried in the Negative

M.^r La Naudiere them Moved that the following clause be added to the Bill

“And it shall ^{be} lawful for the Surveyor General of the district or the
 “Superintendent General to take order for compelling divers persons of the
 “same Parish to remove great stones or other obstacles from the King’s
 “Highways which shall exceed the ability of the person at present chargeable
 “to remove the same under the Law as it now stands under a penalty of
 “five shillings for every default to be recovered & applied as other penalties
 “herein before directed”

The Question being put,

The Voices stood,

Twelve for the Clause, & Six against it

+

Carried in the Affirmative

adjourned until to morrow.

+
Yeas
 Mess.^{rs} Dupré
 De La Naudiere
 S.^r J. Johnson
 Baby
 S.^t Ours
 Grant
 Fraser
 Bellestre
 Pownall
 Collins
 Dunn.
 Ch: Justice.
Naves
 De Boucherville
 De Longueuil
 Caldwell
 De Lery
 Mabane
 Harrison.

ex. d

Sa=

Saturday the 25th April 1789
The Committee met according to adjournment.

Present

M.^r Finlay in the Chair

The Chief Justice	Caldwell
Mess. ^{rs} Dunn	Grant
Harrison	S. ^t Ours
Collins	Baby
Mabane	Longueuil
De Lery	S. ^r J. Johnson
Pownall	La Naudiere
Bellestre	Boucherville
Fraser	Dupré

The Chairman proposed to sign the Report.

Then M.^r Grant moved, that a Clause should be added to the Bill, in the following words.

“Be it further enacted by the same authority that every inhabitant of the
“ Towns of Quebec & Montreal & their suburbs & presincts respectively who shall
“ keep at any time of the year for the space of one month, One or more Horses for
“ the purposes of work or pleasure, Officers of His Majesty’s Navy & Army,
“ not of the civil branch of the Staff excepted, shall contribute to the making
“ mending & upholding such roads & bridges not private property within the
“ parishes thereof as shall be designated by the Superintendent General &
“ the Surveyors General of the districts, & all & every inhabitant of the said
“ towns & Suburbs shall make an entry at the Superintendant’s office
“ or Surveyors General’s office of the District of the number of Horses by Him
“ or them so kept within one month after the publication of this act or
“ ordinance, and the Superintendant or Surveyor general or some person or
“ persons duly authorised by both or either of them shall keep a register thereof
“ and under signature give certificate of every such entry to those who
“ shall make the same. And every person failing to make such entry as
“ aforesaid shall incur a penalty of Five Pounds. And every inhabitant
“ keeping a horse or horses as aforesaid shall contribute in the whole every year
“ when thereunto required by the superintendant General or ^{the} Surveyor General
“ for every such Horse or Horses three days work of a well tackled good & sufficient
“ Horse & Cart, & driver, with a spade & pick=axe or hoe, or in place thereof nine
“ days labour of an able bodied man well provided with tools as aforesaid, __
“ except licenced Carters who shall only give one days Labour of such
“ horse & Cart & driver, or three days labour of an able bodied man.”

“And every person defaulting to work when required from 5 o’Clock in the
“ morning, or from sun rise to sunset, allowing two hours in the whole for
“ taking their refreshment, shall incur a penalty of five shillings for a
“ days labour of each horse Cart & driver, & two shillings for a day’s Labour
“ of ~~such~~ ^{an} able bodied Man, not appearing at work & according to order at the

“time

“ time and place directed, & so in proportion for half a days work.

“And every Citizen or other person may in the same proportion ____
 “ commute & pay in money the Labour assigned him, & the superintendant
 “ or Surveyor General shall upon payment give him a discharge or receipt
 “ for the same or such part thereof as he may be inclined to pay & commute. And
 “ all monies so received shall be applied without deduction to the purposes of
 “ making & mending the roads & Bridges aforesaid and an attested account thereof
 “ together with the Vouchers shall be presented to His Excellency the Governor or Commander
 “ in Chief for the time being, on the first of December & the first of June of every year.
 “ And a duplicate of every such account shall at the same time be filed with the
 “ Clerk of the peace of the district for the Inspection of the Magistrates in their
 “ Sessions.

“Provided always that nothing in this ~~act~~ ^{Clause} contained shall be construed
 “ to exempt any person or persons holding or occupying lands in either of the
 “ parishes aforesaid from working upon & repairing as usual the Kings High
 “ =ways running through or in front of the same or any other road service ____
 “ according to Law, the Communities of Women of charitable institution always
 “ excepted from every contribution, but subject nevertheless to fences and
 “ ditches & winter roads according to the usage & the Law.

“And all fines & penalties incurred under this act shall be sued recovered
 “ and applied by the Superintendant General, or Surveyor General of the ____
 “ district as other fines & penalties are, or may be by either of them, or any
 “ other person or persons under this or any other read law any thing to the
 “ contrary notwithstanding.”

The Question being put

Whether this clause should make part of the present Bill?

The Voices stood

For the Clause	Ags. ^t the Clause
Mess. ^{rs} De La Naudiere	Dupré
S. ^r John Johnson	Boucherville
Mess. ^{rs} S. ^t Ours	Longueuil
Grant	Baby
Caldwell	Bellestre
Fraser	De Lery
Pownall	Mabane
Collins	Harrison.
Dunn	
Ch: Justice	

Carried in the affirmative

Council Chamber 29.th April 1789

Sign'd by Order of the Committee

/ sign'd / Hugh Finlay

Chairman.

On the Question of Concurrence it passed in the affirmative unanimously.

Ordered to be engrossed, & read a third time to=orrow.

Police.

M.^r Finlay from the Committee of the whole Council upon the Bill intituled, “An Ordinance to continue the Ordinance empowering the Commissioners of the peace, to regulate the police of the Towns of Quebec & Montreal for a limited time” reported that the Committee had gone through the Bill and made some _____ Amendments, which with the Bill and Report He delivered in at the Table, the Report was read in the following words, viz,

“ At a Committee of the whole Council 29.th April 1789

“ Present

“ M. ^r Finlay in the Chair	
“ Chief Justice	“ Grant
“ M. ^r Dunn	“ S. ^t Ours
“ Harrison	“ Baby
“ Collins	“ Longueuil
“ Mabane	“ S. ^r J. Johnson
“ Bellestre	“ Boucherville
“ De Lery	“ La Naudiere
“ Fraser	“ Dupré
“ Caldwell	

“ Read the Bill in the following words intituled “an Ordinance to continue the ordinance empowering the Commissioners of the peace to regulate the police of the towns of Quebec & Montreal for a limited time.”

“ Be it enacted by His Excellency the Governor & the Legislative Council and it is hereby enacted by the authority of the same, that the Ordinance intituled “An Ordinance further to continue an Ordinance to empower the Commissioners of the peace to regulate the police of the Towns of Quebec & Montreal for a limited time” passed in the twenty seventh year of His Majesty’s Reign, shall, in every clause & article thereof, continue & be of force, from the passing of this Ordinance unto the end of the [^] Session of the Legislative Council which will be held in the year of our Lord one thousand seven hundred & ninety one, & no Longer”

The Question being put, if the Clause shall stand, Carried in the Affirmative unanimously,

M.^r La Naudiere moved that a Clause be added to the Bill in the words following

“And be it further enacted by the same authority, that the powers of the Justices of the peace for regulating the police, in the Towns of Quebec & Montreal, shall extend through their Suburbs & parishes _____ respectively.

“ Carried unanimously in the affirmative

“ Quebec 29th April 1789

“ Sign’d by order of the Committee

/ sign’d /

“Hugh Finlay, Chairman

On the Question of Concurrence it passed unanimously in the _____ affirmative.

Ordered to be engrossed & read a third time tomorrow.

M.^r

Winter Carriages

M.^r Dupré from the Committee of the whole Council upon the Bill intituled “An Act to repeal part of an Act therein mentioned, relating to winter Carriages” reported that the Committee had gone thro’ the Bill, & adopted the same, which with the Report he delivered in at the Table, The report was read in [^]the words following, Viz.^t

“In a Committee of the whole Council on a Bill intituled “An Act to repeal part of an act therein mentioned relating to Winter carriages.”

“Wednesday the 29.th April 1789

“Present

“ M.^r Dupré in the Chair

“ The Ch: Justice	“ Caldwell
“ Mess. ^{rs} Finlay	“ Grant
“ Dunn	“ S. ^t Ours
“ Harrison	“ Baby
“ Collins	“ De Longueuil
“ Mabane	“ S. ^r John Johnson
“ De Lery	“ De La Naudiere
“ Bellestre	“ De Boucherville
“ Fraser	

“ Read the Bill in both Languages

“ Read the 1.st Article in these words,

“” Be it enacted, by His Excellency the Governor & the Legislative Council, and it is enacted by the authority of the same, that the act intituled “An Act or Ordinance to alter the present method of drawing sleds & carriages in order to remedy the inconveniencies arising from Cahots or Banks of snow formed on the winter roads & to amend the same” So far as the same affects the construction of the winter carriages & the use & regulations of the same, be, after the passing of this act, no longer of more force & efficacy than if the s.^d act respecting the construction of the winter Carriages had never been made.

“ The Question was put whether the clause should stand as it is?

“ ~~The~~ Debates arose & being put to the vote

“ For the Clause	“ Ags. ^t it
“ Mess. ^{rs} Boucherville	“ La Naudiere
“ Longueuil	“ S. ^r John Johnson
“ S. ^t Ours	“ Col: Caldwell
“ Baby	“ Harrison
“ Grant	“ Finlay
“ Fraser	
“ Bellestre	
“ De Lery	
“ Collins	
“ Dunn	
“ Ch: Justice	“Carried in the affirmative”

“Read the title of the Bill in these words” “An Act to repeal part of an Act therein mentioned relating to winter Carriages.” The Question was put whether the title should stand? The Question Carried in the affirmative. The President read the report & asked that the report be sign’d, Ordered accordingly,

“ par ordre du Committee 29.th Avril 1789

/ sign’d / “ Le C.^{te} Dupré président

Ordered to be engrossed & read a third time to, morrow

Adjourned till to morrow at 10

Thursday 30.th April 1789

Present

The Honourable, William Smith Esquire Chief Justice

Hugh Finlay

P. R. De S.^t Ours

Thomas Dunn

Francis Baby

Edw.^d HarrisonJoseph De Longueuil Esq.^{rs}

John Collins

Sir John Johnson Bar.^t

J. G. C. De Lery

Cha.^s De La Naudiere

George Pownall

René Am. De Boucherville

Picotté De Bellestre

Le Comte Dupré ____ Esq.^{rs}

Henry Caldwell

William Grant

Roads

M.^r De Longueuil moved that the third reading of the Bill intituled “An Act or Ordinance respecting Roads & Bridges in the central Districts of Quebec and Montreal, and further to amend the Laws now in force concerning the same” may be postponed ____

“ till the next Session of the Legislative Council, and that it be ____

“ printed in the interim ____ On the question of concurrence with the motion, it was carried in the Negative by 10 ag.st 6 ____

For the Affirmative

M.^r DupréM.^r De BouchervilleM.^r De LongueuilM.^r BabyM.^r De BellestreM.^r De Lery

For the Negative

M.^r De La Naudiere

Sir John Johnson

M.^r De S.^t OursM.^r GrantM.^r CaldwellM.^r PownallM.^r CollinsM.^r HarrisonM.^r DunnM.^r Finlay

Present

The same Members, together with M.^r Mabane & M.^r Fraser

Roads

Read, for the third time, in both languages, the s.^d Bill, intituled ____

An Act or Ordinance respecting Roads & Bridges in the central Districts of Quebec and Montreal, and further to amend the Laws now in force

“ concerning the same” ____ Then M.^r Grant moved, that the words, “incurred

“ under this Act, in the first Line after the last Proviso of this Bill, be

“ struck out, and the words, to be incurred under this Clause, inserted in

their place ____ On the question, carried in the Affirmative by 12 ag.st 6 ____

For the Affirmative

M.^r De La Naudiere

Sir John Johnson

M.^r BabyM.^r De S.^t OursM.^r Grant

Col. Caldwell

M.^r FraserM.^r PownallM.^r CollinsM.^r HarrisonM.^r DunnM.^r Finlay

For the Negative

M.^r DupréM.^r De BouchervilleM.^r De LongueuilM.^r BellestreM.^r De LeryM.^r Mabane

M.^r Caldwell moved that the word, three, in the 17.th line of the last clause be struck out, and the word, two,^{be} inserted in its place; and that the word, nine, in the 18.th Line be struck out, and the word, six, inserted in its stead. ____ On the Question, the motion was carried in the Affirmation

M.^r De Lery standing alone in the Negative.

M.^r

M.^r De Boucherville moved that after the words, superintendant-General, in the third enacting clause, be added the words, Surveyor General, __ On the Question it was carried in the Negative by 11 ag.^s 7.

For the Affirmative	For the Negative
M. ^r Dupré	M. ^r De La Naudiere
M. ^r De Boucherville	Sir John Johnson
M. ^r De Longueüil	M. ^r De S. ^t Ours
M. ^r Baby	M. ^r Grant
M. ^r Fraser	Col. Caldwell
M. ^r De Bellestre	M. ^r Pownall
M. ^r Mabane	M. ^r De Lery
	M. ^r Collins
	M. ^r Harrison
	M. ^r Dunn
	M. ^r Finlay

Colonel Caldwell moved that after the words, licenced Carters, in the 19.th line of the last Clause, may be inserted the words, and persons that let carriages for hire, __ And also that after the word, Horse, in the 20.th line, may be inserted, or horses as they keep. __ It was carried in the Negative, Colonel Caldwell standing alone in the Affirmative

Then the question was put for passing this Bill, and it was __ carried in the Affirmative by 10 Ayes ag.^s 8 Naves.

For the Affirmative	For the Negative
M. ^r De La Naudiere	M. ^r Dupré
Sir John Johnson	M. ^r De Boucherville
M. ^r De S. ^t Ours	M. ^r De Longueüil
M. ^r Grant	M. ^r Baby
Col. Caldwell	M. ^r Fraser
M. ^r Pownall	M. ^r De Bellestre
M. ^r Collins	M. ^r De Lery
M. ^r Harrison	M. ^r Mabane
M. ^r Dunn	
M. ^r Finlay	

Ordered that M.^r Finlay, M.^r Baby, & M.^r De La Naudiere wait upon His Excellency The Governor, with the engrossed Bill, intituled, “An Act or Ordinance respecting Roads and Bridges in the central districts of Quebec and Montreal, __ and further to amend the Laws now in force concerning the same” __ And that they inform His Lordship that the Council have passed the same, and submit it to His Lordship’s Assent, that it be enacted into a Law.

Police

Read, for the third time, in both languages, the Bill, intituled “An __ Ordinance to continue the Ordinance empowering the Commissioners of the peace to regulate the police of the Towns of Quebec and Montreal, for a limited time” __ On the question for passing the same, it was carried unanimously in the Affirmative.

Ordered that M.^r Pownall, M.^r De S.^t Ours and M.^r De Longueüil wait upon His Excellency The Governor, with the engrossed Bill, intituled “An Ordinance to continue the Ordinance empowering the Commissioners of the peace to __ regulate the police of the Towns of Quebec and Montreal, for a limited time” __ and that they inform His Lordship that the Council have passed the same and submit it to His Lordship’s Assent that it be enacted into a Law.

Winter Carriages

Read, for the third time, in both languages, the Bill intituled, “An Act to repeal part of an Act therein mentioned, relating to Winter Carriages” __ On the Question for passing the same, it was carried in the Affirmative by 13 Ayes ag.^s 5 Naves.

For the Affirmative	For the Negative
M. ^r Dupré	M. ^r De La Naudiere
M. ^r De Boucherville	Sir John Johnson
M. ^r De Longueüil	Colonel Caldwell
M. ^r Baby	M. ^r Harrison
M. ^r De S. ^t Ours	M. ^r Finlay
M. ^r Grant	
M. ^r Fraser	

Ordered

Ordered that M.^r Grant, Sir John Johnson and M.^r Dupré wait upon His Excellency The Governor with the engrossed Bill, intituled, “An
 “ Act to repeal part of an Act therein mentioned, relating to Winter=
 “ =carriages” And that they inform His Lordship that the Council have passed the same, and submit it to His Lordship’s Assent that it be enacted into a Law.

The Council resolved themselves into a Committee of the ____ whole Council, to proceed upon certain Bills committed, ____ and The Chief Justice quitted the Chair.

The Chief Justice resumed the Chair

Faculty

M.^r De Lery, from the Committee of the whole Council, upon the Bill “concerning the practice of Physic & Surgery” reported ____ progress, and beg’d leave to sit again in one hour; Ordered ____ accordingly.

The Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill ____ “concerning advocates, attornies, Solicitors and Notaries” and the Chief Justice left the Chair

The Chief Justice resumed The Chair

Attornies &c

M.^r Baby, from the Committee upon the Bill, intituled “An
 “ Ordinance to amend an Ordinance concerning Advocates, Attornies,
 “ Solicitors, and Notaries, and the more easy collection of His Majesty’s
 “ revenues” reported that the Committee had gone through the Bill, and rejected the same. ____ On the question of concurrence, it was carried unanimously in the Affirmative, that the Bill be rejected.

The Council resolved themselves into a Committee of the whole Council to proceed upon the Bill, “concerning “the Pilotage in the river S.^t Lawrence, and for preventing “abuses in the Port of Quebec” And the Chief Justice left the Chair.

The Chief Justice resumed The Chair

In consequence of a Message from His Excellency The Governor, the Council proceeded to the Castle of S.^t Lewis, with the Bills that were ready for His Excellency’s Assent.

At

At the Castle of S.^t Lewis

Present

The Honourable, William Smith Esquire Chief Justice

Hugh Finlay

Henry Caldwell

Thomas Dunn

William Grant

Edward Harrison

P. Roc De S.^t Ours

John Collins

Francis Baby

Adam Mabane

Joseph De Longueuil _ Esquires

J. G. C. De Lery

Sir John Johnson Baronet

George Pownall

Charles De La Naudiere

Picotté De Bellestre

René Amable De Boucherville

John Fraser

Le Comte Dupré __ Esquires

His Excellency Lord Dorchester entered the Council chamber,
and being seated in the Chair, gave His Assent to the following
Bills, separately, viz,

Practice of the Law

An Act to continue the Ordinances regulating the practice
of the Law, and to provide more effectually for the dispensation
of Justice, and especially in the New Districts.

Militia

An Act or Ordinance to explain and amend an Act, intituled,
“An Act or Ordinance for better regulating the Militia of this __
“province, and rendering it of more general utility towards
“the preservation and security thereof.”

Police

An Ordinance to continue the Ordinance empowering the
Commissioners of the peace to regulate the police of the Towns
of Quebec and Montreal for a limited time.

Maîtres de Poste

An Ordinance to continue the Ordinance passed the thirtieth
day of April in the twenty seventh Year of His Majesty's __
reign, for regulating the Maîtres de poste.

Winter Carriages

An Act to repeal part of an Act mentioned therein, __
relating to Winter-Carriages.

His Lordship Ordered the Bills to be enrolled and ____
published in the Quebec Gazette, with all convenient
~~dispatched~~: And that the Legislative Council be __
prorogued till a fresh Summons.

This Book
and forty
JWilliams
C. L. C.

contains five hundred
four pages _____ }

CAHIER F (VOLUME 3)

Du 11 mars 1790

au

30 avril 1791

At the Castle of Saint Lewis
on Thursday the 11.th of march 1790

Present

His Excellency The Right Honourable Guy Lord Dorchester, Governor;
and

The Honourable

Hugh Finlay	Henry Caldwell
Edward Harrison	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C. De Lery	Sir John Johnson, Baronet
George Pownall	René Amable De Boucherville
Picotté de Bellestre	Le C. ^{te} Dupré

Esquires

His Excellency opened the Session with the following Speech
from the Chair,

“Gentlemen,

“I shall order divers Reports of Committees of
“the Council, and other papers relating to objects of legislation
“to be laid before You; but having reason to expect some
“essential alterations in the form of our provincial _____
“government will shortly take place, it may be expedient,
“at the present Session, to enact such regulations only,
“as are immediately necessary. Those, that you ~~may~~ ^{shall} judge
“advisable to be postponed, may be matured, and printed for
“the consideration of a more extended legislature.

At the Castle of S.^t Lewis
on Thursday the 11th. of March 1790

Present

The Honourable Hugh Finlay Esquire, in the Chair
and

The Honourable

Edward Harrison	Henry Caldwell
John Collins	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C. De Lery	Sir John Johnson, Bar. ^t
George Pownall	René Amable De Boucherville
Picotté de Bellestre	Le C. ^{te} Dupré

Esquires

JW

His

His Excellency's speech from the Chair, with the translation read, M.^r Pownall moved an Address of thanks __ Seconded by M.^r Mabane.

Ordered that Messrs Mabane, De Lery, Pownall, De Bellestre and Caldwell be a Committee to report a Draft.

adjourned till to-morrow, at 12 at the Council Chamber in the Bishop's palace.

12.th March

Friday 12th. March 1790

Present

The Honourable Hugh Finlay Esquire, in the Chair,
and

The Honourable

Edward Harrison	Henry Caldwell
John Collins	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C. De Lery	Sir John Johnson Baronet
George Pownall	René Amable De Boucherville
Picoté de Bellestre	Le C. ^{te} Dupré
Esquires _____	

M.^r Mabane from the Committee for preparing an____ Address of Thanks to His Excellency for His Speech from the __ Chair, reported that the Committee had prepared the same, __ which, with the Report, He delivered in at the Table, and __ they were read in the words following,

“Committee Chamber, March 12.th 1790

“Present

“Messrs _ “Mabane

“De Lery

“Pownall

“De Bellestre

&

“Caldwell

“Read in both languages His Excellency's Speech from the Chair,
“ and the Order of the L. Council of Yesterday appointing Messrs __
“ Mabane, De Lery, Pownall, De Bellestre, and Caldwell to be a
“ committee to report the draft of an Address of Thanks.

“The Committee unanimously agreed upon a draft, and _____

“Ordered the Chairman to report the same,

“By order of the Committee

(signed) A. Mabane Chairman

“To

“To His Excellency The Right Honourable Guy, Lord
 “Dorchester, Captain General and Governor in Chief
 “of the Colonies of Quebec, Nova Scotia, and New ____
 “Brunswick, and their dependencies; Vice Admiral of
 “the same; General, and Commander in Chief of all
 “His Majesty’s forces in the said Colonies, and the Island
 “of Newfoundland, &c, &c, &c.

“May it please Your Excellency,

“We, the Legislative Council of the province, return Your
 “Excellency our most sincere thanks for the Communications which You
 “made to Us in Your speech of yesterday at the opening of this Session.

“At the same time that We will give the greatest attention
 “to the Reports of Committees of Council, and other papers, relating to
 “Objects of Legislation, which You may order to be laid before Us, We
 “shall ^not lose sight in our deliberations of the reason which Your—
 “Excellency gives for our not enacting any Regulations, but such only
 “as are absolutely necessary; being fully sensible that in the
 “present circumstances of the province, it will be most expedient
 “for the Legislature, to postpone the consideration of Objects, for
 “which there is not an evident or urgent necessity, to a future
 “day.

“By Order ____ “Hugh Finlay

The question of concurrence being put, it passed unanimously
 in the Affirmative.

“Council Chamber
 “March 12.th 1790

Ordered that M.^r Mabane, M.^r De Lery and M.^r Pownall
 wait on His Lordship with a Copy of The Address, requesting
 to know His Pleasure thereon.

M.^r Mabane from the Members named to wait on His Lordship
 to know His pleasure on the Address of Thanks, reported “That His ____
 “Lordship will receive the same to-morrow at twelve o’clock.

Ordered to be engrossed for presentation.
 adjourned till to-morrow at half past eleven.

13.th March

Saturday 13.th March 1790

Present

The Honourable Hugh Finlay Esquire, in the Chair.
 and

The Honourable

Edward Harrison	Paul Roc De S. ^t Ours
John Collins	Joseph De Longueuil
J. G. C. De Lery	Sir John Johnson Bar. ^t
George Pownall	Charles De La Naudiere
Picoté de Belestre	René Amable De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires.

M^r. Finlay, from the whole Council, reported, that The ____ Council had attended this day, [^] on His Excellency at the Castle of Saint Lewis, when their Address of Thanks was presented to His Excellency in the usual manner.

Abandon

Colonel Caldwell moved “for Leave to bring in a Bill
“ to prevent the Custom known by the name of the Abandon; ____
“ also for other purposes for the advantage of the Agriculture
“ of the province” ____ Seconded by Colonel Dupré _ Ordered
accordingly.

Exportation of
Wheat &c.

Colonel Caldwell moved “for Leave to bring in a Bill
“ to prevent the exportation of Wheat, Flour and Biscuit, for
“ a limited time, or till the fate of the ensuing crop is known.”
_ Seconded by Col. Dupré ____ Debates arose ____ The question
being put, it was carried in the Affirmative by 10 ag.st 2.
____ Ordered accordingly.

For the Affirmative

M^r. Dupré
M^r. De Boucherville
Sir John Johnson
M^r. De Longueuil
Colonel Caldwell
M^r. De Bellestre
M^r. Pownall
M^r. De Lery
M^r. Collins
M^r. Harrison

For the Negative

M^r. De La Naudiere
M^r. De S^t. Ours

adjourned to Monday next at 11 o'clock

15.th March.

Monday 15.th March 1790

Present

The Honourable William Smith Esquire Chief Justice
and

The Honorable

Hugh Finlay	William Grant
Edward Harrison	P. R. de S. ^t Ours
John Collins	Joseph De Longueuil
J. G. C. De Lery	Sir J. Johnson, Bar. ^t
George Pownall	Charles De Lanaudiere
Picotté de Bellestre	René Am. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré, Esquires.

Abandon

Col: Caldwell, pursuant to Leave granted, brought in a Bill
intituled, “An Ordinance for abolishing the Custom known by the

JW

“Name

“ Name of the Abandon; also to prevent the trespassing of Cattle, the unlawful
 “ cutting and carrying away of Wood and underwood, the Breaking down of fences
 “ and Inclosures, and respecting other matters advantageous to Agriculture” ____
 Ordered to be read; being read in both Languages; Ordered a second reading
 to=morrow.

Embargo Col: Caldwell, pursuant to Leave granted, brought in a Bill, intituled “An
 Ordinance to prohibit, for a limited time, the exportation of Wheat, Peas, Oats
 “ biscuit, flour, or meal of any kind.” Ordered to be read, Being read, Ordered
 to be translated, and read a second time to=morrow.

Toll M^r. Pownall moves for leave to bring in a Bill, intituled, “An Act or
 “ Ordinance, for securing more effectually the Toll of the Bridge over the
 “ River S.^t Charles, near Quebec”, Seconded by M.^r Finlay, Ordered accordingly.

Toll M.^r Pownall, pursuant to leave granted brings in the said Bill and
 moves it may be now read for the first time _ Ordered accordingly. The ____
 Bill being read in both Languages, Ordered a second reading to morrow.

Cribbles M.^r Dupré moves for leave to bring in a Bill, intituled “An Ordinance
 “ to oblige all Millers or Owners of Flour Mills to have Cribbles in their Mills”,
 Seconded by Colonel Caldwell, Ordered accordingly.

Cribbles M.^r Dupré pursuant to leave granted, brings in the said Bill and
 moves it may be now read for the first time, Ordered accordingly, the Bill
 being read in both Languages, Ordered a second reading to morrow.

Adjourned till to morrow at 11.

16.th March

Tuesday 16.th March 1790

Present

The Honorable William Smith Esquire Chief Justice
 and

The Honorable

Hugh Finlay

Tho.^s Dunn

Edw.^d Harrison

John Collins

Adam Mabane

J. G. C. De Lery

George Pownall

Picotté de Bellestre

Henry Caldwell

William Grant

P. R. De S.^t Ours

Joseph De Longueüil

Sir John Johnson Bar.^t

Cha.^s De Lanaudiere

René Amable De Boucherville

Le C.^{te} Dupré .

Esquires

JW

read

- Abandon ____ Read a Second time in both Languages the Bill intituled, “An Ordinance
“ for abolishing the Custom known by the name of Abandon, &^{ca}” Ordered to
be committed to Col: Caldwell, M.^r Grant, M.^r De S.^t Ours, M.^r De Longueüil _
M.^r De Lanaudiere, M.^r De Boucherville, & M.^r Dupré.
- Embargo ____ Read a Second time in both Languages the Bill, intituled, “An ____
“ Ordinance to prohibit for a limited time, the exportation of Wheat, Peas,
“ Oats, Biscuit, Flour, or Meal of any kind,” Ordered to be Committed to ____
“ Colonel Caldwell, M.^r Harrison, M.^r Mabane, M.^r Grant & M.^r Dupré.
- Toll ____ Read a second time in both Languages the Bill intituled “An Act
“ or Ordinance for securing more effectually the Toll of the Bridge ober the
“ River S.^t Charles, near Quebec; Ordered to be Committed to M.^r Pownall,
M.^r Dunn, M.^r De Lery, M.^r Bellestre & M.^r De La Naudiere.
- Cribbles for Mills _ Read a second time in both Languages the Bill intituled, “An Ordinance
“ to oblige all Millers or Owners of flour Mills to have Cribbles in their Mills”,
Ordered to be Committed to Col: Caldwell, M.^r Grant, M.^r De S.^t Ours, M.^r De
Longueüil & Sir John Johnson.
- Inland Commerce ____ M.^r Grant moves for leave to bring in a Bill, intituled, “An Act in
“ addition to the Act entitled, An Act or Ordinance further to regulate the
“ Inland Commerce of this province and to extend the same,” Seconded by M.^r
De Lanaudiere, Ordered accordingly.
- M.^r Grant pursuant to Leave given brings in the said Bill & moves
that it may be now read for the first time, being read in both Languages, ____
Ordered a second reading for to morrow _
- District for }
Three rivers _ } M.^r Grant moves for leave to bring in a Bill, intituled, “An Act or Ordinance
“ to form a new District between the Districts of Quebec & Montreal and for
“ regulating the same Districts”, Seconded by M.^r De Lanaudiere, Ordered ____
accordingly.
- M.^r Grant pursuant to leave given brings in the said Bill and moves
it may be now read for the first time, Being read in both Languages, Ordered
a second reading for to morrow.

Adjourned to Thursday next at 11 o’Clock.

Thursday ____

Thursday 18.th March 1790

Present

The Honorable William Smith Esquire Chief Justice _____
and

The Honorable _____

Hugh Finlay	Henry Caldwell
Thomas Dunn	William Grant
Edw. ^d Harrison	P. R. De S. ^t Ours
John Collins	J. De Longueüil
Adam Mabane	Sir John Johnson Bar. ^t
J. G. C. De Lery	Charles De Lanaudiere
George Pownall	René Am: De Boucherville
Picotté De Bellestre	Le Comte Dupré, Esquires

M.^r Williams the Clerk of the Council, by order of His Excellency Lord
Dorchester, laid on the table the following Lists of reports & papers, Viz.^t

“Bills prepared in the Session of 1789 and printed

“To explain & amend the Act intitl’d ” “An Act or Ordinance for promoting the
““ Inland Navigation.””

“To Amend an Act, intitl’d” “An Act or Ordinance for regulating the Fisheries
““ in the river of S.^t Lawrence, in the Bays of Gaspé & Chaleurs, on the Island of
““ Bonaventure, and the opposite Shore of Percé.

“To prohibit the use of Small Stills.

“For securing and improving Correspondence throughout the province, and to
“ facilitate the intercourse by post between the Western Districts & Montreal.

“To discourage Desertion, and for regulating Seamen in the Merchant
“ service.

“For securing more effectually the Toll of the Bridge over the river S.^t Charles
“ near Quebec

“The report respecting High roads & Bridges in the Central Districts of
“ Quebec & Montreal.

“(signd) ” JWilliams, 13.th March 1790.

“Addition to the List of Business in deliberation at the Session of 1789

“A Bill concerning the practice } Committed and the papers are in the Hands of
“ of Physic & Surgery _ _ _ } M.^r De Lery, the Chairman.

“A Petition from divers persons
“ of the Town & Vicinity of Montreal
“ for a Law, to disallow & forbid the
“ Custom of Abandon _ _ _ } Lying on the Table

JW

A.

“A Bill, for amending the Bill, for
 “ regulating the pilotage in the river
 “ S.^t Lawrence, & for preventing abuses
 “ in the port of Quebec _____
 “/ sign’d / JWilliams, 13.th March 1790.

Committed, and the papers are in the
Hands of M.^r Grant, the Chairman.

“List of Reports of Committees and other papers relating to objects
 “ of Legislation. ____

“ 1. Memorial of the Magistrates &
 “ presentments of the Grand Jury
 “ of Quebec _____.
 “ } Reported

“ 2. Courts of Justice at Three rivers. Reported _ The Bill printed

“ 3. Inland Commerce and Naviga =
 “ tion respecting the importation of
 “ Pig & Bar Iron _____.
 “ } Reported _ The Bill printed

“ 4. The Building and repairing of
 “ Churches .____. _____.
 “ }

“ 5. The wants and wishes of the _
 “ people of Hesse _____.
 “ }

“ 6. The want of Notaries in the
 “ new Districts _____.
 “ }

“ 7. The Chimnies in the Suburbs
 “ of S.^t Rock . _____.
 “ }

“ 8. John Mortimer a Prisoner for
 “ Debt. _____.
 “ }

“ 9. The Bridge over the river Du
 “ Loup .____. _____.
 “ }

(signed) JWilliams, 13.th March 1790

And at the same time the Clerk of the Council laid on the table The reports, and papers connected therewith, inserted in the following List. Viz.^t

“List of Papers laid on the table by the Clerk of the Council the 18.th of
 “ March 1790.

Respecting the Inland Navigation

“1 A Report of the special Committee on the Inland Navigation, dated
 “ Quebec 20.th March 1789 with a Bill annexed.

“2 A Report of a Committee of the whole Legislature Council upon
 “the Bill “To explain and amend the Act, intitléd “An Act or
 “““Ordinance for promoting the Inland Navigation” “dated
 “13th April 1789. ____

“3 A Copy of the Bill agreeable to the Report for the Printer

“4 A Printed Copy of the Bill
 “Motion 1 to 11. ____

“Respecting the Fisheries —

“1 A Report of a Committee of the whole Legislative Council on the
 “Bill intitléd “An Act to amend an Act intitléd “An Act or Ordinance
 “for regulating the Fisheries in the River S.^t Lawrence, in the
 “Bays of Gaspé and Chaleurs, on the Island of Bonaventure, and
 “the opposite Shore of Percé” _ dated 31.st March 1789. _

“2 A Copy of the Bill agreeable to the report. _

“3 A Printed Copy of the Bill. ____

New Papers respecting the Fisheries

“4 A Letter from M.^r Vonden Velden to the Hon.^{le} William Smith Esq.^r
 “Chief Justice, dated New Carlisle 21.st January 1790 ____

“5 A Paper titled “Some hints respecting the Salmon Fishery and
 “Inspection of Salmon in the Bay of Chaleurs.” without date

“6 Petition of Settlers and Fishers on the River Ristigouche dated
 “Ristigouche 5.th Feb.^y 1790..

“7 Letter from Lieu.^t Governor Cox to the Hon.^{le} William Grant
 “Esquire, dated New Carlisle 7.th February 1790

“8 Extract of a Letter from Charles Robin Esquire one of the Judges
 “of the Court of Common Pleas for the District of Gaspé to His
 “Excellency Lord Dorchester, received Quebec 6.th March 1790 ____

Respecting Small Stills

“1 Report of a Committee for preparing a Bill to prohibit the use of
 “Small Stills, dated 19th March 1789

“2 Petition of John Stapleton, dated 3^d April 1789 ____

“3. _ A Paper indorsed “Act to prohibit Stills.”

“4 Report of a Committee of the whole Legislative Council on the Bill
 “to prohibit the use of small Stills dated 7.th April 1789 _

“5 A Copy of the Bill agreeable to the Report

“6 A Printed Copy of the Bill ____ .

“Respecting a Correspondence by Post to the Western Districts &. _

- “1 A Bill brought in in April 1789, for Securing and Improving
“Correspondence throughout the Province, and facilitating the
“Intercourse by Post between Montreal and the Western Districts
- “2 A printed Copy of the Bill

“Respecting Seamen in the Merchant Service

- “1 A Bill for discouraging Desertion, and for regulating Seamen in
“the Merchant Service, brought in, in April 1789 _
- “2 A Printed Copy of the Bill

“Respecting a Toll for the Bridge over the River S.^t Charles

- “1 A Bill for Securing more effectually the Toll of the Bridge
“over the River S.^t Charles near Quebec
- “2 A Printed Copy of the Bill

“Respecting Roads in the Central Districts of Quebec & Montreal

- “1 Report of the Committee of the whole Legislative Council on the
“Bill, intituled “An Act or Ordinance respecting Roads and
“Bridges in the Central Districts of Quebec and Montreal”
“dated 29.th April 1789_ _
- 2 A Copy of the Bill agreeable to the Report, passed by the
“Legislative Council the 30.th of April 1789_ _
- 3 Printed Extract from the said Report_ _

“Respecting the Custom of Abandon. _

- 1 “Petition from divers persons of the Town & Vicinity of Montreal
“for a law to disallow and prohibit the Custom of Abandon
“dated 20th April 1789_ _
- 2 A Translation into French of that Petition

“Respecting the Memorial of the Justice and
Presentments of the Grand Jury of Quebec _

- 1 “Report of a Committee upon the Memorial of the Magistrates
of Quebec and two Presentments of the Grand Jury for

“Quebec

“Quebec in May and November 1789 _ dated 4.th Feby 1790

- 2 “A Parcel sealed up, and endorsed “Papers from M.^r Mabane
“relative to an Order of reference of the 20.th December 1789
“upon the Memorial of the Magistrates of Quebec and two
“Presentments of the Grand Jury on May & November 1789. _

“Respecting the Faculty Bill . .

Bill

- 1 “Intended Report of a Committee of the whole Council on the
“intituled “An Act to amend and explain the Act intituled
“An Ordinance to prevent persons practising physic and
“Surgery within the Province of Quebec, or Midwifry in the
Towns of Quebec and Montreal, without Licence ____
- 2 “A Translation of it. _
- 3 “A small parcel, endorsed “Motions” _ _

“Respecting a District for Three Rivers

- 1 “Report of the Committee respecting Courts of Justice & a new
District for Three Rivers dated 20.th Feby 1790.
- 2 “A Translation of the Report _ ____.
- 3 “A Bundle containing 34 Inclosures, Numbered, 1 to 34
- 4 “The Printed Bill _

“Respecting the Inland Commerce

- 1 “Report of the Committee for Inland Commerce and Navigation
“with a Bill for importing Pig and Barr Iron from Vermont,
“dated 17.th February 1790. ____
- 2 “A Draft of the Ordinance
- 3 “A printed Copy of it _

“Respecting the Buildings and Repairing of Churches

- 1 “Memoire Explicatif by the Bishop of Quebec dated 9.th Janry 1790
- 2 “Requête des Habitans de la paroisse de S.^t Joseph, Nouvelle Beauce,
“avec la Reponse de l’Eveque de Quebec ____
- 3 “Acte D’Assemblée des Habitans de la ditte paroisse ____
- 4 Memorial of the Minister and Church Wardens & Vestry &
Inhabitants of the Church of England at Kingston _

“Respecting

JW

“Respecting the want of Notaries in the New
Districts

- 1 “Representation from certain Townships in Mecklenburg dated 30.th June 1789
- 2 “Representation from Chaleurs Bay dated 17.th July 1789
- 3 “Report of M.^r Attorney General on those Representations dated 13th November 1789. _____

“Other papers laid before the Council

“Presentment of the Grand-Jury for Montreal in March Session 1790 _ respecting Bread _ Corn _
 “Cap.^t Bunbury’s Observations on certain Bills Viz.^t
 The Post-Office Bill & Distillery Bill. _
 “Report of The Grand Voyer for the District of Montreal
 “Extract of a Letter from John Butler & Robert Hamilton Esq.^{rs}
 “Judges of the Court of Common pleas for the District of
 “Nassau dated Niagara 21st November 1789, respecting
 “the Terms of their Court _____

Ordered to be taken into consideration next
Saturday at 10 oClock. ____

Inland Commerce

Read, a second time, in both Languages, the Bill intituled “An Act
 “or Ordinance ^{in addition to the Act intituled an Act or Ordinance} further to regulate the Inland Commerce of this Province and
 “to extend the same” ____ Ordered to be committed to a Committee of the
 whole Council for Monday the 22.^d instant. _____

District for Three
Rivers _

Read, a second time, in both Languages, the Bill intituled “An Act
 “or Ordinance to form a new District between the Districts of Quebec and
 “Montreal, & for regulating the same Districts” – Ordered to be committed
 to a Committee of the whole house for Tuesday the 23.^d instant. _____

Cribbles for Mills _

Ordered that M.^r Dupré be joined to the Committee upon the Bill
 intituled “An Ordinance to oblige all Millers or Owners of Flour Mills
 “to have Cribbles in their Mills” _

Pilotage

M.^r Grant moves for leave to bring in a Bill intituled “An Act
 “or Ordinance to amend the Ordinance intituled, An Ordinance for regula-
 “- ting the Pilotage in the River S.^t Lawrence and for preventing abuses
 “in the Port of Quebec.” _____

JW

Seconded by M.^r De Lanaudiere _ Ordered accordingly _ ____

M.^r Grant, pursuant to leave given, brings in the said Bill and moves it may be now read for the first time.. Being read in both languages ordered a second reading for to-morrow_ _

Abandon

Col.^o Caldwell from the Committee on the Bill intituled “An Ordinance for abolishing the Custom known by the name of the Abandon; “also for other purposes for the advantage of the Agriculture of the Province” reported, that the Committee had gone through the Bill, and made several amendments, which with the Bill and Report he delivered in at the Table _ _ The Report was read in the words following Viz.^t _ _

“Council Chamber 16th March 1790

“Proceedings of a Committee of the Legislative Council to which was “referred an Ordinance entitled “An Ordinance for abolishing the “Custom known by the name of the Abandon, also to prevent the trespass- “- sing of Cattle, the unlawful cutting & carrying away of Wood & “underwood the breaking down of fences & Inclosures & respecting other “matters advantageous to Agriculture”, moved for by M.^r Caldwell

“Members

“M.^r Caldwell in the Chair

“Mess.^{rs} Grant

S.^t Ours

De Longueuil

De Lanaudiere

De Boucheville

& Dupré

“ M.^r Grant desired leave to attend a Committee of the Privy Council “on the public Records. _ _

“Read the 1.st Article in the words following

“Be it therefore enacted by His Excellency the Governor and the Legislative Council of this province & by the Authority of the same it is “ hereby enacted and ordained – That from and after the first day of “ September next, the aforesaid Custom known by the name of Abandon “ shall be abolished, That the fences shall be kept up and maintained “ at all seasons of the year, nor shall it be lawful for any person ^ at any time to “ break down the fences that separate his and his neighbor’s lands, or the “ lands of any other person, or let his horses, horned Cattle, sheep, Goats, or

JW

“or hogs trespass on Individuals, or stray in the publick High Roads,
 “any usage to the contrary notwithstanding ____

“Provided always that this Act shall not be construed to affect any
 “lands which may be set apart in different parts of this Province as
 “Common, or affect the common right that the Inhabitants of the
 “Neighborhood may have therein, or any agreement that neighbors may
 “make among themselves, respecting their own property, and provided also
 “that in those parishes where the Shore along the River, side at low water
 “serves as a Common and cannot be inclosed, that the Inhabitants of such
 “parish who have common right therein, shall be obliged to have their
 “Cattle watched during the day and confined in an inclosure within half
 “an hour after Sun set, on pain of incurring in case of trespass the
 “penalties directed by this Ordinance _____

“Debates arose _ Question put _

“Passed Unanimously _

“M.^r Grant joined the Committee. ____

“Read the 2^d Article in the words following . ____

“And be it enacted by some Authority that it shall & may
 “be lawful for all proprietors or rentors of land, to take up and confine
 “all Horses, Horned Cattle, sheep, goats or hogs that they shall find trespassing
 “on their lands, and all Stallions. Mares, oxen & hogs found straying in
 “the public high roads, and that they shall ^{be} entitled to receive in the
 “first case trespass money at the following rates Viz.^t for a Stallion”
 “five shillings, for a Mare or Gelding two Shillings and six pence, for a
 “Colt or Filly under two years old, one Shilling and three pence, for a
 “Bull, ox or Cow One Shilling and six pence, for a Calf or Sheep three
 “pence, for a Goat six pence, for a Hog with a yoke or ring in its nose
 “two Shillings and six pence, but for a Hog without either yoke or ring
 “in its nose then Shillings ____ But should the aforesaid Beasts be
 “found trespassing in any Garden or Inclosure, planted with any kind
 “of vegetable roots, or sown with pease beans, wheat, or any kind of grain,
 “or in any field set apart for meadow, then the proprietor of such Garden
 “or field as aforesaid, shall be entitled to one half more than the trespass
 “money allowed as above, for such beast trespassing on pasture or fallow land,
 “provided always that the proprietor of the land or owner of the beast or
 “either of them do not chuse rather that the damages should be
 “ascertained either by arbitration, by agreement or by order of the
 “Magistrate

“Magistrate to whom complaint is made; And in the second Case
 “when beasts are found straying in the publick high Roads the Owner
 “of such beast shall be liable to pay the following fines viz.^t _____
 “For a Stallion seven shillings and six pence, for a Mare One shilling
 “and Six Pence: for an Ox 1/. For a Hog with a yoke or ring 1/ for a Hog
 “without either yoke or ring 4/. One half of which fines shall be
 “forfeited to the King, the other half to the person who prosecutes for
 “the same, and in either case when said beasts so taken up, are not
 “claimed, before the first Sunday or holiday thereafter, then they shall be
 “advertised at the Parish Church immediately after divine service, and
 “if in 15 days after such Advertisement they are not claimed, proof thereof
 “being made before the Magistrate, he, on application, is hereby required
 “to order that the said beasts so taken up may be sold by public Auction,
 “in the customary manner, and out of the Money proceeding from the
 “sale to pay such fine or damages as is expressed in this Act, with the
 “expences, the overplus to remain in the Magistrate’s hands to be paid to the
 “Owner of such beast or beasts if claimed within one year after the sale, after
 “which time, he is hereby directed to pay it to the Receiver General as forfeited
 “to his Majesty _____.

“Debates arose, Question put
 “Rejected unanimously _

“Read the 3^d Art. in the words following ____

“And whereas the Agriculture of this province is much prejudiced
 “by people shooting in the inclosed fields and meadows, and gathering fruit
 “therein, by which the inclosures and fences are destroyed and the Crops of hay
 “and corn much damaged. Be it enacted by same Authority that
 “whatsoever person is found in any inclosure set apart for meadow, or sowed
 “or planted with any kind of grain or vegetables, or found climbing over
 “the fences thereof, without leave of the proprietor of said land, he shall
 “pay such proprietor of such land the sum of five shillings & half that
 “Sum for climbing over the fences or passing through any field appropria =
 “= ted for pasture or fallow, and whatsoever person is found taking up or
 “carrying away the piquets or rails of any fence, or of unlawfully cutting
 “or carrying away any timber, wood, or underwood and is convicted of the
 “Same before a Magistrate he shall forfeit the sum of Twenty Shillings
 “or be imprisoned for any term not exceeding one month, one half of said
 fine

JW

“fine to the King, the other half to the person who prosecutes for the same,
 “which Magistrate is also hereby authorized on sufficient proof to
 “award damages to the Owner of the land where the trespass may have been
 “committed, provided such damages do not exceed the sum of forty shillings
 “Curr.^y and provided also that such fines & damages as aforesaid, be sued
 “for and prosecuted, the destroying and carrying away of Rails or fences in
 “the space of one month, and the unlawfully cutting and carrying away
 “of timber, wood or underwood in the space of two months from the
 “time such trespass may have been committed ____

“Debates arose. Question put

“Rejected unanimously

“Adjourned to 10 o’Clock on Wednesday Morning _

“Council-Chamber 17.th March 1790

Present

“M.^r Caldwell in the Chair

“Mess.^{rs} Grant

De S.^t Ours

De Longueüil

De Boucherville

Dupré

“Read the 4.th Article in the following words _

“And whereas the lands in this province are much infested with
 “thistles, and also with a weed known by the name of the Marguerite,
 “or Ox eyed Daisy much to the prejudice of the Crops of Hay & Corn &.^c
 “Be it enacted by the same Authority that hereafter, every
 “proprietor or Rentor of land, shall, and they are hereby directed to cut
 “down all such pernicious weeds as aforesaid, before they ripen so as
 “to shed their seed, not only in the public high road opposite to their
 “respective lands, but also in their fields and inclosures, either in
 “pasture or fallow, under the penalty of incurring a fine not exceeding
 “twenty shillings, one half to the King the other half to the person
 “who prosecutes for the same and to be also liable to be prosecuted by his
 “Neighbors in an action of damages to be sued for before a Magistrate
 “provided such damages do not exceed the sum of twenty shillings. ____

Debates arose. Question put

Rejected Unanimously _

JW

+

Question put on this Article
Debates arose - Rejected unani
Mously ____

“The 7th. Art. was then
read in the following words _

“And be it enacted by the
“same authority that it shall
“and may be lawful, & His Majes
“ty’s Comm.^{rs} of the peace are
“hereby required, before one or
“more of them in a summary
“manner to hear & determine
“all causes of complaint in
“disobedience to this Ordinance
“proof thereof being made by
“Oath of one or more credible
“witness or witnesses, who
“may be the propri.^{rs} of the
“land in question, & on
“refusal of payment of the
“damaged or fines awarded
“or impos’d in conformity
“to this Ordinance, the
“Magistrate or Magistrates
“before whom such offences
“have been tryd are hereby
“requir’d to levy by warrant
“under his or their hands &
“seal the amount of such
“damages & fines, by seizure
“and sale of the beast or
“beasts found doing the
“damage, or of the goods
“& Chattels of the person
“condemn’d JW

ø

“The 5.th Art. was then read in the following words

“And whereas it may so happen that in some Parishes in this

“Province, it might be inconvenient, totally, to abolish the custom of the

“Abandon, on account of inundations and other local circumstances ____

“Be it enacted by the same Authority that it shall and may be

“lawful in such parishes, for the people to assemble as it is usual in

“parish meetings, and there by plurality of voices to make such interior

“regulations, as may suit their circumstances, which however shall not

“be in force before they have received the sanction of the Magistrates

“at the next Quarter Sessions of the peace for the District, who are hereby

“authorized to settle such damages and impose such fines as they may

“judge necessary to inforce such Regulations ____

“Debates arose. Question put

“Rejected unanimously

“The 6.th Article was then read in the words following

“And in order to terminate more readily and at a smaller expence,

“those disputes which daily arise between the Inhabitants of this

“province respecting their fences and ditches the bad condition of which

“is of great prejudice to Agriculture ____

“Be it enacted by same Authority that in future it shall be lawful

“on application for any of His Majesty’s Commissioners of the peace to

“take cognizance of and determine all disputes relative to fences and

“ditches, by ordering them to be arbitrated by arbitrators chosen by the

“parties, if they chuse to name them, otherwise to be named by the

“Magistrate, who in consequence is hereby authorized and empowered to

“award damages with reasonable expences attending such Arbitration,

“provided the said damages do not exceed the sum of four pounds Currency,

“and which damages and expences; in case of non-payment shall be

“levy’d by warrant under the hands and seal of the Magistrate before

“whom such offence was tried, and by seizure and sale of the goods & Chattels

“of the person condemned ^ + ø returning him the overplus after deducting

“all reasonable expences attending the Sale _ Provided always that

“nothing

JW

“nothing in this Ordinance shall be construed to infringe the
 “rights of any Seigneur in the extent of his Seignury or the rights
 “of any other priveleged person. ____

“Question put on this article. Debates arose
 “Rejected Unanimously. _____

“The Preamble was then read in the words following.

“Whereas many disputes and difficulties have arisen and do
 “daily arise between the Inhabitants, Renters and proprietors
 “of lands in this province, respecting the damages arising from the
 “trespassing of Horses, Horned Cattle, Sheep, Hogs and Goats in general
 “and particular from a Custom which has prevailed these many
 “years past, known by the name of the Abandon, which people suppose
 “authorizes them at certain seasons of the year to break down their
 “neighbors fences & allow their horned Cattle Horses, Sheep, Goats & Hogs
 “to trespass at large on the lands of Individuals to the prejudice of the
 “Proprietors of such lands as well as of the Agriculture of the Province _

“Question put on the Preamble = Debates arose _
 “Rejected

“Against the Preamble	For the Preamble
Mess. ^{rs} Grant	M. ^r Boucherville
S. ^t Ours	
Longueil	
Dupré	

“M.^r Grant then moved that the following preamble should be
 “adopted. _

“Whereas it has been represented by many respectable Inhabitants
 “of the Districts of Quebec and Montreal that the usage or Custom of
 “allowing cattle to go at large in the fall & Spring of the year, known
 “under the name of L’Abandon des Animaux, is hurtful to improvement
 “and Agriculture _ Be it enacted &.^c

“Question being put on the above preamble, carried in the Affirmative, M.^r
 “Boucherville being the only dissenting voice ____

“The Title of the Ordinance was then read in the words following.

“Ordinance for abolishing the Custom known by the name of the
 “Abandon, Also to prevent the trespassing of Cattle, the unlawful
 “cutting

“cutting and carrying away of wood and underwood, the breaking
 “down of fences and inclosures and respecting other matters advantageous
 “to Agriculture ____

“The Question being put on the title, debates arose _
 “Rejected unanimously

“M.^r Grant then proposed a title for the Ordinance in the following words

“An Act or Ordinance for preventing Cattle from going at large, or
 “L’Abandon des Animaux. _____

“Question being put on the proposed title ____ Debates arose _
 “Carried Unanimously in the Affirmative. ____
 Adjourned. ____

“Council Chamber 18.th March 1790

“Present

“M.^r Caldwell in the Chair

“Mess.^{rs} Grant

S.^t Ours

De Longeüil

Boucherville

Dupré

De Lanaudiere

“The question being put after reading over the proceedings whether the
 “Chairman shall sign and report the same ____

“Carried Unanimously in the Affirmative. ____
 / Signed / “Henry Caldwell
 Chairman”

“Heads of an Ordinance for abolishing the Custom know by
 “the name of the Abandon, Also to prevent the trespassing of
 “Cattle, the unlawful cutting and carrying away of wood &
 “underwood the breaking down of fences & Inclosures & respecting
 “other matters an advantageouseous to Agriculture. _____

“Whereas many disputes and difficulties have arisen and do daily
 “arise between the Inhabitants, renters & proprietors of lands in this
 “Province, respecting the damages arising from the trespass of Horses,
 “Horned Cattle, Sheep, Hogs & Goats, in general; and particularly from a
 custom

“custom which has prevailed these many years past known [^] by the name of the
 “Abandon which people suppose authorize them at certain seasons
 “of the year to break down their neighbors fences, & allow their Horned
 “Cattle, Horses, Sheep, Goats and Hogs to trespass at large on the lands
 “of Individuals to the prejudice of the proprietors of such lands, as well
 “as of the Agriculture of the Province. ____

“Art 1.st “Be it therefore Enacted by His Excellency the Governor and the
 “Legislative Council of this province and by the authority of the same it
 “is hereby enacted and ordained, That from & after the first day of Sept.^r
 “next, the aforesaid Custom known by the name of the Abandon shall
 “be abolished, That the fences shall be kept up and maintained at all
 “seasons of the year, nor shall it be lawful for any person at any time,
 “to break down the fences that separate his and his neighbors lands, or the
 “lands of any other person, or let his Horses, horned Cattle, Sheep, Goats
 “or Hogs trespass on Individuals, or stray in the [^] public High Road, any usage
 “to the contrary notwithstanding. ____

“Provided always, that this act shall not be construed
 “to affect any lands which may be set apart in different parts of this
 “Province as common, or affect the common right that the Inhabitants
 “of the Neighborhood may have therein, or any agreement that neighbour
 “may make among themselves respecting their own property, & Provided
 “also that in those Parishes where the Shore along the river side at low
 “water serves as a Common, & cannot be inclosed, that the Inhabitants of
 “such parish who have common right therein, shall be obliged to have
 “their Cattle watched during the day and confined in an Inclosure within
 “half an our after sunset, on pain of incurring in case of trespass
 “the penalties directed by this Ordinance. _____

Art. 2.^d

“And be it enacted by same Authority, that it shall & may be lawful
 “for all proprietors or Renters of land to take up and confine, all Horses,
 “Horned Cattle, Sheep, Goats or Hogs that they shall find trespassing on
 “their lands, and all Stallions, Mares, Oxen and Hogs found straying
 “in the public highroads, and that they shall be entitled to receive
 in

“in the first case trespass at the following rates Viz.^t

“For a Stallion -----	0.5 ____
“For a Mare or Gelding -----	2.6
“For a Colt or Filley under two years -----	1.3
“For a Bull Oxen or Cow -----	1.6
“For a Calf or sheep -----	3
“For a Goat -----	6
“For a Hog with a yoke or ring in its nose -----	2.6
“For a Hog without either ring or yoke -----	10 ____

“But should the aforesaid beasts be found trespassing in any garden or
 “inclosure planted with any kind of vegetable roots, or sown with peas,
 “beans, wheat or any kind of grain, or any field set apart for meadow,
 “then the proprietor of such garden or field as aforesaid, shall be
 “entitled to one half more than the amount of the trespass money
 “allowed for such beast trespassing on pasture or fallow land, provided
 “also that the proprietor of the land or owner of the beast or either of them do
 “not chuse rather that the damages should be ascertained either by arbitra =
 “= tion by agreement or by order of the Magistrate to whom complaint is made;
 “And in the second Case when beasts are found straying in the public
 “High roads, the owner of such beast shall be liable to pay the following
 “fines Viz.^t ____

“For a Stallion -----	07n6
“For a Mare -----	1n6
“For an Ox -----	1 ____
“For a Hog with a yoke or ring -----	1 ____
“For ... D. ^o without either yoke or ring -----	4 ____

“One half of which fines shall be forfeited to the King, the other half to the
 “person who prosecuted for the same and in either case when beasts so taken
 “up, and not claimed before the first Sunday or holiday thereafter, then
 “they shall be advertised at the Parish Church immediately after divine
 “service; and if in fifteen days after such advertisement they are not
 “claimed, proof of the advertisement being made before the Magistrate,
 “he on application is hereby required to order that the said beasts so taken
 “up, may be sold by public auction in the customary manner, and out of the
 “money proceeding from the sale to pay such fine or damages as is expressed
 in

JW

“in this act, with the expences, the overplus to remain in the
 “Magistrate’s hand to be paid to the Owner of such beast or beasts if he
 “claim it within one year after the sale, after which time he is
 “hereby directed to pay the same to the Receiver - General as forfeited to
 “his Majesty. _____

Art. 3^d

“And whereas the Agriculture of this Province is much prejudiced
 “by people shooting in the inclosed fields & Meadows and gathering fruit
 “therein, by which the Inclosures and fences are destroyed; and the Crops
 “of hay and corn much damaged _ Be it enacted by same authority
 “that whatsoever person is found in any inclosure set apart for meadow,
 “or sown or planted with any kind of grain or vegetable, or found climbing
 “over the fences thereof, without leave of the proprietor of such land he shall
 “pay such proprietor the sum of five shillings, & half that sum for climbing
 “over the fences, or passing thro’ any field appropriated for pasture or
 “fallow, and whatsoever person is found taking up or carrying away
 “the rails or piquets of any fence, or of unlawfully cutting or carrying
 “away, any timber, wood, or underwood and is convicted of the same before
 “a Magistrate, he shall forfeit the sum of twenty shillings, or be
 “imprisoned for any term not exceeding one month, one half of said fine
 “to the King, the other half to the person who prosecutes for the same, which
 “Magistrate is also hereby authorized on sufficient proof to award damage
 “to the Owner of the land where the trespass may have been committed,
 “provided such damages do not exceed the sum of forty Shilling Curr.^y
 “and provided also that such fines and damages as aforesaid be sued
 “for and prosecuted, the destroying or carrying away of rails or fences
 “in the space of one month and the unlawfully cutting and carrying
 “away of timber, wood, or underwood, in the space of two months from the
 “time such trespass has been committed. _____

Art. 4.th

“And whereas the Lands in this Province are much infested with
 “thistles, and also with a weed known by the name of the Marguerite
 “or ox- eyed daily, much to the prejudice of the Crops of hay and corn &.^c
 “Be it enacted by the same authority that hereafter every proprietor
 “or renter of land shall, and they are hereby directed, to cut down all such
 “pernicious weeds as aforesaid, before they ripen so as to shed their seed, not
 only

“only in the publick high road opposite to their respective lands, but
 “also in their fields and inclosures, either in pasture or fallow, under the
 “penalty of incurring a fine, not exceeding twenty shillings, one half to
 “the King and the other half to the person who prosecutes for same, and
 “to be also liable to an action of damages from his Neighbo^urs to be sued for
 “before a Magistrate, provided such damages do not exceed the sum of twenty
 “shillings. _____

Art 5.th

“And whereas it may so happen that in some parishes in this
 “Province, it might be inconvenient totally to abolish the Custom of the
 “Abandon, on account of inundations and other local circumstances,
 “Be it enacted by the same authority that it shall and may be lawful
 “in such parishes for the people to assemble as is usual in parish meetings,
 “and there by plurality of voices to make such interior regulations at may
 “suit their circumstances, which however shall not be in force before
 “they have received the sanction of the Magistrates at the next Quarter -
 “Sessions of the District, who are hereby authorized to settle such damages,
 “~~and impose such fines~~ and impose such fines as they judge may be
 “necessary to inforce the said Regulations. _____

Art 6.th

“And in order to terminate more readily and at a smaller expence those
 “disputes which daily arise between the Inhabitants of this province respecting
 “their fences and ditches, the bad condition of which is of great préjudice to
 “Agriculture; Be it enacted by the same authority that in future it
 “shall be lawful on application, for any of His Majesty’s Commissioners of
 “the peace to take cognizance of and determine all disputes relative to fences
 “and ditches by ordering them to be arbitrated by arbitrators, chosen by the partys,
 “if they chuse to name them, otherwise to be named by the Magistrate, who in
 “consequence is hereby authorized and empowered to award damages with
 “reasonable expences attending such arbitration, provided the said damages
 “shall not exceed the sum of four pounds Currency, and which damages
 “and expences in case of non - payment shall be levied by warrant under
 “the hand and seal of the Magistrate, before whom such offence was
 tried

JW

“tried and by seizure and sale of the goods and Chattels of the person
“condemned. ____

Art. 7.th

“And be it enacted by the same Authority that it shall & may
“be lawful and his Majesty’s Commissioners of the Peace are hereby required,
“before one or more of them to hear and determine in a summary manner
“all caused of complaint in disobedience to this Ordinance, proof thereof
“being made by one or more credible witness who may be the Proprietor
“of the land in question, and on refusal of payment of the damages or
“fines awarded or imposed in conformity to this Ordinance the Magistrate
“or Magistrates before whom such offences shall have been tried, are
“hereby required to levy by warrant under his or their hands & seal the
“~~the~~ amount of such damages and fines, by seizure and sale of the
“beasts found doing the damage, or of the Goods & Chattels of the person
“condemned, returning him the overplus after deducting all reasonable
“expences attending the Sale. Provided always that nothing
“contained in this Ordinance shall be construed to affect the rights
“of any Seigneur in the extent of his Seigneurie, or the rights of any
“other priveleged person

Colonel Caldwell then moved “that the consideration of the
“Report be put off to the 29.th Instant _ Ordered accordingly _

Adjourned till to morrow at 11. _

19.th March

Friday 19.th March 1790

Present

The Honorable William Smith Esquire Chief Justice
and

The Honourable

Hugh Finlay	Henry Caldwell
Thomas Dunn	William Grant
Edward Harrison	Paul Roc de S. ^t Ours
John Collins	François Baby
Adam Mabane	Joseph De Longueuil.
J. G. C. Delery	Sir John Johnson Bar. ^t
George Pownall	Charles De Lanaudiere
Picoté de Belestre	René Amable De Boucherville
	Le C. ^{te} Dupré

Esquires _

M.^t

JW

Hesse }
District }

M.^r Williams the Clerk of the Council laid on the Table under his Lordship's order the following papers which he received from the Chairman of the Committees, charged therewith Viz.^t

Respecting the District of Hesse

1. A letter from W.^m Dummer Powell Esquire Judge of the Court of Common - Pleas for the District of Hesse, to M.^r Secretary Motz dated Dist. Hesse 1.st November 1789. ____

2 _ A paper marked A }
3 _ Another B } Expressive of the wants and wishes of the People
4 _ Another C } of Hesse referred to in [^] M.^r Judge Powell's Letter ____
5 _ Another, with an Inclosure D }

Respecting the Bridge over the River Du Loup

Bridge over The River }
du Loup _____ }

1 _ Copy of the Reference of His Excellency ~~The~~ Lord Dorchester in Council dated 8.th October 1789. ____
2 _ Representation of M. Bellefeuille voyer for Three Rivers endorsed 30th August 1789. ____
3 _ Letter from M.^r Bellefeuille to M. De Belestre dated 5.th Feby 1790 ____

Respecting the Petition of John Mortimer a prisoner
for Debt -----

Mortimer a Prisoner
for Debt

1 _ The Copy of an Order of Reference of his Lordship in Council dated the 8.th October 1789. ____
2 _ Petition of John Mortimer a Prisoner for Debt dated 16th Sept.^r 1789_ with a certificate of the Judges of the Court of Common-pleas at Quebec subjoined thereto, dated 3.^d October 1789. ____
Ordered to be taken into consideration to morrow ____

Pilottage

Read a second time, in both languages, the Bill intituled "An Act or Ordinance to amend the Ordinance intituled An Ordinance for regulating "the Pilottage in the River S.^t Lawrence, and for preventing abuses in "the port of Quebec." ____ Ordered to be committed to M.^r Grant, M.^r Harrison, M.^r Delery, M.^r Baby, and M.^r Dupré ____
Ordered that M.^r Pownall, M.^r Harrison, M.^r Collins, Col.^o Caldwell & M.^r De S.^t Ours be a Committee to report such acts as are near expiring.

Expiring Acts
JW

Adjourned till to morrow at 11

20.th MarchSaturday 20th March 1790

Present

The Honble[~] William Smith Esq.^r Chief _ Justice
and

The Honorable

Thomas Dunn	William Grant
Edward Harrisson	P.R. S. ^t Ours
John Collins	F. Baby
Adam Mabane	Joseph De Longueüil
J. G. C. De Lery	Sir John Johnson Bar. ^t
George Pownall	René Amable De Boucherville
Picotte De Belestre	

Esquires _

The Clerk of the Council by Order of His Excellency Lord Dorchester, laid on the Table a Letter from Tho.^s Ainslie Esq.^r Collector of His Majesty's Customs, to his Lordship, dated Custom – house Quebec 18th March 1790 relating to the Bill for the Importation of Pig and Barr Iron &^c ____

Ordered to be taken up this day with the other papers laying on the Table. ____

For the more regular proceeding according to the order of the day to the consideration of his Lordship's Messages by the Clerk and the several Bills therein mentioned. ____

Resolved

That upon reading each Bill the Question be put
“Whether such provision appears to be expedient to be made in the present
“Session ? ____

Resolved

That if it be carried in the Affirmative, the Chair
appoint a Committee to bring it in. _____

Resolved

That if the Question be carried in the negative,
Such Provision be postponed, with exception nevertheless as to any measure
to which his Lordship may be pleased to call the further attention of the Council _

The Papers were taken up in the following Order ____

1. The Navigation Bill, entitled “A Bill to explain and amend the Act intitled
“an Act or Ordinance for promoting the inland Navigation.” And
the papers connected with it. _ _____

The Question put

Carried in the Negative by 9 against 4.

For

For the Affirmative
 Sir John Johnson
 W.^m Grant
 John Collins
 Tho.^s Dunn

For the Negative
 R. A. De Boucherville
 Joseph De Longueüil
 François Baby
 P. R. S.^t Ours
 Picotté De Belestre
 George Pownall
 J. G. C. Delery
 A. Mabane
 E. Harrison _

2. The Fishery Bill entitled “A Bill to amend An Act intitled An Act or
 “Ordinance for regulating the Fisheries in the River S.^t Lawrence,
 “in the Bays of Gaspé and Chaleurs, on the Island of Bonaventure
 “and the opposite shore of Percé” _ And the papers connected with it

The Question put

Carried in the Negative by 8 against 5

For the Affirmative
 Sir John Johnson
 W.^m Grant
 George Pownall
 John Collins
 Edward Harrison

For the Negative
 R. A. De Boucherville
 Joseph De Longueüil
 F. Baby
 P. R. S.^t Ours
 Picotté De Belestre
 J. G. C. Delery
 A. Mabane
 Tho.^s Dunn

- 3 The small Still Bill, entitled “A Bill to prohibit the use of small Stills”
 and the Papers connected with it. _

The Question put

Carried in the Negative by 12 against 1 _____

For the Affirmative
 W.^m Grant

For the Negative
 R. A. De Boucherville
 Sir John Johnson
 J. De Longueüil
 F. Baby
 P. R. S.^t Ours
 Picotté De Belestre
 George Pownall
 J. G. C. Delery
 A. Mabane
 J. Collins
 E. Harrison
 T. Dunn

- 4 The Post Office Bill intitled “A Bill securing and improving
“correspondence throughout the Province and to facilitate the
“intercourse by Post between the Western Districts and Montreal”

Question put
Carried in the Negative by 11 against 2

For the Affirmative	For the Negative
W. ^m Grant	R. A. De Boucherville
John Collins	Sir John Johnson
	J. De Longueüil
	F. Baby
	P. R. S. ^t Ours
	Picotté De Belestre
	George Pownall
	J. G. C. Delery
	A. Mabane
	~~J. Collins~~
	T. Dunn
	E. Harrison ____

- 5 The Seamen in the Merchant Service _ intitled “A Bill to discourage
“Desertion and for regulating Seamen in the Merchant Service”

Question put
Carried in the Affirmative by 7 against 6

For the Affirmative	For the Negative
R. A. De Boucherville	J. De Longueüil
Sir John Johnson	P. R. S. ^t Ours
F. Baby	Picotté De Belestre
W. ^m Grant	J. G. C. Delery
George Pownall	A. Mabane
John Collins	E. Harrison ____
Tho. ^s Dunn	

Mess.^{rs} Harrison, Delery, Pownall, Baby, & Dupré are named a Committee
to bring in the Bill. _____

- 6 The Toll Bill _ intitled “A Bill for securing more effectually the Toll
“of the Bridge over the River S.^t Charles, near Quebec” _____
A Bill upon this subject has been moved this Session. ____

- 7 The Road Report and the papers connected therewith _____

The Question put
Carried in the Negative by 9 against 4

For the Affirmative	For the Negative
Sir John Johnson	R. A. De Boucherville
W. ^m Grant	J. G. C. Delery
George Pownall	A. Mabane
John Collins	E. Harrison
	Tho. ^s Dunn
	Picotté De Belestre

The Petition respecting the Custom of Abandon

8

A Bill upon this subject has been moved in this Session

9 The Report and Papers respecting the Practice of physic and Surgery and of
Midwifry in the Towns of Quebec and Montreal

The Question put

Carried in the Negative by 8 against 5

For the Affirmative

For the Negative

W.^m Grant

R. A. De Boucherville

George Pownall

Sir John Johnson

J. G. C. Delery

J. De Longueuil

John Collins

F. Baby

Tho.^s Dunn

P. R. S.^t Ours

Picotté De Belestre

A. Mabane

E. Harrison

10 The Report of the Committee on the Memorial of the Justices of the Peace
and the Presentments of the Grand Jury at Quebec _ and the Papers
connected therewith. _ _____

The Question put

Carried in the Negative by 12 against 1

For the Affirmative

For the Negative

W.^m Grant

R. A. De Boucherville

Sir John Johnson

J. De Longueuil

F. Baby

P. R. S.^t Ours

P. De Belestre

George Pownall

J. G. C. Delery

A. Mabane

J. Collins

E.^d Harrison

Tho.^s Dunn

11 The Three Rivers Bill intitled a Bill to form a new District between
“the Districts of Quebec and Montreal, and for regulating the same
“Districts” – And the papers connected therewith
This Bill has been moved this Session ____

12 The Importation of pig and Barr Iron Bill, intitled “A Bill proposed as
“an addition to the Act or Ordinance further to regulate the inland

JW

“Commerce

“Commerce of this province and to extend the same” – and the papers connected with it.

This Bill has been moved this Session

13. The Bishop’s Memoire Explicatif respecting the Building and Repairing of Churches, and other Papers relating to that subject. _____

The Question put

Carried in the Negative by 7 against 6

For the Affirmative	For the Negative
R. A. De Boucherville	J. De Longueuil
Sir John Johnson	P. R. S. ^t Ours
F. Baby	P. De Belestre
W. ^m Grant	George Pownall
J. G. C. Delery	A. Mabane
Tho. ^s Dunn	J. Collins
	E. Harrison

- 14 The papers respecting the Want of Notaries in the New Districts.

The Question put

Carried in the Negative by 10 against 3.

For the Affirmative	For the Negative
François Baby	R. A. De Boucherville
W. ^m Grant	Sir John Johnson
John Collins	J. De Longueuil
	P. R. S. ^t Ours
	P. De Belestre
	G. Pownall
	J. G. C. Delery
	A. Mabane
	E. ^d Harrison
	Tho. ^s Dunn

- 15 The Report of the Grand _ Voyer for the District of Montreal

The Question put

Carried in the Negative by 10 against 3.

For the Affirmative	For the Negative
R. A. De Boucherville	J. De Longueuil
Sir John Johnson	F. Baby
W. ^m Grant	P. R. S. ^t Ours
	P. De Belestre
	G. Pownall
	J. G. C. Delery
	A. Mabane
	J. Collins
	E. Harrison
	T. Dunn

- Letter from the Judges of the Common _ Pleas for Nassau dated Niagara
21.st Nov.^r 1789. ____
- 16 The Question put,
 Passed in the Negative unanimously. ____
- Cap.^t Bunbury's Observations on the Distillery Bill & Post Office _ Bill;
connected with those Bills & joined to the Papers
- 17 Presentment of the Grand _ Jury of Montreal March Session 1790,
respecting
- 18 Bread Corn _
 Connected with the Bill moves for prohibiting the
 exportation of wheat Flour & Biscuit, and joined to
 the
 Papers. ____
- 19 _ Petition of John Mortimer
 Question put
 Carried in the Negative by 8 against 5
 For the Affirmative For the Negative
- | | |
|-----------------------|----------------------------|
| Sir John Johnson | R. A. De Boucherville |
| F. Baby | J. De Longueuil |
| W. ^m Grant | P. R. S. ^t Ours |
| G. Pownall | P. De Belestre |
| J. G. C. Delery | A. Mabane |
| | J. Collins |
| | E. Harrison |
| | T. Dunn |
- 20 The Papers respecting the Bridge over the River du Loup
 Question put
 Carried in the Negative by 10 against 3.
 For the Affirmative For the Negative
- | | |
|-----------------------|----------------------------|
| R. A. De Boucherville | Sir John Johnson |
| F. Baby | J. De Longueuil |
| W. ^m Grant | P. R. S. ^t Ours |
| | P. De Belestre |
| | G. Pownall |
| | J. G. C. Delery |
| | A. Mabane |
| | J. Collins |
| | E. Harrison |
| | T. Dunn |
- 21 The Papers from M.^r Judge Powell district of Hesse
 Question put
 Carried in the Negative by 10 against 3

JW

For

For the Affirmative
 Sir John Johnson
 W.^m Grant
 P. De Belestre

For the Negative
 R. A. De Boucherville
 J. De Longueuil
 F. Baby
 P. R. S.^t Ours
 G. Pownall
 J. G. C. Delery
 A. Mabane
 J. Collins
 E. Harrison
 T. Dunn __

Pilotage

M.^r Grant from the Committee on the Bill intituled “An Act
 “or Ordinance to amend the Ordinance, entitled An Ordinance for
 “regulating the pilotage in the River S.^t Lawrence and for preventing abuses
 “in the Port of Quebec” reported that the Committee had gone through
 the Bill and made several amendments, which with the Bill and Report
 he delivered in at the Table _ The Report was read in the following
 words_

“Council Chamber 19th March 1⁷⁹⁰

“In Committee upon the Bill entitled an Act or Ordinance to
 “amend the Ordinance entitled “An Ordinance for regulating the pilotage
 897ompriseiver S.^t Lawrence and for preventing abuses in the port of
 Quebec”_

“Present
 “William Grant
 “Edward Harrison
 “J. G. C. Delery . . } Esq.^{rs} _____
 “Francis Baby .
 “C. Dupré . . . }

“The Chairman read the Bill in both Languages _ Then the first
 “enacting clause with its preamble in the following words _____

- 1.st ““For more effectually preventing accidents by fire and without
 “ “unnecessary restraints on the Shipping, Be it enacted by His Excellency
 “ “the Governor and the Legislative Council and it is hereby enacted by the
 “ “authority of the same, that from and after the publications of this Ordinance
 “ “it shall not be lawful to have fire on board of any ship or vessel laying
 “ “in the Cul de Sac or at any of the Wharfs or Quays in Quebec or the Suburbs
 “ “thereof in any other than close Cabuses or fire places made of Iron or
 other

JW

“ “other metal, brick or stone _ and every fire on board any Ship or vessel
 “ “laying in the Cul de Sac or at any of the Wharfs or Quays aforesaid shall
 “ “be put out at sunset and shall not be lighted again before sun rise
 “ “the next day, and the Master or Owner of any Vessel using fire-places
 “ “on board other than as aforesaid, shall incur a penalty of five pounds,
 “ “likewise the same penalty per permitting five to be made on board from Sun-
 “ “down to Sunrise, and the like penalty for every repetition of either of such
 “ “offences _____

“The Question being put whether this clause should
 “Stand _ ~~Resolved~~ ^ Carried Unanimously in the Affirmative. ____

“The Chairman then read the second enacting clause in the
 “following words

““And be it further enacted by the same Authority, that if any vessel
 “ “shall in the night time use any lighted candle while laying in the Cul de sac
 “ “or at any Wharf or Quay aforesaid such candle not being in a Lantern or
 “ “Lanterns, the Master and person or persons using the same shall for every
 “ “offence incur a penalty of twenty shillings. But this clause shall not
 “ “be construed to prevent the necessary use of Candle in the Cabin or Steerage
 “ “tho’ the same be not in a Lantern. _____

“The question being put – resolved unanimously in the
 “Affirmative.

“The Chairman then read the third enacting clause in the
 “ following words. ____

““And be it further enacted by the same authority that all
 “ “proprietors of Wharfs facing or fronting the Cul de Sac shall affix suffi-
 “ “ent ring bolts at thirty feet distance from each other in the front or face
 “ “of their wharfs and permit the shipping to make fast thereto or incur a
 “ “penalty of ten shillings for every refusal or neglect. _____

“The Question being put – Resolved unanimously in the
 “Affirmative. _____

“The Chairman then read the fourth enacting clause in the
 following words. _____

“And whereas it is admitted that no danger can arise from
 “ “permitting pitch or tar or turpentine or resin to be heated or boiled in the
 “ “Cul de Sac or any other part or place where Vessels lay for the purpose of
 ““graving

JW

“ “graving if the fire and pitch pot be at a proper distance from any
 “ “Wharf Vessel or Building _ Be it therefore enacted by the same
 “ “authority that notwithstanding anything to the contrary in the
 “ “twentieth section of the said Act or Ordinance it shall and may be
 “ “lawful for the purpose aforesaid to boil Tar or Pitch Turpentine or
 “ “Rozin in the Cul de Sac or at any Wharf or Quay in or about Quebec
 “ “provided always the same be done at the distance of twenty feet at least
 “ “from any Vessel, Wharf or Building whatever, and provided that while
 “ “the same is heating or boiling, a person constantly attend with a
 “ “Tarpauling and shovel at hand to cover the same in the case of its
 “ “taking fire, and provided also that the fire be immediately thereafter
 “ “carefully put out and extinguished, any Master or owner of a vessel
 “ “or other person defaulting therein shall incur a penalty of five pounds
 “ “for every such default or neglect.”” _____

“Debates arose _ and on the Question being put whether it
 “Should stand

“For the Affirmative	Negative
M. ^r Dupré	M. ^r Harrison
M. ^r Baby	
M. ^r Delery	

“Carried in the Affirmative

“M.^r Harrison then moved an amendment _ That the ^{following} words
 “in the fourth enacting clause be struck out. “And provided that while
 “ “the same is heating or boiling a person constantly attend with a
 “ “Tarpauling and Shovel at hand to cover the same in the case of its
 “ “taking fire.”

“Debates arose _ On putting the question

“For the Amendment	Against it
M. ^r Harrison	M. ^r Dupré
	M. ^r Baby
	M. ^r Delery

“Carried in the negative. ____

“The Chairman then read the fifth enacting clause in
 the following words. _____

““And be it further enacted by the same Authority,
 that

“ “that nothing in this act contained shall be construed to permit any
 “ “pitch pot to be heated or boiled on board of any Vessel, or any Vessel to be
 “ “breamed or blazed while laying in the Culs de Sac, or at any of the Wharfs
 “ “Quays or places aforesaid. And any person guilty of either of these offences
 “ “shall be subject to a penalty of Ten pounds for every of them.””

“The Question being put thereon, resolved unanimously in
 “the Affirmative. ____

“The Sixth enacting clause was then read in the following
 “words.

““And be it enacted by the same authority that every Pilot
 “ “who shall have Piloted any ship or vessel into the Port of Quebec shall
 “ “in twenty four hours thereafter make report thereof to the superintendant
 “ “of Pilots or Captain of the Port and shall produce a Certificate of his
 “ “behaviour while on board, if any such he has obtained, or incur a penalty
 “ “of five Shillings _ and the Master or Commander of every such Ship or
 “ “Vessel is hereby directed to grant such certificate to every such Pilot
 “ “truly representing his conduct in the execution of this duty as a
 “ “Pilot, any Master refusing such Certificate upon the demand of
 “ “the Pilot shall incur a Penalty of twenty Shillings to his use. _

““And if any Pilot shall stay in Quebec above eight days at one
 “ “time after being discharged from Pilotting in any Ship or Vessel from
 “ “the first of May to the first of November, except in the case of his
 “ “being engaged to pilot out any Ship or Vessel ~~from the first of May~~
 “ ~~to the first of November, except in the case of his being engaged to pilot~~
 “ ~~out any Ship or Vessel,~~ or of sickness or other lawful hindrance or restraint,
 “ “of which he shall inform the Superintendant or Master of the Port naming
 “ “the Ship and Master, or other cause of detention, He shall incur a
 “ “penalty of ten shillings for every such offence. And if any Pilot
 “ “through neglect or otherwise shall run any Ship or Vessel on shore (though
 “ “such ship or vessel is not lost) He shall for every such offence lose the Pilottage
 “ “thereof and be suspended from piloting for the next ensuing six months. And
 “ “if any Pilot or other Person shall fraudulently use the branch or branches of
 “ “any deceased Pilot he shall incur a Penalty of Twenty Pounds and suffer
 “ “three months imprisonment for every such offence.” _____

JW

“Debates

“Debates arose

“M.¹ Harrison moved that the following words be struck out

““And if any Pilot through neglect or otherwise shall run any ship
“or vessel on shore (through such Ship or Vessel is not lost) he shall
“for every such offence lose the Pilottage thereof and be suspended from
“901omprise for the next ensuing six months.””

“On the Question being put, it was carried unanimously
“in the Affirmative. _____

+
^

☞ ““The ninth or last enacting
“clause was then read in the
“following words _____
““And be it enacted by the
“same authority that all
“penalties incurred under
“this Act shall be sued for,
“recovered and applied as
“penalties under the act
“aforesaid””

“Carried also unanimously”
“in the Affirmative”

“The seventh enacting clause was then read, in the following
“words. ““And be it further enacted by the same authority, That any Person
“or Persons wilfully removing or destroying or maliciously procuring to be
“removed or destroyed any buoy, beacon or land-mark placed for the purpose
“of Navigation in the River or on the Shores of the S.¹ Lawrence between
“the Island of S.¹ Barnaby and the Town of Montreal, or in any of the
“navigable lakes or rivers of the Province, He or they shall incur a penalty
“of twenty Pounds and be committed to prison three months for every
“such offence.””

“The Question being put thereon, Resolved unanimously
“in the Affirmative. _____

“The eight enacting clause was then read, as follows. ____

““And be it further enacted by the same Authority that the Captain
“of the Port, or other Person thereunto to be appointed by His Excellency the
“Governor or Commander in Chief for the time ^ being by any writing under his
“hand and Seal at Arms, do select all the Laws and Regulations concerning
“Pilots and the Navigation of the River S.¹ Lawrence below Montreal, or
“expressive of the duties of Masters of vessels in the Ports of Quebec and
“Montreal, and that he do deliver the same printed or in writing and
“signed by him to every such Master on his arrival in Port if he be desirous
“thereof, for which service the Master of the Port or Person so appointed may
“lawfully take and receive from every such Ship Master the sum of five
“shillings and no more.”” _____

“The Question being then put, it was carried unanimously
“in the Affirmative ^ ☞ + ^

JW

“The Chairman then read the Title in the following
“words _ ““An Act or Ordinance to amend the Ordinance intituled “An Ordinance
“for regulating the Pilottage in the River S.¹ Lawrence and for preventing
“abuses

“abuses in the Port of Quebec.” _ ” ____

“And the Question being put thereon, it was carried unani _
 “- mously in the Affirmative ____ And then Ordered that the Chairman
 “report accordingly. _

“By Order of the Committee
 / Signed / “William Grant
 “Chairman.” ____

“An Act or Ordinance to amend the Ordinance entitled
 “ “An Ordinance for regulating the 902omprise in the River S.^t
 “ “Lawrence and for preventing abuses in the port of Quebec””

“For more effectually preventing Accidents by fire and without
 “unnecessary restraints on the Shipping _
 1.st “Be it enacted by His Excellency the Governor and the Legislative Council
 “and it is hereby enacted by the Authority of the same _ That from and after
 “the publication of this Ordinance it shall not be lawful to have fire on
 “board of any Ship or Vessel laying in the Cul de Sac or at any of the Wharfs
 “or Quays in Quebec or the Suburbs thereof in any other than close Cabases
 “or fire places made of Iron or other metal Brick or Stone _ and every fire
 “on board any Ship or Vessel laying in the Cul de Sac or at any of the
 “Wharfs or Quays aforesaid shall be put out at sun _ set and shall not be
 “lighted again before sunrise the next day, and the master or owner of
 “any vessel using fire places on board other than as aforesaid shall incur
 “a penalty of five pounds, likewise the same penalty for permitting fire
 “to be made on board from sun-down to sun-rise, and the like penalty for
 “every repetition of either of such offences. _____

2^d “And be it further enacted by the same Authority that if any
 “Vessel shall in the night time use any lighted candle while laying in
 “the Cul de Sac or at any Wharf of Quay aforesaid such candle not being
 “in a Lantern ~~or Lanterns~~, the Master and person or persons using the same
 “shall for every offence incur a penalty of twenty shillings. But this clause
 “shall not be construed to prevent the necessary use of Candle in the Cabbin or
 “Steerage tho’ the same be not in a Lantern. _____

3^d “And be it further enacted by the same Authority that all
 “Proprietor of Wharfs facing or fronting the Cul de Sac shall affix
 sufficient

JW

“sufficient ring bolts at 30 feet distance from each other in the front
 “or face of their Wharfs and permit the shipping to make fast thereto
 “or incur a penalty of ten shillings for every refusal or neglect. ____

th
 4 “And whereas ~~it is admitted that~~ no danger can arise from
 “permitting Pitch or Tar Turpentine or Rozin to be heated or boiled in
 “the Cul de Sac or any other part or place where Vessels lay for the
 “purpose of graving if the fire and pitch pot be at a proper distance
 “from any Wharf Vessel or building ____ Be it therefore
 “enacted by the same authority that notwithstanding anything to the
 “contrary in the twentieth section of the said act or Ordinance, it shall
 “and may be lawful for the purpose aforesaid to boil Tar or Pitch
 “Turpentine or Rozin in the Cul de Sac or at any Wharf or Quay in
 “or about Quebec provided always the same be done at the distance of
 “twenty feet at least from any Vessel Wharf or building whatever, and
 “provided that while the same is heating or boiling, a person constantly
 “attend with a tarpauling and Shovel at hand to cover the same in the
 “case of its taking fire and provided also that the fire be immediately
 “thereafter carefully put out and extinguished, any Master or Owner
 “of a vessel or other person ^{making} defaulting therein shall incur a penalty of
 “five pounds for every such default or neglect. _____

5.th “And be it further enacted by the same Authority that nothing in
 “this act contained shall be construed to permit any pitch pot to be heated
 “or boiled on board of any vessel or any vessel to be breamed or blazed
 “while laying in the Cul-de-sac or at any of the Wharfs Quays or places
 “aforesaid; and any person guilty of either of these offences shall be
 “subject to a penalty of ten pounds for every of them. _____

6.th “And be it enacted by the same Authority that every Pilot
 “who shall have piloted any Ship or Vessel into the Port of Quebec shall in
 “twenty four hours thereafter make report thereof to the superintendent
 “of Pilots or Captain of the Port and shall produce a Certificate of his
 “behaviour while on board, if any such he has obtained or incur a penalty
 “of five shillings _ And the Master or Commander of every such Ship or
 “Vessel is hereby directed to grant such certificate to every such Pilot
 “truly representing his conduct in the execution of his duty as a Pilot.
 And

“And any Master refusing such Certificate upon the demand of
 “the Pilot shall incur a penalty of twenty shillings to his use _ And
 “if any Pilot shall stay in Quebec above eight days at one time after
 “being discharged from Pilotting in any Ship or Vessel from the first of
 “May to the first of November, except in the case of his being engaged to pilot
 “out any Ship or Vessel, or of sickness or other lawful hindrance or restraint,
 “of which he shall inform the superintendent or Master of the Port
 “naming the Ship and Master, or other cause of detention he shall incur
 “a penalty of ten shillings for every such offence. ~~And if any Pilot~~
~~“through neglect or otherwise shall run any ship or Vessel on shore~~
~~“(though such Ship or Vessel is not lost) he shall for every such offence~~
~~“lose the 904omprise thereof and be suspended from piloting for the next~~
~~“ensueing six months. _____~~

“And if any Pilot or ~~any~~ other Person shall fraudulently
 “use the branch or branches of any deceased Pilot he shall incur a penalty
 “of twenty pounds and suffer three months imprisonment for every
 “such offence. _____

7.th “And be it further enacted by the same Authority, That
 “any Person or persons wilfully removing or destroying or maliciously
 “procuring to be removed or destroyed any Buoy, beacon, or Land Mark
 “placed for the purpose of Navigation in the River or on the Shores of the
 “S.^t Lawrence between the Island of Saint Barnaby and the Town of
 “Montreal, or in any of the Navigable Lakes or Rivers of the Province, He
 “or they shall incur a penalty of Twenty Pounds and be committed to Prison
 “three months for every such offence. _____

8.th “And be it further enacted by the same Authority that the
 “Captain of the port, or other person thereunto to be appointed by His Excellency
 “the Governor of Commander in Chief for the time [^]being by any writing under
 “his hand and seal at arms do select all the Laws and Regulations concerning
 “Pilots and the Navigation of the River Saint Lawrence below Montreal,
 “or expressive of the duties of Masters of Vessels in the Ports of Quebec and
 “Montreal, and that he do deliver the same printed or in writing and
 signed

“Signed by him to every such Master on his arrival in Port if he be
 “desirous thereof, for which service the Master of the Port or Person
 “so appointed may lawfully take and receive from every such
 “Ship Master the sum of Five Shillings & no more. _____

9th “And be it enacted by the same authority that all penalties
 “incurred under this Act shall be sued for, recovered and applied
 “as penalties under the Act aforesaid.” _____

Ordered for consideration by the Council on Wednesday
 next. _____

Toll Bill

“M.^r Pownall from the Committee charged with the Bill
 intitled “An act or Ordinance for securing more effectually
 “the Toll of the Bridge over the River S.^t Charles, near Quebec” _____
 reported that the Committee had gone through the Bill and made
 several Amendments which with the Bill & Report he delivered
 in at the Table. The Report was read in the following words. ____

“Report of a Committee of Council named to Report
 “a Bill for securing more effectually the Toll of the Bridge
 “over the River S.^t Charles, near Quebec, consisting of the
 “following Members Viz.^t Mess.^{rs} Dunn, Delery, Pownall
 “Bellestre & De Lanaudiere. ____

“In Committee Thursday 18.th March 1790

Present

“M.^r Pownall in the Chair

“Mess.^{rs} Delery, Bellestre & De Lanaudiere

“The Chairman read the Bill throughout, afterwards Paragraph

“by Paragraph: The preamble being first read in the following words Viz.^t

“Whereas Nathaniel Taylor, John Coffin, William Lindsay,
 “David Lynd, Peter Stuart, Charles Stewart, and James Johnston Esquires
 “and Ralph Gray and John Purss Gentlemen, all of the Province of Quebec,
 “have lately obtained His Majesty’s Letters patent to construct a Bridge
 “over the River Saint Charles, near the City of Quebec, whereby they
 are

JW

“are authorized to exact, collect and receive the several Tolls herein
 “after mentioned, for passing the same, that is to say for every Calesh,
 “Chaise or Cart loaden or empty drawn by one horse, and for the driver
 “four pence for the same with two horses and driver, six pence; for
 “every horse and person riding the same, two pence; for every foot _
 “_ passenger one half-penny; for every Ox, cow or horned cattle two pence;
 “for every Calf, sheep or swine passing on foot one half penny; and so
 “in proportion for a greater number. And whereas it is apprehended
 “that other and different Articles, not 906omprised in the said Letters _
 “Patent may require to be transported over the said Bridge, and for which
 “it is proper to ascertain a certain fixed rate _”.

“The Chairman put the Question, whether the
 “preamble should stand as now read _ Voted unanimously
 “in the Affirmative. _____

“The Chairman then proceeded to read the first enacting
 “Clause in the following words.

“Be it enacted and Ordained by His Excellency
 “the Governor and the Legislative Council, and it is hereby enacted
 “by the authority of the same. That the Justices of the peace for the
 “District of Quebec in their Quarter Sessions, may, and they are
 “hereby authorized, from time to time, to fix a Toll for all and every
 “such Article of Transport, requiring to pass over the said Bridge,
 “as are not enumerated in the said Letters patent or Ordinance, as
 “herein before-mentioned. And the said Patentees and their
 “several heirs. Executors and Administrators are hereby authorized
 “to exact, collect and receive not only the Toll specified in the said
 “Letters-Patent and Ordinance referred to, but also such toll as shall
 “at any time and from time to time be fixed by the Justices in their
 “Quarter-Sessions as aforesaid, during the term granted by the said
 “Letters-Patent.”_____

“The Question being put whether the Clause now read
 “should pass, resolved unanimously in the Affirmative. _____
 “The

JW

“The Chairman [^] then read the second enacting Clause in the following
“words Viz.^t

““And whereas the laudable undertaking of the Patentees,
“ “in the construction of the Bridge, tending to promote His Majesty’s
“ “service, and conducing to the manifest advantage of His Majesty’s
“ “Subjects in the City of Quebec, and the Vicinity thereof, requires
“ “encouragement and protection; It is hereby further enacted by the
“ “same authority that no person or persons whatsoever shall at any
“ “time hereafter during the Term granted by the said Letters Patent,
“ “erect or cause to be erected any Bridge, or use or erect any Ferry –
“ “- Boat or Canoe for the passing or conveying, or shall in any manner
“ “pass or convey for lucre and gain, any of the articles enumerated
“ “in the said Letters-Patent, or those to be ascertained by the Justices
“ “in their Quarter Sessions as aforesaid, over the said River Saint Charles,
“ “at any place between the mouth of the said River, and the General
“ “Hospital; and if at any time any person or persons shall, for lucre or
“ “gain, pass, transport or convey any of the articles specified in the said
“ “Letters patent, or to be ascertained by the Justices in their Quarter_Session
“ “as aforesaid, during the time the said Patentees shall enjoy the same,
“ “such offender shall for every offence, forfeit the sum of Shillings,
“ “recoverable by complaint before any one or more Justices of the Peace, and
“ “to be levied by Warrant of distress under under his or their hand and seal, one
“ “half of which forfeiture shall be paid to the Receiver-General for the
“ “use of his Majesty and the other half to the person suing for the same.

“The Chairman having put the Question, whether this
“second enacting clause should stand as now read. _____ M.^r
“De Lanaudiere moved, That the blank in this Clause should be filled up
“with the words ten shillings; Resolved unanimously in the Affirmative
“M.^r Delery then moved as follows, That the words ““the mouth of the
“said River and the General Hospital”” be omitted, and the following words
“substituted in their place, between the North-west boundary of the Land, the
“property of the Hon[~]ble W.^m Grant Esq.^r and the North-east boundary of the
“Lands of the Ladies of the General Hospital. _____

The

“The Legislative Council meeting, the Committee adjourned without
“deciding the question proposed by M.^r Delery. _

“The Committee resumed their business

“Present

“Mess.^{rs} Dunn, Delery _

“Pownall in the Chair, Bellestre & De Lanaudiere ____

“The Chairman then put the Question on M.^r Delery’s motion,
“when the voices were as follows for the Motion Mess.^{rs} De Lanaudiere
“Belestre & Delery _ Against the Motion M.^r Dunn. _____

“The Motion being carried in the Affirmative, the
“Chairman proceeded to read the title in the following words. _

“Act or Ordinance for securing more effectually the
“Toll of the Bridge over the River S.^t Charles near Quebec. ____

“The Chairman put the Question whether the title of the Bill
“should stand in the words now read. _

“Resolved accordingly

“Ordered that the Chairman sign the Report, and report
the Bill accordingly. _ “By Order of the Committee

“In Committee (Signed) “Geo. Pownall
18th March 1790” “Chairman”

“An Act or Ordinance for securing more effectu –
“ally the Toll of the Bridge over the River S.^t Charles, near
“Quebec. _

“Whereas Nathaniel Taylor, John Coffin, William Lindsay,
“David Lynd, Peter Stuart, Charles Stewart, and James Johnston Esq.^{rs}
“and Ralph Grey and John Purss Gentlemen, all of the Province of Quebec,
“have lately obtained His Majesty’s Letters-Patent to construct a bridge
“over the River Saint Charles, near the City of Quebec; Whereby they are
“authorized to exact, collect and receive the several Tolls herein after
“mentioned, for passing the same, that is to say, for every Calesh, Chaise or
“Cart, loaden or empty drawn by one horse, and for the driver, four-pence;
“for the same with two horses, and driver, six pence; for every horse and
“person

JW

“person riding the same, two-pence; for every foot-passenger one
 “half-penny; for every Ox, Cow or horned Cattle, two pence, for every
 “calf, sheep or swine passing on foot one half-penny; and so in
 “proportion for a greater number. _ And whereas it is
 “apprehended that other and different articles, not 909omprised in the
 “said Letters Patent may require to be transported over the said Bridge,
 “and for which it is proper to ascertain a certain fixed rate; Be it
 “enacted and Ordained by His Excellency the Governor and the Legislative
 “Council, and it is hereby enacted by the authority of the same, That
 “the Justices of the Peace for the District of Quebec, in their Quarter
 “Sessions, may, and they are hereby authorized, from time to time to fix
 “a Toll for all and every such article of transport, requiring to pass
 “over the said Bridge; as are not enumerated in the said Letters Patent
 “or Ordinance, as herein-before mentioned _ And the said Patentees,
 “and their several Heirs, Executors and Administrators, are hereby
 “authorized to exact, collect and receive not only the Toll specified
 “in the said Letters Patent and Ordinance referred to, but also such
 “Toll as shall at any time, and from time to time be fixed by the Justices
 “in their Quarter-Sessions as aforesaid, during the Term granted by
 “the said Letters-Patent. _____

“And whereas the laudable undertaking of the Patentees,
 “in the construction of the said Bridge, tending to promote His Majesty’s
 “service, and conducing to the manifest advantage of His Majesty’s
 “subjects in the City of Quebec, and the vicinity thereof, requires
 “encouragement and protection; It is hereby further enacted by the
 “same authority, that no Person or Persons whatsoever shall, at any
 “time hereafter during the term granted by the said Letters Patent, erect
 “or cause to be erected any Bridge, or use or erect any Ferry-Boat or Canoe
 “for the passing or conveying, or shall in any manner pass or convey, for
 “lucre and gain, any of the Articles enumerated in the said Letters
 “Patent, or those to be ascertained by the Justices in their Quarter –
 “- Sessions as aforesaid, over the said River S.^t Charles between the
 “North-east boundary of the land, the property of William Grant Esq.^r
 “and the North-east boundary of the land of the Ladies of the General
 “Hospital; and if at any time, any person or persons shall for
 “lucre

“lucre or gain, pass, transport or convey any person or persons or any
 “of the articles specified in the said Letters patent, or to be ascertained
 “by the Justices in their Quarter-Sessions as aforesaid, during the time
 “the said patentees shall enjoy the same, such offender shall, for every
 “offence, forfeit the sum of ten shillings, recoverable by complaint
 “before any one or more Justices of the Peace, and to be levied by warrant
 “of distress under his or their hand and seal, one half of which forfeiture
 “shall be paid to the Receiver - General for the use of His Majesty, and
 “the other half to the person suing for the same.”_____

“Ordered to be considered by the Council on Wednesday next

Adjourned to Monday at 11 _____

22.nd March

Monday 22.^d March 1790

Present

The Honourable William Smith Esquire Chief-Justice ____
 and

The Honourable

Hugh Finlay	William Grant
Edward Harrison	Francis Baby
John Collins	J. De Longueuil
J. G. C. Delery	Sir John Johnson Bar. ^t
George Pownall	Charles De Lanaudiere
Picotté de Belestre	Le C. ^{te} Dupré
Henry Caldwell	

Esquires _

M.^r Williams the Clerk of the Council by His Lordship's Order,
 laid on the Table a petition of divers poor persons, Inhabitants of
 the Suburbs of S.^t Rock, relating to their Chimnies. ____ The Petition
 being read and the Question put “Whether a provision appears expedient
 “to be made in the present Session? It was carried in the Affirmative
 by 10 against 3. _____

For the Affirmative

M.^r Dupré
 M.^r De Lanaudiere
 M.^r John Johnson
 M.^r De Longueuil
 M.^r Baby
 M.^r Grant
 M.^r Belestre
 M.^r Pownall
 M.^r Delery
 M.^r Finlay

For the Negative

Col. Caldwell
 M.^r Collins
 M.^r Harrison_____

JW

Ordered

Ordered that M.^r Grant Col.^l Caldwell, M.^r Baby
M.^r De Lanaudiere & M.^r Dupré, be a Committee to bring in
the Bill. ____

M.^r Dunn
M.^r Mabane
and
M.^r De Boucherville } enter

Inland Commerce

The Council resolved themselves into a Committee of the whole
House to proceed upon the Report of the special Committee, upon
the Bill, intituled, “An Act or Ordinance in addition to the Act
“entitled, An Act or Ordinance further to regulate the inland
“Commerce and to extend the same,” and the Chief - Justice quitted
the Chair, when,

M.^r De S.^t Ours entered

The Chief ^{Justice} resumed the Chair

M.^r Grant from the Committee of the whole Council upon
the said Bill, intituled [^] “An Act or Ordinance in addition to the Act, intituled “An Act or Ordinance further to regulate the
“inland Commerce of the Province and to extend the same” reported progress,
and prayed leave to sit again to-morrow. _____

Ordered accordingly
Adjourned till to-morrow at 10 o’Clock.

23.^d March

Tuesday 23^d March 1790

Present

The Honourable William Smith Esq.^r Chief - Justice
and

The Honourable

Hugh Finlay	William Grant
Edward Harrison	François Baby
John Collins	J. De Longueuil
J. G. C. Delery	Sir John Johnson Bar. ^t
George Pownall	Charles De Lanaudiere
Picotté De Bellestre	R. A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

JW

The Clerk of the Council laid on the Table by Order of His Excellency
Lord Dorchester the following papers. Viz.^t

1. A Petition from Three Rivers respecting the limits of the proposed new District and establishment of Courts of Justice there, dated "Trois Rivieres le 17 Mars 1790" inclosing _ A Paper intituled "Estimation par Mess.^{rs} Bolvin & Harnois, Menuisiers; Corbin & Soulard, "Forgerons, & Joseph Bourbeau Couvreur en Bardeaux, des reparations "nécessaires a faire à la moitié de la maison du Gouvernement en "cette ville" dated Trois Rivieres le 5 Mars 1790. _____
2. Observations on the Bill for importing Pig and Barr Iron & Blocks of Blacklead into the province, dated 21th March 1790 _ And therewith a Memorandum relating to the Duties on foreign Iron, dated "20th March 1790. _____

Three Rivers

The Order of the day read – The Council resolved themselves into a Committee of the whole House to proceed upon the Bill, intituled "An Ordinance "to form a new District between the Districts of Quebec and Montreal "and for regulating the same Districts" And the Chief Justice quitted the Chair. _____

The Chief Justice resumed the Chair. _____

M.^r Grant from the Committee of the whole Council upon the said Bill "to form a new District between the Districts of Quebec and Montreal, and for regulating the same Districts" reports progress and prays leave to sit again. _____

Ordered accordingly. _____

Embargo

Colonel Caldwell moves that a petition of diverse Merchants of Quebec, relating to the Exportation of Biscuit be read _ Being read – Ordered to be translated, and referred to the Committee charged with the Bill, intituled, "An Ordinance to prohibit for a limited time "the exportation of Wheat, Peas, Oats, Biscuit, Flour or Meal of any kind."

Ordinances

M.^r Harrison from the Committee charged to report any Ordinances near expiring, delivered in the Report which was read as follows Viz.^t

JW

"Committee Chamber
"23.rd March 1790

"Present

“Present
 “M.^r Harrison
 “M.^r Collins
 “M.^r Delery
 “M.^r Pownall
 &
 “M.^r S.^t Ours

“The Committee charged to Examine and Report such Acts as
 “may be near expiring. ____

“Report

“That they have carefully examined the Acts and
 “Ordinances of this Council and find, there are no Acts or
 “Ordinances expiring with this Session. _

“Signed by Order of the Committee
 (Signed) “Edward Harrison”

Ordered to lie on the Table

Inland Commerce

The Council resolved themselves into a Committee of the whole
 House to proceed further on the Bill “in addition to the Act
 “intituled An Act or Ordinance further to regulate the inland
 “Commerce of this province, and to extend the same” And the
 Chief-Justice left the Chair. ____

The Chief - Justice resumed the Chair _
 M.^r Grant from the Committee on the said Bill “in addition
 “to the Act or Ordinance further to regulate the inland Commerce &,
 “reported progress and prayed leave to sit again. ____

Ordered recordingly ____
 Adjourned till to-morrow at 11 _____

JW

24.th March

Wednesday 24th March 1790

Present

The Honourable William Smith Esquire Chief Justice
 and

The Honourable

Hugh Finlay
 Tho.^s Dunn
 Edward Harrison
 John Collins
 Adam Mabane
 J. G. C. Delery

George Pownall
 Picotté De Belestre
 Henry Caldwell
 William Grant
 P. R. De S.^t Ours
 Francis Baby

Joseph De Longueuil
 Sir John Johnson Bar.^t
 Charles De Lanaudiere
 René A. Boucherville
 Le Comte Dupré
 Esquires _____

JW

Pilotage

The Order of the Day being read _ The Council proceed to take into consideration the Report of the special Committee on the Bill, intituled, “An Act or Ordinance for regulating the Pilotage in “the River S^t Lawrence, and for preventing abuses in the Port of Quebec.”

The 1.st Clause read _ Question of concurrence put
Concurr unanimously
2.^d Clause _____ Question put
Concurr unanimously
3.^d Clause _____ Question put
Concurr unanimously
4.th Clause _____ Question put
Concurred by all except M.^r Mabane

M.^r Harrison’s Amendment which was negative by
the Committee _ Question put
Concurred unanimously

5.th Clause _____ Question put
Concurred unanimously
6.th Clause and an amendment _ Question put
Debates arose _ 16 in the Affirmative
M.^r Mabane in the negative

7.th Clause – Question put – concurr unanimously
8.th Clause – Question put – concurr unanimously
9.th Clause – Question put – concurr unanimously
10.th Clause – Question put – concurr unanimously

M.^r Grant moves to add to the word Ordinance in the 12.th
line of the 4.th Clause the words “or any other law or regulation whatso –
“ever” _ Question put _ Concurr unanimously. _____

Ordered that the Bill be engrossed and read a third time
next Friday. _____

Toll

JW

The Order of the day read the Council proceed to the considera –
- tion of the Report of the special Committee on the Bill intituled
“An Act or Ordinance for securing more effectually the Toll of the
Bridge

“Bridge over the River S.^t Charles near Quebec.” _____

- 1.st enacting Clause read _ Question of concurrence put
 Debates arose
 Carried in the Affirmative by 16 against 1
 M.^r Boucherville alone in the Negative

- 2.^d Clause with the Resolves on the two motions thereon
 Question of concurrence put
 Debates arose
 Carried in the Affirmative by 11 ag.^t 5

For the Affirmative	For the Negative
Mess. ^{rs} Dupré	Mess. ^{rs} Mabane
Boucherville	Collins
Lanaudiere	Harrison
De Longueuil	Dunn
Baby	Finlay
De S. ^t Ours	
Grant	
Caldwell	
Belestre	
Pownall	Sir John Johnson absent
Delery	

The Preamble ____ Question of concurrence put
 Concurr unanimously

The Title _____ Question of concurrence put
 Concurr unanimously

M.^r Pownall moves that the words in the 2^d enacting clause
“The Lands the Property of the Honble W.^m Grant Esq.^r and the
“Lands of the Ladies of the General Hospital” be struck out; and that
 the words “The North-east point of the Land of the Honble W.^m Grant
“on the River S.^t Charles, and the opposite part of the shore of the
“said River, and upwards to the General Hospital” be inserted
 in their place. _ _____

Question put thereon _ Debates arose

Carried in the Negative by 11 against 6

For the Affirmative	For the Negative
Mess. ^{rs} Pownall	Mess Dupré S. ^t Ours
Mabane	Boucherville Grant
Collins	Lanaudiere Caldwell
Harrison	Sir John Johnson Belestre
Dunn	De Longueuil Delery
Finlay	Baby

M.^r Grant moves that the words “such Article of Transport requiring” in the 11.th & 12.th lines be struck out, and the words “Carriage of kind of Cattle which may be required” inserted in their stead. _

Question put _ concur unanimously. _
Ordered that the Bill be engrossed and read a 3^d time next

Friday. _____

Inland Commerce

M.^r Grant from the Committee of the whole Council upon the Bill intituled “An Act or Ordinance in addition to the Act, intituled, An Act or “Ordinance further to regulate the inland Commerce of this Province, and to “extend the same” reported that the Committee had gone through the Bill and made amendments which with the Bill and Report he delivered in at the Table _ The Report was read in the following words. ____

“In Committee of the whole Council

“22^d March 1790

“Present

“William Grant _ Chairman

“Honble[~] Chief _ Justice Mess.^{rs} Bellestre

“Mess.^{rs} Finlay Caldwell

Dunn De S.^t Ours

Harrison Baby

Collins De Longueuil

Mabane Sir John Johnson Bar.^t

Delery De La Naudiere

Pownall De Boucherville

Dupré

“Upon the Bill intituled ““An Act or Ordinance in addition to the
“Act intituled an Act Ordinance further to regulate the Inland Commerce
“of this province and to extend the same.”” _____

“The Chairman read the Bill in French and English.
“Then the petition of Mess.^{rs} Keyes & Fitch of Vermont. Then the Report
“of the Committee charged to report thereon by His Excellency Lord Dorchester
“dated 17.th February. Then a letter from Tho.^s Ainslie Esq.^r to His
“Lordship dated 18.th March. _____

“Then the Chairman read the Bill again, and
“afterwards the first enacting clause of the Bill in the following words.
“Be

““Be it therefore enacted by His Excellency the Governor and the
 ““Legislative Council, and it is hereby enacted by the Authority of the
 “ “same. That the free importation given by the said Act, to the Articles
 “ “therein distinguished, as enumerated Articles, shall extend to Pig and
 “ “Barr Iron, and to Blocks of black Lead, as fully as if the same were
 “ “enumerated in the said Act, and under the like terms, conditions and
 “ “regulations.” —

“Debates arose

“Upon the Question being put whether this clause should stand as
 “a part of the Bill? And the voices being taken thereon stood as follows

“For the Affirmative

For the Negative

“Mess.^{rs} Col.^l Dupré

Mess.^{rs} De Boucherville

De Lanaudiere

De Longueuil

Sir John Johnson Bar.^t

Col.^l Baby

De S.^t Ours

Col. Caldwell

Pownall

De Belestre

Collins

Delery

Finlay

Jus. Mabane

Chief Justice

Harrison

Jus. Dunn

Carried in the Negative 9 against 8. —

The Chairman then read the second enacting Clause in
 these words —

““And be it also enacted by the same Authority, that
 “ “the several Officers appointed or to be appointed under the great Seal
 “ “of this province, for regulating the inland Commerce thereof, shall be
 “ “deemed and adjudged to be vested with the like powers, privileges and
 “ “authority with the several Officers of the Customs, appointed for the
 “ “regulation of the Trade and Commerce of the said Province, at the Sea —
 “ “- Ports thereof; and that it shall be lawful to proceed for the recovery of the
 “ “fines, forfeitures and penalties to be incurred under the Acts or Ordinances
 “ “regulating the inland Commerce, or either of them, either in the manner
 “ “by the same directed, or in any of the Courts of the Common-Pleas of the said
 “ “Province, to which the cognizance thereof is hereby given; and that the said
 “ “fines, forfeitures and penalties shall be divided and disposed of, as by the
 “ “said Acts or Ordinances declared or ordained.” —

“Debates arose _ The question was put _ and the Voices

JW

For

“For the Affirmative were “Mess.^{rs} Col.^o Dupré Delanaudiere Sir John Johnson Bar.^t De S.^t Ours Pownall Collins Finlay Chief _ Justice	For the Negative Mess.^{rs} De Boucherville De Longueuil Col.^o Baby Col.^o Caldwell De Belestre Delery Jus. Mabane Harrison Jus. Dunn _

“Carried in the negative 9 against 8. _____

“The Chairman then put the Question, shall the Bill be
“rejected ?

“Debates arose	
“For the Affirmative were Mess.^{rs} De Boucherville De Longueuil Col.^o Baby Col.^o Caldwell De Bellestre De Lery Jus. Mabane Jus. Dunn	For the Negative Mess.^{rs} Col.^o Dupré De Lanaudiere Sir J. Johnson B.^t De S.^t Ours Pownall Collins Harrison Finlay Honble Chief Justice

“Carried in the Negative 9 against 8.

“M.^r Harrison then moved that the Committee
“adjourn, report progress, and pray leave to sit again to-morrow.

“Carried unanimously in the Affirmative _____

“23^d March

“In Committee of the whole Council upon the same Bill ____

“Present

“The same Members as yesterday

“M.^r Harrison moved in the following words _

“ “Be it therefore enacted by His Excellency the Governor and
“the Legislative Council, and it is hereby enacted by the Authority of the
“same, That the free Importation given, by the said Act to the Articles
“therein distinguished, as enumerated Articles, shall extend to Pig Iron,
“as fully as if the same were enumerated in the said act, and under
the

JW

“the like terms conditions and regulations. And that every Pig of Iron
 “so Imported shall be marked in the mould in legible Letters _
 “Vermont.””

“Upon the Question being put upon M.^r Harrison’s
 “motions. Debates arose – the Voices stood

“For the Affirmative	For the Negative
“Mess. ^{rs} Dupré	Mess. ^{rs} De Boucherville
De Lanaudiere	De Longueuil
Sir J. Johnson Bar. ^t	Col. ^o Baby
S. ^t Ours	Col. ^o Caldwell
Pownall	De Bellestre
Collins	Delery
Finlay	Jus. Mabane
Chief Justice	Jus. Dunn

“Carried in the Affirmative 9 against 8

“Then the Preamble was read in the following words

““Whereas the Importation of divers Articles of goods and
 ““Merchandize particularly enumerated in the said Act is permitted,
 ““under certain restrictions in the same mentioned, and it may be
 ““expedient to extend the same, as well as to give a more effectual
 ““remedy for restraining such Importations as by the said Act are
 ““prohibited.””

“The Chief _ Justice moved that the following words of
 “the Preamble be struck out.

““As well as to give a more effectual remedy for restraining such
 ““importations as by the said Act are prohibited”” The question being
 “put thereon it was carried unanimously in the Affirmative. ____

“Then the Preamble so amended was read _ Debates arose
 “on the Question being put whether it should stand as amended

“For the Affirmative		For the Negative
“Mess. ^{rs} Dupré	Pownall	Mess. ^{rs} De Boucherville
De Lanaudiere	Collins	De Longueuil
Sir John Johnson B. ^t	Harrison	Col. ^o Baby
S. ^t Ours	Finlay	De Bellestre
Col. ^o Caldwell	Chief-Justice	Delery
		Jus. Mabane
		Jus. Dunn

“Carried in the Affirmative 10 against 7 ____

“Then the Title was read in the words following

““An Act or Ordinance, in addition to the Act intituled “An
 “Act or Ordinance further to regulate the Inland Commerce of this Province
 ““and to extend the same” _ passed in the 28.th year of His Majesty’s
 ““reign. ____

“Debates arose

“For the Affirmative

“Mess.^{rs} Dupré

De Boucherville

De Lanaudiere

Sir J. Johnson B.^t

De S.^t Ours

Col.^o Caldwell

Pownall

Collins

Harrison

Finlay

Chief _ Justice

For the Negative

Mess.^{rs} De Longueuil

Col.^o Baby

De Belestre

De Lery

Jus. Mabane

Jus. Dunn

“Carried in the Affirmative 11 against 6

“The Bill and Amendments being gone [^] through, Ordered that
 “Report be made accordingly _

Signed “William Grant

“Chairman”

“Ordered to be taken into consideration next Saturday

Adjourned till Friday at 11

26.th March

Friday 26.th March 1790

Present

The Honourable William Smith Esquire Chief Justice

and

The Honourable

Hugh Finlay

Tho.^s Dunn

Edw.^d Harrison

John Collins

Adam Mabane

J . G. C. Delery

George Pownall

Picotté De Belestre

Henry Caldwell

William Grant

P. R. De S.^t Ours

François Baby

Joseph De Longueuil

Sir John Johnson

Charles De Lanaudiere

René Amable De Boucherville

Le C.^{te} Dupré

Esquires

JW

The

Pilotage

The Order of the day for a third reading of the Bill intituled
 “An Act or Ordinance to amend the Ordinance intituled an Ordinance
 “for regulating the pilottage in the River S.^t Lawrence, and for preventing
 “abuses in the port of Quebec” being read, and the Bill read a third
 time in both languages _ The Question for passing the Bill was put _
 it passed unanimously. _

Ordered that Sir John Johnson, M.^r Delanaudiere
 and M.^r De Boucherville be a Committee to examine
 the Transcript, and wait on his Lordship with it, and
 if any doubts arise in their mind with respect to the copy,
 they are to communicate them to the Chair. _____

Toll

The Order of the day read, for a third reading of the Bill intituled
 “An Act or Ordinance for securing more effectually the Toll of the
 “Bridge over the River S.^t Charles, near Quebec” M.^r Finlay moved
 that the third reading of this Bill be postponed to Wednesday next ____
 Question put ____ Carried nem _ con. _ Ordered accordingly _

Three Rivers

M.^r Grant from the Committee of the whole Council on the Bill,
 intituled “An Act to form a new District between the Districts of
 “Quebec and Montreal and for regulating the same Districts” reports
 that the Committee have gone through the Bill, and made several
 amendments, which with the Bill and Report be deliversd in at the
 Table _ Question put Shall it be read ? _ Ordered _ And it was read
 in the words following. _____

“In Committee of the whole Council

“23^d March 1790

“Present

“M. ^r Grant _ Chairman	Col. ^o Caldwell
Honble Chief Justice	M. ^r De S. ^t Ours
M. ^r Finlay	Col. ^o Baby
M. ^r Harrison	M. ^r De Longueüil
M. ^r Collins	Sir John Johnson Bar. ^t
M. ^r Delery	M. ^r Delanaudiere
M. ^r Pownall	M. ^r De Boucherville
M. ^r De Bellestre	M. ^r Dupré

JW

Upon

“ “Upon the Bill entitled “An Act or Ordinance to form a new
 “ “District between the Districts of Quebec and Montreal, and for
 “ “regulating the same Districts”.” _____

“The Chairman read the Bill in both Languages. Then
 “the Report of the special Committee, who reported on the same on the
 “21st Nov.^r 1789 to His Excellency Lord Dorchester _ And then stated
 “the general tenor of the papers connected therewith. Then the first
 “enacting clause of the Bill in the following words. ____

““Be it therefore enacted by His Excellency the Governor and the Legislative
 “ “Council, and it is accordingly hereby enacted by the Authority of the same,
 “ “that the District of Quebec shall extend no further westward than to

“ “nor the District of Montreal no further eastward than to

“ “but both the said Districts shall extend, northerly and southerly, to the
 “ “extreme boundaries of the Province; and that all the intermediate country
 “ “between the said Districts of Quebec and Montreal, shall be henceforth
 “ “separated therefrom, and be a new District, and be called the District of
 “ “ _____ and that the chief or County Town thereof
 “ “shall be the Town of Three Rivers.” ” _____

“And the Question, whether it should stand as a part
 “of the Bill being put, it was carried unanimously in the Affirmative.

“The Chairman then read the second enacting clause, as
 “follows ____ ““And be it enacted by the same Authority, That as soon
 “ “as the said new District of _____ shall be organized in the
 “ “manner of the said Districts of Quebec and Montreal, by the like Courts
 “ “and Judicatures, Magistrates, Commissioners, Offices and Officers, it
 “ “shall enjoy all the like privileges and benefits, and be subject to the like
 “ “burdens and services, now common to the said Districts of Quebec and Montreal,
 “ “of which it was a part, except in such cases as the same shall be varied
 “ “from by this Act or Ordinance, or such as may be hereafter for such purpose
 “ “enacted.”” _____

_____ The question being put thereon _ It was carried unanimously
 in the affirmative

JW

(“M.^r Justice Dunn came in and took his seat).

The

“The Chairman then read the third enacting clause in the following words. _

““Provided always, and be it also enacted, that nothing in this Act
 “ “contained shall be construed to affect, alter or change the state of any
 “ “suit or action that may be pending before any Court of Judicature
 “ “of either of the said Districts of Quebec or Montreal, but that
 “ “the same may be proceeded upon, to the final determination of the
 “ “same, and to Judgment, and the Execution thereof, to all intents and
 “ “purposes as if this Act had never been made.””_____

“The Question being put thereon _ It was carried unanimously
 “in the Affirmative. _____

“The fourth enacting Clause was then read as follows.

“ “And be it also enacted by the same Authority, That the Courts,
 “ “Offices and Officers to be established and constituted for the said new
 “ “District, shall have all the powers and Authorities of the like Courts,
 “ “Offices, and Officers, in either of the said old Districts of Quebec and
 “ “Montreal, and be subject to the same Laws, rules and regulations, in
 “ “all cases whatsoever.””_____

“And the question being put thereon _ It was carried
 “unanimously in the Affirmative. _____

“The fifth enacting Clause was then read as follows. _

“Provided always, and be it also enacted, That the Court of Common Pleas
 “to be erected in the said new District, shall hold but two Sessions in
 “the Year Viz.^t

One commencing the first Tuesday of

“ and the other commencing the first Tuesday of
 “ and each continuing for days / except Sundays and Holy-
 “ days / which are not to be counted for Law days. _____

“And the question put thereon. Carried Unanimously
 “in the Affirmative.

“Then the sixth enacting clause was read, in the following
 words. ““And the better to enable the Judges of all the said Districts to
 “ “officiate on the bench of each, and that the business may be the more
 “ “conveniently attended in the Courts of all of them, Be it also enacted
 “ “by the same Authority, That the Sessions of the Court of Common-Pleas for
 “ “the District of Quebec shall commence

“ “and that the Session for the Court of Common-Pleas for the District
 “ “of Montreal, shall commence

“ “and shall continue _____ days from their respective commencements
 “ “(Sundays and Holidays excepted)””_____

“The Question being put thereon _ It was carried
 “ “unanimously in the Affirmative. _____

“The seventh enacting Clause was then read as follows ____
 “ “And be it also enacted by the same Authority, That nothing herein
 “ “contained shall be construed to exempt the proceedings and Judgments
 “ “of the Common-Pleas of the said new District from the powers and
 “ “authorities of the Court of Appeals, and all Laws and Ordinances
 “ “heretofore made and binding upon the Common-Pleas of the Districts
 “ “of Quebec and Montreal, and the course of practice thereof shall as
 “ “effectually bind the Common-Pleas of the said new District, and all
 “ “Officers and others, as if the said District has been especially named
 “ “or included in any Law or Ordinance with the said Districts of Quebec
 “ “and Montreal”.” _____

“The Question being put thereon _ It was carried unanimous –
 “- ly in the Affirmative. _____

“(M.^r Justice Mabane came in and took his seat)

“The Eight or last enacting clause was then read, in the following
 “words ““And be it also enacted by the same Authority, That until
 “ “future provision be made by Laws for that purpose to be passed, it shall
 “ “be lawful for the Governor or Commander in Chief, for the time being, to
 “ “designate, set apart, and appoint a place or places, for holding the Courts
 “ “of the said new District, and the Goal or prisons for the confinement and
 “ “punishment of prisoners, as well in civil as in criminal cases, and for the
 “ “Governor and Commander in Chief, for the time being, by and with the advice
 “ “of His Majesty’s Council, to take order to provide for the better police and
 “ “Government of the said Town of Three Rivers, to the intent that the
 “ “same Town may be regulated as nearly as the condition and circumstan-
 “ “ces thereof will permit in the manner now used and practised in the
 said

“ “said Cities of Quebec and Montreal, and that such temporary Orders
 “ “and regulations to be directed and made by Proclamation under the
 “ “Great-Seal, shall be as binding upon all Officers and others, as if the
 “ “same were particularly and specially hereby enacted and declared.””

“The Question being put _ Debates arose _

“For the Affirmative _ all the Members except M.^r Mabane
 “Carried in the Affirmative 16 against 1. _____

“Then M.^r De Lanaudiere moved to fill up the 1st and 2^d
 “blanks in the first enacting clause with the words. _
 “ “the Eastern line of the Seigniori of Dorvillier & along the course of
 “ “the same to the northern boundary of the Province on the North side
 “ “of the S.^t Lawrence, and to the eastern line of the Seigniori of Le Bequet
 “ “and along the course of the same to the Southern boundary of the
 “ “Province on the South side of the S.^t Lawrence. _” _

“ “The western line of the Seigniori of Masquinongé and along the
 “ “course thereof to the northern boundary of the province on the north
 “ “side of the S.^t Lawrence and to the western line of the Seigniori of
 “ “Yamaska and along the course thereof to the southern boundary of
 “ “the Province on the South side of the S.^t Lawrence.””

“On the question being put thereon _ It was carried unanimously
 “in the Affirmative.”

“M.^r Finlay then moved to fill up the 3^d blank in the same
 “Clause and the blank in the second clause with the words “Three Rivers” _

“And the Question being put thereon _ It was carried unanimously
 “in the Affirmative.” _____

“M.^r Finlay then moved to fill the 1.st blank in the fifth
 “enacting clause with the word “February” The 2^d with the word
 “August” and the 3^d with the word “Six” _____

“And the Question being put thereon _ It was carried
 “Unanimously in the Affirmative. _____

“M.^r Finlay then moved that the 1.st blank in the
 “sixth clause be filled up with the words “and be the first fifteen days
 “ “/Sundays and holy-days excepted/ in the Months of Jan.^y and July, and
 “ “the last fifteen days of March and September yearly”” And the 2^d
 blank

“ “blank with the words” “and be the last fifteen days of february, May,
 “ “August, & November yearly (Sundays and Holidays excepted), and that
 “ “the following words at the end of this clause be struckout”” and shall
 “ “continue ____ days from their respective commencements sundays
 “and holidays excepted.”” _____

“The Question being put thereon-it was carried Unanimously
 “in the Affirmative. _____

“The Chairman then read the Preamble in the following
 “words ____ ““Whereas divers inconveniencies arise by the immoderate
 “ “extent of the said Districts of Quebec and Montreal, and earnest
 “ “requests for relief are made by the Inhabitants on both sides of Three
 “ “Rivers, in the middle distances between the Cities of Quebec and Montreal”

“The Question being put thereon it was carried unanimously
 “in the Affirmative. _____

“The Title being then read as follows

“ “An Act or Ordinance to form a new District between
 “ “the Districts of Quebec and Montreal, and for regulating the same
 “ “Districts.”” _____

“And the Question put thereon _ It was carried
 “unanimously in the Affirmative. _____

“Ordered to report accordingly

/ Signed / William Grant

“Chairman” _____

The Report being read _ Ordered that the Bill be engrossed and read a
 third time on Wednesday next.

Embargo

Col.^o Caldwell from the Committee charged with the Bill intituled
 “An Ordinance to prevent for a limited time the exportation of Wheat,
 “Peas, Oats, Biscuit, Flour or Meal of any kind.” ____ reports that
 the Committee have gone through the Bill and made amendments,
 which with the Bill and Report he delivers in at the Table _ Question
 put - shall it be read _ Ordered ____ And it was read in the words
 following. ____

JW

“Council

Report of a Committee of the whole Council appointed to take into consideration and report upon An Ordinance intituled
 "an Ordinance to prohibit for a limited time the Exportation of Biscuit, Flour or Meal of any kind, also of Wheat, Peas, Barley
 "Rye and Oats.

"Council Chamber 17th March 1790.

"Proceeding and Report of the Committee to which was referred an
 "Ordinance proposed by M.^r Caldwell, entitled an Ordinance to prevent
 "for a limited time the Exportation of Wheat, Peas, Oats, Biscuit, Flour,
 "& Meal of any kind. _____

"M.^r Caldwell in the Chair

"M.^r Harrison

"M.^r Mabane

"M.^r Grant

"M.^r Dupré

"The Ordinance being read in both languages, M.^r Harrison
 "moved that Mess.^{rs} Lester, Young, Lees & Cornud waiting without
 "might be called in to be examined respecting the scarcity of Wheat
 "in the Province; and also that M.^r Allsopp, M.^r Duniere & M.^r
 "Crawford might be sent for; which was agreed to unanimously. ____

"M.^r Cornud called in ____

"Question _ Have you [^] been lately ~~been~~ up the Country ? Where have you
 "been ? You will be so good as to inform the Committee what you know
 "respecting the quantity of wheat you suppose may be in this Country.

"Answer _ I have been up the River Chambly _ I have had occasion
 "to inform myself of the quantity of wheat that many of the Inhabitants
 "there are possessed of, and after the best enquiries I could make,
 "together with M.^r Paradis who is well informed of the state of that
 "part of the Country, we supposed there might be about 25,000 bushels
 "for sale on that River, exclusive of what might be wanted for seed,
 "and the subsistence of the Inhabitants till the ensuing Crop _ M.^r
 "Cornud further says that he does not understand that there has been any
 "price fixt, or will be before the opening of the Navigation _ that about
 "2 months [^] since some small quantity had been sold for 4 Livres _ that the
 "quality of the wheat was in general good _ He farther informs the
 "Committee that he thinks it would be for the benefit of the Country
 "to prevent the exportation of Wheat at present _ That about the
 "latter end of February he had been at Montreal, & he saw some wheat
 "sold for 5 # & heard that some had been sold as high as 5 Shill.^{gs} p Minots.
 "M^r

“M.^r Lester called in

“Qu. _ Be so good as to inform the Committee what you know respect.^s
 “the quantity of Wheat that may be in the Country _ the information
 “you have respecting it and from whom. _____

“Answer _ M^r Lester inform the Committee that from the best
 “information he has been able to procure, he thinks these may be about 25,
 “or 30,000 Bushels on the River Chambly for sale, and about as much more
 “on the north-side the River S.^t Lawrence in the District of Montreal:
 “that he understands the price to be now about 5/ sometime since it had
 “been 5 Livres. _____

Qu. “Have you any knowledge of the quantity of Wheat below
 “Three Rivers _ or of the quantity below Quebec ? _

“An: “I don’t know what quantity may be in those parts of the
 “Country, but was informed the price below Quebec is 5 Shillings. .

“M^r Lester farther informed the Committee that he heard there was
 “encouragement by Letters from Montreal to ship at 5/ the Winchester
 “Bushel clear on board, and that there are orders in Town for Shipping at
 “4/6 Sterling. _____

Q. “By M.^r Grant What was the price of Wheat by your last advices
 “from England ? and what from New York ? .

An. “From England the price was from 50 to 54 / p Quarter _ and from
 “New York from 9 to 10/ York Curr.^y p bushell. _____

“M.^r Young called in

Qu. “Be so good as to inform the Committee what you know respecting
 “the quantity of Wheat that may be in the Country, the information you
 have respecting it & from whom. _____

An. “M.^r Young say that for the information of his Correspondents
 “since the 20.th of January he has sent confidential Persons up the Country
 “and down the Country, & from what he has been able to learn from them
 “and elsewhere, he supposed the quantity of wheat on the River Chambly
 “to be about 30,000 bushels; but that later accounts give him reason to
 “think the quantity there is not quite so much _ That to the northward
 “and as far as Three Rivers, the quantity for sale was still less, & that the Wheat
 “about L’Assomption & Terre Bonne was much grown. He further informs
 the

“the Committee that he does not find there is any Wheat for sale below
 “Quebec, and that some of the Inhabitants are just now in want,
 “and applying to the Mills and Priest for supply, & that he was so well
 “persuaded of the deficiency in the Country that by the February
 “Mail he wrote to his Correspondents not to send out any Ships for
 “Wheat this year, unless they had the alternative of taking back
 “Lumber ____ M.^r Young supposes there may be orders in the Country
 “for 500,000 bushels, and at a higher price than any ever ordered from
 “this Country. He says he understands the Price in England is 52 /
 “p Quarter. _____

“M.^r Lees called in _

Qu. “Will you be so good as to inform the Committee what you
 “know respecting the quantity of Wheat that may be in the Country _
 the information you have respecting it & from whom ? _____

An. “M.^r Lees informs the Committee that he supposes, from the best
 “information he has been able to procure that there is not more than
 “25,000 bushels to spare for exportation on the River Chambly, and about as
 “much more in the other parts of the Province _ that that quantity is not
 “independent of the supply of the Town of Montreal _ As to Quebec, he
 “supposes there is as much Government Provisions in store as may answer
 “its consumption till the new Crop comes in _ M.^r Lees further informs
 “the Committee that he understands there are orders for a large quantity
 “of Wheat, and that he supposes more than the quantity to spare
 “in the Country would be shipped at a Dollar p bushel, if not to be had
 “lower. That he understands the price of Wheat in England is from
 “48/ to 52/ p Quarter. _____

“M.^r Crawford called in.

Qu. “Will you be so good as to inform the Committee what you know
 “respecting the quantity of Wheat that may be in the Country _ the
 information you have respecting it, & from whom? ____

An. “M.^r Crawford says he has not had an Opportunity of gaining
 “sufficient information to enable him to form any Judgment as yet
 “respecting the quantity of Wheat there may be to spare for exportation:
 “but in general he supposes there may be some to spare: and he further
 “informs the Committee, that, in coming here, he heard that M.^r Painter
 had

“had received a Letter this post, from New York acquainting there was an
 “Embargo laid on the exportation of Wheat from thence, the price being 7/6
 “this Currency or 12/ York Curr.^y p bushell. That he understands the price of
 “Wheat at Montreal sometime ago was 5 [⁄] but that since it has risen
 “to 6 [⁄] he supposes from the demand for exportation. _____

“The Chairman was desired to write to M^r Painter to request his
 “attendance at next meeting of the Committee; or in case his state of
 “health should not permit his attendance, that he will inform the
 “Committee by Letter what he has learned respecting the quantity of
 “wheat in the Country, and the Price of that Article at New York &
 “in England. _

“The Committee adjourned to Friday next at 1 o’Clock _____

“Council Chamber 19th March 1790

“Present

“M.^r Caldwell in the Chair

“M.^r Harrison

M.^r Mabane

M.^r Grant

M.^r Dupré

“The Chairman informed the Committee that he had received a Letter
 “from M.^r Painter whose illness preventing his attending in person. The
 “Letter was read and the information contained in it as follows; he says he
 “lately passed along the River Chambly, that he has been at pains to inform
 “himself of the quantity of wheat to spare in that quarter, and that he
 “supposes it may be about 20,000 bushels. From the best information he
 “could get from other parts, he imagines the quantity to spare for exportation
 “in the whole Province may be about 50 or 60,000 bushels. He says that
 “by Letters from Bristol by the November and December Mails, he learns that
 “wheat was there from 7/ to 8/ p bushel _ That a general embargo on the
 “export of Wheat had taken place in England, the Corn-Distilleries stopped,
 “and their Ports open for the importation of American Wheat & Flour; & that
 “by a Letter he has from Montreal last Post, he had advice that Wheat
 “was 7/6 Halifax Curr.^y at New York, and that Congress had passed a law

to

JW

“to restrain the exportation of that Article. _____

“Then a Presentment of the Grand Jury of the City and
 “District of Montreal to the Honble~ Chief - Justice Smith, was
 “read in the words following. _____

““At a Court of King’s bench for the District of Montreal
 ““in the Province of Quebec begun and holden in the
 ““City of Montreal the first day of March 1790 &
 ““continued untill Wednesday the tenth day of said Month
 ““by the Honble W.^m Smith Esq.^r His Majesty’s Chief -
 ““Justice of the said Province. _____

““The Grand Jury for the body of the District of Montreal
 “ “taking into consideration the scanty crop of Wheat & other grain
 “ “last Autumn and recollecting the enormous price to which bread,
 “ “that indispensible necessary of life rose in the preceding Winter,
 “ “Spring and Summer, by the great exportation of Wheat, Flour & Biscuit,
 “ “conceive it their duty to present to this Honble Court for the information
 “ “of His Excellency the Governor-General, their apprehensions lest a similar
 “ “event should again take place the ensuing Season, as they understand
 “ “that several Persons are actually treating for quantities of Wheat
 “ “to be exported to Europe, a measure which if carried into execution
 “ “might be attended with serious consequences. _ By the best information
 “ “which the Grand Jury can obtain, it does not appear that more
 “ “than sixty to eighty thousand Minots of wheat could be spared from
 “ “this District after leaving a sufficiency for seed and the sustenance
 “ “of its Inhabitants untill de 15.th of August next, and this quantity
 “ “is not more than adequate for the consumption of two months a Stock
 “ “but very slender should the Crop of another season prove unfortunate. _

““The apprehensions of the Grand-Jury are the greater as the
 “ “means of drawing supplies either from Britain or the American States
 “ “are become very difficult, for by the latest advices from England the Price
 “ “of Wheat was 6/6 to 7/ p bushel; and in the American Markets, not less
 “ “than 6/ and the exportation from their Ports has been so considerable that
 “ “many Vessels which came from Europe in order to load Wheat were
 “ “necessitated to depart without Cargoes. _____

“

““Thus

“ “Thus situated the Grand-Jury represent, that in their Judgment
 “ “it would be expedient and necessary to prevent the exportation of Wheat
 “ “untill the 15.th of August next, when the Crop of this District may
 “ “be known, and then the prohibition to be taken off or prolonged, as in his
 “ “Excellency’s wisdom shall appear right and consistent with the safety
 “ “& welfare of the Province. ____

“ “And the Grand-Jury recommend that such Prohibition be
 “made public as soon as possible, that Persons intending to purchase for
 “exportation may know what they have to depend upon.” _____

“In consequence of the above information Resolved
 “unanimously that it is the opinion of this Committee that it is expedient
 “to prevent the exportation of Wheat & Flour &.^c for a limited time____.

“The Chairman then proceeded on the Bill committed _
 “Read the 1st Article in both Languages. _____

Art. 1.

“Be it enacted by his Excellency the Governor, by and with the consent
 “of the Legislative Council of this province, and by the Authority of the same
 “it is hereby enacted and ordained that after the publication of this Ordinance
 “no Person or Persons whatsoever, shall, directly or indirectly export, carry,
 “or convey, or cause to be exported, carried or conveyed out of this Province, or
 “shall load on board of any Ship, Vessel or Boat, in order to be carried, conveyed,
 “and transported out of this Province, any Wheat, Peas, biscuit, Oats, flour
 “or meal of any kind. _____

“The Question being put _ Debates arose	
“For the Article	Against the Article
M. ^r Harrison	M. ^r Grant
M. ^r Mabane	
M. ^r Dupré	

“M.^r Mabane being indisposed moved that the Committee adjourn
 “to Monday next at 1 o’Clock

“Unanimously agreed to. _____

“Monday 22.^d March 1790

“The business of the Legislative Council having prevented the Committee
 “from

JW

“from proceeding to business according to adjournment
 “Adjourned to Thursday 25.th instant. _____

“Council Chamber 25.th March 1790

“Present

“M.^r Caldwell _ in the Chair
 M.^r Harrison
 M.^r Mabane
 M.^r Grant
 M.^r Dupré

“Read the Memorial of several Merchants of the City of
 “Quebec praying that Biscuit might be allowed to be exported
 “under restrictions, to the Island of Newfoundland; in the following
 “words. _____

““To the Honourable the Legislative Council of the Province
 “ “of Quebec

““The Memorial of the Subscribers, Merchants in Quebec. ____
 ““Humbly sheweth

““That your Memorialists are informed a Bill is at
 “ “present before the Honourable Council to prevent the exportation of Provisions
 “ “from this Province for a limited time. _____

““That while your Memorialists deplore the necessity
 “ “which renders such a measure expedient they beg leave humbly to
 “ “suggest that the extension of the Embargo to the exportation of Biscuit
 “ “may prove hurtful to Individual without being of any benefit to the
 “ “Provinces. For the coarse flour extracted from that which is consumed
 “ “in the Towns & Wheat sprouted or damaged are unfit for any other
 “ “purpose than the manufactory of Biscuit, which the Inhabitants
 “ “of the Province will not make use of except in the case of extreme want,
 “ “which your Memorialists ^{humbly} conceive is not to be apprehended. _____

““That this Flour or the Biscuit will therefore remain on hand
 “ “to the injury of the Proprietors, & to the disappointment of the
 “ “Newfoundland Merchants who may depend on Canada for the supplies
 “ “to their Fisheries. _____

“Your Memorialists therefore humbly submit
 “to the consideration of the Honble~ Council

how

JW

““how far it may be expedient to permit the —
 ““exportation of Biscuit under such restrictions as
 ““may prevent a larges quantity being exported
 ““than the Province in its present situation can
 ““afford. _____

““Quebec 22 March 1790

“Read the second Article of the Ordinance in the following words. ____

“Art. 2^d

“Provided always that this Ordinance or anything therein contained
 “shall not extent to prohibit the exportation or carrying out of this Province
 “such, or so much of all, or any of the several articles of Provision
 “above specified, as shall be necessary for the victualling of such Ships
 “and Vessels trading to and from this Province as shall be necessary for the
 “support of the Crew & passengers of the same, for their respective voyages
 “only, or from transporting & sending to the several Fisheries within this
 “Province, also to the several King’s Posts, or Posts belonging to the Commerce
 “of this Province in the Indian Country that may be construed to be out of
 “the limits thereof, such Provisions as may be necessary for the support
 “of the same, the Masters of such Ships and Vessels that pass Seaward from
 “the port of Quebec, or the shippers of the several Provisions or the Owners
 “thereof having first complied with the directions respecting such exportation
 “as are hereafter contained. _____

“Question put _ Debates arose. ____

“Agreed to by all the Members except M.^r Grant. ____

“M.^r Mabane moves that the words “as shall be necessary” in the
 “above article and the 8.th line may be left out as superfluous. ____

“Carried unanimously in the Affirmative

“M.^r Grant then moved in the following words

“M.^r Grant moves that the whole of the 2^d Article after the word
 “For” in the 8th Line, be struck out and the said word. ____

“Debates arose ____ Question put

“For the Motion Against it

M.^r Grant

M.^r Mabane

M.^r Dupré

M.^r Harrison

JW

“Votes being equal, the Chair decided in the negative

“M.^r

“M.^r Harrison then moved in the words following.

“M.^r Harrison moves that the following words be struck
 “out beginning in the 13.th line Viz.^t “or Posts belonging to the
 “Commerce of the Province in the Indian Country that may be construed
 “to be out of the limits thereof.”

“Debates arose _ Question put
 “Carried unanimously in the Affirmative

“Read the third Article in the following words. _____

Art. 3.^d

“Be it also enacted by same Authority, that all Masters of Vessels
 “Merchants or their Agents, or whoever may have the direction of
 “clearing from the Custom-House or Ports within this Province any Ship
 “or Vessel to depart from the same laden with such Provisions as
 “specified to any of the Fisheries or fishing Posts below Quebec &
 “within the Province as aforesaid, or shall have occasion to take
 “in such provisions for the use of their Crew & Passengers of any Ship or Vessel
 “trading to or from this province, That such Masters of Ships or Vessels or
 “such Merchants as aforesaid shall before lading on board any such
 “Ship or Vessel, any such Provisions as aforesaid, make an Entry with the
 “naval officer or his Deputy, of the several quantities & qualities of the
 “Provisions above specified, which may be necessary or permitted to be
 “laden on board, and that such Master of such Ship or Vessel shall
 “obtain a clearance, Licence, and Permit from the Naval Officer or his
 “Deputy to take & transport the same. _____

“Debates arose _ Question put

“Carried in the Affirmative _ M.^r Grant only dissenting. ____

“Read the fourth Article in the following words

“Art. 4th

“Provided always and it is hereby enacted that such Masters of
 “Ships and Vessels shall previous to their obtaining such Permit &
 “Clearance make Oath before the Naval-Officer or his Deputy (who
 “(are hereby authorized to administer the same) that such Provisions
 “entered for the Ships use are bona fide for the use & support of the Crew
 “& Passengers of the same, & that for such Provisions as may be
 “shipped

“shipped for the support of the Fisheries & fishing posts dependent on
 “this Province below Quebec, he the said Master shall enter into bond
 “with two good & sufficient Sureties in the penal sum to the amount of
 “the value of such Provisions so to be entered that no part thereof shall be
 “exported or landed in any other Port or Place out of the limits of this Province, a
 “Certificate of such landing or delivery signed by the superior Custom-house
 “or Naval-Officer of the Port where the Provisions are landed shall under
 “like penalty be transmitted within six months after the landing thereof
 “to the Naval-Officer of the Port of Quebec, and in case there should be no
 “naval or Custom-house Officer where such Provisions are landed a like
 “Certificate signed by a neighbouring Magistrate will be sufficient,
 “the said bond to be taken before & delivered to the Naval-Officer or his
 “Deputy upon pain & penalty of £100 St.^s ____ to be levied of the Master
 “of such Ship or Vessel, or the Owner or Shipper of said Provisions who may
 “neglect or refuse to conform to & perform all and every the above said Articles
 “and directions according to the true intent and meaning of this Ordinance,
 “& also upon forfeiture of double the value of all the Provisions which may
 “be laden on board contrary to this Ordinance as aforesaid, & all & every such
 “Ship & Vessel is hereby made liable to and answerable for the above said
 “penalties & forfeitures so far as they may be of value to answer the same, &
 “may be lawfully taken seizures and solo by Judgment of law for & towards
 “satisfying the Penalties & forfeitures above mentioned, & the said Naval-
 “Officer or his Deputy, for the entry, permit, Oath & Bond as aforesaid
 “and also for the clearance of the Provisions as aforesaid & the Certificate to
 “the Collector or other Officer of His Majesty’s Customs shall take & receive
 “five shillings for said business & no more. _____

“Question put shall this Article pass

“Carried in the Affirmative, M.^r Grant the only dissenting voice. _

“Read the fifth Article in the words following

Art. 5.th

“And be it enacted by the same Authority that the naval-Officer
 “or his deputy may at all times by night or by day enter on board any
 Ship

JW

“Ship or Vessel, and the same and every part thereof search and
 “examine and lawfully may hold in his or their Custody every Ship
 “or Vessel on board of which may be laden any Provisions contrary to
 “this Ordinance and the same retain untill Judgment of Law be
 “made on the Premises. _____

“Provided always that the said Naval-Officer or his
 “Deputy shall release and give up such Ship or Vessel so seized, upon
 “the Owner or Master giving two good and sufficient Sureties to the
 “said Naval-Officer or his Deputy to answer the Prosecution, hearing
 “and trial, and to make good the Judgment of Law against such master,
 “Owner or Shipper, for having acted contrary or refused to comply with
 “this Ordinance. _____

“Question put as before. _____

“Carried in the Affirmative _ M.^r Grant the only dissenting voice. ____
 Read the sixth Article in the Words following

Art. 6.

“And be it enacted by the same Authority that every Naval-Officer
 “and his ~~and~~ or their Deputy or Deputies who shall wilfully neglect or
 “refuse to take the Entry, Oath & Security above-mentioned, or who may
 “grant any clearance of any Ship or Vessel, before having taken such
 “Entry, Oath and Security; or who shall neglect or refuse to perform
 “the several duties by this Ordinance required, shall be liable to and have
 “judgment against him or them for the same penalties & the value of all
 “such forfeitures as by this Ordinance the Master, Shipper, or Owner of
 “such Ship or Vessel or the Provisions therein laden would be liable to,
 “for a wilful neglect or refusal to conform to this Ordinance, or the
 “particular duty necessary to be performed as above mentioned. ____

“Question put

“Carried in the Affirmative. M.^r Grant the only dissenting voice

“Read the seventh article in the words following. _

Art. 7.th

“Be it enacted by the same Authority that no Collector, his Deputy

or

“or other Officer of His Majesty’s Customs within this Province, shall,
 “during the continuance of this Ordinance, clear or suffer any Ship or Vessel
 “to be cleared from any Port in this Province untill after said Collector
 “or other Custom-house Officer may have received a Clearance and Certificate
 “from the Naval-Officer of this Province or his Deputy, that the master
 “of such Ship or Vessel hath in all things duly complied with & obeyed
 “this Ordinance. _

“Question put

“Carried in the Affirmative. M.^r Grant only dissenting

“Read the eight Article in the following words.

Art. 8.th

“Be it enacted by same authority that all and every Person concerned,
 “acting contrary, or refusing or neglecting to conform to this Ordinance
 “and the penalties and forfeitures imposed as above shall and may be
 “prosecuted, sued for and recovered in any of His Majesty’s Courts of
 “Record in this Province, according to the course and usage of such Courts,
 “for the trial, hearing and judgment of Causes, and the forfeitures above-
 “mentioned being recovered shall be divided and paid one moiety to the
 “Receiver-General of the Province for the use of His Majesty, and the
 “other Moiety to the person who shall inform, sue for, and prosecute the
 “same. _

“Question put

“Carried as above. M.^r Grant only dissenting.

“Read the ninth Article in the following words

Art. 9th

“And be it enacted by same Authority, that this Ordinance shall

JW

be

“be and remain in force from the publication of the same for
 “and during the space of one year, empowering however His
 “Excellency the Governor or Commander in Chief, for the time being,
 “by and with the consent of the Council from and after the fifteenth
 “day of August next, if they shall think it expedient to take off
 “the Embargo directed by this Ordinance on all or any part of such
 “Provisions as are therein specified. _____

“The Question put

“Carried in the Affirmative M.^r Grant only dissenting __

“The Preamble was then read in the words following

“Whereas from the bad Crops of the preceding Year this
 “Province was reduced, ^{previous} to the last Harvest to very great want __ And
 “whereas from the present high price of Wheat & Flour, and the
 “deficiency of the last Crop there is reason to apprehend, that in case
 “of another bad Harvest we should again be reduced to like or
 “perhaps greater distress. __

“Question put

“Carried in the Negative. For the preamble M.^r Dupré

“Against it, the other Members

“M.^r Mabane then moved that the following Preamble should
 “be adopted. _____

“Whereas from the quantity of Wheat and other grain in the
 “Province a scarcity of Bread, so necessary for the sustenance of the
 “People may be apprehended, if the exportation of Wheat, Peas, Oats,
 “Biscuit, Flour, or Meal be not prevented for a limited time, Be it
 “enacted”

“Question put

“For the Preamble proposed
 M.^r Mabane
 M.^r Harrison

Against the Preamble
 M.^r Grant
 M.^r Dupré.

The

“The Voices being equal, decided in the Affirmative by the Chair _
 “The Title of the Bill was then read in the following words

“An Ordinance to prevent for a limited time the exportation
 “of Wheat, Peas, Oats, Biscuit, Flour or Meal of any kind. _

“Question put

“Carried in the Affirmative, M.^r Grant only dissenting. _

“Question put, whether the Chairman shall report ?

“Ordered accordingly

“Council Chamber 25th March 1790

“By Order

(Signed) “Henry Caldwell. Chairman”

The Report being read _ Ordered to be taken into consideration
 Monday next. _____

Toll Bill

M.^r De Lanaudiere moves “That the Secretary of the Province
 “lay on the Table on Tuesday next the Register containing the Letters Patent
 “granted to the Proprietors of Dorchester Bridge; and that this Council defer the
 “third reading of the Bill concerning the same Bridge, untill the Proprietors
 “lay on the Council Table all Papers they may declare to constitute their titles
 “to the said Bridge.” _ Question put thereon _ Carried in the Affirmative. _
 Nem _ Con _.

Ordered that the Clerk of the Council cause a Copy of this
 Resolve to be served upon M.^r Secretary Pownall, and another
 Copy upon Nathaniel Taylor Esquire one of the Proprietors of
 the said Bridge. _

Iron Bill

Resolved unanimously that further proceeding on the Bill for to-morrow
 intituled “An Act or Ordinance in addition to the Act, intituled, An Act
 “or Ordinance further to regulate the Inland Commerce of this Province and
 “to extend the same, passed in the twenty eight year of His Majesty’s reign” _
 commence now, all the Members at making the former order present. _

Ordered that the engrossed bill be read a third time. _

_ Read in both _ Question put, shall the Bill pass ?

M.^r

JW

M.^r Grant moves “that the Word Vermont be added
 “the following words” and the importation of Barr. Iron is likewise
 “hereby permitted if each barr be stamped at each end and near the
 “middle thereof in large legible Characters composing the word
 “Vermont. _____

Question put thereon to concur in the motion?

Debates arose _ Carried in the negative by 9 against 8. __

For the Affirmative	For the Negative
Mess. ^{rs} Dupré	Mess. ^{rs} Boucherville
Lanaudiere	Longueuil
Sir John Johnson	Baby
S. ^t Ours	Caldwell
Grant	Delery
Belestre	Mabane
Pownall	Collins
Finlay	Harrison
	Dunn

M.^r Grant moves to add the following Clause to the Bill Viz.^t
 “And be it further enacted by the same Authority that nothing in any
 “former act or Ordinance of this Province shall be construed to compel
 “the Officers appointed or to be appointed under the Great-Seal of this
 “Province for executing the Regulations relating to the inland Commerce
 “thereof, to proceed in the Vice-Admiralty for the forfeitures, fines
 “and penalties thereby incurred, but that the same may be sued for and
 “prosecuted as effectually as the case may require in either of His
 “Majesty’s Courts of Common-Pleas. ____

Question put thereon _ Debates arose
 Carried in the Affirmative by 13 against 4

In the Affirmative	In the Negative
Mess. ^{rs} . Dupré	Mess. ^{rs} Longueuil
Boucherville	Caldwell
Lanaudiere	Mabane
Sir John Johnson	Dunn
Baby	
S. ^t Ours	
Grant	
Belestre	
Pownall	
Delery	
Collins	
Harrison	
Finlay	

Question put again, shall the Bill with the amendment pass? __

M.^r Finlay moved that the following Clause be added to the Bill,
 “Provided always that nothing in this Ordinance contained shall be
 “in force untill His Majesty shall have signified his approbation
 of the same ____ Question of concurring put

Debates arose _ Carried in the Affirmative by 9 against 8

In the Affirmative	In the Negative
Mess. ^{rs} Dupré	Mess. ^{rs} Boucherville
Lanaudiere	Longueüil
Sir John Johnson	Baby
S. ^t Ours	Caldwell
Grant	Belestre
Pownall	Delery
Collins	Mabane
Harrison	Dunn
Finlay	

Question put again, shall the Bill with its amendments pass. _

Carried in the Affirmative by 9 against 8. _____

In the Affirmative	In the Negative
Mess. ^{rs} Dupré	Mess. ^{rs} Boucherville
Lanaudiere	Longueüil
Sir John Johnson	Baby
S. ^t Ours	Caldwell
Grant	Belestre
Pownall	Delery
Collins	Mabane
Harrison	Dunn
Finlay	

Ordered that M.^r Dunn M.^r Harrison & M.^r Grant be a Committee
 to examine the Transcript, and wait on his Lordship with it; and if any
 doubts arise in their mind with respect to the Copy, they are to communicate
 them to the Chair. __

Adjourned to Monday next a 10 _____

Monday

Monday 29.th March 1790
 Present
 The Honourable William Smith Esq.^r Chief-Justice
 and
 The Honourable

Hugh Finlay	P. R. S. ^t Ours
Edward Harrison	Fr. Baby
John Collins	Joseph De Longueüil
J. G. C Delery	Sir John Johnson Bar. ^t
George Pownall	Cha. ^s De Lanaudiere
Picotté De Belestre	R. A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré
William Grant	
Esquires _ _	

Abandon

The Order of the day read to take into consideration the Report of the Committee upon the Bill intituled “An Ordinance for abolishing “the Custom of Abandon; also to prevent the trespassing of Cattle, the “unlawful cutting and carrying away of wood & underwood, the breaking “down of fences and inclosures _ and respecting other matters advantageous “to Agriculture.” _____

M.^r Dunn & M.^r Mabane enter. _

On reading the first enacting Clause carried in the Committee the question of concurrence with the Committee was put _ Debates arose _ Carried in the Affirmative by 9 against 8. _____

For the Affirmative	For the Negative
Mess. ^{rs} Dupré	Mess. ^{rs} De Lanaudiere
De Boucherville	Sir John Johnson
Caldwell	De Longueüil
Belestre	Baby
Mabane	De S. ^t Ours
Collins	Grant
Harrison	Pownall
Dunn	Delery
Finlay	

On reading the second enacting Clause rejected in Committee
 Question of Concurrence put. Concur unanimously
 The third Clause read _ Question of concurrence put
 Concur unanimously
 The fourth Clause read _ Question of concurrence put
 Concur unanimously
 The fifth Clause read _ Question of concurrence put
 Concur unanimously

JW

The

The sixth Clause read _ Question of concurrence put
Concur unanimously

The seventh Clause read _ Question of concurrence put
Debates arose _ Carried in the Affirmative by 14 against 3

For the Negative

Mess.^{rs} Baby
Caldwell
Finlay

For the Affirmative

The other 14 Members

The Preamble read _ Question of concurrence put
Carried in the Affirmative by 12 against 5

For the Affirmative

Mess.^{rs} Dupré
Delanaudiere
Sir John Johnson
De Longueüil
Baby
S.^t Ours
Grant
Belestre
Pownall
Mabane
Collins
Harrison

For the Negative

Mess.^{rs} Boucherville
Caldwell
Delery _____
Dunn
Finlay

The Preamble proposed in Committee read _ and Question of concurrence
put _ Carried in the Affirmative by 14 against 3. _

For the Affirmative

Mess.^{rs} Dupré
Delanaudiere
Sir John Johnson
Longueuil
Baby
S.^t Ours
Grant
Belestre
Pownall
Mabane
Collins
Harrison
Dunn
Finlay

For the Negative

Mess.^{rs} Boucherville
Caldwell
Delery. ____

The Title read _ and question of concurrence put

Debates

Debates arose – Carried in the Affirmative by 15 against 2

+
^ The Title voted in ____
Committee on the motion of
M.^r Grant read ____ Question
of concurrence put _ Carried
in the Affirmative by 15 ag.st
2. ____ The same 2 members
in the Negative _ and the same
15 members in the Affirmative.

Col. ^o Caldwell	} in the Negative	The other 15 Members
& M. ^r Delery.		in the Affirmative

+

M.^r Grant ^ moved the following amendment to make the second clause in the Bill Viz.^t _ “And be it enacted by the same Authority “that any person or persons who shall break any fence or tread down “any growing Corn, or Hemp, or Flax, or Pulse, or growing vegetable for “the sustenance of Man, or enter upon any Hay-field while the grass “for Hay is growing thereon, shall incur and pay a fine of “ over and above the damage which may be recovered by the “proprietor thereof for every such trespass in due course of Law.” _

Question put _ Debates arose

Carried in the Affirmative by 13 against 4 _

For the Affirmative	For the Negative
Mess. ^{rs} Dupré	Col. ^o Caldwell
Boucherville	Mess. ^{rs} Delery
De Lanaudiere	Mabane
Sir John Johnson	Harrison ____
De Longueuil	
Baby	
De S. ^t Ours	
Grant	
Belestre	
Pownall	
Collins	
Dunn	
Finlay	

M.^r Grant moved the following Amendment to make the third clause in the Bill Viz.^t “And be it enacted by the same Authority, “that every injury and damage which shall be sustained by every such “straying or trespass as before – mentioned may be sued and recovered in the “Court of Commons-Pleas of the District, or other Court for the trial of “small Causes in the Circle where the same shall be incurred or sustained, “and may be ascertained upon the Oath of one or more credible witness, not “interested in the damage sustained. And the fines imposed by this Act “may likewise be sued in either of the aforementioned Courts. And one “half of every fine adjudged under the same shall belong to His Majesty “and the other half to the Informer, upon whose Oath, without other

JW

proof

“proof, being a credible Witness, the same may be sued and adjudged, any
 “Law, regulation, Usage or Custom to the contrary notwithstanding”___Question
 put _ Debates arose _ Carried in the Affirmative by 15 against 2

In the Negative

Col.^o Caldwell

M.^r Delery

In the Affirmative

The other 15 Members

M.^r Grant moved to fill up the blank in the 2.^d Clause with the
 words “Two Shillings and six pence”

Question of Concurrence put _ Debates arose

Carried in the Affirmative by 12 against 5 ____

For the Affirmative

Mess.^{rs} Dupré

Boucherville

Lanaudiere

Sir John Johnson

De Longueüil

Baby

S.^t Ours

Grant

Belestre

Pownall

Collins

Finlay

For the Negative

Mess.^{rs} Caldwell

Delery

Mabane

Harrison

Dunn

M.^r Grant moved that the Provisors in the first enacting Clause be
 struck out of the Bill. ____

Question of concurrence put _ Carried in the affirmative by 12 ags.^t 5

For the Affirmative

Mess.^{rs} Dupré

De Lanaudiere

Sir John Johnson

Longueüil

Baby

S.^t Ours

Grant

Belestre

Pownall

Collins

Harrison

Dunn

For the Negative

Mess.^{rs} Boucherville

Caldwell

Delery

Mabane

Finlay

M.^r Grant moved to add to 1.st Clause so amended the following words Viz.^t
 “And if any neat Cattle, Goat or Sheep be taken in trespass, or straying in the
 “public high-way, the Proprietor thereof, over and above the damage which may
 be

“be recovered in due course of Law, shall incur a fine of
 “for each neat Cattle or goat, and for each Sheep.”_____

The Question put _ Debates arose

Carried in the Affirmative by 15 against 2	
For the Negative	For the Affirmative
Col. ^o Caldwell	The other 15 Members
M. ^r Delery	

M.^r Grant moves that the 1.st blank in the last Clause of Amend-
 -ment be filled up with the words one Shilling, and the 2^d blank
 with the words “Three pence” _____

The Question put _ Debates arose. Carried in the Affirmative by
 15 against 2. _____

For the Negative	For the Affirmative
Col. ^o Caldwell	The other 15 Members
M. ^r Delery	

The Bill being gone through the Question for engrossing it was
 put _ Debates arose _ Carried in the Affirmative by 15 against 2 _
 Ordered accordingly _____

For the Negative	For the Affirmative
Col. ^o Caldwell	The other 15 Members _____
M. ^r Delery	

The question was put that the Bill be read a third time on
 Wednesday next, when Colonel Caldwell moved “that the third
 “reading of the Bill be postponed to the next Session of the Legislative
 “Council”_ Debates arose _ Carried in the Negative by 15 against 2

For the Affirmative	For the Negative
Col. ^o Caldwell	The other 15 Members
M. ^r Delery	

Embargo

Ordered that the Bill be read a 3^d time next Wednesday
 Ordered that the consideration of the Report on the Wheat Bill
 be postponed ‘till to morrow. ____

Adjourned till to morrow at 10. ____

JW

Tuesday 30th March 1790
Present
The Honble William Smith Esq.^r _ Chief – Justice.
and
The Honourable

Hugh Finlay	William Grant
Edward Harrison	Francis Baby
John Collins	Joseph De Longueüil
J. G. C Delery	Charles De Lanaudiere
George Pownall	René Amable De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré
Henry Caldwell	

Esquires

Embargo Bill

The order of the day read to take into consideration the Report of the Committee upon the Bill, intituled, “An Ordinance to prevent for a “limited time the exportation of Wheat, Peas, Oats, Biscuit, flour or “meal of any kind.” _____

The first clause read _ Question of concurrence put _ Debates arose
M.^r De S.^t Ours enters
M.^r Dunn & M.^r Mabane enter
Sir John Johnson enters

The question was carried in the Affirmative by 11 against 6

For the Affirmative

Mess.^{rs} Dupré

Boucherville

De Longueüil

Baby

Caldwell

Belestre

Delery

Mabane

Collins

Harrison

Dunn

For the Negative

Mess.^{rs} Delanaudiere

Sir John Johnson

De S.^t Ours

Grant

Pownall

Finlay

The second Clause and the Amendment thereof in the Committee read _ Question of concurrence put _ Debates arose _ Carried in the Affirmative by 11 against 6. _____

For the Affirmative

The same eleven Members
as on the preceding Question

For the Negative

The same six Members
as on the preceding Question

JW

The

The third Clause read _ Question of concurrence put _ Debates
arose _ Carried in the Affirmative by 11 against 5 _

For the Affirmative
The same 11 Members as
on the two preceding Question

For the Negative
Mess.^{rs} Delanaudiere
De S.^t Ours
Grant
Pownall
Finlay
Sir John Johnson absent. _____

The 4.th Clause read _ Question of concurrence put _ Debates arose
Carried in the Affirmative by 11 against 5. _____

For the Affirmative
The same 11 Members, as
on the preceding Questions

For the Negative
The same 5 Members as
on the third Question _

The 5.th Clause read _ Question of concurrence put _ Debates arose _
Carried in the Affirmative by the same 11 Members against
the same 5 Members. _____

The 6.th Clause read _ Question of concurrence put _ Debates arose
Carried in the Affirmative by the same 11 Members against the
same 5 Members. _____

The 7.th Clause read _ Question of concurrence put _ Debates arose _
Carried in the Affirmative by the same 11 Members against the same
5 Members. _____

The 8.th Clause read _ Question of concurrence put _ Debates arose _
Carried in the Affirmative by the same 11 Members against the
same 5 Members. _____

The 9.th Clause read _ Question of concurrence put _ Debates arose _
Carried in the Affirmative by the same 11 Members against the
same 5 Members. _____

The Preamble read _ Question to concur in the amended Preamble
adopted in Committee _ Debates arose _ Carried in the Affirmative
by the same 11 Members against the same 5 Members. _____

The Title read _ Question to concur with the Committee _ Debates
arose _ Carried in the Affirmative by the same 11 members against
the same 5 Members _

Question – Shall the Bill be engrossed? _ Debates arose _
 Carried in the Affirmative by the same 11 Members against the same
 5 Members. _____

Question _ Shall the Bill be read the third time on Saturday ?
 Carried in the Affirmative _ nem _ con . . .

Inland Commerce

Colonel Caldwell reads his Dissent respecting the Bill, intitled,
 “An Ordinance further to regulate the inland Commerce of the Province
 “and to extend the same, passed in the twenty sixth Year of His Majesty’s
 “reign.” _ Ordered to be entered. _____

“Diss.^t _ first _ Because it is contrary to the policy and Interest of this
 “Country to encourage & introduce in it for its consumption, a foreign
 “article, which is of our own Manufacture, now carried on to a great
 “extent at the forges near Three Rivers, & which from the quantity of
 “Iron Mines with which this Country abounds will we hope in a little
 “time become a very considerable article of export from this Province _____

“2.^{dly} Because it is not only anti-commercial but ungracious
 “in respect to our fellow Citizens, to pass the only law, ever moved for in this
 “Council to encourage any manufacture, in favor of a foreign state, in
 “prejudice to ourselves, without any equivalent benefit, and that on
 “the Petition of two unknown foreigners, one of them, it is asserted,
 “possessor of the only-forge, and that only a Bloomary that is to be found
 “in the state of Vermont _ Passing it also at a time, when we have voted
 “out many laws of consequence to ourselves, on the suggestions of His
 “Excellency the Governor that it would be better to suspend the consideration
 “of them, from the prospect there is of a more extended Legislation, & having
 “even suspended the execution of this law till the King’s pleasure is known. _____

“3^{dly} Because it is repugnant to the consolidating Act of the 27.th
 “of his present Majesty Ch. 13. which make all foreign Barr & unwrought
 “Iron, even when imported in British Ships, liable to a Duty of £ 2.16.2
 “p ton, and this notwithstanding the assertions of the Gentlemen who spoke
 “in favor of the Bill, and insisted that the Acts of 23 Geo 2. Ch. 29, & 30
 “Geo 2. Ch. 16 made in favour of the British Colonies in America, were
 “still in force, in favour of the United States, tho’ they have since become
 independent

JW

“independent, and tho they can be no longer bound to the express
 “conditions on which they were then allowed to export their Iron
 “to Great-Britain duty free. _____

4. “Because the powers that had been vested in the King and
 “Council to regulate the Commerce between the British American
 “Colonies and the United States, being done away by the Act of 28th
 “of his present Majesty Ch. 6 it is supposed neither the extract of
 “the Instruction read in Argument, nor any other instruction at
 “least antecedant to that Act, can authorize us to make an
 “Ordinance for regulating our Trade, and by that means, the trade
 “of Great Britain, with the united States, especially when
 “repugnant to a British Statute, for tho’ the power still exists in
 “the King and Council to regulate the Trade of Great Britain with
 “the United States, and tho’ the policy of the hour might have
 “engaged them, the last year to allow the Iron of the United States
 “to be imported duty free, yet we have no certainty of that favor
 “being continued to them, or if we had, yet it does not authorize us
 “to make a permanent law founded on a temporary authorized
 “regulation of the King & Council & repugnant to a permanent
 “Statute, which is in fact assuming a power to legislate for
 “Great Britain. _____

“Because it is contrary to the Navigation Act to
 “introduce into this Country a foreign dutiable Article, by any
 “other Channel than from Great Britain, and by the Statute
 “of 8.th & 9.th of William 3.^d any law made in the British
 “Colonies repugnant to a British Statute is in itself void. _____

“28.th March 1790
 (Signed) “Henry Caldwell.” _____

M.^r Mabane reads a Dissent signed by him and M.^r Dunn
 upon the same subject _ Ordered to be entered _____

“We dissent from the vote of the Legislative Council,
 “which on the 26.th instant passed an Ordinance entitled an Act
 “or Ordinance further to regulate the internal Commerce of the
 Province

“Province, and to extend the same, for the following Reasons.

“1.th The allowing the free importation of Pig- Iron from a
 “foreign state without the Importer being obliged to give Bond for the
 “exportation of it will, in our apprehension, not only tend to diminish
 “the Trade now carried on between this Province and Great-Britain,
 “from whence Stoves, Pots, Kettles and Utensils of Husbandry to a great
 “amount are imported annually, but will also discourage the opening
 “and working the Iron mines with which this Province abounds; and
 “which may in time become a great source of wealth to it.

“2.^{dly} The doctrine which has been advanced in support of the
 “Bill that the Acts of the 23^d of Geo: 2^d Chapter 29 and of the
 “30th of George the 2.^d Chapter 16th are still in force with regard to
 “the United States of America appears to us to be ill founded and
 “replete with danger, being in opposition to the Act of the 27.th of His
 “Majesty, and to the proclamations, which have been issued by the King
 “in Council from time to time under temporary Acts of Parliament,
 “granting to the Inhabitants of the United States some of the benefits
 “which they formerly enjoyed as British - Subjects. _____

“3.^{dly} “It appears doubtful to us whether since the passing of the
 “Acts of the 28th of His present Majesty Chapters 5.th & 6th the Legisla-
 “ture of this province has a power to make regulations for extending the
 “internal Commerce with the United states of America; but admitting
 “such power to exist, it certainly ought at all times to be exercised with
 “caution and circumspection and particularly at this Juncture when
 “His Excellency the Governor in his Speech at the opening of the Sessions
 “has suggested the expediency of the Legislative Councils making no
 “regulations but such as are absolutely necessary. The Clause in the
 “Ordinance suspending the operation of it untill His Majesty’s
 “Approbation shall be signified evinces that even in the opinion of the
 “Promoters of the Bill there was no immediate necessity for passing it ____

“4.^{thly} The Ordinance is grounded upon the Application of two privates
 “Individuals of the State of Vermont. It may be good policy to cultivate

a

JW

“a friendly understanding with that State, but that Object is
 “not to be obtained by granting upon the application of private or
 “interested persons Concessions and Indulgences which ought only
 “to be given upon the application of the Legislature or
 “Government of the State. ____

(Signed) A Mabane
Tho.^s Dunn

“Council Chamber
 “30.th of March 1790

“Adjourned till to morrow at 10 o’clock

Wednesday 31st March 1790

Present

The Honorable William Smith Esq.^r Chief-Justice
 and
 The Honorable

Hugh Finlay	William Grant
Edward Harrison	Francis Baby
John Collins	Joseph De Longueuil
J. G. C Delery	Sir John Johnson
George Pownall	Charles De Lanaudiere
Picotté De Belestre	René A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

Three Rivers Bill

The Order of the day read, for a 3.^d reading of the Bill intituled “An
 “Act or Ordinance to form a new District between the Districts of Quebec
 “and Montreal and to regulate the same Districts _ Question put _
 Shall the Bill be read a third time according to the order of the day ? ____
 Col.^o Caldwell moves “that as the Judges are engaged by their duty in the
 “Court of Common-Pleas, the third reading of the Bill for forming a new
 “District between the Districts of Quebec and Montreal, may be
 “postponed, till they can attend.” ____

Question of concurrence with the motion put _ Debates arose _
 Carried in the Affirmative by 8 against 6. _____

For the Affirmative
 Mess.^{rs} De Longueuil
 Baby
 Caldwell
 Belestre
 Pownall
 Delery
 Harrison
 Finlay

For the Negative
 Mess.^{rs} Dupré
 Boucherville
 De Lanaudiere
 Sir John Johnson
 Mess.^{rs} Grant
 Collins

The Order of the day read for a third reading of the Bill intituled
 “An Act or Ordinance for securing more effectually the Toll of the
 “Bridge over the River S.^t Charles near Quebec.” _ _

Question put, shall this Bill be read a third time according to
 the order of the day _ Carried nem. con.

The Bill being read a third time in both Languages _ Question put
 Shall the Bill pass ? _

M.^r Pownall moved that the following clause be added to the Bill Viz.^t
 – M.^r De S.^t Ours enters –

“Provided always, and be it further enacted by the same Authority,
 “that nothing in this act contained shall be deemed or adjudged to defeat or
 “injure the right, or prevent any proprietor of lands, contiguous or near to
 “the shores of the said River S.^t Charles, to pass and repass the same, with
 “their own goods in their own Boats, or therein to suffer others to pass and
 “repass, taking no ferriage money or other reward for the same, nor shall
 “be deemed or adjudged to prevent or obstruct the free navigation of the
 “said River, below the said Bridge, for the purposes of Commerce, or other uses
 “and intents, than merely the passing and repassing the same as a Ferry”

Question of concurrence with the motion put _ Debates arose _
 Carried in the Negative by 8 against 7. _____

For the Affirmative
 M.^r Boucherville
 Sir John Johnson
 Col.^o Caldwell
 Mess.^{rs} Pownall
 Delery
 Harrison
 Finlay

For the Negative
 Mess.^{rs} Dupré
 De Lanaudiere
 De Longueuil
 Baby
 De S.^t Ours
 Grant
 Belestre
 Collins

M.^r Pownall moves to add to the Bill the following Clause Viz.^t
 “And Provided also, and be it also enacted, by the same Authority, that
 nothing
 “in the said Act contained shall be construed in derogation or diminution of the
 “rights of the Crown, to prevent the erection of any other Bridge or Bridges
 “below the Bridge aforementioned, across the said River, or for granting in due
 “form of Law any right, whereof the Crown is or may be vested in the said
 “River S.^t Charles. _____

JW

Question of concurrence with the motion put _ Debates arose _
 Carried

Carried in the negative by 13 against 2. _____

For the Affirmative
Mess.^{rs} Boucherville
&
Pownall

For the Negative
Mess.^{rs} Dupré
De Lanaudiere
Sir John Johnson
Mess.^{rs} De Longueüil
Baby
De S.^t Ours
Grant
Caldwell
De Belestre
Delery
Collins
Harrison
Finlay

M.^r Finlay moves “to strike out the word, West, after the word
“North in the first line of the third Page, and to insert the word East
“in its place”. _____

Question of concurrence with the motion put _ Debates arose _ Carried
in the Negative by 10 against 5

For the Affirmative
Mess.^{rs} Caldwell
Pownall
Collins
Harrison
Finlay

For the Negative
Mess.^{rs} Dupré
Boucherville
De Lanaudiere
Sir John Johnson
Mess.^{rs} De Longueüil
Baby
De S.^t Ours
Grant
Belestre
Delery

The Question again put _ Shall the Bill pass? _ Debates arose _
Colonel Caldwell moved “that the consideration of this Bill be postponed to
“Monday next.” _____

Question of concurrence with Col.^o Caldwell’s motion put _ Debates
arose _ Carried in the Negative by 9 against 5. _____

For the Affirmative
Mess.^{rs} Caldwell
Pownall
Collins
Harrison
Finlay

For the Negative
Mess.^{rs} Dupré
Boucherville
De Lanaudiere
Sir John Johnson
Mess.^{rs} De Longueüil
De S.^t Ours
Grant
De Belestre
Delery

M.^r Baby absent

Col.^o Caldwell moved the following Clause may be added to the Bill
 “And be it further enacted by the Authority aforesaid, that no Person or
 “Persons shall be permitted during the continuance of their Patent, to build
 “any bridge or set up any ferry, for lucre or gain, between the North-east
 “corner of William Grant’s land and the General Hospital _ and nothing in
 “his act shall extend or be construed to extend to prevent any Person or Persons
 “whatever to cross over the River S.^t Charles above or below Dorchester
 “Bridge, at any time of the Tide in his, her or their Batteau, Boat, Canoe,
 “or in his, her or their Cart, Caleche or other Carriage, or in hired wheel _
 “Carriages, Anything herein contained to the contrary notwithstanding ____

Question of concurrence with this motion put _ Debates arose _
 Carried in the Negative 10 against 5. _____

For the Affirmative
 Mess.^{rs} Caldwell
 Pownall
 Collins
 Harrison
 Finlay

For the Negative
 Mess.^{rs} Dupré
 Boucherville
 De Lanaudiere
 Sir John Johnson
 Mess.^{rs} De Longueuil
 Baby
 De S.^t Ours
 Grant
 De Belestre
 Delery

Question shall the Bill pass? _ Debates arose _ Carried in the
 Affirmative by 10 against 5. _____

For the Affirmative
 Mess.^{rs} Dupré
 Boucherville
 De Lanaudiere
 Sir John Johnson
 Mess.^{rs} De Longueuil
 Baby
 De S.^t Ours
 Grant
 De Belestre
 Delery

For the Negative
 Mess.^{rs} Caldwell
 Pownall
 Collins
 Harrison
 Finlay

Ordered that Mess.^{rs} Harrison, De S.^t Ours and De Longueuil wait on
 His Excellency The Governor, with the engrossed Bill, and that they inform
 his Lordship that the Council have passed the same, and submit it to
 His

His Lordship's assent, that it be enacted into a Law _____

92

The Order of the Day read for a third reading of the Bill,
intituled "An Act or Ordinance for preventing Cattle from going
"astray, or L'Abandon des Animaux. _____

Abandon

The question put shall the Bill be read a third time?
Carried Nem. Con _ The Bill read a third time in both languages. _
M.^r Grant moved that the following works be added to the 1.st enacting
Clause _ "and any cattle taken in trespass, may be detained, untill
"reclaimed by the Owner thereof; and the reasonable charges of maintaining
"them shall be added to the damage done, together with all costs of suit,
"and execution shall issue against the Defendant's Goods and Chattels
"for the amount thereof. Provided always that the Person detaining any
"such Cattle shall have caused the detention of them to be cried or proclaimed
"at the Church – door of the Parish, where taken, on the three subsequent sundays
"after their detention, immediately after divine service, if the Owner does
"not claim them the first or second crying.

Question of concurrence with the motion put Debates arose
Carried in the Affirmative by 8 against 6 _

For the Affirmative

Mess.^{rs} Dupré
De Lanaudiere
Sir John Johnson
Mess.^{rs} De Longueüil
Baby
S.^t Ours
Grant
Finlay

For the Negative

Mess.^{rs} Boucherville
Caldwell
Belestre
Delery
Collins
Harrison

M.^r Pownall absent. _____

Question Shall the Bill pass _ Debates arose. _ Carried in the Affirmative
by 12 against 2. _____

For the Affirmative

Mess.^{rs} Dupré
Boucherville
De Lanaudiere
Sir John Johnson
Mess.^{rs} De Longueuil
Baby
De S.^t Ours
Grant
De Belestre
Collins
Harrison
Finlay

For the Negative

Mess.^{rs} Caldwell
&
Delery

JW

Ordered that Mess.^{rs} Collins Delery & Grant wait on His Excellency The Governor with the engrossed Bill, and that they inform his Lordship that the Council have passed the same, and submit it to his Lordship's assent, that it be enacted into a Law. ____

The Door-Keeper acquainted the Chief-Justice in the Chair that M.^r Motz Secretary to His Excellency Lord Dorchester was in the Anti-Chamber, with a message from His Lordship. _

Message from
Lord Dorchester

Ordered that M.^r Motz be admitted _ M.^r Secretary Motz being intered delivered a Message from his Lordship upon Paper which is read with the Paper accompanying it _ Ordered to be translated into french and that his Lordship's message and the paper accompany-
-ing it be taken into consideration next Saturday, and in the mean time lay upon the Table. _____

M.^r Grant from the Committee on the S.^t Rock Petition, reports the Proceedings of the Committee and the draft of a Bill _ Ordered to be read _ The Report read as follows ____

"In Committee of the Legislative Council

"30.th March 1790

"Upon the Petition of certain Inhabitants of the S.^t Roc to His
"Excellency the Right Honorable Guy Lord Dorchester, referred by His
"Excellency to the Legislative Council and committed to

"William Grant	Col. ^o Caldwell
L. ^t Col. ^o Baby	M. ^r Delanaudiere
	& Col. ^o Dupré

"to bring in such Bill as the Case requires. _____

"The Chairman read the Petition in both Languages, and
"then the draught of an Act or Ordinance / to remedy the evil complained
"of / intituled "An Act or Ordinance to amend an Act or Ordinance
"for preventing Accidents by Fire" passed in the 17.th year of His Majesty's
"reign _____

"Then the Chairman read the first enacting Clause in the
"following words. _____

"Be it enacted by His Excellency the Governor and the Legislative
"Council. And it is hereby enacted by the Authority of the same, That
from

JW

“ “from and after the publication of this Ordinance if any
 “ “Overseer of Chimneys in the Province, while in the receipt of a
 “ “Salary from the Government thereof shall take or receive or cause
 “ “to be taken or received by any Person whatsoever, any reward or
 “ “emolument for sweeping the Chimney of any poor Occupier of any
 “ “small house, or apartment, in the Towns or Suburbs thereof, if such
 “ “poor person shall represent to the said Overseer or to his Agent or
 “ “Sweepers a Certificate of his poverty signed by any Curate, or Minister,
 “ “or by a Magistrate, of the Town or parish of which he is ordinarily
 “ “an inhabitant, every such Overseer and his Agent shall incur a
 “ “fine of five Shillings for every such offence, one half to His
 “ “Majesty and the other half to the use of the poor person, or any other
 “ “person who shall prosecute for the same, any act regulation or
 “ “authority to the contrary notwithstanding.””

“The Question being put thereon whether it thereto
 “make a part of the Bill _ Debates arose _ and it was carried
 “in the Affirmative, Col.^o Caldwell being alone in the negative.
 “Col.^o Caldwell, then left the Committee saying he had business _

“The second enacting Clause was then read in the following
 “words _ “ “And be it further enacted by the same Authority, That after
 “ “the publication of this Ordinance it shall not be lawful for any
 “ “Overseer of Chimnies to take or receive more than three pence for
 “ “sweeping or causing to be swept any Chimney in any House in the
 “ “Suburbs of the Towns of Quebec or Montreal which in heighth does
 “ “not exceed a ground Floor and Garret, or to insist on sweeping the
 “ “same more than once in two months, if the proprietor or Occupier
 “ “does not acquiesce therein, any Law, regulation or Authority to the
 “ “contrary notwithstanding”.”

“The Question being put thereon it was carried
 “unanimously in the Affirmative _

“The Third enacting Clause was then read as follows _
 “ “And be it enacted by the same Authority, That all fines and
 “ “forfeitures that shall be incurred in virtue of this Ordinance shall
 “ “be sued for and recovered in the same time, and in the same manner
 “ “with the same right of appeal as if incurred under the Ordinance

above

“ “above recited, of which no part is to be construed as altered or changed
 “ “other than as in this Ordinance expressed or set forth””

“And the Question being put thereon _ it was carried
 “unanimously in the Affirmative _____

“The Preamble was then read in the following words _____

““Whereas by an Ordinance of this Province passed in the 17.th year
 “ “of His Majesty’s reign intituled “An Ordinance for preventing
 “ “Accidents by Fire” it is amongst other things enacted “that the
 “ “Overseers of Chimnies shall cause every Chimney made use of in
 “ “the Towns [^] and suburbs of the Towns, in which they are Overseers to be swept and scraped
 “ “as high as possible once in every month, and shall receive six pence
 “ “from the Occupier on the house to which such Chimney belongs, for
 “ “each Chimney so swept”” And whereas several poor Inhabitants
 “ “Occupiers of Apartments in the small Houses of the Suburbs of S.^t
 “ “Roc, have represented their inability to pay the Charge aforesaid ____
 “ “For the relief of all such poor.” _____

“The Question being put thereon, It was carried unanimously
 “in the Affirmative. _____

“The Title being then read as follows _____

““An Act or Ordinance, to amend an Act or Ordinance for preventing
 “ “Accidents by Fire” passed in the 17.th year of His Majesty’s reign.” _____

“And the question put thereon, It was carried unanimously
 “in the Affirmative _____

“Ordered that the Chairman report the Bill accordingly

/ Signed / “William Grant
 “Chairman”_____

The Bill read the 1.st time _ Ordered to be read a second time
 next Saturday. _____

Adjourned to Saturday at 10

JW

Saturday

Saturday 3^d April 1790
 Present
 The Honourable William Smith Esq.^r Chief-Justice
 and
 The Honourable

Hugh Finlay	William Grant
Thomas Dunn	P. R. De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Jos. De Longueuil
Adam Mabane	Sir John Johnson Bar. ^t
J. G. C. Delery	Charles De Lanaudiere
George Pownall	René A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

Inland Commerce M.^r Dunn from the Committee named to wait on His Excellency Lord Dorchester with a Copy of the Bill, intituled, An Act or Ordinance in addition to the Act intituled “An Act or Ordinance further to regulate the inland Commerce of this Province “and to extend the same” reports that the Committee has waited on His Lordship with the Copy pursuant to the Order of the Council._____

Message from His The Council proceed to the consideration of his Lordship’s Message
 Excellency Lord Dorchester by M.^r Secretary Motz on Wednesday last. ____

Ordered that the Message and the Minute therewith communicated be read and entered

The Message

“His Excellency the Governor perceiving that, doubts have arisen in the Legislative Council respecting the power of the Legislative of this Province to make regulations for extending the internal Commerce with the United States of America, His Lordship communicates a Copy of a Minute of the Lords of the Committee of His Majesty’s Council appointed for the consideration of all matters relating to Trade and foreign plantations dated Whitehall the 13.th July 1787, transmitted by His Majesty’s Commands for his Lordship’s information and guidance.”

The Minute

“At the Council _ Chamber Whitehall the 13.th July 1787

“By the Right Honorable the Lords of the Committee
 “of

JW

“of Council appointed for the consideration of all matters
 “relating to Trade and foreign plantations. _

Present

Lord Hawkesberry. President
 Earl of Effingham
 M.^r Eden
 M.^r W. W. Grenville

“Read _ Letter N.^o 2 dated Quebec 13.th June 1787 from the
 “Right Honorable Lord Dorchester, His Majesty’s Governor of Quebec, stating
 “that an opinion had prevailed in the Province of Quebec that by the King’s
 “Order in Council for regulating the Trade between His Majesty’s
 “Dominions and the United States of Americas, all things are prohibited
 “from coming into that Province by land or inland Navigation, which he
 “conceived to be an erroneous construction of that order, the true ~~and~~ object
 “and meaning whereof appeared to him clearly to concern the Navigation by
 “Sea, and that the Chief-Justice was likewise clearly of that opinion, and
 “that conformably thereto, His Lordship had issued an Order for opening in some
 “degree a commercial intercourse by Lake Champlain and had recommended to
 “the Legislative Council to pass an Ordinance for the admission of certain
 “enumerated articles from the neighbouring States by Lake Champlain.
 “Their Lordships having taken the said Letter into consideration, are of opinion
 “that Lord Dorchester has properly understood His Majesty’s said Order in
 “Council _ That with respect to any intercourse by Land or by Inland
 “Navigation, between His Majesty’s Province of Quebec, and the
 “Territories belonging to the United States of America, the Committee
 “are of opinion that it should be left to Lord Dorchester, with the advice
 “of the Legislative Council of that Province, to make such orders therein
 “as he may think most proper, not doubting that they will be such as
 “will be consistent with the Laws of this Country and most conducive to the
 “interests of His Majesty’s Colonies of which he is Governor, but that His
 “Lordship should on no account, permit the introduction in any way whatsoever
 “of foreign European Manufactures, or of Spirits the produce of any foreign
 “Country, or the export of Peltry. _

JW

Ordered _ That a Letter be written to The Right
 “Honorable

“Honorable Lord Sydney. One of His Majesty’s principal Secretaries
“of State transmitting to his Lordship a Copy of the above minute_”

Observed from the Chair (and inserted in the Journal
at M.^f Mabane’s desire and with the Consent of the Chair)

“That his Lordships message was doubtless excited by the
“two protests entred in the Journal the day preceding against the
“Iron Bill; one by Col.^o Caldwell, and the other by Mess.^{rs} Mabane
“and Dunn, two of the Judges of the Common - Pleas, and both drawing
“into question the authority of the Provincial Legislature, in the
“regulation of the inland Navigation and commerce of this Country.

“That the main object of the message, and the
“important official opinion it communicates, could be no other than
“to remove the doubts suggested in the Protests, in maintenance and
“vindication of the Authority of the Laws made and to be made for
“the like purposes. _____

“That it was highly proper to bring his Lordship to be
“informed, if doubts there are in the Legislative Council of the Province,
“to what extent they have obtained in the Public Councils, and their
“nature; to the intent of their being removed with all possible speed. _____

“That the inland Navigation and Trade, had already
“been the subject of divers public regulations. _____

1. “By his Lordship’s Proclamation of Permit of 1787 _____

2.^d “By a Law of the 30.th April 1787 “for the importation of Pot and
“Pearl Ashes. _____

3.^d “By a Law of the 14.th April 1788 “further to regulate the Inland
“Trade.” &.^c _____

4.th “By a Law of the same date “for the settlement and recovery of
“the Crown Debts incurred on the Commercial Transportation over the interior
“Lakes” and

5.th “By a Law of the 30.th April 1788 “for promoting the inland
“Navigation” _____

“That besides due consideration of the Minute communicated
“by the Message, the 3.^d and 4.th Article of His Majesty’s instructions to his
“Lordship of the 23.^d of August 1786, the Royal Order in Council of the 8.th ~~xxx~~
“April 1785, and the royal Order in Council of the 4.th April 1787,

the

“the present discussion might require the perusal of the Statutes of
 “23 Geo III chap. 39. 24 Geo. III Ch 1 & Ch. 45 _ 25 Geo: III ch. 5 _
 “26 Geo. III ch. 4 _ 27 Geo. III ch. 7 _ 28 Geo. III ch. 5 & Ch. 6 and 29 Geo. III
 “ch 1 and ch 5; by the two last of which, the powers given to his Majesty
 “for the regulation of the Commerce, by the Statutes of the 23.^d and 24.th of

The Chairman added

“his reign, are continued to the 5th of April 1790 _ ^ That where Commerce
 “is not prohibited, restricted or regulated it is by Law free _____ that it was
 “now for the Council to prescribe the course for the regular and
 “satisfactory consideration of his Lordship’s message, and that it
 “remains for Gentlemen to make such motions / on which he would put
 “the question / as would enable every member to shew his own sentiments,
 “upon the great question of the Authority of the Provincial Legisla-
 “-ture to regulate the inland navigation and trade; and to bring all
 “doubts respecting it, to full and ample discussion, that his Lordship
 “may not be uninformed of the real sentiments of this branch of the
 “Provincial Legislature on points of such consequence to the interests
 “of Commerce, and the Authority of the Laws.

M.^r Finlay moves that this Council

“Resolve

“That they have evidence on their Minutes of the
 “24.th of March 1785 of the desire of the People of Vermont to hold a
 “commercial intercourse with this Province; that a Law of the State
 “of Vermont appears to have been passed for the purpose, and that the
 “proposition was made under Commission to M.^r Hamilton, at that
 “time His Majesty’s Lieu.^t Governor here, who announced the
 “overture to his then Council, & declared his intention of laying the
 “matter before the administration of the day.” _____

Question to concur in the Motion

M.^r Mabane moved the previous Question in these words. _

“M.^r Mabane moves the previous Question upon M.^r
 “Finlays Motion as having no connection with His Excellency the
 “Governor’s Message.” _____

Question put thereon for or against the Motion to put it _ Debates
 arose _____

Voices

JW

Voices equal _ Decided by the Chair in the Negative

For the Affirmative

Mess.^{rs} De Boucherville
De Longueüil
Baby
De S.^t Ours
Caldwell
Delery
Mabane
Dunn

For the Negative

Mess.^{rs} Dupré
De Lanaudiere
Sir John Johnson
Mess.^{rs} Grant
Pownall
Collins
Harrison
Finlay
The Chief Justice

The principal Question then put
Carried in the Affirmative unanimously. _____

“M.^r Finlay moved that the Council

“Resolve

“That previous to the opening of the Trade
“by the way of Lake Champlain by proclamation in 1787 his
“Lordship was solicited thereto by a Writing dated the 22^d of
“November 1786 and signed Levi Allen, on behalf of the Inhabi-
“-tants of Vermont, and that the Council know of no intimation
“from them since that Trade was opened repugnant to the
“suggestions by him made in their behalf”

Question put to concur ____ Debates arose _ Carried in
the Affirmative by 11 against 5. _____

For the Affirmative

Mess.^{rs} Dupré
De Lanaudiere
Sir John Johnson
Mess.^{rs} Baby
De S.^t Ours
Grant
Pownall
Collins
Harrison
Dunn
Finlay

For the Negative

Mess.^{rs} De Boucherville
De Longueüil
Caldwell
Delery
Mabane

Col.^o

JW

Col.^o Caldwell moves

“Resolved

“That it is the opinion of this Council
“that the Legislature of this Province, in consequence of the minute of
“Council of 13 July 1787 communicated to us and the subsequent Acts
“of Parliament were and are competent to make Laws to regulate its
“internal Commerce with the neighbouring States, provided such Laws
“are not repugnant to any British Statute.” ____

Question of concurrence put _ Debates arose _ Carried
in the Negative by 9 against 7. ____

For the Affirmative

Mess.^{rs} De Boucherville
De Longueüil
De S.^t Ours
Caldwell
Delery
Mabane
Dunn

For the Negative

Mess.^{rs} Dupré
De La Naudiere
Sir John Johnson
Mess.^{rs} Baby
Grant
Pownall
Collins
Harrison
Finlay

M.^r Finlay moves

“Resolve

“That Pig and Bar Iron from the United
“States is importable into Great Britain by virtue of the royal orders
“in Council grounded in the Authority of Parliament, duty free, and
“from this province on the same terms by virtue of two Statutes in the
“23^d and 30.th years of His late Majesty, and of the 14.th of His present
“Majesty commonly called the Statute of Quebec”

Question put for concurrence _

M.^r Mabane moves

“That the previous Question be put

__ Question put, for or against this Motion -

“Whether &.^c” ^ ____ Debates arose _ Carried in the Negative by
13 against 3. ____

For the Affirmative

Mess.^{rs} Caldwell
Mabane
Dunn

For the Negative

The other 13 Members

JW

The

The principal question put _ Debates arose _ Carried in
the Affirmative by 11 against 5 _

For the Affirmative

Mess.^{rs} Dupré

De Lanaudiere

Sir John Johnson

Mess.^{rs} De Longueüil

Baby

De S.^t Ours

Grant

Pownall

Collins

Harrison

Finlay

For the Negative

Mess.^{rs} De Boucherville

Caldwell

Delery

Mabane

Dunn

M.^r Grant moves _

“Resolve

“That there are no other works

“in this Province for manufacturing Iron Ore than the Forges

“belonging to the Crown called the Forges of the S.^t Maurice, demised

“to a private Company and yielding a clear rent of not more

“than £ 6.10, and that Iron is annually imported into this

“Province from Europe for the necessary uses of the Inhabitants of

“the province, which abounds with Iron Ore in various places, but

“all, even in the granted Seigneuries still belonging to the Crown”

Question of concurrence put _ Debates arose _ Carried in
the Affirmative by 10 against 6 _

For the Affirmative

Mess.^{rs} Dupré

De Lanaudiere

Sir John Johnson

Mess.^{rs} Grant

Caldwell

Pownall

Mabane

Collins

Harrison

Finlay

For the Negative

Mess.^{rs} De Boucherville

De Longueüil

Baby

De S.^t Ours

Delery

Dunn _

M.^r Grant moves to resolve

“That the suspending Clause added to the Iron Bill
 “to which the Protests of the Judges and Col.^o Caldwell relate and the
 “offer of which they opposed was moved for after doubts had been
 “urged by the protesting Members questioning the authority of
 “the Provincial Legislature to make laws for regulating the
 “inland Navigation and Trade, and to the end of gaining over to
 “the Bill such Members as in consequence of the strenuous contention
 “maintained by the Protesters against the authority of the Legislature
 “to make Laws for regulating the said Navigation and Trade,
 “might, rather than throw the bill out, intirely be inclined to retain
 “it, if submitted to the royal wisdom and pleasure.” _____

Question of concurrence put _ Debates arose _ Carried in the
 Affirmative by 9 against 7. _____

For the Affirmative

Mess.^{rs} Dupré
 De Lanaudiere
 Sir John Johnson
 Mess.^{rs} De S.^t Ours
 Grant
 Pownall
 Collins
 Harrison
 Finlay

For the Negative

Mess.^{rs} De Boucherville
 De Longueuil
 Baby
 Caldwell
 Delery
 Mabane
 Dunn

M.^r Grant moves to Resolve.

“That if the authority of the Provincial Governm.^t
 “or Legislature to regulate the inland Navigation and Trade was
 “exceptionable it ought to have been so declared before enacting the
 “Legislative Provisions for that intention in 1787 and the next
 “subsequent year.” ____

Question of concurrence put _ Debates arose _ Carried in the
 Negative by 10 against 6.

For the Affirmative

Mess.^{rs} Dupré Mess.^{rs} Grant
 De Lanaudiere Harrison
 Sir John Johnson Finlay

For the Negative

Mess.^{rs} { De Boucherville _ Pownall
 De Longueuil Delery
 Baby Mabane
 De S.^t Ours Collins
 Caldwell Dunn

JW

Sir

Sir John Johnson moves the Council to

“Resolve

“That this Council are not aware of any
 “Statute or other Law posterior to the enacting of the existing Laws
 “of the Province for regulating the inland Navigation and Commerce
 “that creates any just cause for fresh doubts on the validity of
 “there Laws or for abridging the Authority of the Provincial
 “Legislature in similar and future cases as alledged in the
 “Protests”

Question of concurrence put _ Debates arose _ Carried in
 the Affirmative by 10 against 6. _____

For the Affirmative

Mess.^{rs} Dupré

De Lanaudiere

Sir John Johnson

Mess.^{rs} De Longueuil

Baby

Grant

Pownall

Collins

Harrison

Finlay

For the Negative

Mess.^{rs} De Boucherville

De S.^t Ours

Caldwell

Delery

Mabane

Dunn

Sir John Johnson moves to

“Resolve “ That if it is committed or permitted
 “to the Provincial Legislature to regulate its own internal
 “Navigation and Commerce agreeable to the dictates of local
 “experience it is a subject for deep gratitude from the Province
 “in general to the Sovereignty to which it is subordinate” _____

Question of concurrence put ____ Carried in the Affirmative
 unanimously. _____

M.^r Grant moves to resolve

“That the Council having deliberated
 “upon the subject of his Lordship’s Message do not perceive any
 “just cause for doubting the validity of any of the existing Law
 “of the Province on the ground of a want of legal competency of
 “authority in the Provincial Legislature, to ordain the same, or
 “to ordain others for regulating the inland Navigation and
 commerce

JW

“Commerce of the Province. _____

“That the disparagement of their authenticity on
 “the ground of the doubts suggested in the Protests against the Iron Bill
 “is dangerous to the Public, and that the execution of the Laws questioned
 “by those doubts and the authority that made them ought to be _____
 “strenuously vindicated and maintained”

Question of concurrence put _ Debates arose _ Carried in
 the Negative by 9 against 7. ____

For the Affirmative

Mess.^{rs} Dupré

Lanaudiere

Sir John Johnson

Mess.^{rs} Grant

Pownall

Harrison

Finlay

For the Negative

Mess.^{rs} De Boucherville

De Longueuil

Baby

De S.^t Ours

Caldwell

Delery

Mabane

Collins

Dunn

M.^r Finlay moves that the Bill intituled “An Act or Ordinance
 “to form a new Districts between the Districts of Quebec and Montreal,
 and for regulating the same Districts.” be read a third time next Tuesday.
 Ordered accordingly. _____

M.^r Dupré from the Committee charged with the Bill, intituled
 “An Ordinance to oblige all Millers or Owners of Flour Mills, to have
 “Cribbles in their Mills” reports that the Committee have gone through
 the Bill and made several amendments, which with the Bill and Report
 he delivers in at the Table.

The Report was read as follows. _

“Council - Chamber 29th March 1790

“In Committee on the Bill intituled “Ordinance to oblige
 “all Millers or Owners of Flour _ Mills to have Cribbles in their Mills”

“Present

“Col.^o Dupré Chairman

“M.^r Grant

“M.^r De Longueuil

“M.^r De S.^t Ours

“Sir John Johnson Bar.^t

JW

Read

“Read the Bill in both Languages, then by Paragraphs, the first enacting Clause or Article in the following words _
 “ “That within six months after the publication of this Ordinance,
 “ “there shall be in every Flour - Mill in this Province a Wind and
 “ “Screen Cribble in good Order, under a penalty that will not exceed
 “ “Twenty Pounds against the Miller or Owner of said Mill, and for
 “ “each day after untill the Cribbles are fixed, a penalty that shall
 “ “not exceed five Shillings, and likewise for each neglect in not
 “ “keeping in order the said Cribbles or for not putting others in their
 “ “place a penalty that shall not exceed Ten Pounds”_____

“Then the Chairman put the Question, whether it should stand
 “ “as a part of the Bill _ Debates arose _ M.' Grant moves that
 “ “the whole of the Article from the word “That” in the first line be
 “ “struck out and the following substituteds in its place _ ““from and
 “ “after the first of December next every Grist – Mill shall be furnished
 “ “by the Proprietor or Occupant thereof with at least one good and
 “ “Sufficient wind and screen Cribble for cleaning of Wheat under the
 “ “penalty of Five Pounds, and the Proprietor of such Mill shall cause
 “ “all the Wheat brought there for grinding or not, to become passed
 “ “through the said Wind and Screen Cribble, and oftener, if the Owner
 “ “of the Wheat shall desire the same, or incur a penalty of ten
 “ “shillings, and shall not, under the like penalty, demand or take more
 “ “than one half penny for the first time, and a farthing each time
 “ “thereafter for each Minot he shall cause to pass the same in manner
 “ “aforesaid.””_____

“The Question was put thereon, and it was carried unanimously,
 “ “That the Article be so amended. _____

“The Chairman then read the second enacting Clause or article
 “in the following words _____

““No one shall attempt to grind or get ground any sort of grain
 “ “whatever in the said Mills without having previously got them cribbled
 “ “as aforesaid upon pain of a penalty that shall not exceed Ten Pounds
 “ “against the Miller or Owner of said Mill, Provided nevertheless
 “ “that Merchants or Flour Manufacturers have full liberty to get
 “ “their grain cribbled any where else on proving by an attested Certificate
 ““that

“ “that the grain they bring to be ground have been cribbled within the
 “ “space of fifteen days.””_____

M.^r Grant moved that the whole of this article be struck out,
 and that the following be adopted in its place. _____

““And be it enacted by the same authority That if any person shall
 “ “at any time after the first day of January next, bring to Market sale,
 “ “or expose to sale any wheaten meal, or Flour made of wheat, or wheat
 “ “in grain that is not properly cleaned, or that he cannot prove by the
 “ “Oath of one credible witness at least to have been screened and cribbled,
 “ “all such wheat or flour may be seized by and upon the inspection of the
 “ “Clerk of the Market of the Town, or Captain of the Militia of the Parish,
 “ “where such unmerchantable Wheat, meal, or flour is offered for Sale,
 “ “or in payment of any debt, rent, ty the, or due whatsoever.””_____

“The Question being put thereon, it was carried unanimously
 “according to the Motion. _____

“Then the third, fourth and fifth Articles were read in the
 “following words _ Viz.^t The 3^d

““To indemnify the Millers or Owners of the said Mills for the Cost of
 “ “the Cribbles and the keeping them in good Order, together with the Charges
 “ “attending the Cribbling they shall be allowed one Copper for each minot of
 “ “grain to be cribbled, and they shall deliver to the Owner of the grain the
 “ “cribblings thereof.””_____

“The 4th ““On account of the one Copper per Minot above allowed,
 “ “the Millers or Owners of Mills will only have the right of Toll on the
 “ “clean and cribbled grain, without a right to take it on the totality
 “ “of grain brought to them, neither on a higher rate to those subject to
 “ “Banality than the fourteenth.””_____

“The 5th ““Whoever may be convicted of having mixed or
 “ “given Cribblings as the quality of the Grain produced by their land or otherwise
 “ “in payment of rents, ty the or Annuity as well as in the delivery of all
 “ “sorts of grain whatsoever shall pay a penalty that shall not exceed
 “ “Twenty Pounds, and for the information of such offence the Millers of the
 “ “Parishes will be heard on Oath and to the best of their knowledge on the
 “ “quality of the grain of the same Crop that will have been brought to the
 “ “Mill by the Offender.””_

And

JW

“And the question being put whether all or either of these
 “Articles should stand in the Bill _ It was unanimously carried in
 “the Negative. _____

“Then the sixth Clause or Article was read on the
 following words. _____

“ “In all case of penalty inflicted for offences committed
 “ “against this Ordinance the one half shall be paid for the use of His
 “ “Majesty to the Receiver-General, and the other half to the Informer;
 “ “therefore be it enacted by the same Authority that it will and
 “ “may be permitted, and His Majesty’s Justices of the Peace are hereby
 “ “requested to hear and determine summarily on proof upon Oath of a
 “ “credible ^{Witness} in presence of one or several of them all causes of complaints
 “ “and disobedience to this Ordinance, and if after being fined the
 “ “party should refuse to pay the penalties prescribed by the Ordinance,
 “ “in that case the Justice or Justices of the Peace in presence of whom
 “ “such offence will have been judged, will order by a warrant under
 “ “his or their hand and seal the amount of the penalties and charges by
 “ “seizure and sale of the goods and effects of the Offender.””

“M.^r Grant moved that the whole of this Article be left out,
 “and the following inserted” _____ ““And be it further enacted
 “ “that all such penalties and seizures may be sued and recovered in the
 “ “Towns before two Magistrates, and in the Country Parishes before
 “ “the Judges of the Common-Pleas in their Tourné Courts, or before the
 “ “Judges for small Causes where Circles are established, at their sittings,
 “ “and one half of all such Penalties and seizures shall belong to His
 “ “Majesty, and the other half of the Penalties to the Prosecutor, and of
 “ “the Seizures to the Clerk of the Market or Captain of the Militia
 “ “who shall have seized, and who shall due and prosecute the same,
 “ “saving nevertheless the Appeal of either party according to the Law.””

“The Question on M.^r Grant’s motion being put it was
 “ “carried unanimously in the Affirmative. _____

“Then the Preamble was read in the following words
 “ “Whereas the bad quality of Flour brought to the Quebec and
 “ “Montreal Markets, or sold in the Country discredit the Trade thereof,
 “ “owing to a great many Farmers neglecting to clean their Wheat
 “ “from dust and bad seeds, by which they likewise injured the clean
 wheat

“wheat of others from its being ground after theirs, and it likewise gives
 “rise to complaints against the Millers who can only prevent the
 “mischief by cribbling all grain brought to their Mills, particularly
 “as the Toll - wheat is mostly used for seed in the Country, it thereby
 “infests the lands with all sorts of bad seeds to the great detriment
 “of Agriculture, Be it therefore enacted by His Excellency The
 “Governor and the Legislative Council, and it is hereby enacted by the
 “authority of the same””

“M.^r Grant then moved that from the word “Whereas”
 “to and including the word “Agriculture” be struck out, and the
 “following words inserted in their place. ““frequent complaints have
 “been made that bad and adulterated flour and smutty and uncleaned
 “wheat are brought into the Markets of the Towns of the Province
 “for sale, both of which are detrimental to the health of the Citizens,
 “and to the commerce thereof _ To remedy the same””

“The Question being put on the Motion it was
 “resolved unanimously in the Affirmative. _____

“Then the Title was read in the following words

“Ordinance to oblige all Millers or Owners of Flour - Mills to have
 “Cribbles in their Mills””_____

“M.^r Grant moved that it be struck out and the following
 “Title adopted. _____

““An Act or Ordinance to have Wind and Screen Cribbles
 “in Grist Mills for cleaning of Wheat.””_____

“The Question being put thereon, it was carried
 “unanimously accordingly. _____

“Ordered that the Chairman report the Bill with the
 “amendments. _____

Par Ordre du Comittée 3 Avril 1790

/ Signed / “Le C.^{te} Dupré. Pres.^t _____”

Ordered to be considered next Tuesday

Adjourned to Tuesday at 10 oClock. _____

JW

Tuesday

Tuesday 6.th April 1790
Present

The Hon^{ble} William Smith Esquire Chief-Justice
and
The Honourable

Hugh Finlay	William Grant
Thomas Dunn	Francis Baby
Edward Harrison	Jos. De Longueüil
John Collins	Sir John Johnson Bar. ^t
Adam Mabane	Cha. ^s De Lanaudiere
J. G. C Delery	R. A. De Boucherville
George Pownall	Le C. ^{te} Dupré
Picotté De Belestre	
Henry Caldwell	

Esquires

M.^r Mabane reads his Dissent from the several resolutions
voted last Saturday _ Ordered to be entered

M.^r Mabane's Dissent

"I dissent from the several Resolutions of the Legislative Council
"voted last Saturday in consequence of the Observations from the Chair

1.st "They are unconnected with the Message from His
"Excellency _ Governor, who by that message requires ~~no~~ opinion from
"this Council but only communicates ~~a~~ minute of a Committee of
"Council appointed for the consideration of all matters relating to
"Trade and foreign Plantations of the 13.th of July 1787 in order that it
"might be entered upon the Minutes of the L. Council for their
"information and guidance. As that Entry had been made. I think
"the intentions of His Excellency the Governor have been complied with.____

"2.^{dly} These Observations and Resolutions tend to engage the L.
"Council to enter into the discussion of the Reasons of dissent which
"the Members may think it their duty to enter on the Minutes for
"the information of His Excellency the Governor and others, and are
"therefore unconstitutional and destructive of freedom of debate and
"opinion. _____

"3^d _____ These appears to me an evident impropriety in
"proposing to the Members of this L. Council Resolutions which
"oblige them to give opinions on points of Law without even
"referring those points of Law to the Crown Law - Officers so as to
give

JW

“give the Member some Authority upon which they may form
“their opinions.

(Signed) “A. Mabane”

“Council - Chamber April 6.th 1790.

Colonel Caldwell reads his Dissent from M.^r Grant’s 2^d
Resolution moved and carried last Saturday _ Ordered to be entered _

Col.^o Caldwell’s Dissent _____

“M.^r Caldwell’s Dissent from M.^r Grants 2.^d Resolution mov’d for &

“Carried 3.^d April 1790. _____

“1.st Because it appears that this and every other resolution, mov’d
“in consequence of the suggestions from the Chair, (that His Excellency the
“Governor’s Message of Wednesday last was intended to draw from the Council
“for his information their opinions, respecting the powers of the Provincial
“Legislation to regulate its inland trade & Navigation with the united
“States) are irregular and unfounded. His Excellency’s message not
“warranting any such suggestion, & purporting only the laying before the
“Council for its information (on a supposed doubtful point) the minute of
“a Committee of the King’s Council for regulating the Trade of the Colonies
“of 13.th July 1787. _____

“2.^{dly} Because it is irregular, unconstitutional and tending to produce
“endless altercation, to introduce in the Council under the form of resolutions,
“Reasons in objection to the dissent of the Minority from any Question or
“Bill.

“3.^{dly} Because the Resolution dissented from, misconceives the
“Argument to which it alludes, where it asserts, That the Protestors
“maintain’d a strenuous contention against the Authority of the Provincial
“Legislation to make laws for regulating its internal trade & navigation;
“That strenuous contention being only maintained against such laws as
“might be repugnant to British Statutes, and so the meaning of the
“Subscribers dissent must be construed, as well as of the minute His Excellency
“was pleased to lay before the Council, which is supported by the Statutes quoted,
“and manifested by the resolution he mov’d for the 3.^d Inst.^t which was
“calculated for peace, to give the information said to be required & to put
“an end to a string of resolutions, which with whatever view propos’d,
were

JW

“were productive of warm and unnecessary debates, the Resolution was
 “however rejected, & from that rejection it would appear, that those
 “Gentlemen who voted against it, were either persuaded the
 “Provincial Legislation has no power to regulate its internal trade
 “& Navigation, or that its power was uncontrolled & Independent
 “of any British Statute. _____

“Council Chamber 5.th April 1790

(Signed) “Henry Caldwell”_____

Petition of divers
 Merchants

M.^r Harrison offers to the Chair a Petition of divers Merchants
 of Quebec _ Ordered to be read _ Read in both languages _ Ordered
 to lay on the Table. _____

Toll Bill _

M.^r Harrison from the Committee named to wait on His Excell’y,
 the Governor with a Copy of the Bill intituled “An Act or Ordinance
 “for securing more effectually the Toll of the Bridge over the River S.^t
 “Charles. _____

Reports that the Committee have waited on his Lordship therewith,
 pursuant to Order. _____

Seamen’s Bill

M.^r Harrison from the Committee charged to bring in a Bill
 to discourage the desertion of Seamen in the Merchant _ Service _
 reports that the Committee have prepared the Bill which the
 Report he delivers in at the Table _ Ordered to be read. The Report
 was read in the words following._

“Committee _ Chamber 31 March 1790

“Present

“Mess.^{rs} Harrison

Delery

Pownall

Baby &

Dupré

“A Committee appointed in the Legislative Council the 20.th Inst.^t
 “to bring in a Bill to discourage desertion and for regulating Seamen
 “in the Merchant Service

“Ordered _ the President report an Act or Ordinance in the
 “words following. _

JW

“An

“An Act or Ordinance

“To discourage desertion and for regulating Seamen in the Merchant _
“Service ____

1. “Be it enacted by His Excellency the Governor and the Legislative Council,
“and it is hereby enacted by the authority of the same, That if any Seaman,
“being duly entered to serve on board any Ship or Vessel either belonging to,
“or trading within this Province, shall absent himself from the said Ship
“or Vessel, for the space of forty eight hours, without leave from the
“Owner, Master or other Person having charge thereof, he shall be deemed
“a deserter; and on application of the Master or Owner of the said Ship or
“Vessel, or Person having charge thereof, to one of His Majestys Justices
“of the Peace, and producing to him the Agreement entered into by the said
“Seaman; and making Oath that the said Seaman has absented himself
“as aforesaid, the Justice shall issue his warrant to apprehend the said
“Deserter; and if it shall appear to the Justice on examination that
“the Seaman did desert, and that he refused to return to his duty on board
“the Ship or Vessel to which he belongeth, without good and sufficient
“reason therefor, to the satisfaction of the said Justice: the said Justice is
“hereby authorized to commit the said Deserter to His Majesty’s Goal, to be
“there confined until the departure of the Ship or Vessel on her intended
“Voyage; provided it does not exceed thirty days, when he shall be put on
“boards, and compelled to proceed in her; or until he shall request he may be
“liberated, and that during his confinement he shall be maintained by the
“Master or Owner as aforesaid, and the expence thereof be deducted from the
“said Seaman’s wages. _____

2. “Be it further enacted, That if any Person shall entice any
“Seaman to desert from the Ship or Vessel to which he belongeth or shall
“harbour or conceal any such deserter Seaman, He, She, or they so offending,
“and being thereof convicted by one credible Witness, before One or more of
“His Majesty’s Justices of the peace, shall forfeit and pay the sum of £....
“to be levied by distress and sale of the Offenders goods; one half to His
“Majesty’s use, and the other to the Person who shall informand prosecute
for

JW

“for the same, and in failure of distress, the Person convicted to be
“committed to Goal and there confined for the space of

3. “Be it further enacted, That if any Person whomsoever,
“shall knowingly and willingly, entertain, harbour, or keep, or directly
“or indirectly suffer to be entertained harboured or kept, in his, her
“or their house, any Seaman belonging to any Ship or Vessel within
“this Province, without the leave of the Owner or Master of such
“Ship or Vessel for the spaces of twenty- four hours shall forfeit the
“sum of Shillings for every twenty four hours the said Seaman
“shall be so kept, on conviction, on the Oath of one credible witness,
“before any one of His Majesty’s Justices as aforesaid; the said
“penalty, on failure of payment, to be levied by distress and Sale as
“aforesaid. And if any person whomsoever shall give any Credit,
“loan or trust, of money or Goods to any Seaman not being an Inhabitants
“of this Province, for any sum above Shillings, without
“leave from the Owner or Master of the Ship or Vessel to which the
“said Seaman belongeth, He, She or they so crediting and trusting said
“Seaman, shall have no recourse by Law to the said Seaman for payment
“for such loan, trust or credit. _____

“Provided always, That noting in this Act shall be
“construed to prevent Seamen being entered to serve on board His
“Majesty’s Ships or Vessels of War or to enter into other His _____
“Majesty’s Service. _____

The Bill was read the first time _ Ordered to be read a second
time to morrow. _____

Pilotage _ Bill

Sir John Johnson from the Committee named to wait on His
Excellency The Governor with a Copy of the Bill intituled “An Act or
“Ordinance to amend the Ordinance intituled an Ordinance for
“regulating the pilottage in the River S.^t Lawrence, and for preventing
“abuses in the Port of Quebec” _____ reports that the Committee
“have waited on his Lordship therewith, pursuant to Order. _____

Abandon Bill

M.^r Collins from the Committee named to wait on His
Excellency The Governor with a Copy of the Bill intituled “An Act or
“Ordinance for preventing Cattle from going at large, or L’Abandon
“des Animaux.”

JW

Reports

Reports that the Committee have waited on his Lordship therewith pursuant to Order. ____

M.^r De S.^t Ours enters ____

Three Rivers

The Council proceed to a third reading of the Bill intituled “An “Act or Ordinance to form a new District, between the Districts of “Quebec and Montreal, and for regulating the same Districts. ____

The Bill being read in both Languages _ Question put shall the Bill pass ? ____

M.^r Mabane moved “that a List of the Causes above £ 10 “Sterling which have been instituted in the Courts of Common - Pleas “for Quebec and Montreal for the years 1785, 1786 and 1787, from “Three Rivers and the Parishes which are to compose the intended Districts “be read and inserted in the Minutes, as likewise a List of the Causes “which have since the 22^d of March 1788 been instituted in the Court “of Common - Pleas for Quebec from the Parishes in the present District “of Quebec, which are proposed to make part of the intended new “Districts. NB Those from Quebec for the Years 1785, 1786 and 1787 are “seven causes, those from Montreal for the same period are 28 causes. “There are in the last ^{List} 3 Causes _”.

Question put _ For or against the motion _ Debates arose _ Carried in the Negative by 12 against 5 ____

For the Affirmative

For the Negative

Mess.^{rs} Baby

Mess.^{rs} Dupré

Caldwell

De Boucherville

Mabane

De Lanaudiere

Collins

Sir J. Johnson

Dunn

De Longueuil

De S.^t Ours

Grant

Belestre

Pownall

Delery

Harrison

Finlay

JW

M.^r Grant moves that the following words in the first enacting Clause be struck out “but both the said Districts shall extend northerly and southerly to the extreme boundaries of the Province”

Question

Question of concurrence put _ Carried in the Affirmative unanimously _

M.^r Grant moves that the word “Six” in the 5.th Clause be struck out and the word “Eight” inserted in its place. _____

Question put _ Carried unanimously in the Affirmative. ____

M.^r Grant moves to add the following Clause to the Bill “And to provide “against any unforeseen Casualties that may impede the Administration “of the public Justice to be administered in the said Courts of Common “Pleas, be it also enacted that nothing herein [^] before declared respecting the “Terms of the Sittings of the said Courts of Common - Pleas in either of “the said Districts shall be construed to abridge the Prerogative of the “Crown in the adjournment of the said Terms or either of them, but that “it shall and may be lawful to fix and limit the same, at such days “and times as the Governor for the time being by and with the advice “of His Majesty’s Council may ordain and declare, by Proclamation “under the Great _ Seal.” _____

+ For the Affirmative

^

Mess.^{rs} _ Dupré
De La Naudiere
Sir John Johnson

Mess.^{rs} _ De Longueuil
Baby
De S.^t Ours
Grant
Belestre
Pownall
De Lery
Collins
Harrison
Finlay

Question of concurrence put _ Debates arose _ Carried in the Affirmative by 13 against 4. _____[^] +

M.^r Harrison moves “That the Petition of the Quebec “Merchants be taken into consideration before the Act or Ordinance “for a new District between Quebec and Montreal, pass” _

Question of concurrence put _ Debates arose _ Carried in the Negative _ by 14 ag.st 3.

For the Negative

Mess.^{rs} De Boucherville
Caldwell
Mabane
Dunn

For the Affirmative

Mess.^{rs} Pownall
Harrison
Dunn

For the Negative

The other 14 Members

Question put _ Shall the Bill with its amendments pass? Carried unanimously in the Affirmative. _____

Ordered that Mess.^{rs} Mabane, Grant & De S.^t Ours be a Committee to wait on His Excellency The Governor with the engrossed Bill and that they inform his Lordship that the Council have passed the same, and submit it to his Lordship’s assent that it be carried into a Law. ____

Wheat Bill

The Council proceed to a third reading of the Bill, intituled “An “Ordinance to prevent for a limited time the Exportation of Wheat, Pease “Oats, Biscuit, Flour or meal of any kind”_ The Bill read in both

JW

Languages

Languages __

Question put, shall the Bill pass?

Colonel Caldwell moves to add to the Bill the following Clause
 “And whereas a beneficial trade has hitherto been carried on between this
 “Province and the Island of Newfoundland, that Island depending on
 “this Country for part of its supply of Provisions for the support of its
 “fishery _ And Whereas the Merchants here have petitioned that in
 “this year of general scarcity that Island should not totally be
 “precluded from any supply from this Province. Be it enacted by the
 “same authority that it shall and may be lawful for His Excellency
 “The Governor, or Commander in Chief for the time being, by and with the
 “Consent of the Council to grant licence to any Ships or Vessels actually
 “in the Port of Quebec and bound to any Port in the Island of Newfoundland
 “to load on board of them, or any of them, any quantify of biscuit, not
 “exceeding in the whole the amount of six thousand quintals, and in such
 “proportion as His Excellency with the advice of the Council may think
 “right, any thing to the contrary in this Law notwithstanding. _____

Question of concurrence put _ Debates arose _ Carried in the
 Negative by 15 against 2. _____

For the Affirmative
 Mess.^{rs} Caldwell
 Harrison

For the Negative
 The other 15 Members

M.^r Grant moves, that the whole of the first enacting Clause be
 struck out and the following inserted __ “Be it therefore enacted
 “by His Excellency the Governor and the Legislative Council, and it is
 “accordingly enacted by the authority of the same, that it shall and may
 “be lawfull for the Governor or Commander in Chief for the time being, by and
 “with the advice of His Majesty’s Council, by Proclamation or Proclama-
 “-tions under the Great Seal of the Province to lay an Embargo upon the
 “shipping or lading and exporting or clearing for Exportation of all kinds
 “of Grain, Meal, Flour or Bread, and therein to declare the prohibitions and
 “regulations of such export, and the pains, penalties and forfeitures to be
 “incurred for disobeying any of the regulations in such Proclamation or
 “Proclamations to be expressed, the cognizance of which said pains,
 “Penalties and forfeitures shall belong to any of His Majesty’s Courts of
 “Record in the Province, or to the Vice-Admiralty of the same _
 “Provided

JW

“Provided always and be it further enacted by the same Authority
 “that the period to be limited in any such proclamation for such
 “Embargo shall not extend to any day after the first day of
 “January next.” _____

Question of concurrence put _ Debates arose _ Carried in the
 Negative by 11 against 5. _

For the Affirmative

M.^r De Lanaudiere
 Sir J. Johnson
 Mess.^{rs} De S.^t Ours
 Grant
 Finlay

For the Negative

Mess.^{rs} Dupré
 De Boucherville
 De Longueuil
 Baby
 Caldwell
 Belestre
 Delery
 Mabane
 Collins
 Harrison
 Dunn

M.^r Pownall absent

M.^r Grant moves to strike out the 2.^d 3.^d 4.th 5.th 6.th 7.th 8.th and 9.th
 Clauses, and to insert the following Clause “And for as much as it may
 “so happen that it may consist with the public safety to permit
 “the exportation of certain portions of the Articles so by Proclamation
 “prohibited, on the ground of special circumstances and considerations
 “not now foreseen. Be it ^{also} enacted by the same Authority that no
 “penalty nor forfeiture shall be incurred in any case where the
 “exportation shall be permitted by writing signed and sealed by the
 “Collector and Comptroller of the Port of Quebec authorized by general
 “proclamation or special warrant or other Instrument issued with the
 “advice of His Majesty’s Council under the hand and seal at Arms of
 “the Governor or Commander in Chief.” _____

Question of concurrence put _ Debates arose _ Carried in the
 Negative by 11 against 6. _____

For the Affirmative

M.^r De Lanaudiere
 Sir John Johnson
 De S.^t Ours
 Grant
 Pownall
 Finlay

For the Negative

Mess.^{rs} Dupré
 De Boucherville
 De Longueuil
 Baby
 Caldwell
 Belestre
 Delery
 Mabane
 Collins
 Harrison
 Dunn _

M.^r Dunn moved “that all the fourth Article after the word Province
“in the fifteenth line be struck out of the Bill.” _____

Question of concurrence put _ Carried in the Affirmative unanimously

M.^r Grant moves to strike out the Preamble, and to adopt the
following in its place _ “Whereas the present scarcity of Bread _ Corn
“in Europe, and the scanty harvests of the two last years in this Province
“render it necessary to provide against the distresses that may befall the
“People of this Country, if the next ensuing Season should prove unfavorable
“to the harvest of such Articles as are used for bread.” _____

Question of concurrence put _ Debates arose _ Carried in the
Negative by 12 against 5. _____

For the Affirmative

M.^r De Lanaudiere

Sir John Johnson

Mess.^{rs} De S.^t Ours

Grant

Finlay

For the Negative

Mess.^{rs} Dupré

De Boucherville

De Longueuil

Baby

Caldwell

Belestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

M.^r Grant moves to strike out the Title and insert the following “An
“Act or Ordinance to prevent general distress, by an improvident exportation
“of divers articles of Provisions.” _____

Question of concurrence put _ Debates arose _ Carried in the
Negative by 13 against 4. _____

For the Affirmative

M.^r De Lanaudiere

Sir John Johnson

Mess.^{rs} Grant

Finlay

For the Negative

Mess.^{rs} Dupré

De Boucherville

De Longueuil

De S.^t Ours

Baby

Caldwell

Belestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

Question _ shall the Bill with its amendment pass? Debates
 arose _ Carried in the Affirmative by 12 against 5_____

For the Affirmative

Mess.^{rs} Dupré
 De Boucherville
 De Longueuil
 S.^t Ours
 Baby
 Caldwell
 Belestre
 Delery
 Mabane
 Collins
 Harrison
 Dunn

For the Negative

M.^r De Lanaudiere
 Sir John Johnson
 Mess.^{rs} Grant
 Pownall
 Finlay

Ordered that Mess.^{rs} Dunn, Caldwell & Grant be a Committee
 to wait on His Excellency the Governor with the ingrossed Bill, and
 that they inform His Lordship that the Council have passed the same,
 and submit it to His Lordship's Assent that it be enacted into a Law__

Read for the first time the Bill intituled "Ordinance to
 "oblige all Millers or Owners of Flour Mills to have Cribbles in their
 "Mills". Ordered a 2.^d Reading to morrow____
 Adjourned till to-morrow at 10__

Wednesday 7th April 1790

Present

The Honorable William Smith Esq.^r Chief-Justice
 and
 The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	Sir John Johnson Bar. ^t
J. G. C Delery	Charles De Lanaudiere
George Pownall	R. A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

Fire _ Bill

The Order of the Day read _ Ordered a second reading of the Bill intituled “An Act or Ordinance to amend an Act or Ordinance for “preventing Accidents by Fire, passed in the 27.th Year of His Majesty’s “Reign” _ The Bill read in both Languages _ Question put _ Shall the Bill be committed to a Committee of the whole Council?

Colonel Caldwell moves “that the Commitment of this Bill “be postponed to the next meeting of the Legislature after the 10.th day “of July next.” _____

Question of concurrence put _ Debates arose _ Carried in the Negative by 13 against 3. _____

For the Affirmative

Col.^o CaldwellM.^r MabaneM.^r Harrison

For the Negative

Mess.^{rs} Dupré

De Boucherville

De Lanaudiere

Sir John Johnson

Mess.^{rs} De Longueüil

Baby

De S.^t Ours

Grant

Pownall

Delery

Collins

Dunn

Finlay

Ordered that the Bill be committed to the whole Council

Ordered unanimously to resolve to go into a Committee of the whole Council upon the said Bill now, and the Chief _ Justice left the Chair _

The Chief _ Justice resumed the Chair ____

M.^r Grant from the Committee of the whole Council on the said Bill reports Progress and prays leave to sit again to-morrow. _

Ordered accordingly. _____

Cribble _ Bill

The Order of the day read for a 2.^d reading of the Bill intituled “An Act or Ordinance to have Wind and Screen Cribbles in Grist-Mills “for cleaning of Wheat” _ Ordered to be read _ Read in both Languages _ Question put _ Shall the Bill be committed to a Committee of the whole Council? Carried unanimously. _____

JW

Resolved to go into a Committee of the whole Council upon it, now.

The

The Chief Justice leaves the Chair_

The Chief Justice resumes the Chair _____

Col.^o Dupré from the Committee of the whole Council on
the said Bill reports progress and prays leave to sit again to _
-morrow _____ Ordered accordingly.
Adjourned till Friday at 10 oClock. _____

Friday 9th April 1790

Present

The Honorable William Smith Esquire Chief Justice
and

The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ¹ Ours
Edward Harrison	François Baby
John Collins	Joseph De Longueuil
Adam Mabane	Sir John Johnson
J. G. C Delery	Charles De Lanaudiere
Geo. Pownall	R. A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

Seamen's Bill

The Order of the Day read for a second reading of the Bill, intituled
"An Act or Ordinance to discourage desertion and for regulating
"Seamen in the Merchant Service"_ Ordered to be read _ The Bill
read in both languages _ Ordered to be committed to a Committee of
the whole Council. _____

Fire - Bill

M.^r Grant from the Committee of the whole Council
Charged with the Bill, intituled, "An Act or Ordinance to amend an Act
"or Ordinance for preventing Accidents by fire, passed in the 17.th Year of
"His Majesty's reign" reports that the Committee have gone through the
Bill and made some Amendments, which with the Bill and Report he
delivered in at the Table _ The Report was read as follows_

"7.th April 1790

"In Committee of the whole Council on the Bill intituled "An Act
"or Ordinance, to amend an Act or Ordinance for preventing Accidents
"by fire passed in the 17.th Year of His Majesty's reign." _

JW

Present

“Present
 “M.^r Grant Chairman
 “The Chief Justice
 “Mess.^{rs} Finlay De S.^t Ours
 “Dunn Baby
 “Harrison De Longueuil
 “Collins Sir John Johnson Bar.^t
 “Mabane De Lanaudiere
 “Delery De Boucherville
 “Pownall Dupré
 “Caldwell

“The Chairman read the Bill in both Languages, then the first
 “enacting Clause in the words following _
 ““Be it enacted by His Excellency the Governor and the Legislative
 “Council, and it is hereby enacted by the Authority of the same, that
 “from and after the Publication of this Ordinance, if any Overseer
 “of Chimnies in the Province, while in the receipt of an allowance
 “from the Government thereof shall take or receive, or cause to be
 “taken or received by any Person whatsoever, any reward or emolument
 “for sweeping the Chimney of any poor Occupier of any small house or
 “Apartment in the Towns or Suburbs thereof, is such poor Person shall
 “produce to the said Overseer or to his Agent or Sweepers a Certificate
 “of his poverty, signed by any Curate or Minister, or by a Magistrate of the
 “Town or Parish of which he is ordinarily an Inhabitant, every such
 “Overseer and his Agent, shall incur a fine of five shillings for every such
 “offence, one half to His Majesty, and the other half to the use of the poor
 “person, or any other person who shall prosecute the same, any act, regulation
 “or authority to the contrary notwithstanding. _____
 “Then put the question, whether it should stand
 “Carried unanimously in the Affirmative ____

M.^r Dunn then moved, that after the word thereof, in the
 9.th line be inserted the following words “for sweeping the Chimnies of the
 poor gratis”____

Question of concurrence put upon the amendment _ Carried
 in the Affirmative by all the Members, except the Chief _ Justice ____

Then the Chairman read the second enacting Clause in the
 following

JW

“following words. _

““And be it further enacted by the same Authority, that after

“ “the publication of this Ordinance it shall not be lawful for any

“ “Overseer of Chimnies to take or receive more than three pence for sweeping

“ “or causing to be swept any Chimney in any house in the Suburbs of

“ “the Towns of Quebec or Montreal, which in height does not exceed

“ “a ground floor and garret, or to insist on sweeping the same, more than

“ “once in two months, if the proprietor or Occupier does not acquiesce

“ “therein, any Law, Regulation or Authority to the contrary notwithstanding”” _

“Then put the Question _ Carried in the Affirmative _ Col.^o Caldwell

“and M.^r Mabane in the negative. _____

“The Chairman then read the 3.^d enacting Clause in the

“following words _

““ And be it further enacted by the same Authority that

“ “all fines and forfeitures that shall be incurred in virtue of this Ordinance

“ “shall be sued for and recovered in the same time, and in the same manner,

“ “with the same right of appeal, as if incurred under the Ordinance

“ “above recited, of which no part is to be [^] construed as altered or changed other than

“ “as in this Ordinance expressed or set forth. _____

“Then put the Question _ Carried unanimously in the Affirmative. _

“Then the Preamble was read in the following words. _

““Whereas by an Ordinance of this Province passed in the 17.th

“ “Year in His Majesty’s reign, intituled “An Ordinance for preventing

“ “accidents by fire “it is amongst other things enacted, that the Overseers

and Suburbs of the Towns -

“ “of the Chimnies shall cause every Chimney made use of in the Towns, [^]

“ “in which they are Overseers, to be swept and scraped as high as possible

“ “once in every month, and shall receive six pence from the Occupiers of the

“ “house, to which such Chimney belongs for each Chimney so swept; And

“ “whereas several poor Inhabitants, Occupiers of Apartments in the

“ “small houses of the Suburbs of S.^t Roc, have represented their inability

“ “to pay the charge aforesaid, for the relief of all such poor ” _____

“The Question put thereon _ Carried unanimously in the Affirmative.

“Then read the Title in the following words.

““An Act or Ordinance to amend an Act or Ordinance for

“ “preventing Accidents by Fire passed in the 17.th year of His Majesty’s

“ “Reign. _____

“Question

Question put _ carried unanimously in the Affirmative. __

“Ordered to report the Bill as amended

/ Signed / “William Grant”

“Chairman”

Question of concurrence put _ concur unanimously _ Ordered to be
ingrossed _ Ordered to be read a third time this day. __

Three Rivers

M.^r Mabane from the Committee charged to wait on His
Excellency The Governor with the ingrossed Bill, intituled, “An Act or
“Ordinance to form a new District, between the Districts of Quebec
“ & Montreal and for regulating the same Districts” Reports
that the Committee have waited on His Lordship therewith pursuant to
order. _____

Wheat - Bill

M.^r Dunn from the Committee charged to wait on His
Excellency The Governor with the ingrossed Bill intituled “An Ordinance
“to prevent for or limited time, the exportation of Wheat, Pease, Oats, Biscuit,
“Flour or Meal of any kind” Reports that the Committee have waited
on His Lordship therewith pursuant to Order. _____

Cribble Bill

M.^r Dupré from the Committee of the whole Council on the
Bill, intituled “An Act or Ordinance to have Wind and Screen Cribbles in
“Grist – Mills for cleaning of Wheat” reports that the Committee have gone
through the Bill, and he delivered in the Bill and Report at the Table._
The Report was read, as follows. __

“ 7.th April 1790

“In Committee of the whole Council upon the Bill intituled “An
“Act or Ordinance to have Wind and Screen Cribbles in Grist Mills for
“cleaning of Wheat.” _____

“Present

“M.^r Dupré _ in the Chair

“The Chief Justice

Grant

“Mess.^{rs} Finlay

De S.^t Ours

“Dunn

Baby

“Harrison

De Longueuil

“Collins

Sir John Johnson Bar.^t

“Mabane

De Lanaudiere

“Delery

De Boucherville

“Pownall

“Caldwell

JW

“The

“The Chairman read the Bill in both Languages and then the
“first enacting Clause in these words. _

““Be it therefore enacted by His Excellency The Governor and
“The Legislative Council, and it is hereby enacted by the Authority of
“the same, that from and after the first of December next, every
“Grist – Mills shall be furnished by the Proprietor or Occupant thereof
“with at least one good and sufficient Wind and Screen Cribble for
“cleaning of Wheat, under the penalty of five pounds, and the Proprietor
“of such Mill shall cause all the Wheat brought there for grinding
“or not, to be once passed through the said wind and screen Cribble, and
“oftener, if the Owner of the Wheat shall desire the same, or incur a
“penalty of ten shillings, and shall not, under the like penalty,
“demand or take more than one half-penny for the first time, and
“a farthing each time thereafter, for each Minot he shall cause to
“pass the same in manner aforesaid. _____

“Question put _ whether it shall stand _ Debates arose _ Carried
“in ^{the} Affirmative by 12 against 3. _____

“In the Affirmative		In the Negative
“M. ^r De Lanaudiere	Mabane	Mess. ^{rs} De Boucherville
“Sir John Johnson	Collins	Baby
“Mess. ^{rs} De Longueuil	Harrison	&
“De S. ^t Ours	Dunn	Delery
“Grant	Finlay	
“Caldwell	The Chief Justice	M. ^r Pownall absent

“The second enacting Clause read in the words following

““And be it enacted by the same Authority that if any Person shall,
“at any time, after the first day of January next, bring to market, sell
“or expose to sale, any wheaten meal or flour made of wheat, or wheat in
“grain that is not properly cleaned, or that he cannot prove by the Oath
“of one credible witness at least, to have been screened and cribbled, all
“such Wheat or Flour may be seized by and upon the inspection of the
“Clerk of the Market of the Town, or Captain of the Militia of the parish,
“where such unmerchantable wheat, meal or flour is offered for sale, or
“in payment of any debt, rent, tythe, or due whatsoever. _____

“Question put, whether it shall stand? Debates arose _
“Carried in the Affirmative by 10 against 6

JW

For

“For the Affirmative
 “M.^r De Lanaudiere
 “Sir John Johnson
 “Mess.^{rs} De Longueuil
 “De S.^t Ours
 “Grant
 “Pownall
 “Collins
 “Harrison
 “Finlay
 “The Chief Justice

For the Negative
 Mess.^{rs} De Boucherville
 Baby
 Caldwell
 Delery
 Mabane
 Dunn

“The third enacting Clause read in the following words ____

““And be it further enacted, that all such Penalties and

“ “seizures may be sued for and recovered in the Towns, before two Magis-
 “ “-trates, and in the Country parishes, before the Judges of the Common – Pleas
 “ “in their Tourné Courts, or before the Judges for small Causes where Circles
 “ “are established, at their sittings, and one half of all such penalties
 “ “and seizures shall belong to His Majesty, and the other half of the
 “ “penalties to the Prosecutor, and of the Seizures to the Clerk of the Market
 “ “or Captain of Militia, who shall have seized and who shall sue for and
 “ “prosecute the same, saving nevertheless the appeal of either party according
 “ “to the Law. ____

“Question put _ Whether this Clause shall stand _ Debates arose _

“Carried in the Affirmative by 11 against 5. _____

“For the Affirmative

“M.^r De Lanaudiere
 “Sir John Johnson
 “Mess.^{rs} De Longueuil
 “Baby
 “De S.^t Ours
 “Grant
 “Pownall
 “Collins
 “Harrison
 “Finlay
 “The Chief Justice

“For the Negative

“Mess.^{rs} De Boucherville
 “Caldwell
 “Delery
 “Mabane
 “Dunn

“Read the Preamble, in the following words.

““Whereas frequent complaints have been made that bad

JW

and

“ “and adulterated flour, and smutty and uncleaned wheat, are
 “ “brought into the markets of the Towns of the Province, for sale,
 “ “both of which are detrimental to the health of the Citizens, and to
 “ “the Commerce of the Province to remedy the same.” _____

“Question – shall it stand? Debates arose _ Carried in the
 “Affirmative by 14 against 2. _____

“M.^r De Boucherville

&

“M.^r Delery

} in the Negative

“Then read the Title in these words

““An Act or Ordinance to have wind and screen Cribbles in

“ “Grist Mills for cleaning of Wheat”.” _____

“Question, shall it stand _ Carried in the Affirmative _ M.^r

“De Boucherville being alone for the Negative. _

“ M.^r Baby moves /in these words/ ““Que le Committé est

“ “d’opinion de remettre tout autre procédé plus ample sur ce Bill

“ “jusqu’à ce que le plaisir de son Excellence soit connu pour l’imprimer

“ “et le publier”.” _____

“Question of concurrence put _ Carried unanimously in
 “the Affirmative. _____

“Ordered the Chairman to report

/Signed/ “Le C.^{te} Dupré President”

Question of concurrence put _ Concur unanimously _

Resolved that the further Proceedings on this Bill be postponed to
 the next Session. _____

Seamen’s Bill

The Council resolve themselves into a Committee of the
 whole Council to proceed on the Bill intituled “An Act or Ordinance
 “to discourage desertion, and for regulating Seamen in the Merchant
 “Service”_____ The Chief _ Justice left the Chair. ____

Seamen’s Bill

The Chief-Justice resumed the Chair.

M.^r Grant from the Committee of the whole Council in the Bill,
 intituled, “An Act or Ordinance to discourage Desertion, and for
 “regulating Seamen in the Merchant-Service.” _____

JW

reports that the Committee have gone through the Bill and made
 several amendments which with the Bill and Report he delivered in
 at

at the Table _ The Report was read as follows. ____

“ 9.th April 1790

“ In Committee of the whole Council upon the Bill intitled ““An
 “ Ordinance to discourage desertion and for regulating Seamen in the
 “ Merchant Service.””

“Present

“W.^m Grant Chairman.

“Chief Justice

“Mess.^{rs} Finlay

De S.^t Ours

“Dunn

Baby

“Harrison

De Longueuil

“Collins

Sir John Johnson

“Mabane

De Lanaudiere

“Delery

De Boucherville

“Pownall

Dupré

“Caldwell

“The Chairman read the Bill in both Languages _ then the 1.st
 “enacting Clause in the following words. ____

““Be it enacted by His Excellency the Governor and the
 “ Legislative Council, and it is hereby enacted by the Authority of the same,
 “ that if any Seaman being duly entered to serve on board any Ship or Vessel ^{^ either}
 “ belonging to or trading within this province, shall absent himself from the said Ship or Vessel,
 “ for the space of forty eight hours, without leave from the Owner, master,
 “ or other person having charge thereof, he shall be deemed a deserter; and on
 “ application of the Master or Owner of the said Ship or Vessel or Person having
 “ charge thereof, to one of His Majesty’s Justices of the Peace, and producing
 “ to him the agreement entered into by the said Seaman; and making
 “ Oath that the said Seamen has absented himself as aforesaid, the
 “ Justice shall issue his Warrant to apprehend the said Deserter; and if it
 “ shall appear to the Justice on examination that the Seamen did desert
 “ and that he refuses to return to his duty on board the Ship or Vessel to
 “ which he belongeth, without good and sufficient reason therefore, to the
 “ satisfaction of the said Justice; the said Justice is hereby authorized to
 “ commit the said Deserter to His Majesty’s Goal, to be there confined
 “ until the departure of the Ship or Vessel on her intended voyage; provided it
 “ does not exceed thirty days, when he shall be put on board, and
 “ “compelled

JW

“ “compelled to proceed in her; or until he shall declare his readiness
 “ “to return to his duty; and the Master or Owner shall request he
 “ “may be liberated; and that during his confinement he shall be
 “ “maintained by the Master or Owner as aforesaid, and the expence
 “ “thereof be deducted from the said Seaman’s Wages.””

“ M.^r Harrison then moved that the said first enacting
 “Clause be struck out and the two following Clauses inserted in
 “its place _____ Question of concurrence on the Motion
 “being put it was carried unanimously in the Affirmative.

““Be it enacted by His Excellency the Governor and the
 “ “Legislative Council, and be it enacted by the authority of the
 “ “same that whenever any Marriner shall desert from the Ship or
 “ “Vessel to which he belongs contrary to the Articles by which he
 “ “may be bound, in pursuance of the Statute in that case made and
 “ “provided, it shall be lawful to proceed against him in the manner
 “ “by the said Statute directed, and to commit him to the Common-
 “ “Goal, where he shall be detained as effectually as if the same
 “ “was such House of Correction as by the said Statute is intended, and
 “ “that the Keeper of the said Goal shall be as compellable to receive
 “ “and obtain such marriner under the Penalty to which the Keeper
 “ “of a House of Correction may be liable, on a Commitment under the said
 “ “Statute, until such Marriner shall be delivered by the due course
 “ “of the Law.””

““And be it also enacted by the same Authority, that no
 “ “Person shall knowingly aid, countenance, harbour or conceal any such
 “ “deserting Marriner under the penalty of twenty Shillings, for every
 “ “twenty four hours such Mariner shall continue to be so harboured or
 “ “concealed, which said penalty shall be recoverable summarily, before
 “ “any one Justice of the Peace, and be paid one half to His Majesty’s
 “ “Receiver-General for the use of the Crown and the other moiety to him
 “ “who shall sue and prosecute for the same.””

“The Chairman than read the 2^d & 3^d enacting clauses in the
 “following words.

““Be

““Be it further enacted that if any person shall entice any
 “ “Seaman to desert from the Ship or Vessel to which he belongeth or
 “ “shall harbour or conceal any such deserted seaman, he, she, or they
 “ “so offending and being thereof convicted by one credible witness before
 “ “one or more of His Majesty’s Justices of the Peace shall forfeit and
 “ “pay the sum of £ ____ to be levied by distress and sale of the
 “ “Offender’s goods; one half to His Majesty’s use and the other to the
 “ “person who shall inform and prosecute for the same, and in failure
 “ “of distress the person convicted to be committed to Goal and there
 “ “confined for the space of _____

““Be it further enacted, That if any person whomsoever,
 “ “shall knowingly and willingly, entertain, harbour or keep, or directly
 “ “or indirectly suffer to be entertain’d, harboured or kept, in his, her
 “ “or their house, any Seaman belonging to any Ship or Vessel within
 “ “this Province, without the leave of the Owner or master of such ship
 “ “or vessel for the space of twenty four hours, shall forfeit the sum of
 “ “_____ Shilling for every twenty four hours the said Seaman
 “ “shall be so kept, or conviction, on the Oath of one credible witness,
 “ “before any one on His Majesty’s Justices as aforesaid; the said penalty
 “ “in failure of payment, to be levied by distress and sale as aforesaid.
 “ “And if any person whomsoever shall give any Credit, loan or trust
 “ “of money or goods to any Seaman not being an Inhabitant of this
 “ “Province, for any Sum above ____ Shillings without leave from
 “ “the Owner or Master of the Ship or Vessel to which the said Seaman
 “ “belongeth, he, she, or they so crediting and trusting said Seaman
 “ “shall have no recourse by Law to the said Seaman for payment for such
 “ “loan trust or credit. _____

““Provided always that nothing in this act shall be
 “ “construed to prevent seamen being entered to serve on board His
 “ “Majesty’s Ships or Vessels of War, or to enter into other His Majesty’s
 “ “Service. _____

“M.^r Harrison moved that they be struck out _ Question put
 “on the Motion, it was carried unanimously in the Affirmative ____
 Then

JW

“Then the Title was read in the following words

““An Act or Ordinance to discourage desertion and for
 “regulating Seamen in the Merchant’s Service””
 “M.^r Harrison moved that it be struck out and the
 “following inserted in its place ““An Act or Ordinance
 “more effectually to prevent the desertion of Seamen from the Merchant’s
 “Service”
 “The Question of concurrence on the motion put _ it was so
 “carried unanimously in the Affirmative & ordered that the Bill
 “and amendments be reported.
 Signed “William Grant
 “Chairman”

Question of concurrence put _ Concur unanimously __ Ordered
 that the bill be ingrossed. _____

Ordered that the ingrossed Bill be read the 3.^d time now.

Read accordingly

Question put _ Shall the Bill pass? Debates arose __
 Carried in the Affirmative by 15 against 1 __ M.^r Mabane in
 the Negative. _____

Ordered that Mess.^{rs} Harrison, Pownall & De Longueuil
 be a Committee to wait on His Excellency the Governor with this
 ingrossed Bill, and that they inform his Lordship that the Council
 have passed the same, and submit it to his Lordship’s assent, that
 it be enacted into a Law. _____

Fire Bill

The ingrossed Bill entitled “An Act or Ordinance to amend an
 “Act or Ordinance for preventing accidents by fire, passed in the 17th
 “year of His Majesty’s reign” read the third time _

Question put _ Shall the Bill pass? Debates arose _ Carried
 in the Affirmative by 14 against 2. _____

Col.^o Caldwell & M.^r Mabane in the Negative

Ordered that Mess.^{rs} Dunn, Caldwell & Grant be a
 Committee to wait on His Excellency the Governor with this ingrossed
 Bill, and that they inform his Lordship that the Council have
 passed

JW

“passed the same, and submit it to His Lordship’s assent, that it be
“enacted into a Law. _____

“Adjourned till to-morrow at 12. _____

Saturday 10.th April 1790

Present

The Honourable William Smith Esquire _ Chief Justice
and

The Honourable

Hugh Finlay Henry Caldwell

John Collins William Grant

J. G. C Delery Francis Baby

George Pownall Jos. De Longueuil

Picotté De Belestre Charles De Lanaudiere

R. A. De Boucherville

Le C.^{te} Dupré

Esquires _

Seamen

M.^r Pownall for M.^r Harrison from the Committee named to
wait on His Excellency the governor with the ingrossed Bill intituled “An
“Act or Ordinance more effectually to prevent the desertion of Seamen
“from the Merchant’s Service”_____

Reports, that the Committee have waited on his Lordship therewith
pursuant to order. _____

Fire

Colonel Caldwell for M.^r Dunn from the Committee named to
wait on His Excellency the Governor with the ingrossed Bill intituled “An
“Act or Ordinance to amend an Act or Ordinance for preventing Accidents
“by fire, passed in the 17.th year of His Majesty’s reign.

Reports that the Committee have waited on his Lordship therewith
pursuant to order. _____

Adjourned to Monday at 10. _____

Monday 12.th April 1790 at the Castle of S.^t Lewis.

Present

The Honourable William Smith Esq.^r Chief Justice
and

The Honourable

Hugh Finlay William Grant

Thomas Dunn Francis Baby

Edward Harrison Joseph De Longueuil

John Collins Charles De Lanaudiere

Adam Mabane René Amable De Boucherville

J. G. C Delery Le C.^{te} Dupré

George Pownall

Picotté De Belestre

Henry Caldwell Esquires _

His

JW

His Excellency Lord Dorchester entered the Council - Chamber
 The following Bills are submitted to His Excellency the
 Governor for his Assent

Ch 1. "An Act or Ordinance to amend the Ordinance, intituled,
 "An Ordinance for regulating the Pilottage in the
 "River S.^t Lawrence, and for preventing abuses in the
 "Port of Quebec"

The Governor assents
 Ch 2. "An Act or Ordinance in addition to the Act, intituled,
 "An Act or Ordinance further to regulate the inland
 "Commerce of this Province and to extend the same
 passed in the twenty eight year of His Majesty's reign."

The Governor assents
 Ch. 3 "An Act or Ordinance for securing more effectually the
 "Toll of the Bridge over the River S.^t Charles, near Quebec" ____

The Governor assents. ____
 Ch 4 "An Act or Ordinance for preventing Cattle from
 "going at large, or L'Abandon des Animaux" _____

The Governor assents. ____
 Ch 5 "An Act or Ordinance to form a new District between
 "the Districts of Quebec and Montreal, & for regulating
 "the same Districts"

The Governor assents
 ____ "An Ordinance to prevent for a limited time the
 "exportation of Wheat, Pease, Oats, Biscuit, Flour or
 "Meal of any kind." ____

The Governor will advise upon it ____
 Ch 6 "An Act or Ordinance more effectually to prevent
 "the desertion of Seamen in the Merchants Service ____

The Governor assents. ____
 Ch 7 "An Act or Ordinance to amend an Act or Ordinance
 "for preventing Accidents by fire, passed in the seventeenth
 "year of His Majesty's reign. _____

The Governor assents. ____
 His Excellency Lord Dorchester retires
 The Council adjourn till to-morrow at 10 oClock at the Bishop's
 palace. _____

Tuesday 13th April 1790

Present

The Hon^{able} William Smith Esquire Chief Justice
and

The Honourable

Hugh Finlay,	Henry Caldwell
Thomas Dunn	William Grant
Edward Harrison	Francis Baby
John Collins	Charles De Lanaudiere
Adam Mabane	R. A. De Boucherville
J. G. C Delery	Le C. ^{te} Dupré
George Pownall	
Picotte De Belestre	Esquires

Col.^o Caldwell moves for leave to bring in a Bill intituled “An Act
“or Ordinance to prohibit for a limited time, the exportation of Biscuit
“Flour, and all kind of Meal, also of Peas, Wheat, Barley, Rye, Oats. ____

Seconded by M.^r Mabane _ Question of concurrence put _ Debates
arose _ Carried in the Affirmative by 12 against 2. ____

For the Affirmative

For the Negative

Mess.^{rs} Dupré

Mess.^{rs} Grant

De Boucherville

Finlay

De Lanaudiere

Baby

Caldwell

De Bellestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

Col.^o Caldwell offers the Bill he moved for _ Question put, whether it
be read? Ordered, that it have the first reading now _ Read accordingly
in both languages. ____

M.^r De Longueuil enters

Question put _ Shall the Bill be read a second time? Debates arose _
Carried in the Affirmative by 11 against 4. ____

For the Affirmative

For the Negative

Mess.^{rs} Dupré

Delery

Mess.^{rs} De Lanaudiere

De Boucherville

Mabane

Grant

De Longueuil

Collins

Pownall

Baby

Harrison

Finlay.

Caldwell

Dunn

De Belestre

Question

JW

Question _ Shall it be read a second time now? Ordered unanimously.

Read a second time.

Col.^o Caldwell moves that the Bill be committed to a Committee of the whole Council. ____

Question to concur in the motion _ Debates arose ____

Carried in the Affirmative by 13 against 2.

For the Affirmative

Mess.^{rs} Dupré

De Boucherville

De Lanaudiere

De Longueuil

Baby

Caldwell

Belestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

For the Negative

Mess.^{rs} Grant

Finlay

Question to resolve the Council into a Committee on the Bill now?

Debates arose – Carried in the Negative by 12 against 3.

For the Affirmative

Mess.^{rs} Dupré

De Lanaudiere

Grant

For the Negative

Mess.^{rs} De Boucherville

De Longueuil

Baby

Caldwell

De Belestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

Finlay

Ordered unanimously that the Council resolve themselves into a Committee upon the Bill to-morrow morning ____

ancient french Records

M.^r Finlay moves for leave to bring in a Bill for the better preservation and due distribution of the ancient french Records. ____

Seconded by M.^r Grant – Question of concurrence put _ Concur unanimously _ M.^r Dunn and M.^r Harrison retire with leave. ____

M.^r Finlay offers the Bill _ Question _ Shall it be read for the 1.st time? Concur unanimously _ Read accordingly. _

JW

Question

Question _ Shall it be read a second time now? Debates arose _
Carried in the Affirmative by 12 against 1. __

For the Affirmative

Mess.^{rs} Dupré

De Boucherville

De Lanaudiere

De Longueuil

Baby

Grant

Caldwell

De Belestre

Pownall

Delery

Collins

Finlay

For the Negative

M.^r Mabane

Read the said Bill a second time

Question to commit it to the whole Council now _ Debates arose

Carried in the Affirmative by the same 12 Members against

M.^r Mabane. __

The Council resolve accordingly and the Chief – Justice
leaves the Chair. _____

The Chief Justice resumes the Chair

M.^r Finlay from the Committee of the whole Council upon
the Bill intitled “An Act or Ordinance for the better preservation
“and due distribution of the ancient French Records” reports that
the Committee have gone through the Bill and he lays the Report
and Bill upon the Tables. _____

Read the Report as follows. _

“In Committee of the whole Council

“on Tuesday the 13th of April 1790

“Present

“The Honourable Hugh Finlay Esquire in the Chair

“The Honourable William Smith Esq.^r Chief _ Justice

“and

“The Hon ~ ble

“John Collins

“Adam Mabane

“J. G. C. Delery

“George Pownall

“Picotté de Belestre

“Henry Caldwell

“William Grant

Francis Baby

Joseph De Longueuil

Charles De Lanaudiere

René A. De Boucherville

Le C.^{te} Dupré

Esquires

Upon

JW

“Upon the Bill intituled “An Act or Ordinance for the better
“preservation and due distribution of the ancient Records”.

“The Chairman read the Bill through in both languages ____

“Then he read the enacting Clause in the words following Viz.¹

““Be it therefore enacted by His Excellency the Governor and

“ “the Legislative Council, and it is hereby enacted by the authority

“ “of the same that it shall and may be lawful for the Governor

“ “or Commander in Chief for the time being, by and with the advice

“ “of the Council, to make orders from time to time touching the

“ “arrangement, removal, digesting, printing, publishing, distributing,

“ “preserving and disposing of the same papers, manuscripts and

“ “records, or many parcel thereof and every person possessed of any of the

“ “said papers, manuscripts and Records anciently appurtenant to any

“ “public Office or deposit prior to the Conquest, who shall surrender the

“ “same as by such order may be required, shall be as justifiable therefor

“ “in the Law as if the same were delivered up in pursuance of any

“ “Act or Ordinance for such purpose specially made and provided. ____

““And it shall be as unlawful for any person possessed of any

“ “such public paper, manuscript or Record to withhold or detain the

“ “same contrary to such order, as if the same was withheld and

“ “detained against any Act or Ordinance of the Legislature, expressly

“ “commanding the Surrender and restitution of the same to the proper

“ “office to which the same might belong or appertain.”__

“Question put _ Shall it stand? It was agreed to unanimously __

“The Chairman then read the Preamble in the words following __

““Whereas there are several hundred volumes of papers, Manuscripts

“ “and Records, very interesting to such of the Inhabitants of this province,

“ “as hold property under titles acquired prior to the Conquest, which ought

“ “so to be disposed of as to give a cheap and easy access to them, and it is

“ “expedient that they be kept in a state of preservation and safety, and

“ “that measures be pursued to make them known and useful: And whereas

“ “the ancient Records of the District of a Montreal, require a speedy

“ “attention to preserve them from danger & ruin; and the erection of the

new

“ “new Districts of Three Rivers, separated from the Districts of Quebec
 “ “and Montreal, renders it necessary to restore to the said District of
 “ “Three Rivers, such of the public Records as may be found elsewhere,
 “ “and more immediately concern the Inhabitants of the said District
 “ “of Three Rivers” _____

“Question put _ Shall it stand? It passed unanimously
 “in the Affirmative. _____

“The Chairman then read the Title in the words following

““An Act or Ordinance for the better preservation and due
 “ “distribution of the ancient french Records.”” _____

“Unanimously agreed to

“Ordered that the Chairman Report

(Signed) “Hugh Finlay Chairman”

Question shall the Bill be ingrossed _ Concur unanimously

Ordered accordingly

Adjourned till to morrow at 10 _____

Wednesday 14th April 1790

Present

The Honourable William Smith Esquire Chief Justice

and

The Hon ~ ble

Hugh Finlay

Henry Caldwell

Thomas Dunn

William Grant

Edward Harrison

Francis Baby

John Collins

Charles De Lanaudiere

Adam Mabane

Le C.^{te} Dupré

J. G. C. Delery

George Pownall

Picotté De Belestre

Esquires _____

Ancient Records

The Order of the day read for ingrossing the Bill, intituled, “An
 “Act or Ordinance for the better preservation and due distribution of the
 “antient ^{French} Records” Question shall the ingrossed Bill be read a third time
 “now? Ordered unanimously. The Bill read in both languages _ Question
 shall the Bill pass? Carried in the Affirmative unanimously. _____

JW

Ordered that Mess.^{rs} Grant Baby & De Lanaudiere be a Committee
 to

to wait in His Excellency the Governor with ingrossed Bill,
and that they inform His Lordship that the Council have passed
the same, and submit it to His Lordship for his Assent._____

Wheat Bill

The Order of the day read, the Council resolve themselves
into Committee upon the Bill intituled “An Act or Ordinance to
“prohibit for a limited time the exportation of Biscuit, Flour, and
“all king of Meal, also of Peas, Wheat, Barley, Rye, Oats” and the
Chief – Justice leaves the Chair.____

The Chief _ Justice resumes the Chair ____

Colonel Caldwell from the Committee of the whole Council
on the said Bill reports that the Committee have gone through
the Bill, and made amendments, which with the Bill and Report
he delivers in at the Table ____ The Report was read in the words following

“Reports of a Committee of the whole Council appointed to take
“into consideration and report upon an Ordinance entitled an
“Ordinance to prohibit for a limited time the Exportation of Biscuit,
“Flour or Meal of any kind, also of Wheat, Peas, Barley, Rye & Oats
“Council Chamber 14.th April 1790

“M.^r Caldwell in the Chair

“M. ^r Smith	M. ^r Pownall
“M. ^r Finlay	M. ^r Delery
“M. ^r Dunn	M. ^r Belestre
“M. ^r Collins	M. ^r Grant
“M. ^r Harrison	M. ^r Baby
“M. ^r Mabane	M. ^r Lanaudiere
	M. ^r Dupré

“Read the 1.st Article in the words following

“Be it enacted by His Excellency the Governor, by and with the
“ “consent of the Legislative Council of this Province, & by the Authority of
“ “the same it is hereby enacted and ordained that after the publication
“ “of this Ordinance, no person or persons whatsoever shall directly or indirectly
“ “export, carry or convey, or cause to be exported, carried or conveyed out of
“ “this Province, or shall load on board of any Ship, vessel or boat, in order
“ “to be carried, conveyed & transported out of this Province, any Wheat, Pease,
Biscuit

JW

“Biscuit, Oats Flour or Meal of any kind Provided always that
 “ “this Ordinance or anything therein contained shall not extend to prohibit
 “ “the exportation or carrying out of this Province such, or so much of all,
 “ “or any of the several articles of provision above specified, for the
 “ “victualling of such Ships and Vessels trading to and from this Province
 “ “as shall be necessary for the support of the Crew and Passengers of the
 “ “same, for their respective voyages only, or from transporting and sending to the
 “ “several Fisheries within the Province, or to the several King’s Posts, such
 “ “Provisions as may be necessary for the support of the same, the Masters
 “ “of all such Ships and Vessels that pass seaward from the Port of Quebec,
 “ “or the Shippers of the several Provisions or Owners thereof having first
 “ “complied with the directions respecting such exportation as are
 “ “herein after contained. _____

“ “The Question put _ Debates arose _ Then M.^r Grant moved that
 “all the words in the first enacting Clauses after the word “ordained”
 “be struck out and the following words inserted in their place. _____

“That from and after the passing this Act, & until the first day
 “of December next it shall be unlawful to ship or carry away out of
 “this Province any grain, meal, flour or bread except such portion or
 “portions, Quantity & Quantities thereof as shall be permitted to be
 “exported under the authority of any proclamation, Instrument, warrant
 “or Order to be issued by the Governor or Commander in Chief for the time
 “being under his hand and seal at Arms, by & with the consent of His
 “Majesty’s Council. _____

“Question put _ Debates arose _ Carried in the Negative eight against
 “five

“For the Affirmative

“M.^r Smith
 “M.^r Finlay
 “M.^r Pownall
 “M.^r Grant
 “M.^r Lanaudiere

“For the Negative

“M.^r Dunn
 “M.^r Collins
 “M.^r Harrison
 “M.^r Mabane
 “M.^r Delery
 “M.^r Bellestre
 “M.^r Baby
 “M.^r Dupré

“The Question was then put whether the 1st Article should make
 “part of the Bill. Carried in the Affirmative eight voices against five

“For the Affirmative

“M.^r Dunn

“M.^r Collins

“M.^r Harrison

“M.^r Mabane

“M.^r Delery

“M.^r Belestre

“M.^r Baby

“M.^r Dupré

“For the Negative

“M.^r Smith

“M.^r Finlay

“M.^r Pownall

“M.^r Grant

“M.^r Lanaudiere

“The Chairman then read the 2.^d Clause in words following ____

““Be it also enacted by the same Authority that all Masters
 “ “of Vessels, Merchants or their Agents, or whoever may have the
 “ “direction of cleaning from the Custom – House or Ports within this
 “ “Province any Ship or Vessel, to depart from the same laden with
 “ “such Provisions as herein before specified to any of the fisheries or
 “ “fishing-posts below Quebec & within the Province or the Ports as
 “ “aforesaid, or shall have occasion to take in such Provisions for the
 “ “use of the Crew and passengers of any Ship or Vessel trading to or from
 “ “this Province; that such Masters of Ships or Vessels or such Merchants
 “ “or others as aforesaid shall before lading on board any such Ship or
 “ “Vessel, any such provisions as aforesaid, make an Entry with the
 “ “Naval – Officer or his Deputy, of the several quantities & qualities
 “ “of the Provisions above specified, which may be necessary or permitted
 “ “to be laden on board, and that such Master of such Ship or Vessel
 “ “shall obtain a clearance, Licence & Permit from the Naval – Officer
 “ “or his Deputy to take on board & transport the same. _____

““Provided always and it is hereby enacted that the Masters of
 “ “all such Ships and Vessels shall previous to their obtaining such
 “ “permit and clearance make oath before the Naval Officer or his
 “ “Deputy / who are hereby authorized to administer the same / that such
 “ “Provisions entered for the Ships use, are bona fide for the use [^] and support of the Crew
 “ “and Passengers of the same, & that for such provisions as may be shipped
 “ “for the support of the Fisheries & Fishing posts dependent on this Province
 “ “below Quebec, he the said Master, the Owner or Shipper shall enter
 into

“ “into Bond to his Majesty, his Heirs and Successors with two good &
 “ “sufficient ~~Securities~~ ^{Sureties} in a penal Sum to the full amount of the value
 “ “of such provisions so to be entered & shipped on condition that the whole
 “ “shall be duly carried and conveyed to the Port or Place specified in the Entry
 “ “& there landed, and that no part thereof shall be exported or landed, in any
 “ “other Port or Place out of the limits of this Province. ____

“Question put _ Debates arose ____ M.^r Grant then moved _
 “That the whole of the second article or Clause, after the words “Authority”
 “be struck out and the following words inserted in their place _ That
 “it shall be lawful for the Governor or Commander in Chief for the
 “Time being by proclamation or proclamations from time to time to be
 “issued under the Great Seal by and with the advice and consent of His
 “Majesty’s Council, within the period aforementioned, to make & declare
 “all such regulations & restrictions as may be effectual for preventing
 “& prohibiting the exportation of the Articles aforesaid, and therein
 “to ascertain the pains and penalties to be incurred for the infraction of
 “any such regulations & restrictions _ which said pains & penalties
 “shall be cognizable & recoverable in any ^{one} of His Majesty’s Courts of
 “Record in this Province, or in the Court of Vice Admiralty of the
 “same. ____

“The Question being put upon the Motion, it was carried in
 “the Negative 8 against 5. ____

“For the Motion	Against it
“M. ^r Smith	M. ^r Dunn
“M. ^r Finlay	M. ^r Collins
“M. ^r Pownall	M. ^r Harrison
“M. ^r Grant	M. ^r Mabane
“M. ^r Lanaudiere	M. ^r Delery
	M. ^r Bellestre
	M. ^r Baby
	M. ^r Dupré

Question put whether the second Clause now read shall make part
 of the Bill. Carried in the Affirmative 8 voices against 5. ____

For the Clause	Against it
M. ^r Dunn	M. ^r Smith
M. ^r Collins	M. ^r Finlay
M. ^r Harrison	M. ^r Pownall
M. ^r Mabane	M. ^r Grant
M. ^r Delery	M. ^r Lanaudiere
M. ^r Bellestre	
M. ^r Baby	
M. ^r Dupré	

JW

The

“The third Clause was then read in the following words _____

““And be it enacted by the same Authority that the Naval
 “ “Officer or his Deputy may at all times by night or by day, enter on
 “ “board any Ship or Vessel, and the same and every part thereof search
 “ “and examine & lawfully may seize & hold in his or their Custody every
 “ “Ship or Vessel on board of which may be laden any provisions contrary
 “ “to this Ordinance & the same retain until Judgment of Law
 “ “be made on the Premises __ Provided always that the said Naval __
 “ “Officer or his Deputy shall release and give up such Ship or Vessel
 “ “so seized, upon the Owner or Master giving two good and sufficient
 “ “Sureties to the said Naval Officer or his Deputy to answer the
 “ “Prosecution hearing and trial, & to make good the Judgment of Law
 “ “against such Master, Owner, or Shipper for having acted contrary or
 “ “neglected to comply with this Ordinance. _____

“Question put _ Debates arose _ M.^r Dunn then proposed
 “the following Amendment. _____

“That the words “may at all times by night or by day” after
 “the word “Deputy” be taken out, and that the following words be
 “inserted in their place _ “Shall have full power and authority to” _____

“Question put upon the Amendment _ Carried in the Affirmative
 “9 against 4. _____

* “Question put, Shall the
 “third clause with its
 “Amendment stand _ Carried
 “in the Affirmative 8 ags.¹ 5 _
 “For the Clause & Amendment
 “ M.^r Dunn
 “ Collins
 “ Harrison
 “ Mabane
 “ De Lery
 “ Belestre
 “ Baby
 “ Dupré

“Against it
 “M.^r Smith
 “ Finlay
 “ Pownall
 “ Grant
 “ Lanaudiere

“For the Amendment

“ M.^r Dunn
 “ M.^r Collins
 “ M.^r Harrison
 “ M.^r Mabane
 “ M.^r Delery
 “ M.^r Bellestre
 “M.^r Baby
 “M.^r Dupré
 “M.^r Pownall

Against it

M.^r Smith
 M.^r Finlay
 M.^r Grant
 M.^r Lanaudiere

*

“The fourth Clause was then read in the words following

““And be it enacted by the same Authority that the Naval
 “ “Officer or his Deputy or Deputies, who shall wilfully neglect or refuse
 “ “to take the Entry, Oath and Security abovementioned, or who may grant
 “ “any clearance of any Ship or Vessel before having taken such Entry,
 Oath

JW

“ “Oath & security, or who shall neglect or refuse to perform the several
 “ “duties by this Ordinance required, shall be liable to & have Judgment
 “ “against him or them for the same penalties & the value of all such
 “ “forfeitures as by this Ordinance the Master, Shipper or Owner of
 “ “such Ship or Vessel of the Provisions therein laden would be liable to, for
 “ “a wilful neglect or refusal to conform to this Ordinance, or the
 “ “particular duty necessary to be performed, as above mentioned. ____

“Question put _ Carried in the Affirmative eight voices
 “against five. ____

“For the Clause

Against it

“ M.^r Dunn

M.^r Smith

“ M.^r Collins

M.^r Finlay

“ M.^r Harrison

M.^r Pownall

“ M.^r Mabane

M.^r Grant

“ M.^r Delery

M.^r Lanaudiere

“ M.^r Bellestre

“M.^r Baby

“M.^r Dupré

“The fifth clause was then read in the words following

““Be it enacted by the same Authority that all & every person

“ “concerned, acting contrary, or refusing or neglecting to conform to this

“ “Ordinance, and the Penalties and forfeitures imposed as above, shall

“ “and may be prosecuted, sued for and recovered in any of His Majesty’s

“ “Courts of Record in this Province, according to the course and usage of

“ “such Courts, for the Trial, hearing & Judgment of Causes, & the

“ “forfeitures above mentioned being recovered shall be divided and paid one

of the province for the use of His Majesty

“ “moiety to the Receiver _ General ^ & the other moiety to the person who shall

“ “inform, sue for, and prosecute the same.”” ____

“Question put _ Carried in the Affirmative eight voices against five ____

“For the Clause

Against it

“ M.^r Dunn

M.^r Smith

“ M.^r Collins

M.^r Findlay

“ M.^r Harrison

M.^r Pownall

“ M.^r Mabane

M.^r Grant

“ M.^r Delery

M.^r Lanaudiere

“ M.^r Bellestre

“M.^r Baby

“M.^r Dupré

JW

The

“The sixth clause was then read in the words following

““And be it enacted by the same Authority that this Ordinance

“ “shall be and remain in force from the publication of the same
 “ “for, and during the space of one year, empowering however His
 “ “Excellency The Governor or Commander in Chief for the time being,
 “ “by and with the advice and consent of the Council from and after the
 “ “fifteenth day of August next, if they shall think it expedient, to
 “ “take off the Embargo directed by this Ordinance, on all or any part of
 “ “such provisions as one therein specified. _____

“Question put _ Carried in the Affirmative 8 against 5. ____

“For the Clause

Against it

“ M.^r Dunn

M.^r Smith

“ M.^r Collins

M.^r Finlay

“ M.^r Harrison

M.^r Pownall

“ M.^r Mabane

M.^r Grant

“ M.^r Delery

M.^r Lanaudiere

“ M.^r Bellestre

“M.^r Baby

“M.^r Dupré

“The Preamble was then read in the words following

““Whereas from the quantity of Wheat & other grain in the

“ “Province a scarcity of bread so necessary for the sustenance of the people
 “ “may be apprehended, if the Exportation of Wheat, Peas, Oaths & Biscuit,
 “ “Flour or Meal be not prevented for a limited time. ____

“Question put – Debates arose. ____

“M.^r Grant moved ~~the~~ the following Preamble should be adopted

““Whereas the scanty Harvests of the two last Year and the great

“ “demand in Europe for such Articles of provision as are used for Bread
 “ “make it expedient to guard against the immoderate exportation
 “ “of them until there shall be just ground from the prospects of the
 “ “ensueing Harvest to dismiss all apprehensions of a general scarcity.
 “ “And whereas Bread – Corn constitutes the Staple of this Province & demands
 “ “all possible encouragement; & restraints upon the export of it,
 “ “as deeply affecting the Land holders & Husbandmen, are only to be
 “ “justified by necessity, & the policy of shutting and opening our Ports
 “ “will depend upon foreign intelligence, our own condition and a variety
 of

“ “of contingencies not now to be foreseen; & the powers for these purposes
 “ “may be safely exercised as the exigencies of the moment may require, by
 “ “the Governor for the time being in privy Council, and more especially
 “ “since the Legislative & Executive Authorities of the Province are vested
 “ “in the very same Persons. _____
 “The Questions put on M.^r Grant’s proposed Preamble _ Debates arose _
 “Carried in the negative, eleven voices against two. _____

“For the preamble	Against it
“M. ^r Smith &	M. ^r Dunn
“M. ^r Grant	M. ^r Collins
	M. ^r Harrison
	M. ^r Mabane
	M. ^r Delery
	M. ^r Bellestre
	M. ^r Baby
	M. ^r Dupré
	M. ^r Finlay
	M. ^r Pownall
	M. ^r Lanaudiere

“The Question was then put whether the former Preamble shall remain? Carried in the Affirmative Nine against four. ____

“For the Affirmative	For the Negative
“ M. ^r Dunn	M. ^r Smith
“ M. ^r Collins	M. ^r Finlay
“ M. ^r Harrison	M. ^r Grant
“ M. ^r Mabane	M. ^r Lanaudiere
“ M. ^r Delery	
“ M. ^r Bellestre	
“ M. ^r Baby	
“ M. ^r Dupré	
“ M. ^r Pownall	

“The Title of the Bill was then read in the following words. _

““An Ordinance to prohibit for a limited time the exportation of
 “ “Biscuit, Flour or Meal of any kind, also of Wheat, Peas, Barley, Rye &
 “ “Oats. _____

“M.^r Dunn moved that the words “Rye” may be struck out.

“Question put on M.^r Dunn Motion _ Carried in the Negative

“eight voice against five ____	“Against it
“For the Motion	“M. ^r Smith M. ^r Pownall
“M. ^r Mabane	“M. ^r Finlay M. ^r Baby
“M. ^r Collins	“M. ^r Grant M. ^r Bellestre
“M. ^r Dupré	“M. ^r Lanaudiere M. ^r Delery
“M. ^r Harrison	
“M. ^r Dunn	

The

“The Question was then put, shall the Title stand? Debates
“arose. _____

“M.^r Grant then moved that the Title be struck out &
“the following adopted _ An Act or Ordinance to provide against
“the Calamity of a Scarcity of Bread.

“ Question put on M.^r Grants motion. Carried in the
“negative Seven Voices against six. _____

“For the Motion	Against it
“ M. ^r Smith	“ M. ^r Mabane
“ M. ^r Finlay	“ M. ^r Collins
“ M. ^r Pownall	“ M. ^r Harrison
“ M. ^r Grant	“ M. ^r Delery
“ M. ^r Lanaudiere	“ M. ^r Dupré
“ M. ^r Dunn	“ M. ^r Baby
	“ M. ^r Belestre

“Question again put whether the Title shall stand? Carried in
“the Affirmative by the same voices.

“For the Title	Against it
“ M. ^r Mabane	M. ^r Smith
“ M. ^r Collins	M. ^r Finlay
“ M. ^r Harrison	M. ^r Pownall
“ M. ^r Delery	M. ^r Grant
“ M. ^r Dupré	M. ^r Lanaudiere
“ M. ^r Baby	M. ^r Dunn
“ M. ^r Bellestre	

“Council Chamber 14th April 1790

“By Order

(Signd) “Henry Caldwell

“Chairman” _____

“Question shall the Bill be ingrossed _ Carried in the Affirmative
“unanimously. _____

M.^r De La Naudiere moves “that before the 3.^d reading of this
“Bill a Copy of it be served on the Collector and Comptroller of the Port of
“the Province, and that they may be heard, if anything they may be
“inclined to offer thereon, the day after to-morrow.” _____

“Question of Concurrence put _ Debates arose _ Carried in
“the Negative by 10 against 3. _____ For the Negative

“For the Affirmative	Mess. ^{rs} Dupré	Delery
“Mess. ^{rs} De Lanaudiere	Baby	Mabane
“ Grant	Caldwell	Collins
“ Finlay	Belestre	Harrison
	Pownall	Dunn

JW

Question

“Question, shall the Bill be read a 3^d time to-morrow? Debates
 “arose _ Carried in the Affirmative by 9 against 4. ____

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

“Mess.^{rs} De Lanaudiere

“Baby

Grant

“Caldwell

Pownall

“Belestre

Finlay

“Delery

“Mabane

“Collins

“Harrison

“Dunn

“Adjourned to 10 oClock to-morrow morning. _

Thursday 15.th April 1790

Present

The Honorable William Smith Esquire Chief Justice
 and

The Honorable

Hugh Finlay

Picotte De Belestre

Thomas Dunn

Henry Caldwell

Edward Harrison

William Grant

John Collins

Francis Baby

Adam Mabane

Charles De Lanaudiere

J. G. C Delery

Le C.^{te} Dupré

George Pownall

Esquires

Wheat &c

Read the order of the Day for a third reading of the Bill, intituled “An
 “Act or Ordinance to prohibit for a limited time the exportation of Biscuit,
 “Flour and all kind of Meal, also of Peas, wheat, barley, rye and oats. _

Question _ shall the Bill be read a third time? Ordered to be read. ____

Col.^o Caldwell moves “that throughout this Ordinance where the
 “different articles of Provisions are enumerated, the exportation of which
 “are prohibited, the words “Rye and Barley” may be inserted. ____

Question of concurrence put _ Debates arose _ Carried in the Affirmative
 by 10 against 3. ____

“In the Affirmative

In the Negative

“Mess.^{rs} Dupré

Mess.^{rs} De Lanaudiere

Baby

Grant

Caldwell

Finlay.

Belestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

JW

Col.

Col. Caldwell moves “that after the words “for their respective voyages only, or, the word, “from,” may be struck out, and the words “to prevent, hinder or restrain the” be inserted. __

Question of concurrence put _ Debates arose _ Carried in the Affirmative by 9 against 4. _____

For the Affirmative

Mess.^{rs} Dupré

Baby

Caldwell

Belestre

Delery

Mabane

Collins

Harrison

Dunn

For the Negative

Mess.^{rs} De Lanaudiere

Grant

Pownall

Finlay

M.^r Dunn moves “that after the word, same, in the 8.th line of the 2.^d Clause the following words be inserted “or for the support of any Horses, Cattle or other live Stock or Board such Ship or Vessel”

Question of concurrence put _ Debate arose _ Carried in the Affirmative by 10 against 3. __

For the Affirmative

Mess.^{rs} Dupré

Baby

Caldwell

Belestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

For the Negative

Mess.^{rs} De Lanaudiere

Grant

Finlay

Col. Caldwell moves that there be an addition to the Proviso in the 2.^d Clause in these words. __

“And it is hereby ordained and declared that a service of process “against such Person or Persons as shall be liable to the penalties and “forfeitures secured by such Bond, whether present or absent, shall be “deemed good service if left with, or notified to all or any of the Persons “so becoming security as aforesaid; And that it shall not be in any “respect necessary to proceed to a discussion of the person or persons adjudged “to pay such penalties or forfeitures but that the persons so bound as “aforesaid shall be immediately answerable for the same, any Law, Usage “or Custom to the contrary notwithstanding”__

Question of concurrence _ Debates arose _ Carried in the Affirmative by

by 7 against 6 _

For the Affirmative

Mess.^{rs} Dupré
De Lanaudiere
Baby
Grant
Caldwell
Belestre
Delery

For the Negative

Mess.^{rs} Pownall
Mabane
Collins
Harrison
Dunn
Finlay

Col.^o Caldwell moves “that the following Clause may make the 3.^d “Clause of this Ordinance”. _____

“And be it enacted by same Authority that whosoever
“shall contrary to the true intent and meaning of this Act ship or load
“or cause to be shippd or loaden on board of any Ship Vessel or Boat all or
“any of the Articles of Provision herein before - mentioned without having
“previously complied with the several clauses, terms and conditions of this
“Ordinance shall for every such offence be liable respectively to the
“penalty and forfeiture of the Sum of _____ besides the forfeiture
and the Ship Vessel or Boat in which such provisions shall be ship’d or laden

“of the Provisions so shipp’d or laden ^ as aforesaid contrary to this Ordinance
“is hereby made liable and answerable ad valorem for the penalties hereby
imposed and may be lawfully seized and sold for payment of the same. _____

Question to concur _ Debates arose _ Carried in the Affirmative
by 10 against 3. _____

For the Affirmative

Mess.^{rs} Dupré
De Lanaudiere
Baby
Grant
Caldwell
Belestre
Delery
Mabane
Collins
Dunn

For the Negative

Mess.^{rs} Pownall
Harrison
Finlay

Colonel Caldwell moves “that the blank in the last amendment be
“filed up with the words One hundred pounds”

Question to concur _ Debates arose _ Carried in the Affirmative by
9 against 4. _____

For the Affirmative

Mess.^{rs} Dupré Mabane
Baby Collins
Caldwell Harrison
Belestre Dunn
Delery

For the Negative

Mess.^{rs} De Lanaudiere
Grant
Pownall
Finlay

JW

Col.^o

Col.^o Caldwell moves on the 3.^d Clause of the ingrossed Bill in these words “that after the words, search and examine &” the following words “may be inserted after having with all diligence ascertained the “quantity of provisions so illegally laden and the same cause to be “brought on shore which he is hereby authorized to do _

Question to concern _ Debates arose _ Carried in the Affirmative by 7 against 6. _

For the Affirmative

Mess.^{rs} Dupré

Baby

Caldwell

Belestre

Delery

Mabane

Harrison

For the Negative

Mess.^{rs} De Lanaudiere

Grant

Pownall

Collins

Dunn

Finlay

Col.^o Caldwell on the same moves in these words “that after “the words “Owner or Master, the word giving may be struck out and “the words entering into bond with inserted, and also after the words “sufficient sureties the words in a Sum adequate to the penalties “and forfeitures hereby imposed, may be inserted.” _

Question of concurrence put _ Debates arose _ Carried in the Affirmative by 9 against 4. _

For the Affirmative

Mess.^{rs} Dupré

De Lanaudiere

Grant

Caldwell

Belestre

Delery

Mabane

Harrison

Dunn

For the Negative

Mess.^{rs} Baby

Pownall

Collins

Finlay

Col. Caldwell on the last Clause moves in these words “that the following “be substituted in place of the last clause. _

“And be it enacted by the same Authority that this Ordinance “shall be and remain in force from the publication of the same for “and during the space of one year, with authority nevertheless to His “Excellency the Governor or Commander in Chief for the time being by “and with the advice and consent of His Majesty’s Council at any time “from and after the fifteenth day of August next if they shall think

“think it expedient, by Proclamation under the Great Seal of the
 “Province to take off the Embargo directed by this Ordinance on all
 “or any part of such provisions as are therein specified, and the same
 “again in like manner by Proclamation to lay on or continue, reviving
 “the several clauses and conditions of this Ordinance thereby in whole
 “or in part, anything herein contained to the contrary notwithstanding _
 Question to concur put _ Debates arose _ Carried in the Affirmative
 by 8 against 5. _____

For the Affirmative

Mess.^{rs} Dupré

Baby

Caldwell

Belestre

Delery

Collins

Harrison

Dunn

For the Negative

Mess.^{rs} De Lanaudiere

Grant

Pownall

Mabane

Finlay

M.^r Grant moves to resolve

“That there appear to be ground to apprehend that it will
 “be necessary in the course of the ensuing Summer to prohibit the
 “export of grain flour and bread. _____

“That as such restraint upon the main staple of the
 “Country will be a sacrifice of the Interests of all that order of
 “men concerned in husbandry to the common safety, it ought not be
 “take place but under great cautions and be relaxed or taken off on
 “the instant the calls of necessity cease. _____

“That the diversity of sentiment in the Legislative
 “Council upon the measures touching such Embargo demonstrates
 “the propriety of further deliberation in this important concern.

“That it appears wise and safe to print the
 “proceedings hitherto had relating to it. _____

“That a copy of these Resolves be communicated to
 “the Governor by a Committee to be appointed to wait on his Lordship
 “and pray his order for such printing and publication and that he
 “will also be pleased to give such a recess of the Legislative Council
 “as may enable the Member to make such enquiries as may
 enable

JW

“enable them the better to come to such decisions as the
 “Interests of Agriculture and Commerce and the vast importance
 “of the case may require” _

Question of concurrence put _

Col. Caldwell moves the previous Question _ Whether M.^r
 Grant’s motion shall be now put? . .

Question of concurrence put _ Debates rose _ Carried
 in the Affirmative by 9 against 4. _____

For the Affirmative

For the Negative

Mess.^{rs} Dupré

Mess.^{rs} De Lanaudiere

Baby

Grant

Caldwell

Pownall

Belestre

Finlay

Delery

Mabane

Collins

Harrison

Dunn

Question, shall the Bill with its amendments pass? Debates
 arose _ Carried in the Affirmative by the same nine voices against
 the same four voices. _____

Ordered that M.^r Mabane M.^r Grant & M.^r De Lanaudiere
 be a Committee to wait on His Excellency The Governor with the ingrossed
 Bill and that they inform His Lordship that the Council have passed
 the same, and submit it to His Lordship for his assent. _____

M.^r Grant from the Committee to wait on His Excellency
 the Governor with the ingrossed Bill, intituled, “An Act or Ordinance
 “for the better preservation and due distribution of the ancient french
 “Records”, reports that the Committee have waited on His Lordship
 pursuant to order. _____

Ancient Records

Adjourned till to-morrow at 10.

Friday 16.th April 1790

Present

The Hon^{ble} William Smith Esquire Chief . Justice
 and

The Honourable

Hugh Finlay

Picotté De Belestre

Thomas Dunn

Henry Caldwell

Edward Harrison

William Grant

John Collins

Francis Baby

Adam Mabane

Cha.^s De Lanaudiere

J. G. C. Delery

Le C.^{te} Dupré

Esquires

JW

M.^r Mabane from the Committee to wait on His Excellency
The Governor with the ingrossed Bill intituled “An Ordinance to
“prevent for a limited time the exportation of Biscuit, Flour or
“Meal of any Kind, also of Wheat, Pease, Barley, Rye and Oaths _
reports that the Committee have laid the Bill before his Lordship
pursuant to order. ____

Adjourned agreeable to intimation from his Lordship
to the Council Chamber at the Castle of S.^t Lewis, at
12 oClock to-morrow. _____

Saturday 17.th April 1790

At the Council – Chamber in the Castle of S.^t Lewis _

Present

The Hon^{ble} William Smith Esquire Chief - Justice
and

The Honorable

Hugh Finlay	Picotté De Belestre
Thomas Dunn	Henry Caldwell
Edward Harrison	William Grant
John Collins	François Baby
Adam Mabane	Charles De Lanaudiere
J. G. C Delery	and
George Pownall	Le C. ^{te} Dupré

Esquires

His Excellency Lord Dorchester enters the Council – Chamber, and
being seated in the Chair, the following Bills are presented to His
Excellency for his Assent. ____

Ch. VIII “An Act or Ordinance for the better preservation and due
“distribution of the ancient french Records ____

The Governor Assents.

Ch. IX “An Ordinance to prevent for a limited time the exportation
“of Biscuit, Flour or Meal of any kind, also of wheat, pease,
“Barley, Rye and Oaths

The Governor Assents

Duplicate delivered
to M. Motz 13.th June
1790. JW
JW

Ordered by His Lordship that all the Bills be enrolled and published
in the Quebec Gazette with all convenient dispatch. ____

His Excellency the Governor prorogues the Legislative Council
till further notice _____ Examined

J. Williams

At the Council _ Chamber in the Castle of S.^t Lewis
On Monday the 14.th day of March 1791

Present

His Excellency The Right Honorable Guy Lord Dorchester Governor _
The Honorable Major General Alured Clarke Lieutenant – Governor
and

The Honorable

Thomas Dunn	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Samuel Holland
J. G. C Delery	Rene Am. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

His Excellency Lord Dorchester opened this Session of the
Legislative Council with the following Speech from the Chair

“Gentlemen,

Divers objects of legislation have been, or
“still are, in reference to Committees of the Council; I shall order
“the reports and papers, relative thereto, to be laid before you, for that
“consideration, they may appear to deserve, although it may be
“expedient, at present, to enact such regulations only, as are necessary,
“to remove obstructions from the exercise of the law, and for immediate
“convenience, while those, which tend to more important alterations,
“may be better postponed, till we can avail ourselves of the assistance,
“and co-operation of a more extended legislature, which may reasonably
“be expected in a short time.

His Excellency retired. _

At

At the Council Chamber in the Castle of S.^t Lewis

On Monday the 14th March 1791

Present

The Honorable Major General Clarke Lieu.^t Governor President
and

The Honorable

Thomas Dunn	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Samuel Holland
J. G. C Delery	R. A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

Read His Excellency's Speech and the Translation

M.^r Grant moved that an Address of Thanks be presented to
His Excellency for his Speech from the Chair _

Seconded by M.^r Collins ____ Agreed to nem. con.

Ordered, that Mess.^{rs} Harrison, Collins, Delery, Grant & De
S.^t Ours be a Committee to prepare and report the draft of an Address
accordingly. ____

Adjourned to assemble at the Bishop's Palace on Wednesday
next at 11oClock. _____

On Wednesday the 16th March 1791

At the Council _ Chamber in the Bishop's Palace

Present

The Honorable Major - General Clarke Lieutenant – Governor
and

The Honorable

Thomas Dunn	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C Delery	Samuel Holland
Picotté De Belestre	R A De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

M.^r Harrison from the Committee charged to prepare an Address of
thanks

The Address
JW

thanks to His Excellency the Governor, for his Speech from the Chair, reported a Draft, the Report was delivered in at the Table and read in the following words;

“Committee – Chamber 15th March 1791

“The Committee appointed yesterday to report the draft of an Address
“of Thanks to His Excellency Lord Dorchester for His Speech from the
“Chair

“Present { Mess.^{rs} Harrison
Collins
Delery
Grant &
De S.^t Ours

“Read in both Languages His Excellency’s Speech from the Chair

“When M.^r Grant moved the following draft of an Address

“To His Excellency The Right Honorable Guy Lord
“Dorchester, Captain – General and Governor in Chief of
“the Colonies of Quebec, Nova – Scotia and New – Brunswick,
“and their dependencies; Vice Admiral of the same;
“General and Commander in Chief of all His Majesty’s
“Forces in the said Colonies, and the Island of Newfound land
“&.^c, &.^c, &.^c

““May it please your Excellency

““The Members of the Legislative – Council humbly thank

“ “your Lordship for your Speech at the opening of the Session of the
“ “Legislature ____ ”

“ “Your Excellency may be assured that their utmost
“ “attention will be given to the Reports and Papers that it may please your
“ “Excellency to lay before them for their consideration, and that such
“ “regulations as are expedient to remove obstructions in the exercise of the
“ “Law, and others of immediate conveniency, will be proceeded upon with
“ “the utmost diligence; while these which tend to more important changes
“ “await the aid and co-operation of that extended Legislature, so soon
“ “expected, which it pleases His Majesty and His Parliament to grant
“ “to a Colony finally attached and devoted to His Royal person and
“ “Government.” ____

“Which being read in both languages was concurred in by
all

JW

“all the Members except M.^r De S.^t Ours, and Ordered
“to be reported accordingly.

(Signed) “Edw.^d Harrison

“Chairman”

A translation of the Report read, the question of concurrence
was put _ Debates arose _ Carried in the Affirmative by 8 against
6 _

For the Affirmative

M.^r Holland
M.^r Baby
M.^r Grant
M.^r Caldwell
M.^r Delery
M.^r Collins
M.^r Harrison
M.^r Dunn

For the Negative

M.^r Dupré
M.^r Boucherville
M.^r Longueuil
M.^r S.^t Ours
M.^r Belestre
M.^r Mabane

Ordered that Mess.^{rs} Harrison, Collins & Delery
be a Committee to wait on His Excellency Lord
Dorchester with a Copy of the Address, and request
to know when His Lordship will be pleased to receive the
Address _

The Clerk of the Council by Order of His Excellency Lord
Dorchester laid on the Table the several Papers mentioned in the following
Schedule

A List of Legislative Business standing over by Resolves
past in the Session of 1790. _

1. The inland Navigation Bill, intituled _ “A Bill to explain and amend
“the Act intituled An Act or Ordinance for promoting the inland
“Navigation”
The Bill is printed
2. The Fishery Bill _ intituled “A Bill to amend an Act intituled An Act
“or Ordinance for regulating the Fisheries in the River S.^t Lawrence,
“in the Bays of Gaspé & Chaleurs, on the Island of Bonaventure, and
“the opposite Shore of Percé. _
3. The Small Still Bill intituled _ “A Bill to prohibit the use of small
“Stills” with Cap.^t Bunbury’s Observations _
4. The Post _ Office Bill intituled. “A Bill for securing & improving
correspondence

JW

“correspondence throughout the Province and to facilitate
 “the intercourse by Post between the Western Districts and
 “Montreal.” with Cap.^t Bunbury’s observation. ____

5. The Road Report _ With a Report of the Grand Voyer for the
 District of Montreal ____
6. The Report relating to the Practice of Physic & Surgery and of
 Midwifry in the Towns of Quebec and Montreal ____
7. The Report of a Committee on the Memorial of the Justices of
~~the Justices of~~ the Peace, and the Presentments of the Grand _
 Jury at Quebec. ____
 A Police Bill is reported and printed
8. The Bishop’s Memoire Explicatif, respecting the building and
 repairing of Churches. ____
9. The Papers respecting the want of Notaries in the New Districts
10. A Letter from the Judges of the Common _ Pleas for Nassau dated
 Niagara 21.st Novem.^r 1789 _
11. The Petition of John Mortimer a Prisonner for Debt.
12. The Papers concerning the Bridge over the River Du Loup ____
13. The Papers from M.^r Judge Powell District of Hesse ____
14. The Bill respecting Wind & Screen Cribbles in Grist _ Mills ____
 This Bill is printed

Objects of Legislation which have been or are in reference

Date of the References

1787 July 22.^d An Establishment of Fees _ to submit Drafts of Letters _
 Patent or Ordinances ____

1790 Aug.^t 25th Concerning the Conversion of the Tenures.
 The Committee to report the Draft of a Bill if the Case
 shall require it.

A Bill is reported and printed.

“ Revision of the Militia Ordinances _ And to report
 a Bill if necessary _

A Bill is reported.

October 8.th Navigation of the Upper Lakes.

The Committee to report an amended Bill.

A Bill is reported and printed.

1791 Janry 4.th Respecting a Prerogative Court _ Jurisdiction.
 To examine the Minutes of 8.th October 1790 _ and Report
 the Draft of a Bill if necessary.
 Two Bills are reported and printed.

Lands

Lands claimed by the Indians at Lake Erie and in the
Bay of Quinty.

To report the Draft of a Bill if necessary.

Acts expiring with the Sessions of 1791
The Acts empowering the Commissioners of the Peace to
regulate the Police &.^c
A Bill to continue these Acts is reported and printed

The Acts regulating the Practice of the Law
A Bill to continue these Acts is reported & printed.

The Acts regulating the Maitres de Poste.
A Bill to continue these Acts is reported and printed.
(Signed) JWilliams
16th March 1791

Ordered that the Schedule and Papers lay on the Table
for consideration. ____

M.^r Harrison from the Committee named to wait on His
Lordship with the Copy of the Address, reports that the Committee
have waited on His Lordship with the Copy and that His Lordship was
pleased to signify to the Committee that He will receive the Address to
morrow at one o'Clock. Ordered to be engrossed.

Adjourned till to _ morrow at 1/2 past 12.

JW

Thursday 17th March 1791
At the Council _ Chamber in the Bishop's Palace
Present
The Honorable Major General Clarke Lieutenant Governor
and
The Honorable
Thomas Dunn William Grant
Edward Harrison Francis Baby
John Collins Joseph De Longueuil
Adam Mabane Samuel Holland
J. G. C Delery R. A. De Boucherville
Picotté De Belestre Le C.^{te} Dupré
Henry Caldwell
Esquires

Resolved

JW

Resolved to go and wait on His Excellency Lord Dorchester
to present the Address before entering upon any business.
Adjourned accordingly

The same day
at the Bishop's Palace
Present
His Honor The Lieutenant _ Governor
&
The Member above named
His Honour the Lieutenant _ Governor reports that the Council
have this day waited on His Excellency the Governor at the Castle of
S.^t Lewis with their address which His Lordship was pleased to receive.
Colonel Caldwell moved to adjourn till Monday next – Question
of concurrence put _ Debates arose _ Carried in the Affirmative; M.^r
Grant being alone in the Negative.
Adjourned till Monday at 10 o Clock.

JW

Monday 21st March 1791
At the Council Chamber in the Bishop's Palace
Present
The Honorable Major General Clarke Lieu.^t Governor
and
The Honorable
Thomas Dunn William Grant
Edw.^d Harrison Paul Roc De S.^t Ours
John Collins Francis Baby
Adam Mabane Joseph De Longueuil
J. G. C Delery Samuel Holland
Picotté De Belestre Charles De Lanaudiere
Henry Caldwell R. A. De Boucherville
Le C.^{te} Dupré
Esquires

Bill respecting Curators M.^r Grant moves for leave to bring in a Bill, intituled, An Act or Ordinance
Tutors &^c } respecting Curators, Tutors, Executors and Administrators _ Seconded by M.^r
Lanaudiere _ Leave being granted _ The Bill was brought in and read in
both languages _

JW

M.^r

M.^r Grant moves that this Bill be committed to a Committee of the whole Council _

M.^r Mabane moves the previous Question Viz.^t “That “M.^r Grants question of Commitment be not at present put” This question being put _ Carried in the Affirmative by 12 against 3_

For the Affirmative

For the Negative

Mess.^{rs} Dupré

Mess.^{rs} De Lanaudiere

Boucherville

Grant

Holland

Harrison

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Delery

Mabane

Collins

Dunn

Ans.^r Bill respecting
Curators, Tutors &.^c

M.^r Mabane moves for leave to bring in a Bill, intituled “An Act or Ordinance respecting Curators, Tutors, Executors and Administrators” Seconded by Col.^l Caldwell _ The Question put _ Debates arose _ Carried in the Affirmative by 12 against 3 _ The same members for the Affirmative as on the first question _ And the same members for the Negative as on that Question _ The Bill was brought in pursuant to leave and read in both languages.

Colonel Caldwell moves “that the consideration of both the proposed Bills “respecting Curators, Tutors, Executors & Administrators may be taken up on “Wednesday next” Seconded by M.^r Dunn _ Question of Concurrence put _ Debates arose _ Carried in the Affirmative by 10 against 5. ____

For the Affirmative

For the Negative

Mess.^{rs} Dupré

Mess.^{rs} Lanaudiere

Boucherville

S.^t Ours

Holland

Grant

Longueuil

Collins

Baby

Harrison

Caldwell

Belestre

Delery

Mabane

Dunn

M.^r Grant moved for leave to read a Petition of M.^r Augus Macdonell addressed to His Honor the President and the Honorable Members of the Legislative Council, dated 14.th March instant, respecting the manufacture of Pot & Pearl Ashes _ Leave being granted, the Petition was read _ Ordered to lie on the Table and be translated.

JW

Adjourned till to _ morrow at 11 oClock.

Tuesday

Tuesday 22^d March 1791
 At the Council _ Chamber in the Bishop's Palace
 Present
 The Honorable Major General Clarke Lieutenant _ Governor
 The Honorable
 William Smith Esq.^r Chief _ Justice
 and
 The Honorable
 Edward Harrison Paul Roc De S.^t Ours
 John Collins Francis Baby
 J. G. C Delery Joseph De Longueuil
 George Pownall Samuel Holland
 Picotté De Belestre Charles De Lanaudiere
 Henry Caldwell R. A. De Boucherville
 William Grant Le C.^{te} Dupré
 Esquires _

Petitions respecting the
 manufacture of Pot _ Ash }

His Honor The Lieutenant – Governor delivered at the Table a
 Petition of M.^r Samuel Hopkins of Philadelphia with a Certificate of
 Doctor Nooth, and Copies of Certificates of M.^r Samuel Bard and M.^r
 Effingham Lawrence, respecting the manufacture of Pot & Pearl Ash _
 Also a Petition and Affidavit of M.^r Angus Macdonell of S.^t Foix, and
 an Affidavit of M.^r James Glenney and M.^r John Buchanan, respecting the
 same subject _ The several Petitions and Papers read _ and M.^r Macdonell's
 Petition, (laying on the Table) considered _ Ordered that it be committed to
 Mess.^{rs} Mabane, Caldwell, Grant and Baby to confer with the Petitioners, make
 the necessary inquiries and report the Result.

Inland Navigation }
 Bill }

M.^r Grant moves for leave to bring in a Bill, intituled “An Act to explain
 “and amend the Act intituled An Act or Ordinance for promoting the inland
 “navigation, and to promote the Trade to the western country”_ Seconded by M.^r
 Baby _ Question of concurrence put _ concur unanimously.

M.^r Grant, pursuant to leave, brings in the said Bill, and it is read
 in both languages. _

M.^r Grant moves that this Bill be read a second time on Thursday
 next _ Seconded by M.^r Baby _ Question of concurrence put. Concur
 unanimously. _

Police

M.^r Grant moves for leave to bring in a Bill intituled “An Act to continue
 “and amend an Act passed in the seventeenth year of His Majesty's Reign,
 “intituled, An Ordinance to empower the Commissioners of the Peace, to regulate
 the

JW

“the police of the Towns of Quebec and Montreal for a limited time”
 Seconded by the Chief _ Justice _ Question of concurrence put _ Concur
 unanimously.

M.^r Grant pursuant to leave bring in the said Bill, and it is
 read in both languages __

M.^r Grant moves that this Bill be read a second time on
 Thursday next _ Seconded by the Chief _ Justice _ Questions of concurrence
 put _ concur unanimously.

Practice of the Law M.^r Grant moves for leave to bring in a Bill, intituled, “An Act to
 “continue the Acts or Ordinances therein mentioned respecting the practice of
 “the law in civil causes” _ Seconded by the Chief _ Justice __
 Question of concurrence put _ Concur unanimously

M.^r Grant pursuant to leave brings in the said Bill and it is
 read in both languages __

M.^r Grant moves that this Bill be read a second time
 on Thursday next _ Seconded by the Chief _ Justice _ Question of concurrence
 put _ Concur unanimously.

Maitres de poste M.^r Grant moves for leave to bring in a Bill, intituled “An Act
 “to continue an Act intituled, “~~An Act to continue an Act, intituled, An~~
 “Ordinance for regulating all such persons as keep horses & Carriages to let and
 “hire for the accommodation of Travellers, commonly called and known by the
 “name of Maitres de Poste. __

Seconded by M.^r Pownall _ Question of concurrence put _ concur unanimously _

M.^r Grant pursuant to leave brings in this Bill, and it is read in both
 languages.

M.^r Grant moves that the Bill to read a second time on Thursday
 next _ Seconded by M.^r Pownall _ Question of concurrence put _ Concur unani-
 mously __

Fisheries M.^r Grant moves for leave to bring in a Bill, intituled “An Act to amend an Act
 “intituled an Act or Ordinance for regulating the fisheries in the River of S.^t Lawrence,
 “in the Bays of Gaspé & Chaleurs, on the Island of Bonaventure, and the opposite
 “Shore of Percé.” __

Seconded by M.^r Baby _ Question of Concurrence put _ Concur unanimously.

M.^r Grant pursuant to leave given brings in this Bill, which is read in
 both languages.

M.^r Grant moves that the Bill be read a second time on Thursday
 next seconded by M.^r Baby _ Question put _ Concur unanimously. __

JW

M.^r Dunn & M.^r Mabane enter and take their seats.

M.^r

Small Stills

M.^r Grant moves for leave to bring in a Bill intitl'd "A Bill to prohibit "the use of Small stills" _ Seconded by M.^r De Lanaudiere _ Question of concurrence put _ concur unanimously. _

M.^r Grant pursuant to leave given brings in this Bill, and it is read in both languages.

M.^r Grant moved that the Bill be read a second time on Thursday _ Seconded by M.^r Lanaudiere, Question of concurrence put _ Concur unanimously. _____

Correspondence by Post.

M.^r Grant moves for leave to bring in a Bill intitl'd "An Act for "securing and improving Correspondence throughout the Province, and "to facilitate the intercourse by Post between the Western Districts and "Montreal _ Seconded by M.^r De Lanaudiere _ Question of concurrence put - concur unanimously. _

M.^r Grant, pursuant to leave, brings in this Bill, and it is read in both languages. _

M.^r Grant moves that the Bill be read a second time on Thursday next _ Seconded by M.^r De Lanaudiere _ Question of concurrence put _ Concur unanimously. _

Cribble _ Bill

M.^r Grant moves for leave to bring in a Bill intitl'd "A Bill "to have Wind & Screen Cribbles in Grist – Mills for cleaning of Wheat" Seconded by M.^r Dupré _ Question of concurrence put _ Concur unanimously.

M.^r Grant pursuant to leave brings in this Bill, and it is read in both languages _

M.^r Grant moves that the Bill be read a second time on Thursday next Seconded by M.^r Dupré _ Question of concurrence put _ Concur unanimously _____

Schedule taken up.

His Honour the Lieutenant – Governor proposed that the Council should proceed to the consideration of the Papers mentioned in the Schedule laid on the Table by order of His Excellency Lord Dorchester __ Resolved accordingly. _

And for the more regular proceeding therein

Resolved,

That upon reading each Article in the Schedule the Question be put "Whether any provision appears to be expedient to be made "in the present Session?

Resolved,

That if it be carried in the Affirmative, the Chair appoint a Committee to bring it in. _

JW

Resolved

Resolved,

That if the Question be carried in the Negative, such Provision be postponed, with exception nevertheless as to any measure to which His Lordship may be pleased to call the further attention of the Council ____

The Schedule & Papers were taken up in the following orders. ____

1. The inland Navigation Bill intituled “A Bill to explain and amend the Act intituled An Act or Ordinance for promoting the inland Navigation _
A Bill upon this Subject was moved and read this day.
2. The Fishery – Bill, intituled “A Bill to amend an Act intituled, “An Act or Ordinance for regulating the Fisheries in the River “S.^t Lawrence in the Bays of Gaspé and Chaleurs, on the Island “of Bonaventure and the opposite Shore of Percé. ____
This Bill was moved and read this day.
3. The Small Still Bill, intituled, “A Bill to prohibit the use of “small Stills” with Cap.^t Bunbury’s observations.
This Bill was moved and read this day.
4. The Post-Office Bill _ intituled, “A Bill for securing and improving “correspondence throughout the Province, and to facilitate the intercourse “between the Western Districts and Montreal”
This Bill was moved and read this day.
5. The Road Report, with a Report of the Grand – Voyer for the District of Montreal
Upon reading this Article M.^r Boucherville suggested his intentions of bringing in a Bill, in the course of a few days. ____
6. The Report relating to the Practice of Physic and Surgery and of Midwifry in the Towns of Quebec and Montreal.
Upon reading this Article M.^r Mabane moved for leave to read a Representation addressed to the President & Members of the Legislative Council from M.^r De Sales La Terriere of Three Rivers B. of Physic, dated the 1st instant, which being granted, was read _ Ordered to lay on the Table ____
The Question was put upon this Article
Voted unanimously in the Negative.
7. The Report of a Committee on the Memorial of the Justices of the Peace and the Presentments of the Grand Jury at Quebec
The same question was put _ Voted unanimously in the Negative ____

8. The Bishop's Memoire Explicatif, respecting the building and repairing of Churches.
Upon reading this Article, M.^r Dunn Chairman of a Committee of the Privy Council, to whom the consideration of this Subject was referred, informed the Council that the Committee are ready to make report to His Lordship.
9. The Papers respecting the want of Notaries in the new Districts.
The Question was put _ Voted unanimously in the Negative.
10. A Letter from the Judges of the Common - Pleas for Nassau dated Niagara 21.st November 1789 ____
The Question was put _ Voted unanimously in the Negative_
11. The Petition of John Mortimer a Prisoner for Debt.
The Petitioner is liberated.
12. The Papers concerning the Bridge over the River Du Loup.
This Subject awaits the Report of a Committee of the Privy Council to whom it was referred._____
13. The Papers from M.^r Judge Powell, District of Hesse.
The Question was put. Voted unanimously in the Negative.
14. The Bill respecting Wind and Screen Cribbles in Grist - Mills
This Bill was moved and read this day.
15. An Establishment of Fees
The Chief Justice acquainted the Council that the Lawyers at Montreal had informed him they intended in a short time to petition His Lordship on this subject, and submit the draft of a Bill ____
16. Concerning the Conversion of the Tenures
The Question was put _ Voted unanimously in the Negative.
17. Revision on the Militia Ordinances
A Bill has been reported and is now in reference before a Committee of the whole Privy Council. _
18. Navigation of the Upper Lakes
The Bill mentioned in Article I was moved and read this day.
19. Respecting a Prerogative Court Jurisdiction
Two Bills have been moved this Session and read.
20. Lands claimed by the Indians at Lake Erie and in the Bay of Quinty.
Not reported by the Committee of the Privy Council to whom it was referred.

JW

Acts

Acts expiring with this Session Viz.^t

21. The Acts empowering the Commissioners of the Peace to regulate the Police &.^c
A Bill was moved and read this day.
 22. The Acts regulating the Practice of the Law.
A Bill was moved and read this day.
 23. The Acts regulating the Maitres de Poste
A Bill was moved and read this day.
- Having gone through the Schedule. Adjourned till to – morrow at 11 oClock._____

Wednesday 23^d March 1791

At the Council - Chamber in the Bishop's Palace

Present

The Honorable Major General Clarke Lieutenant _ Governor

The Honorable William Smith Esq.^r Chief _ Justice.

and

The Honorable

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	Paul Roc De S. ^t Ours
John Collins	Joseph De Longueuil
Adam Mabane	Samuel Holland
J. G. C Delery	Charles De Lanaudiere
George Pownall	R. A. De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré

Esquires

Bill respecting
Curators, Tutors &.^c

The Order of the day read “that the consideration of both the proposed Bills “respecting Curators, Tutors, Executors & Administrators be taken up this day.” Col.^o Caldwell moved that they be both read a second time _ concur unanimously. M.^r Grant moves that the Bill brought in by him be now read a 2.nd time _ Seconded by Col.^o Caldwell _ Concur unanimously.

The said Bill was read a second time in both languages.

M.^r Grant moved “that the Bill be committed to a Committee of the whole “Council, and taken up now” Question of concurrence put _ Debates arose _ carried in the negative by 11 against 7.

For the Affirmative

Mess. ^{rs} De Lanaudiere	Harrison
Grant	Finlay
Pownall	The Chief _ Justice
Collins	

For the Negative

Mess. ^{rs} Dupré	De S. ^t Ours
De Boucherville	Caldwell
Holland	Belestre
De Longueuil	Delery
Baby	Mabane
	Dunn

M.^r

JW

The other Bill respecting
Curators, Tutors &.^c

M.^r Mabane moved that the Bill brought in by him respecting
Curators, Tutors Executors and Administrators, be read a second time _
Seconded by Col.^o Caldwell _ Question of concurrence put _ Concur unanimously.
This Bill read a second time in both languages,
M.^r Mabane moved that the Bill be committed to a Committee of
the whole Council for Saturday next _ Seconded by Col.^o Caldwell _ Question put _
Carried in the Affirmative by 15 against 3._

For the Affirmative

Mess.^{rs} Dupré

De Boucherville

De Longueuil

Baby

De S.^t Ours

Col.^o Caldwell

De Belestre

Pownall

Delery

Mabane

Collins

Harrison

Dunn

Finlay

The Chief _ Justice

For the Negative

Mess.^{rs} De Lanaudiere

Holland

Grant

JW

Adjourned till Friday at 10 o Clock.

Friday 25th March 1791.

At the Council Chamber in the Bishop's Palace

Present

The Honorable Major - General Clarke Lieu.^t Governor.

The Honorable William Smith Esq.^r Chief Justice

and

The Honorable

Thomas Dunn

Edward Harrison

John Collins

Adam Mabane

J. G. C Delery

Picotté De Belestre

Henry Caldwell

William Grant

Francis Baby

Joseph De Longueuil

Samuel Holland

Charles De Lanaudiere

R. A. De Boucherville

Le C.^{te} Dupré

Esquires

Navigation _ Bill

Pursuant to the Order of the day, read a second time, in both languages
the Bill intituled "An Act to explain and amend the Act intituled An
"Act or Ordinance for promoting the inland navigation, and to Promote the
"trade to the western country"

M.^r

- M.^r Grant moved that the Bill be committed to a Committee of the whole Council for Monday next _ Seconded by M.^r Baby _ Question of concurrence put _ concur unanimously. _
- Police The further Order of the day read, Read a second time, in both languages, the Bill intituled “An Act to continue and amend an Act “passed in the seventeenth year of His Majesty’s reign, intituled an “Ordinance to empower the Commissioners of the Peace to regulate the “Police of the Towns of Quebec and Montreal, for a limited time ____
- M.^r Grant moved to commit the Bill to a Committee of the whole Council for Monday next _ Seconded by the Chief – Justice – Question put _ concur unanimously. _____
- Practice of the Law The further Order of the day read, Read a second time, in both languages, the Bill intituled “An Act to continue the Acts or Ordinances therein mentioned, respecting the practice of the Law in Civil Causes.____
- M.^r Grant moved to commit the Bill to a Committee of the whole Council for Monday next _ Seconded by the Chief – Justice _ Question put _ Concur unanimously. _
- Maitres de Poste The further order of the day read _ Read a second time in both languages, the Bill intituled “An Act to continue an Act intituled An Ordinance “for regulating all such persons as keep horses and Carriages to let and hire “for the accommodation of Travellers, commonly called and know by the name of Maitres de Poste. _
- M.^r Grant moved to commit this Bill to a Committee of the whole Council for monday next _ Seconded by M.^r Pownall _ Question put _ Concur unanimously. _____
- Fisheries The further order of the day read. Read a second time in both languages, the Bill intituled “An Act to amend an Act intituled, “An Act or Ordinance for regulating the Fisheries in the River of S.^t “Lawrence in the Bays of Gaspé & Chaleurs, on the Island of Bonaventure, “and the opposite shore of Percé.
- M.^r Grant moved to commit this Bill to a Committee of the whole Council for Monday next _ Seconded by M.^r Baby – Question put _ Concur unanimously. _____
- Small Stills The further Order of the day read, Read a second time in both languages, the Bill intituled “An Act to prohibit the use of small Stills.”

JW

M.^r

M.^r Grant moved to commit this Bill to a Committee of the whole Council for Monday next _ Seconded by M.^r De Lanaudiere _ Question put _ Concur unanimously. _

Intercourse Post The further order of the day read _ Read a second time in both languages, the Bill intituled “An Act for securing and improving “Correspondence throughout the Province, and to facilitate the intercourse “by Post between the Western Districts and Montreal.” _

Cribble Bill M.^r Grant moved to commit this Bill a Committee of the whole Council for Monday next _ Seconded by M.^r De Lanaudiere _ Question put _ concur unanimously. _

The further Order of the day read _ Read a second time, in both languages, the Bill intituled “An Act to have Wind and Screen Cribbles in Grist _ Mills for cleaning of Wheat. _____

M.^r Grant moved to commit this Bill to a Committee of the whole Council for monday next _ Seconded by M.^r Dupré _ Question put _ Concur unanimously. _

Adjourned to 11 oClock to –morrow.

Saturday 26th March 1791
 At the Council _ Chamber in the Bishop’s Palace
 Present
 The Honorable Major General Clarke Lieutenant - Governor
 The Honorable William Smith Esq.^r Chief _ Justice
 and
 The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	Samuel Holland
J. G. C Delery	Charles De Lanaudiere
George Pownall	R. A. De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré
Henry Caldwell	

 Esquires

Bill respecting Curators } The Order of the day read _ the Council resolved themselves into a
 Tutors. &c _____ } Committee of the whole House to proceed upon the Bill brought in by
 M.^r Mabane respecting Curators, Tutors, Executors and Administrators;
 and His Honor the Lieutenant - Governor quitted the Chair.
 The L.^t Governor resumes the Chair

JW

M.^r

M.^r Mabane from the Committee of the whole Council
upon the said Bill,
^ reports progress and prays leave to sit again on Saturday the second of
April.

Ordered accordingly.
Adjourned to Monday at 10 oClock.

Monday 28th March 1791
At the Council - Chamber in the Bishops Palace
Present
The Honorable Major General Clarke Lieu.^t - Governor
The Hon^{ble} William Smith Esq.^r Chief - Justice
and

The Honorable
Hugh Finlay William Grant
Edward Harrison Paul Roc De S.^t Ours
John Collins Francis Baby
J. G. C Delery Joseph De Longueuil
George Pownall Sam.^l Holland
Picotté De Belestre Cha.^s De Lanaudiere
Henry Caldwell R A De Boucherville
Le C.^{te} Dupré

Esquires

Inland Navigation

The Order of the Day read _ the Council resolved themselves into a
Committee of the whole Council to proceed upon the Bill intituled “An Act
“to explain and amend the Act, intituled, An Act or Ordinance for promoting
“the inland Navigation, and to promote the Trade to the western Country” ____
And His Honor the Lieutenant - Governor quitted the Chair. ____

The Lieutenant - Governor resumed the Chair.

M.^r Grant from the Committee of the whole Council upon the
said Bill, reports progress, and prays leave to sit again on Wednesday next.

Ordered accordingly.

Police

The further Order of the day read the Council resolved themselves
into a Committee of the whole Council upon the Bill intituled “An Act
“to continue and amend an Act passed in the seventeenth year of His
“Majority’s reign, intituled, An Ordinance to empower the Commissioners
“of the Peace to regulate the police of the Towns of Quebec and Montreal
“for a limited time” _ And His Honor the Lieutenant Governor left the
Chair. ____

The Lieutenant - Governor resumed the Chair.

JW

Present

Present the same Members except M.^r Pownall ____
 M.^r Grant from the Committee of the whole Council upon the
 said Bill, reported Progress and prayed leave to sit again to - morrow. ____
 Ordered accordingly. ____
 Adjourned till to - morrow at 10 o Clock. ____

Tuesday 29th March 1791

At the Council _ Chamber in the Bishop's Palace

Present

The Honorable Major General Clarke Lieu.^t – Governor _

The Honorable William Smith Esq.^r Chief - Justice

and

The Honorable

Hugh Finlay	Henry Caldwell
Edward Harrison	William Grant
John Collins	Paul Roc De S. ^t Ours
J. G. C Delery	Francis Baby
George Pownall	Joseph De Longueuil
Picotté De Belestre	Samuel Holland
	Cha. ^s De Lanaudiere
	R A De Boucherville

Esquires

Police Bill

The Order of the day read, the Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill intituled “An Act to “continue and amend an Act passed in the seventeenth year of His Majesty “reign, intituled, An Ordinance to empower the Commissioners of the peace “to regulate the police of the Towns of Quebec and Montreal for a limited time”

And His Honor the Lieutenant Governor left the Chair ____

The Lieutenant Governor resumed the Chair _

M.^r Grant from the Committee of the whole Council upon the said Bill, reported progress, and prayed leave to sit again on Thursday next at 10 oClock _

Ordered accordingly _

Col.^l Caldwell for M.^r Mabane from the Committee charged to confer with

The Petitions respecting
 the manufacture of
 Pot Ash

M.^r Samuel Hopkins and M.^r Angus Macdonell upon their Petitions
 respecting the manufactures of Pot and Pearl Ash reports that the
 committee have conferred with the Petitioners, made some inquiries and
 prepared a Report, which, with the Papers accompanying the same, 7 in
 number, he delivers in at the Table._

Ordered to lay on the Table

Adjourned till 10 o Clock to – morrow._

JW

On Wednesday the 30th March 1791
At the Council - Chamber in the Bishop's Palace
Present

The Honorable Major General Clarke Lieu.^t Governor
The Honorable William Smith Esq.^r Chief - Justice
and
The Honorable

Hugh Finlay	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
John Collins	Francis Baby
J. G. C Delery	Joseph De Longueuill
George Pownall	Samuel Holland
Picotté De Belestre	Charles De Lanaudiere
Henry Caldwell	R A. De Boucherville

Esquires -

Pot & Pearl Ash

Colonel Caldwell for M.^r Mabane Chairman of the Committee charged to confer with M.^r Samuel Hopkins and M.^r Angus Macdonell upon their Petitions respecting the manufacture of Pot and Pearl Ash moves to withdraw the Report and Papers delivered yesterday at the Table, ~~to~~ report progress, and have leave to sit again.

Ordered accordingly

Inland Navigation
Bill . . . }

The Order of the day read. The Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill intitled "An Act to explain and amend the Act intitled, An Act or Ordinance for "promoting the Inland Navigation, and to promote the Trade to the western "Country. And His Honor The Lieutenant Governor quitted the Chair _____

The Lieutenant - Governor resumed the Chair _____

M.^r Grant from the Committee of the whole Council upon the said Bill for promoting the inland Navigation, reports, that the Committee have gone through the Bill and made some amendments, which with the Bill and report he delivers in at the Table _ The Report was read in the following words. Viz.^t

"Council - Chamber Quebec

"Monday 28th March 1791

In Committee of the whole Council upon the Bill intitled "An Act "to explain and amend the Act intitled "An Act or Ordinance for promoting "the inland Navigation and to promote the Trade to the Western Country."

"Present

JW

“Present _ William Grant in the Chair

“His Honor the Lieu.^t _ Governor

“H^{ble} Chief - Justice

“Mess.^{rs} Finlay De S.^t Ours

“Harrison Baby

“Collins De Longueuil

“Delery Holland

“Bellestre De Lanaudiere

“Caldwell De Boucherville

“The Chairman read the Bill in both languages and then
“by Clauses; the first enacting Clause in the following words

““Be it therefore enacted by His Excellency the Governor and the
“ “Legislative Council, and it is hereby enacted by the authority of the same,
“ “that the Oath to the Manifest of the Cargo of such Vessels trading to the
“ “western Countries which by the said Act are required to have registers,
“ “shall suffice, as to such Articles as are not shipped upon the private
“ “account of the Chief – Navigator, if he shall swear that the quantities
“ “and qualities are in his manifest stated according to his Bills of Lading,
“ “and that the manifest doth express the whole thereof according to the
“ “best of his knowledge and belief, and likewise every article of Trade on his
“ “private account, or on account of any person whatsoever””

“The Question put thereon, whether this Clause should stand as a part
“of the Bill? Carried unanimously in the Affirmative. _____

“Then the second enacting Clause in the following words, was
read,

““And be it further enacted by the same authority, that as often as
“ “the vessel may be seized for not being documented as by the Act is required,
“ “it shall not expose to Confiscation either the Vessel or her Apparel
“ “and furniture, or the property therein of any of the Shippers not being
“ “privy thereto or concerned therein, provided they shall respectively be
“ “His Majesty’s good and faithful subjects residing within his Dominions”

“The Question put thereon _ Carried unanimously in the Affirmative

“Then the third enacting Clause in the following words,

“ “But for the prevention of frauds in the Navigation and Commerce
“ “aforesaid, be it further enacted by the same authority, that as often
“ “as any vessel shall be found sailing from any part of His Majesty’s
“ “Territories on the Lakes not Documented as by Law directed, the Captain
“ “or Chief Navigator shall not only be answerable to all and every person
and

“ “and persons who may receive loss and damage thereby, but shall
 “ “incur a penalty of Five hundred pounds to His Majesty, to be sued for
 “ “and recovered in any Court of Justice within this Province; one third
 “ “of which forfeiture shall belong to the Person or Persons suing for
 “ “the same. And for the more secure recovery thereof such Captain
 “ “or Chief Navigator shall be detained and imprisoned until he shall
 “ “have entered into recognizance in double the said penalty with two
 “ “sufficient sureties in the judgment of one of the Judges of the
 “ “Common – Pleas of the Districts, of the Port, Post or Place to which
 “ “he may be brought personally to appear in the Court of King’s Bench
 “ “within one year from the date of such recognizance, there to answer
 “ “to any suit to be brought against him for the said Penalty, and
 “ “to abide the judgment of the said Court””

“The Question put _ Debates arose

“M.^r Baby then moved _ That the words Five in this Clause
 “be struck out and the word Two hundred be inserted in its place”_

“The Question put _ Carried in the Affirmative.

“His Honor the Lieutenant - Governor and M.^r Holland in the Negative.

“The Question in Chief was then put on the Clause so amended, and
 “carried unanimously in the Affirmative _____

“The fourth enacting Clause was then read in the following
 “words

““And be it also enacted by the same authority, that whenever the
 “ “Court before which any proceedings may be had for any such seizure
 “ “or Penalty, shall give judgement for the acquittal of the property
 “ “seized, or the discharge of the party prosecuted, but shall at the same time
 “ “cause to be entered in the minutes of the Courts, that the prosecutor had
 “ “reasonable cause for making the seizure or commencing the same suit,
 “ “the owner or defendant shall not recover any damages or costs against
 “ “any persons concerned in such seizure or prosecution”” _____

“The Question put thereon

“Carried unanimously in the Affirmative

“The fifth enacting clause and its Proviso were then read
 “in the following words,

““And to the end that the Trade to the Western Districts and Indian
 Countries

JW

“ “Countries may be free and open to all His Majesty’s faithful subjects
 “ “in every part of His Majesty’s inland Dominions and Territories whatsoever,
 “ “be it enacted by the same authority, that from and after the publication
 “ “of this act it shall not be necessary for any of His Majesty’s subjects
 “ “carrying on Trade or other stated residents of this Province, to take out
 “ “any where or from any person or persons any Licence pass permit or other
 “ “writing whatsoever for going into or trading with the Indians or other
 “ “Inhabitants of the Westerns Countries, Districts or Counties of this Province
 “ “or Territories whatsoever; or for the carrying or conveying thither or else-
 “ “where in Boats Battoes or Canoes any Goods Wares or Merchandize or
 “ “Provisions or other effects not specifically prohibited, or for returning
 “ “with the same or any parts thereof, or with the produce in Bever furs
 “ “or skins, or such other effects as may be legally carried transported or
 “ “imported – nor to take out any Licence for the sale of strong liquors to
 “ “the Indians or other persons other than such licence as is required by an
 “ “Act of Parliament passed in the fourteenth year of His Majesty’s reign,
 “ “intituled “An Act to establish a fund towards further defraying the
 “ “charges of the administration of Justice and support of the Civil
 “ “Government within the Province of Quebec in America.” any Law, Ordinance
 “ “or Regulation of this Province heretofore made or passed to the contrary
 “ “notwithstanding”

““Provided always nevertheless and be it enacted by the same
 “ “authority that it shall and may be lawful for His Excellency the
 “ “Governor or Commander in Chief for the time being by and with the
 “ “advice and consent of His Majesty’s Council to restrain the Trade and
 “ “Commerce to any part or place of the said Western Countries and Inland
 “ “Territories and regulate the same with any of the Indian Tribes or Nations or
 “ “other Inhabitants thereof and likewise to restrain and regulate the Sale
 “ “and distribution of Spirituous Liquors in all Forts and Garrisons and other
 “ “places where Indians resort, and of Arms Ammunition and other
 “ “warlike or naval Stores when and so often as the public safety and
 “ “peace may require, declaring the same from time to time by Procla-
 “ “mation under the Great – Seal” ”

“Question put thereon _ Debates arose.

“M.^r Baby then moved That the words in this Clause

“nor to take out any licence for the sale of Strong Liquors to Indians

or

“or other persons other than such licence be struck out, and the words
“following inserted in their place “Nor to subject Traders to take licences
“for the sale of strong Liquors to Indians except at a fixed residence in
“a settled parts of the Province for keeping a House of Public Entertain-
“ment”

“The Question put thereon

“Carried unanimously in the Affirmative.

“The Question being then put on the Clause and Proviso with the
“amendment, was carried unanimously in the Affirmative. _____

“The sixth enacting Clause was then read in the following
“words,

““And in order to prevent the Accidents that happen to Canoes, the
“ “property therein, and the Navigators thereof in the dangerous Passage
“ “down the rapids of the Outawais or Great – river, between the lower carry-
“ “-ing place of the Chaudiere and the Allumets, by reason of persons selling
“ “Spirituos Liquors to the Canoe – men thereby intoxicating them and
“ “rendering them incapable to conduct and manage the Canoes in the said rapids,
“ “to the great injury of the Trade and the risk of the lives of the Navigators,
“ “be it enacted by the authority aforesaid, that every person who shall be
“ “convicted before any one or more Justices of the Peace upon the Oath of
“ “the informer and one more credible witness of having sold or given any
“ “Spirituos [^] Liquors to any Canoe man in his passage down the Outawais or Great
“ “River, between the lower carrying place of the Chaudiere and the place
“ “called the Allumets shall forfeit and pay the sum of Twenty Pounds and
“ “lose the benefit of His Licence if any he has for selling Spirituous Liquors,
“ “which penalty may be sued and recovered summarily, before one or more
“ “Justices of the Peace and applied as aforesaid.” _”

“The Question put thereon

“Carried unanimously in the Affirmative.

“The seventh enacting Clause was then read in the following words

““And whereas it is made penal to settle in the Indian Village, without
“ “licence by an Act or Ordinance of this Province passed in the seventeenth
“ “year of His Majesty’s reign intituled An Ordinance to prevent the
“ “selling of Strong Liquors to Indians in the Province of Quebec, as also to
“ “deter persons from buying their Arms or cloathing, and for other purposes
“ “relative to the Trade and intercourse with the said Indians”_ be it further
enacted

JW

“ “enacted by the same authority that nothing in the said act shall be
 “ “deemed to affect such as are lawfully employed in the Inland Commerce,
 “ “or such as resort to this Province with the intention bona fide of settling
 “ “the waste lands of the Crown, and who are in the course to conform to
 “ “the regulations by the Government for that purpose made and established,
 “ “and shall so declare upon oath when thereunto required, or to any other
 “ “His Majesty’s liege subjects, but to such only as not being His
 “ “Majesty’s subjects shall arrive at any Port Post or Place where any
 “ “Magistrate may reside and shall not within twenty four hours thereafter
 “ “take the oath of allegiance to the British Crown being required and shall
 “ “refuse to take the Oath in this Clause first aforementioned, such defaulter
 “ “shall incur a penalty of Ten pounds, and may be committed and proceeded
 “ “against as concerned in illicit Trade”__

““Provided always nevertheless that it shall be lawful to all persons
 “ “to pass and repass any part of this Province with a permission under
 “ “the signature of such person as shall be authorised to grant the same
 “ “by any instrument to be issued by the Governor or Commander in Chief
 “ “for the time being under His Hand and Seal at Arms, such person conforming
 “ “to the conditions regulations and terms in his permission prescribed or
 “ “expressed”_____

“The Question put thereon.

“Carried unanimously in the Affirmative ____

“M.^r Finlay then moved “That the following Proviso
 “be added to the Act _ “Provided also that nothing in this or the afore-
 “mentioned Act shall be construed to extend to any Vessel navigating
 “without a manifest, Pass or Clearance from the head of the Bay of
 “Quinty, or any other part of the District of Lunenburg & not passing
 “beyond the Islands called the Grande Isle and Isle of Tonty to the Southward
 “and Eastward.” ____

“The Question put and carried unanimously in the Affirmative.

“The Preamble then read in the following words

““Whereas it is expedient to the prosperity of the Commerce which
 “ “it was the intention of the said Ordinance to encourage, that it be
 “ “unclogged with any unnecessary impediments.””

“The Question put, was carried unanimously in the Affirmative

Then

“Then the Title was ~~then~~ read in the following words
 ““An Act to explain and amend the Act intituled An Act or
 “ “Ordinance for promoting the inland Navigation, and to promote the
 “ “Trade to the western Country”
 “The Question put, and carried unanimously in the
 “Affirmative.
 “Ordered that the Chairman report progress and
 “pray leave to sit again on Wednesday next. _____
 “Wednesday 30th March 1791
 “The Report fair copied was read and compared – And
 “Ordered thereon that the Bill and Amendments be so reported. _____
 “By Order of the Committee
 (Signed) “William Grant
 “Chairman”

Law Bill

Question of concurrence put – Concur unanimously
 Ordered that the Bill be ingrossed and read a third time on
 Saturday next. _____
 M.^r Grant moves that the Council resolve themselves into
 a Committee of the whole Council to proceed upon the Bill intituled “An
 “Act to continue the Acts or Ordinances therein mentioned respecting
 “the practice of the Law in Civil Causes __ Resolved accordingly _ and the
 Lieutenant – Governor left the Chair __
 The Lieutenant –Governor resumed the Chair __
 M.^r Grant from the Committee of the whole Council upon the said
 Bill respecting the practice of the Law in Civil Causes, reports that the
 Committee have gone through the Bill and made some amendments which
 with the Bill and Report he delivers in at the Table.
 The Report is read in the words following Viz.^t

“In Committee of the whole Council upon the Bill intituled an Act
 “to continue the Acts or Ord.^{ces} therein mentioned respecting the Practice
 “of the Law in Civil Causes. __
 “Quebec Council – Chamber 30th March 1791.
 “Present William Grant ~~in the~~ Chairman
 “His Honor The Lieu.^t Governor
 The Hon^{ble} Chief – Justice

JW

Mess.^{rs}

"Mess. ^{rs} Finlay	Mess. ^{rs} De S. ^t Ours
"Harrison	Baby
"Collins	De Longueuil
"Delery	Holland
"Pownall	De Lanaudiere
"De Belestre	De Boucherville _
"Caldwell	

"The Chairman read the Bill in both Languages and then the
 "enacting Clause with its Preamble as follows. _____

"Whereas an Act was passed in the twenty fifth year
 "of His Majesty's reign intituled ""An Ordinance to regulate the
 " "proceedings in the Courts of Civil Judicature and to establish Trials by
 " "Juries in actions of a Commercial nature and personal wrongs to be
 " "compensated in damages" and in the twenty seventh year of His
 " "Majesty's Reign the said Act was continued by another Act with certain
 " "additional Regulations, and by another Act passed in the twenty ninth
 " "year of His Majesty's Reign both the said Acts were further continued
 " "to the thirtieth day of April next by an Act which made further
 " "provision for the dispensation of Justice and especially in the new Districts
 " "And for as much as there is reason to apprehend that the condition of
 " "this country may soon be the subject of Reforms by the wisdom of the
 " "Crown and Parliament of Great _ Britain Be it therefore enacted by
 " "His Excellency the Governor and the Legislative Council and it is hereby
 " "enacted by the authority of the same that the several Acts and
 " "Ordinances aforementioned shall continue to be in force until other
 " "provision be made for the subjects to which the said several Acts
 " "and Ordinances relate." " _____

"The Question put whether the Enacting clause and its preamble stand
 "as apart of the Bill? _

"Carried unanimously in the Affirmative. _____

"The Chief - Justice then moved that the following words be added to
 "the Bill. _____

" "But for as much as it may be expedient to alter the regulations
 " "heretofore made respecting the conduct of the business of the Courts of Request
 " "Be it enacted by the same authority that such alterations may from
 " "time to time be made by Letters-Patent under the great Seal and shall
 have

JW

original Regulations already established, and the same

“ “have the same force as the ^ original Regulations so far as they shall
 “ “be so altered shall thenceforth be deemed and adjudged to be repealed
 “ “from the time to be declared for that purpose by such subsequent Letters
 “ “Patent as may be issued for the purposes aforementioned. _____

“The Question put thereon carried unanimously in the
 “Affirmative. _____

“The Title to the Bill was then read in the following words

““An Act to continue the Acts or Ordinances therein mentioned
 “ “respecting the practice of the Law in civil causes. _____

“M.^r Finlay moved to add after the word continue the words and
amend _____ Question put – carried unanimously in the affirmative.

“The Question then put whether the Title so amended should be the
 “Title of the Act.”

“Carried unanimously in the Affirmative _____

“Ordered that the bill so amended be reported with the Amend_
 “ments “By Order of the Committee

(Signed) “William Grant
 “Chairman.”

Question of concurrence put _ Concur unanimously. _

Ordered that the Bill be ingrossed and read a third time on Saturday
 next. _____

Maitres de Post
 Bill . . . }

M.^r Grant moves that the Council resolve themselves into a
 Committee to proceed upon the Bill, intituled “An Act to continue an Act
 “intituled, An Ordinance for regulating all such persons as keephorses and
 “Carriages to let and hire for the accommodations of Travellers, commonly called
 “and know by the name of Maitres de Poste.” Resolved accordingly _ and the
 Lieutenant - Governor left the Chair. _

The Lieutenant – Governor resumed the Chair. _____

M.^r Grant from the Committee of the whole Council upon the
 said Bill respecting the Maitres de Poste reports that the Committee
 have gone through the Bill, which the Report he delivers in at the
 Table _ The Report was read in the following words Viz.^t

“Quebec - Council Chamber

“30th March 1791

JW “ “In Committee of the whole Council upon the Bill intituled ““An
 “ “Act to continue an Act intituled An Ordinance for regulating all
 such

“ “such persons as keep horses and Carriages to let and hire for the
 “ “accommodation of Travellers, commonly called and known by the name
 “ “of Maîtres de Poste.””

“Present – William Grant Chairman

“His Honor the Lieu.^t Governor

“Hon ~ ble Chief Justice

“Mess.^{rs} Finlay Mess.^{rs} De S.^t Ours

“Harrison Baby

“Collins De Longueuil

“Delery Holland

“Pownall De Lanaudiere

“De Belestre De Boucherville

“Caldwell

“The Bill being read in both Languages and then the enacting
 “clause in the following words

““Be it enacted by His Excellency The Governor and The
 “ “Legislative Council, and it is here by enacted by the authority of the
 “ “same that the said Ordinance be continued until further provision
 “ “shall be made by the Legislature for the subjects of the same Ordinance
 “ “by same Act or Ordinance hereafter to be passed. _____

“The Question was then put whether the same should stand
 “in the Bill. _

“Carried unanimously in the Affirmative _____

“The Title was then read as follows

“An Act to continue an Act intituled ““An ^{Ordinance} for regulating all
 “ “such persons as keep and carriages to let and hire for the accomoda-
 “ “tion of travellers commonly called and known by the name of Maitres de
 “ “Poste””

“The Question put thereon and carried unanimously in the
 “Affirmative. _

“Ordered that the Bill be reported accordingly

“By order of the Committee

(Signed) “William Grant

“Chairman.”

Question of concurrence put _ Concur unanimously _

Ordered that the Bill be ingrossed and read a third time next Saturday

JW

M.^r

Bill for the
Fisheries

} M.^r Grant moves that the Council resolve themselves into a Committee of the whole Council to proceed upon the Bill intituled “An Act to amend an Act intituled, An Act or Ordinance for regulating the Fisheries “in the River S.^t Lawrence, in the Bays of Gaspé and Chaleurs, on the Island “of Bonaventure and the opposite shore of Percé” _ Resolved accordingly _ the Lieutenant Governor quits the Chair. _____

The Lieutenant – Governor resumed the Chair. _____

M.^r Grant from the Committee of the whole Council upon the said Bill, respecting the Fisheries, reports that the Committee have gone through the bill respecting the Fisheries, which with the Report he delivers in at the Table _ The Report was read in the following words Viz.^t

“Council - Chamber 30th March 1791

“In Committee of the whole Council upon the Bill intituled “An “Act to amend an Act intituled An Act or Ordinance for regulating the “Fisheries on the River S.^t Lawrence in the Bays of Gaspé and Chaleurs, “on the Island of Bonaventure and the opposite Shore of Percé. _____

“Present _ W.^m Grant in the Chair

“His Honor the Lieutenant - Governor

“Hon ~ ble Chief - Justice

“Mess.^{rs} Finlay

Mess.^{rs} De S.^t Ours

“Harrison

Baby

“Collins

De Longueuil

“Delery

Holland

“Pownall

De Lanaudiere

“De Belestre

De Boucherville

“Caldwell

“The Chairman read the Bill in both languages sent then the enacting “clause in the following words.

““Be it enacted by His Excellency the Governor and the Legislative “ “Council, and it is hereby enacted by the Authority of the same, that if any “ “person shall directly or indirectly be instrumental in shipping any “ “Fish by the above – mentioned Act directed to be inspected, called, marked or “ “branded, without such inspection, culling, marking and branding first “ “made; or if any Officer of the Customs shall permit such shipping before “ “the same shall be so branded or marked, he, whether the shipper or “ “officer of the Customs shall permit such shipping before the same shall “ “be so branded or marked, he, whether the shipper or Officer of the Customs, shall

JW

“ “Shall incur a penalty of Three Pounds for every hogshead, tierce or
 “ “barrel shipped contrary to the directions of this Act, to be recovered and
 “ “applied as directed respecting any other penalty in the Act first above _
 “ “mentioned. _____

“Question put thereon – carried unanimously in the Affirmative _

“The Title then read as follows _____

“An Act to amend an Act intitled ““An Act or Ordinance for
 “ “regulating the Fisheries in the River of S.^t Lawrence in the bays of
 “ “Gaspé and Chaleurs on the Island of Bonaventure and the opposite Shore
 “ “of Percé.” _____

“The Question put thereon Carried unanimously in the Affirmative

“Ordered that the Bill be reported accordingly _____

“By Order of the Committee

(Signed) “William Grant
 “Chairman.”

Question of concurrence put – Concur unanimously _____

Ordered that the Bill be engrossed, and read a third time next
 Saturday. _____

“Small Still Bill

M.^r Grant moves that the Council resolve themselves into a
 Committee of the whole Council to proceed upon the Bill intitled “An
 “Act to prohibit the use of small Stills” Resolved accordingly _ The Lieu.^t
 Governor quits the Chair._

The Lieutenant Governor resumes the Chair _____

M.^r Grant from the Committee of the whole Council upon the
 said Bill regarding small Stills, reports that the Committee have gone
 through the Bill, and he delivers the Report and Bill at the Table

The Report was read in the following words Viz.^t

“Quebec 30th March 1791

“In Committee of the whole Council upon the Bill intitled “An
 “Act to prohibit the use of small Stills

“Present _ William Grant in the Chair

“His Honor the Lieu.^t _ Governor

“Hon ~ ble Chief - Justice

JW

Mess.^{rs}

"Mess. ^{rs} Finlay	Mess. ^{rs} De S. ^t Ours
"Harrison	Baby
"Collins	De Longueuil
"Delery	Holland
"Pownall	De Lanaudiere
"De Belestre	De Boucherville
"Caldwell	

"The Chairman read the Bill in both languages,

""An Act

""To prohibit the use of small Stills

	"Preamble	""Whereas small Stills, by reason of their cheapness,
	"promote and encourage the practice of excessive drinking of Spirituous	
	"or strong liquors, and of the worst quality, to the great injury of the	
	"health, morals and lives of the people; Be it therefore enacted by His	
""Stills to	"Excellency the Governor and the Legislative Council, and it is hereby	
""contain	"enacted by the authority of the same, that it shall not be lawful for	
""100 gall."	"any person to distill any species of spirituous or strong liquors in any Still	
""at least.	"not containing one hundred gallons, after six months from the publication	
	"of this act. _____	
	""And be it further enacted by the same authority, that every	
""Stills under	"Still not containing one hundred gallons as aforesaid, be forfeited, and	
""100 gallons	"that the owner or owners thereof, and the person or persons by whom, or in	
""to be forfeited"	"whose behalf the same shall have been used, and the actual occupant of the	
	"house, building or appartment, in which any such shall have been discovered,	
""and the	"forfeit a penalty each and every of them of Ten Pounds Sterling money of	
""person using	"Great – Britain, if good and sufficient proof shall be brought of such still	
""the same to	"having been used for the distilling of some species of spirituous or strong	
""incur a penalty"	"liquor, after six months from the Publication of this Act. _____	
"" of £ 10	""And be it further enacted by the same authority that it shall	
	"be lawful for any person, having a warrant for that purpose from any two	
""Searches how"	"Justices of the Peace (one of whom shall be of the Quorum) under their hands	
""to be	"& Seals, to enter at any time of the day, any house or building, and to seize any	
""authorized	"still found in the same, not containing one hundred Gallons. _____	
	""Provided always that no such Warrant shall be valid, unless	
""Proviso	"proof shall first have been made before the same Justices by the Oath of one	
	"credible witness, at least, that such Still hath been used for the distilling of	
	"some species of Spirituous or strong liquor after six months from the	
	"publication of this Act. _____	

JW

And

““And provided further, that this Act shall not be construed
 ““2.^d Proviso “ “to extend to any small Still which any Person shall have authority
 ““respecting “ “to use for medical or philosophical purposes or experiments, by a
 ““Licences” “ “licence under the hands and seals of any three Justices of the Peace (one
 “ “of whom shall be of the Quorum) which licence shall not be valid,
 “ “unless the person applying for the same, shall first, before the said
 “ “Justices, have~~ing~~ given bond to His Majesty in the Sum of Fifty Pounds
 “ “Sterling money of Great - Britain, upon condition that such Still
 “ “shall not be used for any other than medical or philosophical purposes,
 “ “or experiments, not for any purpose whatsoever contrary to the true instant
 “ “and meaning of this act; which said Bond shall be forthwith lodged in the
 “ “office of the Clerk of the Court of Common – Pleas of the District. _____
 “ “And be it further enacted by the same authority, that in
 “ “every case of failure of the conditions upon which any such licence
 “ “shall have been granted, the said licence shall be void, and the Still so
 “ “are to become” “used, contrary to the intent and meaning of this Act, shall be seized,
 “ “void _ “ “forfeited and destroyed, as if no such licence had been granted for the
 “ “same. — ^+
 “ “* “And be it further enacted by the same authority, that
 “ “all and every Still so seized & sold at Auction, and forfeiture and penalty
 “ “created by this Act, may be sued for and recovered by Warrant of distress,
 “ “and sold before any three Justices of the Peace (one of whom shall be
 “ “of the Quorum) one half to be paid to the Receiver - General for the Use
 “ “of His Majesty, and the other half to the person or persons suing for the
 “ “same; all necessary charges attending the prosecution and sale being
 “ “first deducted therefrom, returning the overplus, if any there be, to the
 “ “owner of the goods distrained _””
 “ “Stills forfeited } “And be it
 “ “one to be destroy} “further enac
 “ “ed “ted by the same
 “ “authority, that any Still seized
 “ “& adjudged to be forfeited, by
 “ “authority of this act, shall be
 “ “destroyed and the materials
 “ “thereafter sold at auction”” *
 JW. “ “Forfeitures
 “ “how to be
 “ “prosecuted

“M.^r Finlay then moved that the further consideration
 “of the Bill intituled “An act to prohibit the use of small Stills”
 “be postponed till next Session.”

“The Question put thereon – Carried unanimously in the
 “Affirmative. —

“Ordered that Report be made accordingly.

“By Order of the Committee

(Signed) “William Grant”
 “Chairman”

JW

Question of concurrence put _ Concur unanimously _

M.^r

Intercourse by }
Post }

M.^r Grant moves that the Council resolve themselves into a Committee of the whole Council to proceed on the Bill intituled “An Act for securing and improving Correspondence throughout the Province and to facilitate intercourse by Post between the Western Districts and Montreal.” ____

Question put, Debates arose ____

M.^r Finlay moved “that the further consideration of this Bill “be postponed until the next Session” Seconded by M.^r De S.^t Ours ____

Question of Concurrence put _ Carried in the Affirmative ____

M.^r Grant being alone in the negative _____

Cribble - Bill

M.^r Grant moves that the Council resolve themselves into a Committee of the whole Council to proceed upon the Bill intituled, “An Act to have Wind and Screen Cribbles in Gristmills for cleaning Wheat”

Question put _ Debates arose. _____

M.^r Finlay moved “that the further consideration of this “Bill be postponed to the next Session”____

Question of concurrence put _ Carried in the Affirmative _

M.^r Grant being alone in the Negative. ____

Adjourned till to – morrow at 10 o Clock _

Thursday 31st March 1791

At the Council - Chamber in the Bishop’s Palace

Present

The Honorable

Major General Clarke Lieutenant Governor

The Honorable

William Smith Esq.^r Chief – Justice

and

The Honorable

Hugh Finlay

William Grant

Edward Harrison

Francis Baby

John Collins

Joseph De Longueüil

J. G. C Delery

Sam.^l Holland

Picotté De Belestre

Cha.^s De Lanaudiere

Henry Caldwell

R. A. De Boucherville

Esquires ____

JW

The

Police Bill

The Order of the day read the Council resolved themselves into a Committee of the whole Council to proceed further on the Bill intituled “An Act to continue and amend an Act passed in the seventeenth year of His Majesty’s reign, intituled, An Ordinance to empower the Commissioners of the Peace to regulate the Police of the Towns of Quebec and Montreal for a limited time” And His Honor the Lieutenant - Governor left the Chair.

M.^r De S.^t Ours enters

The Lieutenant – Governor resumed the Chair _

M.^r Grant from the Committee of the whole Council upon the said Bill respecting the Police reports that the Committee have gone through the Bill and made several amendments which with the Bill and Report he delivers in at the Table _ The Report was read in the following words Viz.^t

“Council – Chamber Quebec

“Monday 28th March 1791

“In Committee of the whole Council upon the Bill intituled ““An Act to continue and amend an Act passed in the seventeenth year of His Majesty’s reign intituled “An Ordinance to empower the Commissioners of the Peace to regulate the Police of the Towns of Quebec and Montreal for a limited time. _

“Present _ William Grant in the Chair

“His Honor the Lieu.^t Governor

“Hon ~ ble Chief _ Justice

“Mess.^{rs} Finlay Mess.^{rs} De S.^t Ours

“Harrison Baby

“Collins De Longueuil

“Delery Holland

“De Belestre De Lanaudiere

“Caldwell De Boucherville

“The Bill being read in both languages by the Chairman

“and then the first enacting Clause in the following words

““Be it therefore enacted by His Excellency the Governor and the Legislative Council, and it is hereby enacted by the authority of the same, that the powers given by any former ordinance to the Commissioners of the Peace, to make rules and orders touching the Police of the Towns of Quebec and Montreal, shall henceforth be vested in such Commissioners and where there are Circles with Courts of request in

“ “in the majority of the Commissioners of the Peace and of the Judges
 “ “of the Court of request convened for such purpose.

“The Question then put thereon
 “Carried unanimously in the Affirmative

“The second enacting Clause was then read in the follow-
 “ing words. _____

“ “ And be it also enacted by the same authority, that the rules
 “ “and orders, so to be made, may extend to any City, Town or Village
 “ “of the District to which it belongs, and for which they shall be
 “ “declared to be intended, if the object of regulation shall be of the
 “ “nature of that internal Polity appropriate to Cities and Towns, &
 “ “respect Streets, Lanes, Alleys, Markets, Water-Courses, drains,
 “ “nusances, the health of the Inhabitants, prevention of Accidents by
 “ “fire, the assize of bread, the due exercise of the necessary Trades of
 “ “Butchers, Bakers and other necessary occupations; sign posts, Cartmen,
 “ “and their Carriages, Pumps, wells, fish, game and Provisions, and such
 “ “other objects as are mentioned in the regulations made by the Commission
 “ “-ers or Justices of the Peace of Quebec of the month of April in the
 “ “year of Our Lord One thousand seven hundred and eighty, and not
 “ “repugnant to any Law or ordinance of the Province, nor to the duties
 “ “of any of the public officers thereof. Every of which said rules and orders, shall
 “ “be valid for no longer period than _____ months from the publication thereof,
 “ “unless the same shall be continued or revived and published by a subsequent
 “ “order or regulation, in like manner limited and regularly made and ordained

“The Question put – Debates arose

“The Chief - Justice then moved to report progress and pray leave
 “to sit again to – morrow at 10 oClock. _____

“Carried in the Affirmative

“Adjourned accordingly.

“Tuesday 29th March 1791

“In Committee of the aforesaid Bill

“Present, the Chairman and Members as yesterday, and M.^r Secretary

“Pownal. _

“The Chairman read the second enacting Clause in both
 “languages, and the question being resumed and put thereon, Debates
 arose

JW

“arose ____

“For the Affirmative

“Mess.^{rs} De Lanaudiere

“Holland

“Baby

“Pownal

“Collins

“Harrison

“Finlay

“Ch. Justice

“Lieu.^t Governor

For the Negative

Mess.^{rs} De Boucherville

De Longueuil

De S.^t Ours

Caldwell

De Belestre

Delery.

“Carried in the Affirmative 9 Ayes against 6 Nays

“(Mess.^{rs} Caldwell and Baby retired)

“The third enacting Clause was then read in both languages, _

““And be it further enacted by the same authority, that every rule, order

“ “and regulation of Police to be made under the limitations and restrictions

“ “above – mentioned, shall be as valid and binding in the law, as if the same

“ “was specially enacted by an ordinance of the Provincial Legislature; and

“ “that the same being duly made, may be enforced and carried into execution

“ “by the infliction of penalties upon offenders; and in every instance

“ “exceeding Shillings, shall be recovered with costs by action

“ “of debt, bill, plaint or information in any Court of record; one moiety

“ “whereof shall belong to the informer prosecuting for the same, and

“ “the remainder be paid into His Majesty’s Treasury for the use of the Crown;

“ “and where the Penalty shall not exceed Shillings it shall

“ “be recoverable summarily before a single Judge of the Common Pleas, as

“ “in Causes where the demand shall be of Ten pounds Sterling, and under,

“ “and be divided and applied in the manner aforementioned - and that the

“ “Ordinance first above - mentioned, and the last Act or Ordinance to continue

“ “the same shall be of force for and during the continuance of this present

“ “act _.”

“The Question put

Debates arose

“For the Affirmative

For the Negative

Mess.^{rs} De Lanaudiere

Mess.^{rs} De Boucherville

Holland

De Longueuil

Pownal

De S.^t Ours

Collins

De Belestre

Harrison

Delery.

Finlay

Ch. Justice

Lieu.^t Governor

JW

Carried

“Carried in the Affirmative 8 Ayes against 5 Nays.

“(Mess.^{rs} Caldwell & Baby returned & took their Seats)

“The Chief - Justice then moved that the last Clause of
“the Bill be in the following words,

““Provided nevertheless, and be it further enacted by the same
“ “authority, that the power of establishing regulations of Police shall
“ “extend to no Town or Village with fewer inhabited Houses than thirty
“ “nor unless the regulation of the Police thereof shall be desired by a
“ “majority of the heads of the Families in such Houses under their
“ “Signatures before a Notary filed in the Office of the Clerk of the
“ “Peace of the Districts, and that no such regulation for any Town or
“ “Village in future shall bind any Inhabitant not within the
“ “dimentions aforementioned.” ”

“The Question put Debates arose

“For the Affirmative all the Members, except M.^r De S.^t Ours in
“the Negative. _____

“The Chief – Justice then moved that the blank in
“the second enacting Clause be filled up with the word Six”

“The Question put

“Carried unanimously in the Affirmative _____

“The Chief- Justice then moved that the two blanks in
“the third enacting Clause be filled up with the word forty” _____

“The Question put thereon - Debates arose ____

“For the Affirmative, all the Members except Mess.^{rs} De Boucherville,
“De S.^t Ours and DeLery in the Negative. _____

“The Bill being gone through the Preamble was read in
“the following words.

““Whereas the Province has lately become divided into several new
“ “Districts, and is increased in the number of its Inhabitants; and further
“ “provision is necessary for the internal regulation of its rising Towns and
“ “Villages in all the several districts, as well as in the principal Cities or
“ “Towns of Quebec and Montreal.” ”

“The Question put thereon and carried in the Affirmative,
“M.^r De S.^t Ours alone in the Negative ____

JW

The

“The Title was then read in the following words
 “ ““An Act to continue and amend an Act passed in the seventeenth
 “ “year of His Majesty’s reign intituled “An Ordinance to empower the
 “ “Commissioners of the Peace to regulate the Police in the Towns of Quebec
 “ “and Montreal for a limited time.” _ _
 “The Question put thereon - Carried as the last in the Affirmative
 “M.^r De S.^t Ours in the Negative. _____
 “Agreed to report progress and pray leave to sit again on
 “Thursday next at 10 o Clock _____
 “Thursday 31 March 1791
 “The proceedings read and compared
 “Ordered that Report be made accordingly
 “By Order of the Committee
 (Signed) “William Grant
 “Chairman.”

Question of concurrence put - Carried in the Affirmative
 M.^r De S.^t Ours being alone in the Negative _____

Question whether the Bill shall be ingrossed and read a third
 time on Saturday next - Carried in the Affirmative, M.^r De S.^t Ours
 being alone in the Negative _
 Ordered to be ingrossed and read a third time on Saturday
 next.

Adjourned till Saturday next at 10 oClock.

Saturday 2^d April 1791
 At the Council - Chamber in the Bishop’s Palace
 Present
 The Honorable
 Major - General Clarke Lieutenant - Governor
 The Honorable
 William Smith Esq.^r Chief - Justice
 and
 The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	Samuel Holland
J. G. C Delery	Cha. ^s De Lanaudiere
George Pownall	R. A. De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré
Henry Caldwell	

Esquires

Representation against the Cribble Bill.	His Honor the Lieutenant - Governor informed the Council that he had in his hand a Petition of sundry Inhabitants of the Parish of S.^t Francis Nouvelle _ Beauce dated _ January 1791 containing Representations against passing the Cribble _ Bill _ Ordered to be read - being read Ordered to lay on the Table. _____																								
Memorial of sundry Inhabitants of the Districts of Montreal respecting Attornies	His Honor the Lieutenant - Governor acquainted the Council that he had in his hand a Paper addressed to His Excellency The Governor and the Legislative Council, signed by a member of the Inhabitants of the District of Montreal, dated Montreal the 26th of March 1791.” praying that such part of the Ordinance therein mentioned as relates to the Clerkship of Attornies and the prohibition of Notaries and Surveyors be repealed, and for further provision. Ordered to be read _ Being read in both languages _ Ordered to lay upon the Table _____																								
Bill respecting Curators &. ^c	M.^r Mabane moves the order of the day for going into a Committee of the whole Council to proceed further upon the Bill respecting Curators, Tutors, Executors & Administrators _ Seconded by Col.^l Caldwell _ Debates arose _ Question put _ Carried in the Negative by 11 against 7. __ <table> <tr> <td>For the Affirmative</td><td>For the Negative</td></tr> <tr> <td>Mess.^{rs} Boucherville</td><td>Mess.^{rs} Dupré</td></tr> <tr> <td>Longueuil</td><td>Lanaudiere</td></tr> <tr> <td>Caldwell</td><td>Holland</td></tr> <tr> <td>Mabane</td><td>Baby</td></tr> <tr> <td>Collins</td><td>S.^t Ours</td></tr> <tr> <td>Harrison</td><td>Grant</td></tr> <tr> <td>Dunn</td><td>Belestre</td></tr> <tr> <td></td><td>Pownall</td></tr> <tr> <td></td><td>Delery</td></tr> <tr> <td></td><td>Finlay</td></tr> <tr> <td></td><td>The Chief Justice</td></tr> </table>	For the Affirmative	For the Negative	Mess. ^{rs} Boucherville	Mess. ^{rs} Dupré	Longueuil	Lanaudiere	Caldwell	Holland	Mabane	Baby	Collins	S. ^t Ours	Harrison	Grant	Dunn	Belestre		Pownall		Delery		Finlay		The Chief Justice
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	The Chief Justice																								
Navigation - Bill	His Honor the Lieutenant Governor communicate a Copy of a Letter from M.^r David Fiesberger to Major Smith Commandant of Detroit dated “Huron River October 15.th 1790,” respecting the selling of Liquor to the Indians _ Being read _ Ordered to lay on the Table. __ M.^r Grant moves the Order of the day for a third reading of the Bill intituled “An Act to explain and amend the Act intituled An Act “or Ordinance for promoting the Inland Navigation, and to promote the “trade to the western country” Question put _ Agreed to, Nem. Con. The said Bill being read a third time _ Question from the Chair _ Shall the Bill pass. _ The Chief - Justice moved that the Words “<u>on the Lakes</u>” in the																								
JW																									

the third clause of the Bill be struck out, and between the words “sailing” and the word “from” the following words inserted Viz.^t “on the interior Lakes or Rivers”. Seconded by M.^r De Lanaudiere _ Question put _ Carried unanimously in the Affirmative. __

M.^r Mabane moves “that the fifth Article be struck out” [^] of the Ordinance” Seconded by Col.^o Caldwell _ Debates arose _ Question put _ Carried in the Negative by 16 against 2 _ Col.^o Caldwell and M.^r Mabane for the Affirmative. _____

M.^r Mabane moves “that the seventh Article be struck out” _ Seconded by Col.^o Caldwell _ Debates arose _ Question put _ Carried in the Negative by 17 against 1. M.^r Mabane being alone in the Affirmative ._____

The Question from the Chair repeated _ Shall the Bill pass? Carried in the Affirmative by 16 against 2 ._____ Col.^o Caldwell & M.^r Mabane for the Negative. __

Ordered that _ M.^r Collins M.^r Belestre & M.^r Grant be a Committee to wait on His Excellency the Governor with a transcript of the ingrossed Bill, that they inform His Lordship that the Council have passed the Bill and submit it to His Lordship’s Assent that it be enacted into a Law _

M.^r Mabane in his place read his Dissent from the Vote of the Council for passing the Navigation Bill, in the following words,

“ My Reasons for my vote against passing the Ordinance
“entitled ““An Act or Ordinance for promoting the Inland Navigation
“and to promote the Trade to the Western Country”” are as follows, because
“the restraints imposed by the Ordinance of the year 1777 and taken off
“by the present Ordinance appear to me to be more than ever necessary
“in the present situation of the Indian Countries. _____

“Because there is reason to think that the Parliament of
“Great - Britain has made or will soon make Regulations for the Province
“in general and those Countries in particular and therefore it appears to
“me that it would have been better to have postponed the consideration
“of an Ordinance of so much importance to another day.””

Petition of George Allsopp Esq.^r

M.^r Grant moves for leave to read a Petition of George Allsopp Esquire praying a Law may be enacted to relieve the Suitors in His Majesty’s Courts whose Witnesses may happen to be resident in remote parts

JW

JW

parts of the District of Hesse. _
 The Petition read _ Ordered to lay on the Table ____
 Adjourned till Tuesday next at 10 o Clock _

Tuesday 5th April 1791
 At the Council - Chamber in the Bishop's Palace
 Present

The Honorable Major General Clarke Lieu.^t Governor
 The Honorable William Smith Esq.^r Chief - Justice
 and
 The Hon ~ ble

Thomas Dunn	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C Delery	Samuel Holland
George Pownall	Charles De Lanaudiere
Picotté De Belestre	R A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Navigation Bill

Esquires

M.^r Grant from the Committee charged to wait on His Excellency the Governor with a transcript of the Bill passed last Saturday intituled "An Act to explain and amend the Act intituled An Act or Ordinance "for promoting the inland Navigation and to promote the trade to the "western country" reports that the Committee have waited on His Lordship therewith pursuant to the Order of the Council. _____

Colonel Caldwell read in his place his Dissent from the Vote of the Council of Saturday last for passing the Navigation Bill in the following words - Viz.^t

"M.^r Caldwell's Dissent from the Majority of the Council
 "on M.^r Mabane's motion for striking out the 5th Art. of the Ord.^{ce}
 "for promoting the Inland Navigation &. ^c

"Because that Article is contrary to the King's Instructions to
 "every Governor of the Province, since the Conquest; which instructions
 "appear to me wise and politick, & ought more particularly to be inforced
 "since the independance of the United - States. _____

"Because the Merchants trading to the Western Country in their
 "Representations seem to complain more on the expence attending the
 "taking out of Licences then of the restrictions those licences lay them
 under

JW

“under, & which licences being directed by the King’s instructions to be
 “given without fee or reward, the fees might be moderated by the
 “legislature; for other other grievances formerly complained of, respecting
 “passes, seem to have been done away, by the regulations made &
 “orders given, by the Commanders in Chief since the Peace. ____

“Because the regulations expressed in the Licences and the
 “submission to them secured by the bond given when the licence is
 “granted, seem to me absolutely necessary, as well to prevent
 “irregularities in that trade, which might occasion disputes with
 “the Indians, as to prevent the furs proceeding from that trade, being
 “carried out of the Province, independant of the bad consequences that
 “might result from disaffected people, under the idea of trade getting
 “from this Province into the Indian Country, debauching and
 “alienating from in the affections of the Natives, holding Councils with them
 “and exchanging belts of Wampum, which hitherto has been prohibited
 “except to the Kings Superintend.^t of Indian Affairs & those in his
 “Department. _____

“Because the power given to the Command.^r in Chief by this
 “law to regulate the Indian Trade when he may judge it necessary
 “are done away as the persons who ought to conform to such regulations
 “will not be under any bond to conform thereto. _____

“Because the exemption from taking out Licences is partial,
 “extending to the western Country only, where, in my opinion, such
 “exemptions are dangerous to the publick safety; & not given to other
 “of His Majesty’s subjects (equally entitled to a free Commerce) who
 “trade from the other parts of the Province, and where such exemptions
 “might in my opinion be given consistent with the publick safety”

(Signed) “Henry Caldwell”

Potash Petitions }

M.^r Mabane from the Committee charged to confer with M.^r
 Samuel Hopkins and M.^r Angus M.^c Donell respecting the manu-
 -facture of Pot & Pearl Ash, presented their Report to the Chair, and
 it was read in the following words

“To The Hon ~ ble The President and Members of the Legislative
 “Council. _

JW

“The Committee to whom were referred the Petitions of Mess.^{rs}
 “Hopkins and M.^c Donnell relative to their improvements in the
 manufacture

“manufacture of Pot & Pearl Ashes have had several Meetings
 “and report the annexed Journal of the Proceedings. _____

“By Order of the Committee
 “April 2.^d 1791”_____ (Signed) “A. Mabane Chairman.

“Council - Chamber March 23.^d 1791

“The Committee appointed by the Legislative Council
 “on the 22^d instant relative to the Petitions of M.^r Samuel
 “Hopkins of Philadelphia and M.^r Macdonnel of S.^t Foix
 “assembled. Viz.^t

“Mess.^{rs} Mabane

“Caldwell

“Grant &

“Baby

“Read the Papers mentioned in the reference from N.^o 1 to 6
 “hereunto annexed _____

“Resolved that the Petitioners be requested to attend the
 “Committee in the Council _ Chamber on Saturday next at 6 o Clock
 “in the Evening and that the Chairman request the attendance of
 “Doctors Nooth and Fisher, of M.^r Longmore and M.^r Gould Surgeons.

“Council - Chamber March 26.th 1791

“Present “Mess.^{rs} Mabane

“Caldwell

“Grant &

“Baby

“Doctors Nooth & Fisher Mess.^{rs} Longmore & Gould attended
 “according to the request of the Chairman. D.^r Nooth acquainted the
 “Committee that he had lately received a Letter from a M.^r Carter of
 “ “which the following is an Extract “One of my Neighbours, a man of good
 “ “Character is just arrived from Schenectady in New - York - State who says
 “ “that a person of that place offered to instruct him in the making of
 “ “Pot-Ash according to M.^r Hopkins’s method for fifty dollars; and that
 “ “he had a partner in the business at Kingston, upper Canada, who is now
 “about to erect Works for carrying on the Manufactory.” _____

“The Committee having conferred with D.^r Nooth, M.^r Hopkins,
 “and at his desire his friend Joseph Moore were introduced. _____

“M.^r Hopkins informed the Committee that he had procured a
 “Patent for fourteen years from the United States of America for an
 “improvement which he had made in making Pot & Pearl Ashes, by
 procuring

JW

“procuring at least a double quantity of Pot - Ash from a given
 “quantity of Ashes, to that which is procured by the common method,
 “and that he is willing to give the proof of it before the Committee
 “or such Gentlemen as should be thought best calculated to judge
 “of the truth of his assertions; and for that purpose will erect works
 “if required in ten days and make the necessary proofs; and wishes
 “M.^r John Lees to be present along with the persons appointed by the
 “Committee. _____

“The Committee read M.^r Macdonnel’s Petition and the
 “Affidavits annexed to it to M.^r Hopkins, upon this M.^r Hopkins and
 “his friend withdrew, acquainting the Committee that he would
 “communicate his sentiments more fully in writing on a Letter
 “to the Chairman. _____

“M.^r Macdonnel was introduced and informed the Committee
 “that he was ready to give ocular proof of the assertions contained in his
 “petition before such person as the Committee would appoint _____

“Resolved that M.^r Macdonnel do give the proofs before
 “Doctors Nooth and Fisher, Mess.^{rs} Longmore and Gould on Friday next,
 “who are required to report the result to the Committee. Adjourned
 “to the Call of the Chair. _____

“Council - Office March 27.th 1791

“Present Mess.^{rs} Mabane

“Caldwell

&

“Baby

“The Chairman laid before the Committee a Letter he received this
 “morning from M.^r Hopkins as follows.

““Respecting Friend

““Quebec 3.rd Mo. 29.th 1791

““Understanding that Council wish to know

“ “what advantage Government may receive from a discovery of my
 “ “new method in making Pott and Pearl Ashes and in what way
 “ “they may be convinced of what I set forth in my Petition, do agree
 “ “to make manifest proof of the same to the satisfaction of Doctor Nooth
 “ “with any other Chemist that Council may think proper to appoint,
 “ “that on my new process (without the addition of any foreign matter) double
 “ “the quantity (at least) of pure Pearl Ash may be produced from a given
 “ “quantity of Ashes to what has been usual in the common method, and if
 “ “incouragement be given will immediately (if health permit) begin
 and

“ “and erect a furnace to go through the process that every doubt may
 “ “be removed which may be accomplished in about ten days. _ And at a
 “ “suitable time with produce a Copy of the Patent alluded to in my
 “ “Petition, wherein the United States have given me an exclusive~~on~~ right
 “ “for fourteen years. ““Thy Fr.^d (Signed) “Sam.^l Hopkins”
 “ “ Adam Mabane Esq.^r”

“Resolved that the Chairman report Proceedings and the
 “said Letter to the Legislative Council in order to have further directions
 “on the business. ____

“To the President and the Members of the Legislative Council.
 “In consequence of a Resolution of the Committee to whom
 “the Petitions of M.^r Hopkins of Philadelphia and of M.^r Angus Macdonell
 “of S.^t Foy were referred by an Order of reference of the 22^d instant _ I have
 “the honor to report the inclosed Journal of their proceedings.
 “March 29.th 1791” “Signed A. Mabane.”

“April 2.^d 1791
 “Council _ Chamber
 “The Committee met agreeable to notice given
 “Present
 “Mess.^{rs} Mabane
 “Caldwell
 “Grant &
 “Baby

“The Chairman laid before the Committee an Extract from
 “the Journals of the Legislative _ Council as follows
 ““Wednesday 30th March 1791
 ““Col.^o Caldwell for M.^r Mabane Chairman of the Committee charged
 “ “to confer with M.^r Samuel Hopkins and M.^r Angus Macdonell upon
 “ “their Petitions respecting the manufacture of Pot and Pearl Ash moves to
 “ “withdraw the Report and Papers delivered yesterday at the Table, report
 “ “Progress and have leave to sit again. _
 ““Ordered accordingly (Signed) JWilliams.”
 “M.^r Grant moves the Committee to resolve that M.^r Hopkins be
 “required to go through such Chemical process in presence of D^r Nooth and
 “M.^r Lees as shall convince them of the truth of his discovery and that may
 enable

JW

“enable them to certify the same in writing to this Committee and
 “that the following Letter be wrote to M.^r Hopkins. ____

““Sir your Letter dated the 29 Ult.^o addressed to me as
 “ “Chairman was read in Committee this morning, whereupon the
 “ “Committee came to the following resolution _ it rests with you to
 “ “comply therewith _ The Committee desire me to assure you that if
 “ “your improvement in the Pot and Pearl Ash manufactory is such
 “ “as represented by you the Members of the Committee will recommend
 “ “the prayer of your Petition to the Legislature in whose Justice and
 “ “equity they think you may confide”.” _____

M.^r Grant laid before the Committee a Letter from M.^r
 “Sec.^y Motz to M.^r Hopkins, which he received from M.^r Finlay
 “with desire to lay it before the Committee, as follows.

““Sir _____ ““Quebec 18th November 1790
 ““Lord Dorchester having taken into consideration your
 “ “request to know what encouragement can be given here to the mani-
 “ “festation of a discovery, stated to have been made by you, of an easy
 “ “and profitable method of making Pot and Pearl Ashes, I am commanded
 “ “to signify to you, that overtures in the same branch of business are
 “ “made by two other persons, whose applications with yours, if you
 “ “think proper to make any, may be submitted to the Legislature at
 “ “their next Session between the months of January and May. No
 “ “hopes can be given to either for a purchase of the secret, or any other
 “ “encouragement than the usual monopoly granted to useful _____
 “ “inventions for a term of years. _____

““If the methods proposed are found to differ, all the appli-
 “ “cants may be gratified in their reasonable requests _____
 ““The success in this respect must depend upon the evidence
 “ “of the public utility of the process, and that again upon a full
 “ “explanation of its principles and effects _____

““I have at the same time to express Lord Dorchester’s thanks
 “for the printed tracts you have been so good as to communicate _

““I am Sir _____ Your most obedient

““humble Servant

“(Signed)” “Henry Motz”

JW

Debates

“Debates arose _ The Question being put the voices were

“In the Affirmative

In the Negative

“M.^r Grant

M.^r Baby

M.^r Caldwell

“M.^r Caldwell moved as follows

“M.^r Caldwell moves that the proceedings of the Committee

“be reported, in order that the Sense of the Council may be taken

“with respect to the encouragement required by M.^r Hopkins’s

“Letter on his proving the allegations of his Petition . _

“The Question being put the Voices were

“In the Affirmative

In the Negative

“M.^r Baby

M.^r Grant

“M.^r Caldwell

“Ordered that the Chairman report accordingly

“By Order of the Committee.

(Signed) “A Mabane, Chairman.”

(Annexations)

N.^o 1

“To The Governor and Legislative Council of the

“Province of Quebec _

The Petition of Samuel Hopkins of the City of Philadelphia.

“Respectfully Sheweth

“That your Petitioner apprehends he has by a variety of

“experiments and observations very much improved upon the common

“methods of making Pot and Pearl – Ashes, and by a new Process entirely

“of his own discovery by which he conceives he can without an increase of

“labour or more expensive Apparatus than usual procure a much

“greater quantity of pure Alkali from a given quantity of Ashes

“than can be obtained by the usual process.

“That the Pearl – Ash then produced on examination and

“experiments made by some of the best Chymists has been pronounced equal

“in quality if not better than that made in the common way. _____

“That your Petitioner has no doubt of proving to the

“conviction of every unprejudiced Person the truth of what is above advanced,

“and conceiving that his new method of furnishing in greater quantity

“and with less materials as valuable an Article of Commerce, and

“particularly so beneficial to the Manufactories of Great – Britain he

flatters

JW

“flatters himself that his discovery may merit the approbation and
“attention of your Legislature, _

“He therefore respectfully requests an exclusive Privilege
“may be granted him for the benefit of his discovery similar to that
“which he has obtained from the United States _____

“I am your sincere Friend

“Sam.^l Hopkins.”

“Quebec 3.^d Month 21.st 1791” _____

N.^o 2

“This certifies that I have examined some Pot & Pearl Ash delivered
“to me by M.^r Hopkins of Philadelphia & that I found the said Pot &
“Pearl very pure

(Signed) “J Mervin Nooth

“Superintendent General of the

“Quebec 21 March 1791.”

“British & Foreign Hospitals &

“Physician to the British Forces”__

N.^o 3

“The Subscriber hereby certifies that having examined
“some Pearl – Ash presented him by Samuel Hopkins of Philad.^a
“and compared it with some very good Pearl – Ash inspected by
“Jonathan Lawrence of this City, and by him said to be of the first
“quality, he finds that of M.^r Hopkins to contain in a given quantity
“one twentyeth part more pure Alkali than the inspected Pearl _ Ash.

“Signed Samuel Bard.”

“New - York June 2^d 1790”

“The above is a true Copy

(signed) “William Shotwell”_

N.^o 4

“I do certify that I have examined accurately by repeated
“experiments some Pearl – Ash delivered to me by Samuel Hopkins of
“Phil.^a and find it to contain five & three quarters & Cent more
“pure Alkali, than some first quality Pearl - Ash inspected and branded
“by Jonathan Lawrence, and that the solution of the former contains
“much less visible impurity. _____

“Signed Effingham Lawrence”

“New York June 8.th 1790”

“The above is a true Copy

(signed) “William Shotwell.”

JW

N.^o 5

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

“The Petition of Angus M.^c Donell of the Parish of S.^t Foie

“Respectfully Sheweth

“That your Petitioner has with expence & labor
 “made an improvement which is important in the manufacture
 “of Wood Ashes into those commonly called Pot or Pearl _____

“That your Petitioner is ready to make oath that the
 “discovery is originally his own & was not communicated to him by
 “any person whatsoever. _____

“Wherefore your Petitioner prays that your Lordship
 “may nominate some confidential Person or Persons to inspect your
 “Petitioner’s process and report thereon to your Lordship & afterwards
 “grant such indulgence as in your Lordship’s wisdom may seem meet
 “for securing to your Petitioner the exclusive privilege of his invention
 “for a limited time & your Petitioner will pray &.^c &.^c _____

N.^o 6

“Personally appeared before me one of His Majesty’s Justices of the
 “Peace for the District of Quebec Angus Macdonell of the District
 “aforesaid who being first duly sworn upon the Holy Evangelists
 “maketh Oath & sweareth that he has discovered a method of manufactu-
 “ring Pot & Pearl Ashes of good quality to such advantage that the produce
 “of one bushel of common Wood - Ashes will equal by this method the
 “yield of two or three bushels managed in the common way Viz.^t that a
 “bushel of Ashes manufactured agreeable to his invention will
 “produce from nine to ten Pounds of Pot or Pearl Ashes and this deponent
 “further maketh oath that this discovery was not communicated to
 “him by any other person but is originally his own & the fruit of his
 “thought, labour & expence (Signed) “A Macdonell”
 “Sworn before me in Quebec

“this 22^d day of November 1790

(Signed) “Thom.^s Dunn J. P.”

JW

The Petition of M.^r
M.^r Donnell moved by
M.^r Grant the 21.st of —

March, viz,

“To His Honor the president &
“the Honorable Members of His
“Magisty’s Council for the Province
“of Quebec —

“The Petition of Angus M.^c

“Donell of the Parish of S.^{te} Foie

“Most humbly Sheweth

“That your petitioner having
“made some improvements of the
“greatest importance in the

“manufacture of Pot & Pearl Ashes,

“did in the course of last Autumn

“petition His Excell.^y the Right

“Hon^{ble} Lord Dorchester, praying

“that the originality, reality &

“advantages to the public of your

“petitioner’s discovery might under

“goe inspection & examination by

“persons duely qualified & officially

“appointed; so that upon their

“report (if favourable) His Lordship

“might be duely founded & graciously

“induced to reward your Petitioners

“beneficial invention in such

“manner as in his wisdom might

“seem meet —

“That is Lordship was then pleas’d

“to observe, and skill persists in opi-

“nion, that your Honours in your

“Legislative Capacity, are the proper

“jurisdiction to take into cognizance

“your Petitioner’s Case and determine

“thereupon —

“Wherefore your Petitioner, w.th

“all humility & submission, prays

“that your Honours will be **Road**

“pleased to order your **Bill**

“petitioner to come forward, before

“such inspectors or Commissioners,

“duely qualified, on your Honors

“may think fit to appoint, to the

“end that your Petitioner may

“exhibit & produce before them

“ocular & satisfactory proofs of the

“originality, reality & advantages

“to Society of your Petitioner’s disco-

“very; & your Petitioner further prays

“that, when by the report of such

“Commissioners or Inspectors your

“petitioner has substantiated &

“proven his assertions of being an

“original discoverer of the above-

“mentioned important improvement

“in the manufacture of Pot & Pearl

“Ashes & your Honours are satisfied

“on that head, that your Honours for

“the encouragement of future

“improvements & discoveries will

“toward your petitioner by securing

“fourteen years the exclusive right of

“to the principles of his invention &

“by making it penal for any person

“those articles during the said term

“by your petitioners without first

“that purpose – and your petitioner

“ever pray. (Signed)

“Quebec 14th March 1791”

“Personally appeared before me one of His Majesty’s
“Justices of the Peace for the District of Quebec James Glenny & John
“Buchanan of the said District who made Oath that they saw Angus
“Macdonell go through the operation of making Pot or Pearl Ash
“on an improved Plan by which the produce was greatly augmented
“and that they themselves went through the process both in his & in
“the common manner of extracting the Alcaline Salt from Ashes
“& found that the quantity produced by his method was more than
“double the other —

(Signed) “Jas: Glenny
“J. Buchanan”

“Sworn before me in Quebec
“this 22^d day of November 1790

(Signed) “Tom.^s Dunn J. P.” —

*

Ordered to be translated. _____

Col.^o Caldwell moves “that the opinion of the King’s Law
“Officers may be taken respecting the Powers of this Council to
“grant exclusive privileges by Laws of this Province.” Seconded by
“M.^r Dunn _ Ordered that this motion lay in the Table, and
be translated _____

M.^r De Boucherville moves for leave to bring in a Bill
“intituled “An Act or Ordinance to explain and amend an Act
“intituled An Ordinance for repairing and amending the public
“Highways and Bridges in the Province of Quebec”

Seconded by M.^r Dunn _ Ordered accordingly.

M.^r De Boucherville pursuant to leave, brought in the said
Bill in the french language and it was read —

Ordered to be translated into English _____

M.^r De Boucherville moved that it be read a second time
on Monday next _ Seconded by M.^r Dunn _ Ordered accordingly
Adjourned till to –morrow at 10 oClock. _____

to him during the term of
manufacturing according
Pot & Pearl Ashes in this Province
or persons to manufacture
upon the plan invented
obtaining his Licence for
as in duty bound will
“A Macdonell”

On

On Wednesday the 6.th April 1791.
 At the Council - Chamber in the Bishop's Palace
 Present
 The Honorable
 Major General Clarke Lieu.^t Governor
 The Honorable
 William Smith Esquire Chief - Justice
 and
 The Honorable

Hugh Finlay	William Grant
Tho. ^s Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C Delery	Samuel Holland
George Pownall	Cha. ^s De Lanaudiere
Picotté De Belestre	R A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

 Esquires.

Bill respecting
 Curators &.^c

} The Order of the day read. The Question from the Chair was put _
 Whether it is the pleasure of [^] the Council to resolve themselves into a Commit-
 -tee of the whole Council to proceed further upon the Bill respecting
 Curators, Tutors, Executors and Administrators - Debates arose _ Carried
 in the negative by 11 against 6. _

For the Affirmative

Mess.^{rs} Boucherville
 Longueuil
 Caldwell
 Delery
 Mabane
 Dunn

For the Negative

Mess.^{rs} Dupré
 Lanaudiere
 Holland
 Baby
 S.^t Ours
 Grant
 Belestre
 Pownall
 Harrison
 Finlay
 Chief – Justice _

Police Bill

The Order of the day read for the third reading of the Bill intituled
 “An Act to continue and amend an Act passed in the seventeenth year
 “of His Majesty’s reign, intituled An Ordinance to empower the Commission-
 “-ers of the Peace to regulate the Police in the Towns of Quebec and Montreal
 “for a limited time” The said Bill was read in both languages _ Then the
 question from the Chair was put shall the Bill pass? Debates arose

M.^r

JW

M.^r Grant moves that the words “not within the “demonstrations” in the last line of the Bill be struck out, and the words “without the precinct of such Town or Village” inserted in their stead. Seconded by M.^r Baby _ Question of concurrence put _ Debates arose _ Carried in the Affirmative by 16 against 1 _ M.^r De S.^t Ours alone for the negative. _____

M.^r Dunn moves that the following Proviso be added to the Bill “Provided also that nothing in this Ordinance contained shall “be construed to authorise the assessment of any fine or penalty exceeding five pounds” _ Seconded by M.^r Baby _ Question of concurrence put _ Carried in the affirmative unanimously _

The Question from the Chair put “Shall the Bill with the amendments pass?” Debates arose _ Carried in the Affirmative by 14 against 3 _ M.^r S.^t Ours, M.^r Caldwell and M.^r Mabane for the Negative. ____

Ordered that M.^r Dunn M.^r Pownall & M.^r Baby be a Committee to wait on His Excellency The Governor with a Copy of the Bill and inform His Lordship that the Council have passed the Bill and submit it to His Lordship’s assent that if be enacted into a Law. ____

Law Bill

The further order of the day read for the third reading of the Bill intitled “An Act to continue and amend the Acts or Ordinances therein “mentioned respecting the practice of the Law in Civil Causes” _ The said Bill was read in both languages. _____

M.^r Mabane moves “that the words following in the 15.th “16, 17th and 18.th lines be struck out Viz.^l” and for as much as there is reason “to apprehend that the condition of this Country may soon be the subject of “reforms by the wisdom of the Crown and Parliament of Great – Britain” and “the following words substituted in their place, Viz.^t “And for as much ^{as} there is “the highest authority to believe that the condition of this Country will “soon be the subject of Regulations by the wisdom of the Crown and Parliament “of Great - Britain.” _ Seconded by M.^r Dunn _ Debates arose. _____ Question of concurrence put _ Carried in the Negative by 12 against 5. ____

For the Affirmative
Mess.^{rs} Caldwell
Delery
Mabane
Harrison
Dunn

For the Negative
Mess.^{rs} Dupré
Boucherville
Lanaudiere
Holland
Longueuil
Baby
S.^t Ours
Grant
Belestre
Pownall
Finlay
The Chief – Justice

JW

M.^r

M.^r Grant moves “that the words following be added after the word made in the second enacting Clause “by His Excellency the “Governor or Commander in Chief with the advice of the Council” Seconded by M.^r Dupré _ Question of concurrence put _ Carried unanimously in the Affirmative. _

M.^r Grant moves that the following Amendment be added to the Bill Viz.^t

“And to avoid delays and prevent expence where “witnesses in civil causes reside in the Indian Countries and other “remote places. _

“Be it also enacted by the same authority that “the testimony of such distant witnesses may be obtained by commission “in the nature of the Commission rogatoire, the carriage whereof “shall belong to the party moving for the same, which commissioners “shall be appointed in the manner following V iz.^t each party where “both join in the commission shall name four commissioners, & “afterwards alternately strike out two, and that the Commission “shall issue to the remaining four, and with the commission there “shall go such interrogatories and cross interrogatories as the parties “may have respectively filed in the office of the Clerk of the Court “out of which the same Commission shall issue, which interrogatories “shall be kept secret as well as the depositions returned therewith, until “the order of two Judges of the Court be given for the publication thereof, “and in default of joining in such Commission the same may be issue “to the commissioners named by the party moving for, & having the “carriage thereof _

“And be it also enacted by the same authority, that “whenever such commission shall be executed according to the tenor “thereof, and conformable to such instructions as the Judges granting “the same may under their signatures order and direct to be annexed “thereto, for the better execution thereof, the proofs and depositions returned “therewith shall be as valid as if rendered in open court in due form of “law. And every such commission may be granted, in the vacation, by two “Judges of the court, after reasonable notice to, and due hearing of the “opposite party, or his Attorney, or counsel, and it shall not be denied “to any party requesting the same whenever such cause shall be shewn therefor

JW

“therefor, as would be sufficient by the law as it now stands, for issuing
 “a Commission rogatoire, for taking such proofs & testimony, as could not
 “be obtained within the Jurisdiction of the court, in which the suit
 “or action may be instituted. _____

“Provided always that nothing herein contained shall
 “be construed to prevent the court from proceeding in the cause, & to
 “determine the same, without a return of the commission, whenever
 “it shall appear that the same commission was issued meerly for
 “delay or that the return thereof is suspended for a longer period than
 “justice & equity may require nor to give the proofs and depositions so to
 “be obtained by commission, any greater authenticity and admissibility
 “than they would have or be intitled to upon the offer of them in open
 “court. _____

Seconded by M.^r Finlay _ Question of concurrence put _
 M.^r Boucherville moves that the amendment proposed be translated _
 Ordered accordingly. _____

M.^r De S.^t Ours moves that the word “Wisdom” in the sixteenth
 line of the first enacting clause be struck out and the word “Authority”
 inserted in its stead _ Seconded by M.^r De Boucherville _ Question
 put _ Debates arose _ Carried in the Affirmative by 9 against 8. _____

For the Affirmative

Mess.^{rs} Dupré

Boucherville

Lanaudiere

Holland

Longueuil

Baby

S.^t Ours

Belestre

Delery

For the Negative

Mess.^{rs} Grant

Caldwell

Pownall

Mabane

Harrison

Dunn

Finlay

The Chief Justice

Ordered that the further consideration of M.^r Grant’s last proposed
 amendment be postponed till the next meeting of the Legislative Council
 and that in the meantime it lay on the Table. _____

Petitions respecting
 the manufacture of Pot
 Ash

The consideration of Col.^o Caldwell motion of yesterday “that
 “the opinion of the King’s Law Officers may be taken respecting the
 “powers of this Council to grant exclusive privileges by Laws of this province
 was resumed, the Report of the Committee and the papers connected
 with it were read _ Question of concurrence with Col. Caldwell’s motion
 put _ Debates arose _ Carried in the Negative by 13 against 4.

JW

For

For the Affirmative
Mess.^{rs} Boucherville
Caldwell
Mabane
Dunn

For the Negative
Mess.^{rs} Dupré
Lanaudiere
Holland
Longueuil
Baby
S.^t Ours
Grant
Belestre
Pownall
Delery
Harrison
Finlay
The Chief Justice

The Chief – Justice moves “That the Committee, upon the
“Petitions and proposals of Mess.^{rs} Hopkins and M.^c Donnell be
“directed to continue their conferences and inquiries, that they require
“from the Petitioners the draft of such bill as they are desirous to
“be passed into a Law, that if the Committee shall have doubts
“upon questions in Law arising thereon, and wish to have the aid
“of His Majesty’s Attorney & Solicitor – General for clearing the
“same, they may take course to obtain that aid with the previous
“consent and approbation of His Majesty’s Representative, and that the
“Committee make further report upon the whole matter with all
“convenient speed.”

Seconded by M.^r Grant _ Question put _ Debates arose. _

“M.^r Baby moves in these words “M.^r Baby propose l’ajournement
“du Conseil afin de donner l’occasion aux membres de donner une plus
“ample consideration à la proposition actuellement sur la Table _

Seconded by M.^r De S.^t Ours _ Question of concurrence put _ Debates arose
Carried in the Affirmative by 9 against 8. ____

For the Affirmative
Mess.^{rs} Dupré
Boucherville
Longueuil
Baby
S.^t Ours
Belestre
Delery
Mabane
Harrison

For the Negative
Mess.^{rs} Lanaudiere
Holland
Grant
Caldwell
Pownall
Dunn
Finlay
The Chief – Justice

JW

Adjourned till Friday at 10 oClock. _____

Friday 8th April 1791
 At the Council Chamber in the Bishop's Palace
 Present
 The Honorable
 Major General Clarke Lieu.^t Governor
 The Honorable
 William Smith Esq.^r Chief - Justice
 and
 The Honorable
 Hugh Finlay William Grant
 Tho.^s Dunn Paul Roc De S.^t Ours
 Edw.^d Harrison Francis Baby
 Adam Mabane Jos. De Longueuil
 J. G. C Delery Samuel Holland
 George Pownall Cha.^s De Lanaudiere
 Picotté De Belestre R A. De Boucherville
 Henry Caldwell Le C.^{te} Dupré
 Esquires _

Pot – Ash Petitions

Resume the Consideration of the Motion of the Chief Justice of the
 6th instant upon the Report of the Committee respecting the Petitions of
 Mess.^{rs} Hopkins & M.^c Donnell _ The question of concurrence put _
 Carried in the Affirmative by 11 against 6. _____

For the Affirmative

Mess.^{rs} Dupré

Boucherville

Lanaudiere

Holland

Grant

Pownall

Delery

Harrison

Dunn

Finlay

The Chief - Justice

For the Negative

Mess.^{rs} Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Mabane

Col.^o Caldwell moves "That M.^r Hopkins may be desired to attend
 "a Committee of the whole Council in order that he may answer such
 "questions relative to his petition, and the encouragement he desires
 "or it may be thought necessary to propose to him _ Seconded by M.^r De S.^t
 Ours _ Debates arose _ Question of concurrence put _ Carried in the Negative
 by 10 against 7.

For the Affirmative

Mess.^{rs} Boucherville

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Mabane

For the Negative

Mess.^{rs} Dupré

Lanaudiere

Holland

Grant

Pownall

Delery

Harrison

Dunn

Finlay

The Chief – Justice

M.^r

JW

M.^r Dunn moves “that the number of the members of the “special Committee on the Petitions of M.^r Hopkins and M.^r M^c “Donell be augmented to seven.” Seconded by M.^r De S.^t Ours _ Question of concurrence put _ concur unanimously _ M.^r Dunn, M.^r De S.^t Ours and M.^r De Longueuil are appointed by the Chair to join the Committee. _

Police Bill

M.^r Dunn from the Committee named to wait on His Lordship with a Copy of the Bill intituled “An Act to continue and “amend an Act passed in the seventeenth year of His Majesty’s reign “intituled An Ordinance to empower the Commissioners of the Peace to regulate “the Police in the Towns of Quebec and Montreal for a limited time”_

Reports that the Committee have waited on His Lordship with the Transcript, pursuant to the Order of the Council. _

Law - Bill

The Council resumed the consideration of M.^r Grants motion of Wednesday last for adding or Clause to the Bill intituled “An Act to “continue and amend the Acts or Ordinances therein mentioned respecting “the practice of the Law in Civil Causes.”_

Question of concurrence with that motion put ____ Carried in the Affirmative unanimously. _____

M.^r Dunn moves that the words “the remaining four” be struck out and in their place the following words inserted “such “threes of the same four as two of the Judges of the Courts issuing the same “Commission shall name”_ Question put _ Carried in the Affirmative nem. con. _

M.^r Grant moves that the words “which” in the fifth line of the first enacting Clause of the amendment be struck out and the words “and the” inserted in its place _ Question put _ Carried in the Affirmative nem. con. _

Question from the Chair “Shall the Bill with the Amendments pass? Carried unanimously in the Affirmative.

Ordered that M.^r Grant, M.^r Baby and M.^r De Lanaudiere be a Committee to wait on His Lordship with a Transcript of the Bill and to inform his Lordship that the Council have passed the same, and submit it to His Lordship’s Assent that it be enacted into a Law. _

Building }
Churches }

M.^r Dunn moves for leave to bring in a Bill intituled “An Act for promulga- “-ting the Laws and Usages in force in this Province respecting the building “and repairing Churches and parsonage houses”_

Seconded by M.^r Delery _ Question put _ Concur unanimously. _

JW

M.^r

M.^r Dunn pursuant to leave brought in the said Bill and moved that it be read. ^{Seconded by M.^r Delery} — Question put _ Concur unanimously.

The Bill being read in both languages _ M.^r Dunn moved “that the Bill be read a second time on Tuesday next” _ Seconded by M.^r Delery _ Question put _ Concur unanimously _
Ordered accordingly _

Bill respecting
Curators &^c }

The Council resolved themselves into a Committee of the whole Council to proceed further on the Bill intituled “An Act respecting “Curators, Tutors, Executors & Administrators” and His Honor the Lieu.^t Governor quitted the Chair. .

The Lieu.^t Governor resumed the Chair.

M.^r Mabane from the Committee of the whole Council upon the said Bill respecting Curators, Tutors, Executors & Administrators,” reported progress and prayed leave to sit again on Tuesday next _

Ordered accordingly

Adjourned till monday next at 10 o Clock _ to the Council - Chamber in the Castle of S.^t Lewis _

Monday 11th April 1791

At the Council Chamber in the Castle of S.^t Lewis

Present

The Honorable

Major General Clarke Lieutenant - Governor

The Honorable

William Smith Esq.^r Chief - Justice

and

The Honorable

Hugh Finlay

William Grant

Thomas Dunn

Paul Roc De S.^t Ours

Edward Harrison

Francis Baby

Adam Mabane

Joseph De Longueuil

J. G. C Delery

Samuel Holland

George Pownall

Cha.^s De Lanaudiere

Picotté De Belestre

R A. De Boucherville

Henry Caldwell

Le C.^{te} Dupré

Esquires.

Police Bill

M.^r Grant from the Committee charged to wait on His Lordship with a Copy of the Bill intituled “An Act to continue and amend an Act passed “in the seventeenth year of His Majesty’s reign, intituled, An Ordinance “to empower the Commissioners of the Peace to regulate the Police in the Towns.

JW

“Towns of Quebec and Montreal” reports that the Committee have waited on His Lordship with the Transcript pursuant to the Order of the Council __

His Excellency Lord Dorchester enters and being seated in the Chair the following Bills are presented to His Excellency for his Assent. Viz.^t

“An Act to explain and amend the Act or Ordinance for promoting
“the Inland Navigation and to promote the Trade to the Western
“Country.”__

The Governor assents. __

“An Act to continue and amend the Acts or Ordinances therein
“mentioned respecting the practice of the Law in civil Causes”__

The Governor assents.

“An Act to continue and amend an Act passed in the seventeenth
“year of His Majesty’s reign intituled An Ordinance to empower
“the Commissioners of the Peace to regulate the Police in the Towns
“of Quebec and Montreal for a limited time”__

The Governor assents

Ordered by His Lordship that the Bills be enrolled and published
in the Quebec Gazette with all convenient speed. __

His Lordship retires. _____

Adjourned till to – morrow at 10 o Clock at the Council
Chamber in the Bishop’s Palace.

Tuesday 12th April 1791

At the Council - Chamber in the Bishop’s Palace

Present

The Honorable Major General Clarke Lieu.^t Governor

The Honorable William Smith Esquire Chief - Justice

and

The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C Delery	Samuel Holland
Picotté De Belestre	Cha. ^s De Lanaudiere
Henry Caldwell	R A. De Boucherville
	Le C. ^{te} Dupré

Esquires

Bill for building &
repairing Churches &. ^c }
JW

The Order of the day read for a second reading of this Bill, intituled
“An Act or Ordinance for promulgating the Laws and Usages in force in
this

“this Province, respecting the building and repairing Churches and Parsonage “Houses” _ The same was read a second time in both languages. _

M.^r Dunn moved that the Bill be committed to a Committee of the whole Council for to – morrow _ Seconded by Col.^o Caldwell _ Question of concurrence put _ carried unanimously in the Affirmative _ Ordered accordingly.

Road Bill

The Order of the day read for a second reading of the Bill intituled “An Act or Ordinance to explain and amend an Ordinance intituled, An “Ordinance for repairing and amending the public Highways and Bridges “in the Province of Quebec passed in the seventeenth year of His Majesty’s “reign.” The same was read a first and second time in English and a “Second time in french. _

M.^r Boucherville moved that the Bill be committed to a Committee of the whole Council for to-morrow. Seconded by M.^r De S.^t Ours _ Question of concurrence put _ Carried unanimously in the Affirmative. Ordered accordingly. _

Maitres de Poste }
Bill }

The order of the day read for a third reading of the Bill intituled “An Act to continue an Act intituled An Ordinance for regulating all “such persons as keep horses and carriages to let and hire for the accomo - “dation of Travellers commonly called and known by the name of Maitres “de Poste _ The same was read in both languages. _

M.^r Finlay moved that all the words of the Bill after the word “until be struck out and in their place inserted the words “the first of May one thousand seven hundred and ninty three” Question of concurrence put _ carried in the Affirmative unanimously. _

Question from the Chair put “Shall the Bill with its amend- ment pass? Carried unanimously in the Affirmative. _

Ordered that M.^r Finlay, M.^r Pownall and M.^r Dupré be a Committee to wait on His Lordship with a Copy of the Bill, and to inform his Lordship that the Council have passed the same and submit it to his assent to be enacted into a Law _

Fishery Bill

The order of the day read for a third reading of the Bill, intituled “An Act to amend an Act intituled An Act or Ordinance for regulating “the Fisheries in the River of S.^t Lawrence in the bays of Gaspé and Chaleurs, “on the Island of Bonaventure and the opposite Shore of Percé.” _

The same was read in both languages.

Question from the Chair put “Shall the Bill pass”? Carried unanimously

JW

unanimously in the Affirmative _____

Ordered that M.^r Finlay M.^r Pownall & M.^r Dupré
be a Committee to wait on His Lordship with a Copy of the
Bill and to inform His Lordship that the Council have passed
the same and submit it to His assent to be enacted into a Law.

Adjourned till to – morrow at 10 oClock . _____

JW

Wednesday 13th April 1791

At the Council - Chamber in the Bishop's Palace

Present

The Hon ~ ble Major Gen.^l Clarke Lieu.^t Governor

The Hon ~ ble William Smith Esq.^r Chief - Justice

and

The Hon ~ ble

Hugh Finlay

William Grant

Thomas Dunn

Paul Roc De S.^t Ours

Edw.^d Harrison

Francis Baby

Adam Mabane

Joseph De Longueuil

J. G. C Delery

Samuel Holland

George Pownall

Cha.^s De Lanaudiere

Picotté De Belestre

R A. De Boucherville

Henry Caldwell

Le C.^{te} Dupré

Esquires

Curator Bill

The Order of the day read, the Council resolved themselves into a
Committee of the whole Council to proceed further upon the Bill intitled
“An Act respecting Curators, Tutors, Executors & Administrators” and His
Honor the Lieutenant Governor left the Chair . __

The Lieutenant Governor resumed the Chair. _____

M.^r Mabane from the Committee of the whole Council
upon the said Bill respecting Curators, Tutors, Executors & Administrators reported
progress and prayed leave to sit again to morrow at ten o Clock _ Question of
concurrence put _ The Chief - Justice moves “That the further consideration
“of the Bill intituled a Bill respecting Tutors Executors and Administrators
“(on which progress is reported) be postponed to the next Session of the legislative
“Council” Debates arose _ M.^r Delery moves “to adjourn” Seconded by M.^r
De Boucherville _ Question put _ Carried in the Affirmative by 15 ag.^t 2 _
M.^r Grant & M.^r Finlay for the Negative. _____

Petitions respecting
the Pot - Ash manu-
facture. . . .

M.^r Dunn from the Committee on the Reference upon the
Petitions of Mess.^{rs} Samuel Hopkins and Angus M.^cDonell presents a
Report and Journal of their Proceedings, and prays leave to sit again _ Question
put _ Concur unanimously. _

Ordered that the Report & Journal lay on the Table & be translated _

Adjourned till to-morrow at 10 oClock. _____

JW

Thursday 14th April 1791
 At the Council - Chamber in the Bishop's Palace
 Present
 The Hon ~ ble Major General Clarke Lieu.^t Governor
 The Hon ~ ble William Smith Esq.^r Chief - Justice
 and
 The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
Adam Mabane	Joseph De Longueuil
J. G. C Delery	Samuel Holland
George Pownall	Cha. ^s De Lanaudiere
Picotté De Belestre	R A. De Boucherville
Henry Caldwell	Le C. ^{te} Dupré

Esquires

Curator Bill

Resumed the consideration of the Chief - Justice's Motion of
 yesterday _ Debates continued _ The Question put _ Carried in the
 Negative by 10 against 7 _

For the Affirmative

Mess.^{rs} Lanaudiere

Holland

Grant

Pownall

Harrison

Finlay

The Chief Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Delery

Mabane

Dunn

M.^r De Lanaudiere “moves to resolve that since that part of the
 “subject - matter of the Bill under consideration so far on it relates to the
 “guardianship of Minors is distinct from all the remaining complicated
 “provisions in it, touching the important points of inheritance and
 “Succession Testamentary dispositions and Intestacies, Idiocy, Lunacy, and
 “the great and delicate points of the authority of the Crown in the
 “establishment of the Prerogative - Court and the Governors power as Judge
 “or Ordinary and the Grant of Letters Probate and Letters of Admini-
 “stration the present bill may be confined to the provisions that respect
 “the object of tutelle & Curatelle relative to the persons and estates of
 “Infants that what is uncontrovertibly expedient may become enacted
 “for the benefit of the people.” Seconded by M.^r Finlay _ Debates arose
 M.^r

JW

M.^r Finlay moves to adjourn until to – morrow at 10 oClock
 Seconded by M.^r De Laudiere. Question of concurrence put _
 Carried in the Affirmative unanimously. _
 Adjourned till 10 oClock to - morrow

Friday 15th April 1791
 At the Council - Chamber in the Bishop's Palace
 Present
 The Honorable Major General Clarke Lieu.^t Governor
 The Honorable William Smith Esq.^r Chief Justice
 and
 The Honorable

Tho. ^s Dunn	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
Adam Mabane	Francis Baby
J. G. C Delery	Joseph De Longueuil
George Pownall	Samuel Holland
Picotté De Belestre	Cha. ^s De Lanaudiere
Henry Caldwell	R A. De Boucherville
	Le C. ^{te} Dupré

Esquires

Curator Bill

The Council resumed the consideration of M.^r De Lanaudiere's
 motion of yesterday _ Debates continued _ The Question of concurrence
 put _ Carried in the Negative by 10 against 6.

For the Affirmative

Mess.^{rs} Lanaudiere

Holland

Grant

Pownall

Harrison

The Chief - Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Delery

Mabane

Dunn

The Chief Justice moves "That Mess.^{rs} Lind & Panet or such of them
 "having the Records or Registers of the Acts of the Court of Common - Pleas
 "for the District of Quebec and of that business exercised by the Judges of
 "the said Common - Pleas as Judges of the Prerogative - Court produced
 "a list of such Acts of the said Judges as are in the nature of Commissi-
 "-ons or Delegations of powers to other persons than the Judges themselves for
 constituting

JW

“constituting Tutors & Curators or Guardians to Minors in the several
 “Years 1784 & 1790 and of the Judgments for homologating or ratifying
 “the same; and that they attend with such records on the Committee
 “of the Council charged with the “Bill relating to Curators, Tutors,
 “Executors and Administrators” at the next sitting of the Committee
 “ “on the said Bill to be examined respecting the said Records, to be
 “signified to them by the Clerk of the Council who is hereby
 “ordered to cause them to be respectively served with a Copy of
 “this Resolve and to notify them of the next sitting of the said
 “Committee” _ Seconded by M.^r Harrison _ Question of concurrence
 M.^r S.^t Ours moves “That the question on the Chief _ Justice’s motion
 “be not put” _ ^ Seconded by M.^r Belestre Question of concurrence on M.^r S.^t Ours’ motion put _
 Carried in the Affirmative by 11 against 5 _

For the Affirmative

Mess.^{rs} Dupré

Boucherville

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Delery

Mabane

Dunn

The Chief - Justice

The Council resolved themselves unanimously into a
 Committee of the whole Council to proceed further upon the Bill
 respecting Curators, Tutors, Executors & Administrators, and His Honor
 the Lieutenant – Governor quitted the Chair. _

The Lieutenant - Governor resumed the Chair _

M.^r Mabane from the Committee of the whole Council
 on the said Bill respecting Curators, Tutors, Executors & Admini
 strators reports progress and prays leave to sit again on Monday next
 Question of concurrence put _ Carried unanimously in the Affirmative

Adjourned till to – morrow at 10 oClock

For the Negative

Mess.^{rs} Lanaudiere

Holland

Grant

Pownall

Harrison

Saturday 16th April 1791
 At the Council - Chamber in the Bishop's Palace
 Present
 The Honorable Major General Clarke Lieu.^t Governor
 The Honorable William Smith Esq.^r Chief - Justice
 and
 The Honorable

Thomas Dunn	William Grant
Edward Harrison	Paul Roc De S. ^t Ours
Adam Mabane	Francis Baby
J. G. C Delery	Joseph De Longueuil
George Pownall	Samuel Holland
Picotté De Belestre	Cha. ^s De Lanaudiere
Henry Caldwell	R A. De Boucherville
	Le C. ^{te} Dupré

 Esquires

The Report on the
Pot - Ash Petitions



Read the Report of the Committee on the reference of the Petitions of Mess.^{rs} Samuel Hopkins and Angus Macdonell, respecting the manufacture of Pot & Pearl Ash with the Papers therein referred to _ Read also the translation of those papers. _ * See the Report ^ and Journal at the End of this day's Entry in the next page. J. W.

*

M.^r Grant moved for leave to bring in a Bill intituled "An Act "or Ordinance for encouraging improving and extending the manufacture "of Pot & Pearl Ashes within this Province." _ Seconded by M.^r Dunn _ Question of concurrence put _ Debates arose _ Carried in the Affirmative by 15 against 1. M.^r S.^t Ours alone for the Negative. M.^r Grant brought in the Bill and moved it might be read for the first time. Seconded by M.^r Dunn _ Question of concurrence put _ Debates arose _ Carried in the Affirmative M.^r S.^t Ours being alone in the Negative _ The Bill being read in both languages M.^r Grant moved that it be read a second time on Tuesday next _ Seconded by M.^r Dunn _ Question of concurrence put _ Debates arose _ Carried in the Affirmative by 15 against 1 _ M.^r S.^t Ours being alone for the negative _

Militia Bill

Col.^o Caldwell moves for leave to bring in a Bill intituled "An Act "or Ordinance to explain and amend the Ordinances now in force relating "to the Militia of the Province of Quebec" Seconded by M.^r Baby _ Question of concurrence put _ concur unanimously. Col.^o Caldwell pursuant to leave brings in the said Bill, and it is read in both languages for the first time _ Col.^o Caldwell moves for a second reading on monday next _
 Seconded

JW

Seconded by M.^r Baby _ Question of concurrence put _ concur unanimously
Ordered accordingly.

Bill concerning
Churches



The order of the day read the Council resolved themselves into a Committee of the whole Council upon the Bill for promulgating the “Laws and Usages in force in this Province respecting the building and “repairing Churches & parsonage houses”. And his Honor the Lieutenant Governor left the Chair. ____

The Lieutenant - Governor resumed the Chair. ____

M.^r Dunn from the Committee of the whole Council upon the said Bill reported progress and prayed leave to sit again on monday next _ Question of concurrence put _ concur unanimously. ____

Adjourned till monday next at 10 oClock. ____

page JW.

*From the preceding

x “Council - Chamber Quebec

“Monday 11 April 1791

“To the Honorable the
“President & Members of
“The Legislative Council

“At a Committee of Council upon the Petitions of Samuel Hopkins
“of Philadelphia and of Angus M.^cDonell of Saint Foix respecting the
“Manufacture of Pot and Pearl Ash. ____

“Present

“Mess.^{rs} Dunn

“Mabane

“Caldwell

“De S.^t Ours

“Grant

“Baby

“De Longueuil

“Report of a Committee upon
the Reference of Mess.^{rs} Sam.^l
Hopkins and Angus Macdonell

“The Committee beg leave
that the annexed Journal of
their proceeding may be
taken as their Report con=
cerning M.^r Hopkins, and
that they have leave to sit
again when M.^r Macdonell
may be ready to attend them
which is humbly submitted
to your Honors Consideration

“Council Chamber the
“13.th April 1791, by
“order of the Committee
(signed) “Thom.^s Dunn
“Chairman

X

“Read the order of the 8th April instant for joyning Mess.^{rs}
“Dunn De S.^t Ours & De Longueuil to the Committee appointed the 22^d
“March last. ____

“The Chairman informed the Committee that he had requested
“M.^r Hopkins to attend at half past eight oClock. ____

“M.^r Grant informed the Committee that M.^r Hopkins had sent him
“under Cover this morning, Heads of a Bill entitled “An Act or Ordinance for
“ “encouraging improving and extending the manufacture of Pot and Pearl
“ “Ashes within this Province.” Which he brings in and requests may be read,
“it was agreed to unanimously and was read accordingly in the words follow
“ing ____ “Heads of a Bill entitled

JW

“ “An Act or Ordinance for encouraging, improving and extending the
manufacture

“ “manufacture of Pot and Pearl Ashes within this Province _
 “ “Whereas Samuel Hopkins by Petition to His Excellency the Governor
 “ “and Council bearing date the day of did humbly pray
 “ “for an exclusive privilege during a certain number of years to
 “ “manufacture Pot and Pearl _ Ashes within the extent of this Province
 “ “by a method lately invented by him, and the said Samuel Hopkins
 “ “having proved to the satisfaction of skilful Persons by authority
 “ “appointed to inspect and examine his new - invented process for making
 “ “Pot and Pearl Ashes, that he has made a valuable discovery which
 “ “may be of very great advantage to the manufacturers of those Articles
 “ “in this Province by procuring double the quantity at least of pure Pearl
 “ “Ash from the same quantity of Wood Ashes used in the common mode
 “ “now practised in Manufacturing the same and without any additional
 “ “expence to the Manufacturer and willing to encourage the inventor
 “ “of this useful discovery and at the same time to increase the export of
 “ “Pot and Pearl Ash from this Province to the Mother Country.

“ “Be it enacted by the Governor and Legislative Council and it is
 “ “hereby enacted by the authority of the same that from and after the
 “ “ day of next it shall and may be lawful for the said Samuel
 “ “Hopkins his heirs and Assigns to erect Pot and Pearl - Ash works in any
 “ “and every part of this Province on his new invented Plan for the term of
 “ “such as may be thereunto licensed by him or by his Agent or Agents
 “ “residing in this Province duly appointed by him for that purpose under
 “ “the penalty of fifty Pounds for the first offence against the true intent
 “ “and meaning of this act and forty shillings for every week that such
 “ “offence shall be afterwards continued. The penalty to be sued for and
 “ “recovered in any Court of Record in the District where such offence shall
 “ “have been committed to be levied of the offender’s goods and chattels one
 “ “moiety thereof to be paid to the Receiver – General for the use of His
 “ “Majesty His Heirs and Successors and the other moiety to the prosecutor. ____

“ “Provided always and be it enacted by the authority aforesaid that
 “ “nothing in this Act contained shall extend or be construed to extend
 “ “to prevent any Person or Persons within this Province from manufactu-
 “ “ring Pot and Pearl - Ash in the manner hitherto practised or by any other
 “ “mode method manner or way whatsoever not the same newly discovered
 “ “by the said Samuel Hopkins””

“M.^r Grant then laid before the Committee a Certificate
 from

JW

“from Doctor Nooth which was read in the following words

““This certifies that M.^r Hopkins of Philadelphia has revealed
 “ “to me his process for making Pearl – Ash and that I think his mode
 “ “of making this article preferable to the ordinary methods as it produces
 “ “a greater quantity of pure Pearl – Ash at a less expence than it is
 “ “usually obtained.””

“Signed ““J. Mervin Nooth””

““Quebec 6 April 1791””

“M.^r Mabane moved that M.^r Hopkins who is attending be
 “called in ____

“M.^r Hopkins and his friend M.^r Moore were introduced ____

“The Chairman by order of the Committee read to M.^r Hopkins
 “the Chief - Justice’s motion of the 8.th instant and the proceedings of the
 “Committee this day; after the heads of the Bill produced by M.^r Grant
 “was read Col.^o Caldwell asked M.^r Hopkins if it contained the encourage
 “ment he expected from the Legislature, he answered it did ____

“M.^r Hopkins then laid before the Committee a Certificate
 “which was read as follows.

““We the Subscribers Inhabitants of the City of Quebec do
 “ “hereby certify that yesterday the 31st of March we did at the request of
 “ “M.^r Samuel Hopkins of Philadelphia attend a process of making Pot
 “ “and Pearl Ashes agreeable to his invention which he went through in
 “ “our presence & that he produced at the rate of thirteen pounds ten
 “ “ounces of Alkali to the Bushel. Quebec 1.st April 1791

“Signed “W.^m Terrill

“John Rees” _ ”

“M.^r Hopkins then said he was ready to go through his process before
 “Doctor Nooth if the Council or the Committee required it, and does not
 “require the exclusive privilege if double the quantity of pure pearl Act
 “produced in the ordinary way, is not obtained by his process without the
 “addition of any foreign matter. ____

“Adjourned to the call of the Chair. ____

“Council - Chamber Quebec

“Wednesday 13th April 1791 _

“At a further meeting of a Committee of Council upon the Petitions
 “of Mess.^{rs} Hopkins of Philadelphia and MacDonell of S.^t Foix respecting
 “the manufacture of Pot and Pearl - Ash

JW

Present

“Present
 “Mess.^{rs} Dunn
 “Mabane
 “Caldwell
 “Grant
 “De S.^t Ours
 “Baby
 “De Longueuil

“The Chairman informed the Committee that he had communi-
 “cated to M.^r Mac Donell the motion of the Chief - Justice of the 8.th inst.^t
 “on Monday last, and requested him to give in the heads of a Bill as stated
 “in the said motion which he promised to do, at the same time he said he
 “was to go through his process on Thursday next before Doctor Nooth ____

“The Chairman then read a Letter he received this morning from
 “M.^r Hopkins as follows

““Respected Friend

““Thomas Dunn

““My business that is depending with Council I wish
 “ “if opportunity offers to day thou’l please to forward that I might fully
 “ “understand what to expect and proceed accordingly, I hope the proof that
 “ “I have already furnished will be satisfactory if not I am disposed to make
 “ “it more so that every douth if there be any may be removed. ____

““Thy Friend Samuel Hopkins””

“ “4 day morning””

“M.^r De S.^t Ours then produced sundry Certificates delivered to
 “him by M.^r Hopkins to be laid before the Committee which was read and
 “a Copy is hereunto annexed, marked A. ____

“Resolved that the Chairman Report the proceedings of the
 “Committee thus far and beg leave to sit again when M.^r Mac Donell
 “shall be ready to attend them. ____

“Council - Chamber 13th April 1791

“By Order of the Committee

(Signed) “Tho.^s Dunn Chairman.”

Annexations

“A

“City and County } “John Nancarrow of Philadelphia in the State of
 “of New York L. S. }

“Pennsylvania, at present in the City of New - York, in the State of New - York,
 “one of the People called Quakers, being duly affirmed according to Law,
 “doth solemnly, sincerely and truly declare and affirm, that he this

Affirmant

“ Affirmant, hath attended a great number of experiments, lately made
 “in the said City of New York, by Samuel Hopkins of Philadelphia,
 “for ascertaining what quantity of Pearl Ash could be procured
 “from a given quantity of Ashes; by his patent method for making
 “the same. And that the said Samuel Hopkins hath repeatedly
 “produced, at the rate of nine pounds, at least, of Pure Pearl Ash, from
 “a bushel of Ashes indiscriminately collected from Housekeepers
 “in the City of New - York _ And further this Affirmant saith not
 “(Signed) John Nancarrow”

“Affirmed at the City
 “of New – York the 22^d day
 of September 1790 _ before
 “(Signed) Jn.^o Keesse
 “Notary Public”.

“State of } “By this public Instrument be it known to all
 “New – York } “whom the same doth or may concern, that, on the day
 “of the date hereof in the City of New - York in the State of New - York;
 “before me John Reese a Public Notary in and for the State of New - York,
 “by Letters - Patent under the Great - Seal of the said State duly
 “commissioned and sworn, with full power to attest all Instruments
 “in writing and to administer any Oath or Oaths to any person or
 “persons and to certify the same _ personally appeared John
 “Nancarrow of Philadelphia in the State of Pennsylvania _ and the
 “said John Nancarrow being one of the People called Quakers, did solemnly,
 “sincerely and truly declare and affirm that all and singular the
 “matters and things set forth and contained in the foregoing writing,
 “subscribed by him are true as therein written and expressed _ In Faith
 “and testimony whereof [^] the said Public Notary have
 “hereunto subscribed my name and caused the Seal of
 “Public Notary to be hereunto set and affixed at the City
 “of New York aforesaid the twenty - second day of September
 “in the year of Our Lord One thousand seven hundred and
 “ninety “(Signed) John Keese
 “Not.^y Public”

JW

We

We Henry H. Kip & Jonathan Lawrence Inspectors of
 “Pot – Ash in the City of New - York and John Broome & David Getston
 “of the aforesaid City Merchants (the said Broome and Getston being
 “appointed by the Governor of the State of New - York) do certify that
 “we have attended in conjunction with M.^r John Nancarrow of
 “Philadelphia an experiment in part made by S. Hopkins of
 “Philadelphia in this City for ascertaining what quantity of Pearl
 “Ash could be procured from a given quantity of Ashes, by his Patent -
 “method for making the same; and we do further certify that we did
 “not attend the whole of the Process but from the affirmation of
 “John Nancarrow aforesaid hereunto annexed, we believe the quantity
 “of nine pounds of Pearl - Ash has been produced by the said Samuel
 “Hopkins from one bushel of Ashes indiscriminately collected
 “from Housekeepers in the City aforesaid. _____

“(Signed) “Henry H. Kip
 “Joh. Lawrence
 “Jn.^o Broome
 “David Getston”

JW

“New - York Sept.^r 22.^d 1790.”

* Return to page 221. JW

Monday 18th April 1791

At the Council - Chamber in the Bishop's Palace

Present

The Hon ~ able Major General Clarke Lieu.^t Governor

The Hon ~ able William Smith Esq.^r Chief Justice

and

The Honorable

Hugh Finlay

William Grant

Thomas Dunn

Paul Roc De S.^t Ours

Edward Harrison

Francis Baby

John Collins

Joseph De Longueuil

Adam Mabane

Samuel Holland

J. G. C Delery

Cha.^s De Lanaudiere

George Pownall

René A. De Boucherville

Picotté De Belestre

Le C.^{te} Dupré

Henry Caldwell

Esquires

Maitres de Poste }
 Bill

JW

M.^r Finlay from the Committee named to wait on His Excellency
 the

the Governor with a Copy of the Bill intituled “An Act to continue
 “an Act intituled An Ordinance for regulating all such persons as keep
 “horses and carriages to let and hire for the accommodation of Travellers
 “commonly called and known by the name of Maitres de Poste” – reports
 that the Committee have waited on His Lordship with the Transcript
 pursuant to the Order of the Council. ____

Fishery - Bill

M.^r Finlay from the Committee named to wait
 on His Lordship with a Copy of the Bill intituled “An Act to amend an
 “Act intituled, An Act or Ordinance for regulating the Fisheries in
 “the River of S.^t Lawrence, in the bays of Gaspé and Chaleurs on the Island
 “of Bonaventure and the opposite shore of Percé” reports that the Commit-
 tee have waited on His Lordship with the Transcript pursuant to the
 Order of the Council. _____

Church - Bill

+ and His Honor the Lieu.^t Governor
 left The Chair.

The Lieu.^t Gov.^r resumed the Chair.
 M.^r Dunn from the Committee
 of the whole Council upon the said
 Bill for promulgating the Laws &
 Usages in force in this province
 respecting the building & repairing
 Churches & parsonage houses .

The Order of the day read, the Council resolved themselves into a
 Committee of the whole Council to proceed further upon the Bill for
 promulgating the Laws and Usages in force in this Province respecting
 “the building and repairing churches and parsonage houses ^ + ” reports
 progress and prays leave to sit again on Saturday next _ Question of
 concurrence put. Concur unanimously. _____

Militia - Bill

Col. Caldwell moves that the Bill intituled “An Act to explain
 “and amend the Ordinances now in force relating to the Militia of the
 “Province of Quebec, be now read a second time _ Seconded by M.^r Dunn _
 Question of concurrence put _ Concur unanimously _ The said Bill
 being read a second time in both languages Col.^l Caldwell moved to commit
 it to a Committee of the whole Council for to - morrow _ Question of
 concurrence put _ concur unanimously. _____

Adjourned till to – morrow at 10. _____

Tuesday the 19th April 1791

At the Council - Chamber in the Bishop’s Palace

Present

The Honorable Major General Clarke Lieutenant - Governor

The Honorable William Smith Esquire Chief - Justice

and

The Honorable

Hugh Finlay	William Grant
Tho. ^s Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	Samuel Holland
J. G. C Delery	Cha. ^s De Lanaudiere
George Pownall	R A. De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré
Henry Caldwell	

Esquires

The

JW

Curator - Bill

The Order of the day read the Council resolved themselves into a Committee of the whole Council to proceed further upon the Bill respecting Curators, Tutors, Executors and Administrators and His Honor the Lieutenant - Governor quitted the Chair. _

The Lieutenant - Governor resumed the Chair ____

M.^r Mabane from the Committee of the whole Council upon the said Bill respecting Curators, Tutors, Executors and Administrators reports that the Committee have gone through the Bill and made several Amendments which with the Bill and Report he delivered in at the Table _ The Report read in the following words. _

“26th March 1791

“In Committee of the whole Council upon the Bill intituled “An Act “respecting Curators, Tutors, Executors and Administrators

“Present

“M.^r Mabane in the Chair

“Major - General Clarke Lieutenant - Governor

“M.^r Chief - Justice Smith

“and

“Mess. ^{rs} Finlay	Grant
“Dunn	S. ^t Ours
“Harrison	Baby
“Collins	Longueuil
“Delery	Holland
“Pownall	Lanaudiere
“Belestre	Boucherville
“Caldwell	Dupré

“Read the Bill in both languages _

“The Chairman then proceeded to read the Bill Article by Article

“Read the 1st Article in the words following

““Whenever it shall be necessary to appoint a Guardian or Sub - guardian
 “ “to Minors, a Petition shall be presented to the Judge or Judges of the
 “ “Common - Pleas, requiring Permission to cause assemble on the day, hour &
 “ “place which he or they shall appoint, the nearest relations of the Minors,
 “ “to the number of seven or more, or in default of Relations, the same number
 “ “of Friends or Neighbours, in order to proceed to the election and appointment
 “ “of said Guardian and Sub-guardian ””

“M.^r Grant proposed an amendment as follows._

“That after the word presented in the first clause of the Bill be
 “inserted the words “by such persons whose duty it may be according to the
 antient

JW

“ “antient Law of the Country prior to the British Conquest. ” _

“Question of concurrence put, Debates arose _ Carried in the Affirmative

“by 16 against 2

“For the Affirmative

“Mess.^{rs} Dupré

“Boucherville

“Lanaudiere

“Holland

“Baby

“S.^t Ours

“Grant

“Caldwell

“Belestre

“Pownall

“Delery

“Collins

“Harrison

“Dunn

“Finlay

“The Chief - Justice

“M.^r Grant moves that after the word cause in the first clause of
“the Bill be inserted the words “to be”. Question put _ concur unanimously. -

“M.^r Grant moves that to the word assemble in the first clause
“of the Bill be added the Letter d. Question put _ concur unanimously _

“M.^r Grant moves that in the word nearest in the first clause
“of the Bill the last syllable e - s - t be struck out _____

“Debates arose _ Question of concurrence put _____

“Carried in the Negative by 10 against 8 _

“For the Affirmative

“Mess.^{rs} Lanaudiere

“Baby

“Grant

“Pownall

“Collins

“Harrison

“Finlay

“The Chief – Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Holland

Longueuil

S.^t Ours

Caldwell

Belestre

Delery

Dunn

The Lieu.^t Governor

“M.^r Grant moves that after the word more in the first clause of the
“Bill be inserted the words shewing their names and places of stated

“Residence _

“Question of concurrence put _ Debates arose

“Carried in the Affirmative by 10 against 8.

“For the Affirmative

“Mess.^{rs} Dupré

“Lanaudiere

“Holland

“Baby

“Grant

Pownall

Collins

Harrison

Finlay

The Chief Justice

For the Negative

Mess.^{rs} Boucherville

Longueuil

S.^t Ours

Caldwell

Belestre

Delery

Dunn

The Lieu.^t Governor

M.^r

JW

+

^

M.^r Grant moves that after the words Neighbours in the first clause of the Bill be inserted, ____
“shewing their names & places of stated residence.” Question of concurrence put _ Debates arose _
 Carried in the Affirmative by 10 ag.st 8.

For the Affirmative	For the Negative
Mess. ^{rs} Dupré	Mess. ^{rs}
Lanaudiere	Boucherville
Holland	Longueuil
Baby	S. ^t Ours
Grant	Caldwell
Pownall	Belestre
Collins	Delery
Harrison	Dunn
Finlay	The L. ^t Governor
The Chief - Justice	

^

“M.^r Grant moves that the words the Judge or Judges of the
“Common – Pleas be struck out of the first clause of the Bill and that
“there be inserted in their stead the words such Judge or Judges as His
“Majesty by His Royal Letters Patent may for such purposes appoint

“Question of concurrence put Debates arose

“Carried in the Negative by 10 against 7

“For the Affirmative

For the Negative

“Mess.^{rs} Lanaudiere

Mess.^{rs} Dupré

“Grant

Boucherville

“Pownall

Holland

“Collins

Longueuil

“Harrison

Baby

“Finlay

S.^t Ours

“The Chief – Justice

Caldwell

Belestre

Delery

Dunn

“M.^r Baby propose qu’apres les mots des Juges des Plaidoyers Communs
“be added the words ou a tels autres que le Gouverneur en Chef trouveroit
“à propos de nommer pour la facilité des Campagnes éloignées –

“Question of concurrence put _ Debates arose.

“M.^r Dunn moved. “That the Chairman report progress and beg leave
 “to sit again on Saturday the 2^d April next ”

“Question of concurrence put _ Debates arose _

“Carried in the Affirmative by 11 against 7

“For the Affirmative

For the Negative

“Mess.^{rs} Boucherville

Mess.^{rs} Dupré

“Longueuil

Lanaudiere

“Caldwell

Holland

“Belestre

Baby

“Pownall

S.^t Ours

“Delery

Grant

“Collins

Finlay

“Harrison

“Dunn

“The Chief - Justice

“The Lieutenant Governor

Ordered accordingly

“Friday 8th April 1791

“Present

“M.^r Mabane in the Chair

“His Honor the Lieutenant - Governor

“The Chief Justice

“and

JW

Mess.^{rs}

"Mess. ^{rs} Finlay	S. ^t Ours
"Dunn	Baby
"Harrison	De Longueuil
"Delery	Holland
"Pownall	Lanaudiere
"Belestre	Boucherville
"Caldwell	Dupré
"Grant	

"The Proceedings having stood over till this day, the Chairman read
 "the minutes of the 26th March. _____

"M.^r Baby's motion of that day read, the Question of concurrence
 "put _ Carried in the Affirmative by 14 against 3. _

"For the Affirmative	For the Negative
"Mess. ^{rs} Dupré	M. ^r De Longueuil
"Boucherville	M. ^r De S. ^t Ours
"Lanaudiere	M. ^r De Lery
"Holland	
"Baby	
"Grant	
"Caldwell	
"Belestre	
"Pownall	
"Harrison	
"Dunn	
"Finlay	

"The Chairman then read the second Article in the words
 "following"

"The permission and order of the Judge shall be notified and
 " "served upon the said Relations or Friends, who are hereby required to give
 " "their attendance, under the Penalty of a fine towards His Majesty not
 " "exceeding Ten Pounds, not under forty Shillings, to be levied by Warrant of
 " "Seizure and Sale of their Moveable, under the hand and Seal of the Judge
 " "who had ordered the Assembly, which Warrant will be executed by the
 " "Captains of Militia in the Country, and by the Bailiffs in the Towns and
 " "Suburbs of Quebec, Montreal and Three Rivers. The Relations and Friends
 " "neglecting to attend shall, over and above said fine, pay the expences which
 " "shall have been incurred thro' their disobedience. _____

"M.^r Dunn moved that after the word "are" in the second line,
 "the following words be inserted "by Law obliged to give their attendance"

"and that the remainder of the Article be struck out _ Debates arose _
 "Question of concurrence put _ Carried in the Negative by 10 against 7. _

"For the Affirmative	For the Negative	
"Mess. ^{rs} Lanaudiere	Mess. ^{rs} Dupré	Belestre
"Holland	"Boucherville	Pownall
"Longueuil	"Baby	Harrison
"Caldwell	"S. ^t Ours	Finlay
"Delery	"Grant	The Chief Justice
"Dunn		M. ^r
"The Lieu. ^t Governor		

“M.^r Finlay moved that all the words of the 2^d Clause of the Bill
 “after the word “attendance” be struck out and in their stead inserted
 “the following words ““as by the Judges Summons shall be required and
 “in default thereof the courses shall be such as the Law of the
 “Country before the Conquest ordained ” Question of concurrence put,
 “Carried unanimously in the Affirmative ____
 “Col.^o Caldwell moved to strike out the words “and order” in
 “the first line of the second clause _ Question of concurrence put ____
 “Carried unanimously in the Affirmative ____
 “The Chairman then read the third Article in the words
 “following. _
 ““The Relations and Friends being assembled to the number of seven
 “and upwards (the Relation or Friend who petitioned for the Assembly not
 “being included) the Judge will administer to each of them an Oath on the
 “Holy Evangelists, requiring them to give _ and faithful advice relative
 “to the choice of a Guardian and Subguardian to the Minors. The Judge
 “will after the relations and friends have consulted together, collect the
 “voices and appoint the Guardian and Subguardian according to the
 “plurality, except in cases where the choice shall be made contrary to
 “Law, as if the Guardianship was taken away from the Father or Mother
 “of the minors without good and sufficient causes. The Clerk of the Court
 “of Common - Pleas will make out a minute or Act of the said Election
 “and Appointment, which will be signed by the Relations and Friends,
 “by the Judge and the Clerk, who will deposit the said minute or Act
 “amongst the Records of His Office.””____
 “M.^r Finlay moved that the words “and upwards in the third
 “Clause of the bill be struck out and the words “at the least” inserted in their
 “stead. Question of concurrence put _ Concur unanimously. ____
 “M.^r Finlay moved that the words “will” where first mentioned
 “in the third clause of the Bill be struck out and the word “shall” inserted
 “in its place. Question of concurrence put _ Concur unanimously. ____
 “M.^r Dunn moved that after the word “give” in the fourth line
 the word “good” be inserted. Question put. Concur unanimously. ____
 “M.^r Finlay moved that the words “requiring them to give _ and
 “faithful advice relative to the choice of a Guardian and Sub. - Guardian to
 “the Minors” be struck out of the third clause of the Bill, and that there
 “be inserted in their stead the words “to elect such person as they shall
 “judge to be most able and fit to execute the Guardianships or Tutelage”_
 “Question of concurrence put _ concur unanimously. ____

JW

The

“The Chief - Justice moved that the words in the third clause following the word “Minors” where first mentioned be struck out and the following words adopted in their stead _ “And in the subsequent proceedings “for appointing such Tutors and Subrogé Tutors to Minors, and in deciding “upon their respective rights, duties and privileges, resort shall be had to “the antient Laws and Customs of the Province while it was subject to “France, and that the appeals given by those Laws and Customs of the Province “~~which it was subject to France, and that the appeals given by those Laws~~ “~~and Customs~~ in controversies touching minors and tutors shall lay to such “Court and Judges as His Majesty by His Royal Letters Patent shall “establish name and appoint”” Debates arose. _

“M.^r Harrison moved to adjourn _ Debates arose _ Question of “concurrence put _ Carried in the Negative by 9 against 8.

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Mess.^{rs} Boucherville

“Baby

Lanaudiere

“Caldwell

Holland

“Pownall

Longueuil

“Delery

S.^t Ours

“Harrison

Grant

“Dunn

Belestre

“The Lieu.^t Governor

Finlay

The Chief - Justice

“Debates continued on the Chief - Justices motion.

“M.^r Finlay moves for an Adjournment.

“Question of concurrence put _ Concur unanimously.

“Ordered that the Chairman report progress and pray leave to

“sit again next Tuesday. _____

“Wednesday 13th April 1791

“Present

“M.^r Mabane in the Chair

“His Honor the Lieutenant - Governor

“M.^r Chief Justice Smith

“&

“Mess.^{rs} Finlay

S.^t Ours

“Dunn

Baby

“Harrison

Longueuil

“Delery

Holland

“Pownall

Lanaudiere

“Belestre

Boucherville

“Caldwell

Dupré

“Grant

JW

Read

“Read the Chief - Justice’s motion of the 8.th instant _ Debates
 “continued _ M.^r De S.^t Ours after long debates moved “that the Chair-
 “man be charged to report progress and pray leave to sit again to - morrow
 “at 10 oClock. ____

“Question of Concurrence put _ Debates arose _ carried in the Affir-
 “mative by 10 against 7. ____

“For the Affirmative

“Mess.^{rs} Dupré

“Lanaudiere

“Holland

“S.^t Ours

“Grant

“Pownall

“Harrison

“Finlay

“The Chief _ Justice

“The Lieu.^t Governor

For the Negative

Mess.^{rs} Boucherville

Longueuil

Baby

Caldwell

Belestre

Delery

Dunn

“Ordered accordingly

“Friday 15th April 1791

“Present

“M.^r Mabane in the Chair

“His Honor the Lieutenant - Governor

“M.^r Chief - Justice

&

“Mess.^{rs} Dunn

“Harrison

“Delery

“Pownall

“Belestre

“Caldwell

“Grant

Mess.^{rs} S.^t Ours

Baby

Longueuil

Holland

Lanaudiere

Boucherville

Dupré

“The Committee resumed the consideration of the Chief - Justice’s
 “motion of the 8.th instant _ Debates continued _ Carried in the Negative
 “by 9 against 7. _

“For the Affirmative

“Mess.^{rs} Lanaudiere

Holland

Grant

Pownall

Harrison

The Chief - Justice

The Lieu.^t Governor

For the Negative

Mess.^{rs} Dupré

Boucherville

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Delery

Dunn

“M.^r De S.^t Ours moves that the words in the 3^d Clause following the
 “word Minors when first mentioned, be struck out, & the following words
 “adopted in their stead_ ““And in the subsequent proceedings for appointing
 “such Tutors & Subrogé Tutors to minors & in deciding upon their respective
 “Rights, Duties and Privileges, resort shall be had to the antient Laws &
 “Customs of the Province while it was subject to France, & that the
 “Appeals given by those Laws & Customs in Controversies touching Minors
 “and Tutors shall lay to the Provincial Court of Appeals, provided such
 “Appeal be made in three months after such appointment or decision
 “has been made._

“Seconded by Col.^o Caldwell

“Question of concurrence put _ Debates arose _ Carried in the
 “Affirmative by 10 against 6.

“For the Affirmative

“Mess.^{rs} Dupré

“Boucherville

“Longueuil

“Baby

“S.^t Ours

“Caldwell

“Belestre

“Delery

“Dunn

“The Lieu.^t Governor

For the Negative

Mess.^{rs} Lanaudiere

Holland

Grant

Pownall

Harrison

The Chief - Justice

“M.^r Grant moves that the words in the second and third Lines Viz.^t
 “the relation or friend who Petitioned for the assembly not being included”
 “be struck out. Question of concurrence put _ Debates arose _ Carried
 “in the Negative by 11 against 5 _

“For the Affirmative

“Mess.^{rs} Lanaudiere

“Grant

“Pownall

“Harrison

The Chief - Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Holland

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Delery

Dunn

His Honor the Lieu.^t Governor

“M.^r Grant moves that the words “or Friend” in the second line of
 “the third clause be struck out

JW

Question

“Question put _ Debates arose _ Carried in the Negative by 11 ag.¹ 5

“The same Members on The same Members as on the

“this question as on the foregoing Question for the

“foregoing for the Negative __

“Affirmative.

“Read the fourth Clause in the words following

““Whenever any person shall die in this Province without having

“ “made a Will, or without having presumptive Heirs in this Province

“ “or whenever a Person absent from this Province shall have a right

“ “to any Succession in it, a Curator or Administrator shall be

“ “appointed before the Judges of the Court of Common – Pleas, in the same

“ “manner and under the same Penalties as is ordered in the foregoing

“ “Articles relative to the Election and Appointment of Guardians, __

“Colonel Caldwell moves that the fourth clause just now read

“be struck out, and the following clause substituted as the 4th and last

“clause of the Bill. Viz.¹

““And be it also enacted by same Authority that the

“ “Judges mentioned in the first article of this Ordinance or such as

“ “shall hereafter be named pursuant to said Article, may and are

“ “hereby required to take cognizance of all matters & things respecting

“ “the appointment & Duty of Curators & Executors and in the proceedings

“ “thereon resort shall also be had to the antient Laws & Usages of the province

“ “& the Appeals given by those Laws shall in like manner as is mentioned

“ “in the foregoing clause lay to the Provincial Court of Appeals.””

“Question put _ Debates arose _ Carried in the Affirmative by

“10 against 6. _

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Mess.^{rs} Lanaudiere

“Boucherville

Holland

“Longueuil

Grant

“Baby

Pownall

“S.^t Ours

Harrison

“Caldwell

M.^r Chief - Justice

“Belestre

“Delery

“Dunn

“His Honor the Lieu.^t Governor

JW

The

“The Chief – Justice moves _ That the fourth clause on the Bill be struck out, and that in its place be inserted the words following _

““That the Probate of last Wills and Testaments & the Grant of
 “ “Letters of Administration in case of intestacy shall be deemed to belong
 “ “to the Prerogative Court of the Province & be exercised by the Governor for
 “ “the time being or by such Judges & Surrogate or Surrogates registrar
 “ “Clerks Office and Offices or by the Governor may be thereunto delegated,
 “ “commissioned and appointed either by the Great Seal of the Province
 “ “or by the Seal of the Prerogative Court as the case may require or the
 “ “Governor in his discretion may see cause to direct”_

“Question of concurrence put

“Colonel Caldwell moves the previous question, that the question
 “on the Chief – Justice’s motion be not put. _

“Question of concurrence with Col.^o Caldwell motion put _ Debates
 “arose _ Carried in the Affirmative by 9 against 7. _____

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Mess.^{rs} Lanaudiere

“Boucherville

Boucherville

“Longueuil

Grant

“Baby

Pownall

“S.^t Ours

Harrison

“Caldwell

The Chief - Justice

“Belestre

His Honor the Lieu.^t Gov.^r

“Delery

“Dunn

“The 5th Clause read as follows

““All Guardians, Administrators or Executors by Will, are hereby
 “ “obliged, without delay, to cause to be made by any Notary whom
 “ “they shall chuse to employ, a true and faithful Inventory of all the
 “ “effects, moveable and immoveable, Debts due to or by the Estate, Money,
 “ “Titles and Papers belonging to the Succession of the deceased, and shall make
 “ “Oath before the Notary (who is hereby authorized to administer the same)
 “ “under the Law Decrees in like cases, to declare all the Effects of whatever
 “ “nature they may be, and of which they have any knowledge. The Subguar -
 “ “dian shall be present at the said Inventory, and the presumptive Heirs
 “ “shall be summoned to attend. The Notary will keep a minute of the
 “ “said Inventory. It shall nevertheless be lawful for Guardians,
 “ “Administrators or Executors, where the Succession of the deceased
 “ “comprehends Merchandize and Books of Account, to cause an Invoice

of

“ “of said Merchandize with the prices annexed, and Balance of Books
 “ “of Account, to be made out by two Merchants, which Invoice and
 “ “Balance of Books of Account, shall be annexed by the Notary to the
 “ “Minutes of the Inventory made by him””

“Col.^l Caldwell moves that this Clause be struck out of the Bill _
 “Question of concurrence put _ Carried unanimously in the
 “Affirmative. _

“M.^r De Lanaudiere moves that the following clause be the
 “5.th Article of the Bill. Viz.^t

““And noting in this Bill contained shall be construed to
 “ “derogate from the Rights and authority of the Crown to interfere in the
 “ “Chancery of this Province respecting the Law & Custody of Infants, Idiots
 “ “& Lunatics both as to their Persons and Estates according to the course
 “ “and manner used in the High Court of Chancery in England. Always
 “ “nevertheless understood that where any proceedings shall be had in any
 “ “instance of Guardianship according to the antient Law of the Province
 “ “& the Provisions herein before mentioned, the same shall be valid as
 “ “executed in a Court of concurrent Jurisdiction with the Chancery
 “ “aforementioned. _

“Question of concurrence put _ Debates arose
 “Carried in the Affirmative by 9 against 7. _____

“For the Affirmative	For the Negative
“Mess. ^{rs} Lanaudiere	Mess. ^{rs} Dupré
“Holland	Boucherville
“Baby	Longueuil
“Grant	S. ^t Ours
“Caldwell	Belestre
“Pownall	Delery
“Harrison	Dunn
“The Chief - Justice	
“His Honor the Lieu. ^t Governor	

“The 6.th Clause read in the following words Viz.^t

““The Guardians, Administrators or Executors are likewise ordered to
 “ “close the said Inventory in three months from the day upon which it shall
 “ “have been finished, that is to say, they will present themselves before one
 “ “of the Judges of the Court of Common - Pleas, and will make Oath before him,
 “ “that they have comprehended in the Inventory all the Effects of the
 “ “deceased of which they had any knowledge, and that if, for the future,
 “ “they should know of any more, they would add it. The Clerk will make a
 minute

JW

“ “minute of the said Affirmation at the bottom of the Inventory,
in order to be deposited in his office. _____

“M.^r Dunn moved to strike the whole of this clause out of
“the Bill _ Question of concurrence put _____ Carried
“unanimously in the Affirmative. _____

“M.^r De Lanaudiere moves that the following be adopted to
“make the sixth Clause in the Bill. _____

““And whereas it has so happened that appointments and
“ “Commissions have been from time to time heretofore issued under
“ “the Great - Seal of the Province for the nomination of Judges in each
“ “of the Districts of Quebec and Montreal for the Probate of Wills and
“ “granting Letters of Administration, and doubts may arise thereon, as
“ “well to the validity of their Acts as the Acts of the Registers or Clerks
“ “serving under such Judges for want of Commissions to such Clerks
“ “from the Crown for exercising such Trusts _ For the quiet of the Families
“ “and the security of all persons interested. _____

““Be it also enacted by the same authority that no bona
“ “fide right or claim shall be defeated by any exception grounded
“ “solely upon the want of authority in such Judges and Clerks to take
“ “the proof of Wills and Intestacies & to issue Letters Probate and Letters
“ “of Administration thereon _ Provided always & be it also hereby enacted
“ “that if any suit or action shall be pending on any such exception
“ “at the time of the commencement of this Act, such suit shall not in
“ “any degree be affected by this Act, but that the same suit shall
“ “proceed and be adjudged as the Law might have required & as if this Act
“ “had never been passed.” _____

“Question put _ Debates arose _ Carried in the Negative by
“9 against 7. _____

“For the Affirmative	For the Negative
“Mess. ^{rs} Dupré	Mess. ^{rs} Boucherville
“Lanaudiere	Longueuil
“Holland	Baby
“Grant	S. ^t Ours
“Pownall	Caldwell
“Harrison	Belestre
“The Chief Justice	Delery
	Dunn
	“His Honor the Lieu. ^t Governor

“The Chairman then read the 7.th Clause in the words following Viz.^t
Whenever

JW

““Whenever a Person deceased shall have named a Guardian
 “ “or Executor by Will, the Guardians or Executors are hereby obliged to
 “ “lodge the said Will, or if it has been passed before a Notary, an
 “ “authenticated Copy of it, with the Clerk of the Court of Common _
 “ “Pleas for the District, who will copy the same into His Register;
 “ “the Judge after the will has been proved, will administer to the
 “ “Guardian or Executor an Oath for the faithful discharge of
 “ “the trust, which the deceased has charged them with”_
 “M.^r De S.^t Ours moves that it be struck out of the Bill _ Question of
 “concurrence put _ Carried in the Affirmative unanimously. _
 “The Chairman then read the 8.th Clause in the words following Viz.^t
 ““If the Heirs of the deceased shall think that they have a right to
 “ “set aside the Will, for reasons which they think lawful, they shall
 “ “form their Action for that purpose before the Court of Common - Pleas of
 “ “the District, who shall judge and decide the same, subject nevertheless
 “ “to an Appeal, by the Party which shall think themselves aggrieved, to
 “ “the Governor and Council, provided the Writ of Appeal shall be sued
 “ “out within three months from the date of the Judgment, and provided
 “ “the Party Appellant shall give good and sufficient security as in
 “ “other cases”_
 “M.^r De S.^t Ours moves that it be struck out of the Bill _ Question
 “of concurrence put _ Carried in the Affirmative unanimously. _
 “The Chairman then read the 9th clause in the following words Viz.^t
 ““Guardians are required to give an Account of their Guardianship in
 “ “proportion as the Minors shall arrive at the age of majority, or shall be
 “ “otherwise authorized by Law to require it. _
 “M.^r De S.^t Ours moves that it be struck out of the Bill.
 “Question put _ Concur unanimously. _
 “The Chairman then read the 10th clause in the words following Vit.^z
 ““All executors and Administrators are obliged to give an Account
 “ “to their Heirs, of their Executorship or Administration, within a year and a
 “ “day from the death of the deceased, except there should appear to the Judges of
 “ “the Court before which they shall be required to give the account, good
 “ “& sufficient reasons to grant a delay. _
 “M.^r De S.^t Ours moves that it be struck out of the Bill, Question
 “put _ Concur unanimously. _

JW

The

“The Chairman then read the 11.th Clause in the words following

““In case of bad conduct of Guardians or Administrators or of a
 “ “manifest dissipation, it will be lawful for the subguardian or other
 “ “Relation of the Minors, in his default, or of any Heir or Creditor of
 “ “the deceased, to present a petition to the Judge or Judges of the Court of
 “ “Common - Pleas, setting forth the causes of Complaint, who are hereby
 “ “required, at the bottom of the said Petition, to order at the hour, day
 “ “and place which they shall think proper, an Assembly of the
 “ “Relations or Friends of the Minors, or of the Heirs and Creditors of the
 “ “deceased, in order to give their advice. The Guardian and Administrator
 “ “shall be summoned to attend, and shall have communication of the
 “ “Petition made against him or them, so that they may be heard in
 “ “their defence. If the complaint shall appear to be well founded, the
 from their charge, and will proceed to the Election and Appointment of another Guardian or Administrator
 “ “Judges will dismiss the Guardian or Administrator ^ according to the
 “ “form prescribed in the foregoing Articles of the present Ordinance. The
 “ “Clerk will make a minute and Act of the whole of the proceeding,
 “ “in order to be deposited amongst the Records of His Office. _____

“M.^r De Longueuil moves that it be struck out of the Bill _

“Question of concurrence put _ Carried in the Affirmative unanimously.

“The Chairman then read the 12.th Clause in the following words Viz.^t

““The Persons chosen and appointed as above, are hereby declared
 “ “to be obliged to accept the charge, which is a duty of Society, and in case
 “ “of refusal and declared to be subject in damages for the behalf of the
 “ “Minors or the Succession, not exceeding the Sum of One hundred pounds, nor
 “ “less than that of six pounds; provided nevertheless when the damages shall
 “ “exceed the sum of Twelve Pounds, an appeal be made to the Governor
 “ “and Council. The damages to be sued for in the Court of Common - Pleas
 “ “of the District. _____

“M.^r Dupré moves that it be struck out of the Bill _ Question

“of concurrence put _ Concur unanimously. _____

“The Chairman then read the 13.th Clause in the words following Viz.^t

““Whenever it shall be necessary to chuse and appoint Guardians,
 “ “Subguardians and Administrators to Minors or Successions, where
 “ “relations reside at a greater distance than four leagues from the Towns
 “ “of Quebec, Montreal and Three Rivers, the Judge or Judges of the Court of
 “ “Common - Pleas will, according to the ancient usage, in order to prevent
 “ “expence and loss of time to the Cultivators of Land, authorize a Notary on
 the

“ “the Spot to proceed to the Election, to administer the accustomed Oaths,
 “ “and to make a minute or act which shall be deposited in the Office of
 “ “the Clerk of the Court of Common – Pleas of the District, in order to be
 “ “approved or in case of contestation, to be disallowed by the Judges as they
 “ “shall think agreeable to Law. _

“M.^r De S.^t Ours moves that it be struck out of the Bill _ Question
 “put _ concur unanimously. _____

“Then read the Preamble in the words following Viz.^t

““Whereas it is necessary that the Law relative to the appoint -
 “ “ment of Guardians, Administrators to Intestate Estates and Trustees to
 “ “those of Absentees and others, should be made public and declared for
 “ “the information of all His Majesty’s Subjects in the Province. It is
 “ “hereby declared and enacted by His Excellency the Governor, by and with the
 “ “consent of the Legislative Council as follows.”_

“Question of concurrence put

“M.^r Grant moves, that the Preamble to the first enacting clause
 “of the Bill be struck out and the following words inserted in their place.

““Whereas the Judges of the Common – Pleas of the two Districts of
 “ “Quebec and Montreal have been in the practice of appointing to Guardian
 “ “ships to Minors and others, and of taking the Probate of Wills and
 “ “granting Letters of Administration in cases of Intestacy, and great
 “ “mischiefs may come both to the Crown and the Subject where the exercise
 “ “of Judicial Authority may be subject to doubt, and there is ground for
 “ “questions respecting the authority of the Common - Pleas in the Guardian
 “ “ship of Infants, Idiots, Lunatics and other insane Persons, as respecting the
 “ “Commissions heretofore issued for the exercise of the Powers of the Prerogative
 “ “Court _ And whereas it appears to be highly expedient that the Law
 “ “& Usage prior to the Conquest relating to some Guardianships should
 “ “obtain in the antient settled parts of the Province and that the
 “ “Authority of the Judicature for such purpose as well in proceedings
 “ “of the first instance or in appeal, be clearly ascertained, that the
 “ “subject may have the full benefit of the wise Provisions of the antient
 “ “Law of the Country in such cases. Be it therefore enacted by His
 “ “Excellency the Governor and the Legislative - Council and it is hereby
 “ “enacted by the Authority of the same that”

“Question of concurrence put _ Debates arose _ Carried in the
 “Negative by 11 against 5.

JW

For the	Affirmative Mess. ^{rs} Lanaudiere	For the Negative	
	Holland	Mess. ^{rs} Dupré	Belestre
	Grant	Boucherville	DeLery
	Pownall	Longueuil	Harrison
	The Chief Justice	Baby	Dunn
		S. ^t Ours	His Honor The L. ^t Governor
		Caldwell	

For

M.^r

“

“M.^r Dunn moves that the Preamble be struck out & the following
“adopted. _

““Whereas it is expedient that the Law relative to the appoint –
“ment of Guardians and Curators should be declared and published for
“the information of all His Majesty’s subjects in this Province, It is
“therefore declared and enacted by His Excellency the Governor & the
“Legislative Council and it is hereby enacted by the authority of the
“same - that

“Question put _ Debates arose _ Carried in the Affirmative by
“11 against 5. _

“For the Affirmative	For the Negative
“Mess. ^{rs} Dupré	Mess. ^{rs} Lanaudiere
“Boucherville	Holland
“Longueuil	Grant
“Baby	Pownall
“S. ^t Ours	Harrison
“Caldwell	
“Belestre	
“Delery	
“Dunn	

“The Chief - Justice

“The Lieu.^t Governor

“The Chairman read the Title in the words following

““A Bill respecting Curators, Tutors, Executors and Administrators

“Question of concurrence put

“M.^r Dunn moves to strike out the Title now read & to adopt the
“following in its stead. Viz.^t

““An Act respecting Guardians & Curators”

“Question of concurrence put _ Debates arose _ Carried in the Affirmative
“by 13 against 3. _

“For the Affirmative	For the Negative
“Mess. ^{rs} Dupré	Belestre
“Boucherville	Pownall
“Holland	Delery
“Longueuil	Harrison
“Baby	Dunn
“S. ^t Ours	His Honor the Lieu. ^t Gov. ^r
“Caldwell	

“Ordered that the Chairman report progress and pray leave to sit
“again on Monday next.

“Tuesday 19.th April

“The same Members

“Ordered that the Chairman report

“Signed by Order of the Committee
(Signed) “A Mabane Chairman

Question of concurrence put _ Concur unanimously
 Ordered that the Bill be ingrossed and read a third time
 on Saturday next. _____

Road Bill

The Order of the day read the Council resolved themselves into
 a Committee of the whole Council to proceed upon the Bill intitl'd
 “ “An Act or Ordinance to explain and amend an Ordinance intitl'd
 “ “an Ordinance for repairing and amending the public Highways and
 “ “Bridges in the Province of Quebec passed in the seventeenth year
 “ “of His Majesty's Reign ” ”

And his Honor the Lieutenant - Governor left the Chair _____

The Lieutenant - Governor resumed the Chair

M.^r Boucherville from the Committee of the whole Council
 upon the said Bill reported progress and prayed leave to sit again on
 Saturday next _ Question of concurrence put _ concur unanimously. _

Port of S.^t John Bill

M.^r Grant moves for leave to bring in a Bill intitl'd “An Act
 “to regulate the Fees to be taken on Land Carriages at the Port of S.^t John”
 Seconded by M.^r De Lanaudiere _ Question of concurrence put _ Concur
 unanimously _ M.^r Grant pursuant to leave brings in the said Bill
 and it is read in both languages _ M.^r Grant moves the second reading
 for Saturday next _ Seconded by M.^r Lanaudiere _ Question of concurrence
 put _ Concur unanimously _ Ordered accordingly._

JW

Adjourned till Thursday next at 12 oClock _____

Thursday 21th April 1791

At the Council _ Chamber in the Bishop's Palace

Present

The Honorable Major General Clarke Lieu.^t Governor

The Honorable William Smith Esq.^r Chief - Justice

and

The Honorable

Hugh Finlay

Thomas Dunn

Edward Harrison

John Collins

Adam Mabane

J. G. C. Delery

George Pownall

Picotté De Belestre

Henry Caldwell

William Grant

Paul Roc De S.^t Ours

Francis Baby

Joseph De Longueüil

Samuel Holland

Cha.^s De Lanaudiere

R A. De Boucherville

Le C.^{te} Dupré

Esquires

JW

M.^r

- M.^r Hopkins's
Pot – Ash Bill } “ “Ordinance for encouraging improving and extending the manufacture
“ “of Pot and Pearl Ashes within this Province” be now read a second
time _ Seconded by M.^r Pownall _ Question of concurrence put _ Concur
unanimously. ____
The Bill being read. M.^r Grant moves that the said Bill be committed to a
Committee of the whole Council for Monday next _ Seconded by M.^r
Pownall _ Question of concurrence put _ Concur unanimously. ____
- M.^r M.^c Donells
Pot- Ash Bill. } “ “An Act for Granting to Angus Macdonell of the City and Province
“ “of Quebec Gentleman an exclusive licence to manufacture Pearl
“ “ & Pot. Ash ”” Seconded by Col.^o Caldwell _ Question of concurrence
“ “put _ concur unanimously. ____
- M.^r Dunn moved for leave to bring in a Bill intituled
“ “An Act for Granting to Angus Macdonell of the City and Province
“ “of Quebec Gentleman an exclusive licence to manufacture Pearl
“ “ & Pot. Ash ”” Seconded by Col.^o Caldwell _ Question of concurrence
put _ concur unanimously. ____
- M.^r Dunn pursuant to leave brought in the said Bill,
and moved it might be read Seconded by Col.^o Caldwell _ Question of
concurrence put _ Concur unanimously _ The Bill being read in both
languages M.^r Dunn moved for the second reading on Saturday next._
Seconded by Col.^o Caldwell _ Question of concurrence put _ Concur
unanimously. ____
- Inland Commerce _ Bill “ M.^r Grant moved for leave to bring in a Bill intituled
“ “An Act to prevent Obstructions to the Inland Commerce on the death
“ “of the Superintendant”____
Seconded by M.^r Baby. Question of concurrence put. Concur
Unanimously ____
- M.^r Grant pursuant to leave brings in the said Bill and moves
that it be read _ Seconded by M.^r Baby _ Question of concurrence put _
concur unanimously. ____ M.^r Grant moves that it be read a second time on
Saturday next _ Seconded by M.^r Baby _ Question of concurrence put _ Concur unanimously _
- Militia - Bill The Order of the day read the Council resolved themselves
into a Committee of the whole Council to proceed upon the Bill
intituled “An Act to explain and amend the Ordinances now in
“ “force relating to the Militia of the Province of Quebec.”” And His
Honor the Lieutenant - Governor left the Chair. ____
- The Lieutenant Governor resumed the Chair. _
Col.¹ Caldwell from the Committee of the whole Council upon
the said Bill reports progress and prays leave to sit again on Monday
next _ Question of concurrence put _ concur unanimously. _
Adjourned till Saturday next at 10 oClock ____

JW

Saturday 23^d April 1791
At the Council - Chamber in the Bishop's Palace
Present
The Honorable Major General Clarke Lieu.^t Governor
The Honorable William Smith Esq.^r Chief - Justice
and

The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	Samuel Holland
J. G. C Delery	Cha. ^s De Lanaudiere
George Pownall	R. A. De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré
Henry Caldwell	

Esquires

Curator - Bill

M.^r Mabane moves the order of the day for a third reading of the Bill intituled "An Act respecting Guardians and Curators" The Bill read a third time in both languages. ____

M.^r Dunn moves that after the word "Guardian" in the Title the words "to Minors" be inserted _ Seconded by M.^r De Longueuil _ Question of concurrence put _ concur unanimously. ____

M.^r Grant moves that the word "It is" in the first enacting Clause be struck out and the words "Be it" inserted in their place _ Question of concurrence put _ concur unanimously _

M.^r Grant moves that the word "nearest" in the 13.th line of the first enacting clause be struck out and the word "near" inserted in its place _ Question of concurrence put _ Concur unanimously. ____

M.^r Grant moves "that the words in the parenthesis Viz.^t "the relation or friend who petitioned for the assembly not being included, in the first enacting clause be struck out." Seconded by M.^r Lanaudiere _

Question of concurrence put _ Debates arose _ Carried in the Negative by 11 against 7. ____

For the Affirmative

Mess.^{rs} Lanaudiere

Grant

Pownall

Collins

Harrison

Finlay

The Chief - Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Holland

Longueuil

Baby

S.^t Ours

Caldwell

Belestre

Delery

Mabane

Dunn

M.^r

JW

M.^r Grant moves “that the second enacting Clause be struck out” Seconded by M.^r Lanaudiere _ Debates arose _ the question of concurrence put _ Carried in the negative by 10 against 8. _

For the Affirmative
Mess.^{rs} Lanaudiere
Holland
Grant
Pownall
Collins
Harrison
Finlay
The Chief - Justice

For the Negative
Mess.^{rs} Dupré
Boucherville
Longueuil
Baby
S.^t Ours
Caldwell
Belestre
Delery
Mabane
Dunn

Question from the Chair _ “Shall the Bill with its amendments pass?”
Carried in the Affirmative by 10 against 8. _

For the Affirmative

Mess.^{rs} Dupré
Boucherville
Longueuil
Baby
S.^t Ours
Caldwell
Belestre
Delery
Mabane
Dunn

For the Negative

Mess.^{rs} Lanaudiere
Holland
Grant
Pownall
Collins
Harrison
Finlay
The Chief - Justice

Ordered that Mess.^{rs} Mabane Belestre & Baby be a Committee to wait on His Lordship with a transcript of the Bill, and that they inform His Lordship that the Council have passed the same and submit it to His Lordship’s assent that it be enacted into a Law _

Port of S.^t John’s Bill

M.^r Grant moved the order of the day for a second reading of the Bill intituled “An Act to regulate the Fees taken on Land Carriages “at the Port of S.^t Johns” Seconded by M.^r Lanaudiere _ Question of concurrence put _ Concur unanimously. _

M.^r Grant moved that the Bill be committed for monday next - Seconded by M.^r Lanaudiere _ Question of concurrence put _ concur unanimously. _

M.^r Angus M.^c Donell’s
Pot _ Ash _ Bill.

M.^r Dunn moved the order of the day for a second reading of the Bill intituled “An Act for granting to Angus Macdonell of the City and “Province of Quebec Gentleman an exclusive Licence to manufacture “Pearl and Pot - Ash.” Seconded by Col.^o Caldwell _ Question of concurrence put _ concur unanimously. _

JW

The Bill being read a second time M.^r Dunn moved that it be committed for Monday next _ Seconded by Col. Caldwell _ Question of Concurrence put _ Concur unanimously.

M.^r

M.^r Dunn moves that a Petition of M.^r Angus Macdonell which he presents may be read _ the Petition being read _ Ordered that the said Petition be referred to the Committee charged to report on M.^r Macdonell's former Petitions. _____

Inland Commerce

M.^r Grant moves the Order of the day for a second reading of the Bill intituled "An Act to prevent obstructions to the Inland "Commerce on the death of the Superintendant"

Question of concurrence put _ concur unanimously ____

The Bill being read on second time M.^r Grant moves that the Bill be committed for Monday next _ Seconded by M.^r Baby _ Question of concurrence put. _____

Col.^o Caldwell moves the previous question _ Question of concurrence with Col.^o Caldwell's motion _ Debates arose _ Carried in the negative by all the voices. _____

The Question in chief was then put and carried in the Affirmative _ M.^r Mabane alone for the Negative. _____

Church Bill

M.^r Dunn pursuant to the order of the day moves that the Council resolve themselves into a Committee of the whole Council to proceed further upon the Bill intituled "An Act for promulgating the Laws "and Usages in force in this Province respecting the building and repairing "Churches and Parsonage Houses." Question of concurrence put _ Concur unanimously _ His Honor the Lieutenant - Governor left the Chair. _____

The Lieu.^t Governor resumed the Chair. ____

M.^r Dunn from the Committee of the whole Council upon the said Bill reports that the Committee have gone through the Bill and made several Amendments, which with the Bill and report he delivers in at the Table _ The Report was read in the words following. _

"Council - Chamber Quebec

"Saturday 16th April 1791

"In Committee of the whole Legislative - Council upon a Bill
"entitled ""An Act or Ordinance for promulgating the Laws and Usages
"in force in this Province respecting the building and repairing Churches
" "and Parsonage Houses"" _____

" "Present

"M.^r Dunn in the Chair

"His Honor the Lieu.^t Governor

"Chief Justice M.^r Smith

and

JW

Mess.^{rs}

"Mess. ^{rs} Harrison	De S. ^t Ours
"Mabane	Baby
"Delery	De Longueuil
"Pownall	Holland
"De Belestre	De Boucherville
"Caldwell	De Lanaudiere
"Grant	Dupré

"Read the first enacting Clause as follows

""Be it therefore enacted by His Excellency the Governor and
 " "the Legislative - Council and it is hereby enacted by the authority
 " "of the same that the following rules and regulations which have
 " "hitherto been observed and followed during the long space of Years this
 " "extensive Province has been under His Majesty's Government when
 " "it has been found necessary to build and repair any Parish - Church or
 " "Parsonage - house shall remain and are hereby declared to be in full
 " "force. _____

" "Whenever the construction building or repairing any
 " "Church or Parsonage - House becomes necessary three fourths of the
 " "Inhabitants of the Parish requesting the same shall Petition the Bishop
 " "of Quebec to fix upon the most convenient place when a new Church
 " "is required, and the dimensions thereof, and also to determine on the
 " "necessity of the proposed reparations, which approbation being obtained
 " "the Curate of the Parish shall publish the same in the Church or where
 " "there is no Church in that of the nearest parish on three succeeding Sundays
 " "immediately after Divine Service and shall announce the time and place
 " "for a meeting of the Parishioners to deliberate and determine upon
 " "the buildings or reparations required." "

"The question of concurrence being put. Debates arose

"M.^r De Lanaudiere moved that the Chairman report progress and
 "ask leave to sit again on Monday next. _____

"Resolved unanimously

"Council – Chamber Quebec

"Monday the 18 April 1791.

"In Committee of the whole Legislative - Council concerning the
 "building and repairing Churches and Parsonage Houses. _____

"Present

"The same member as on the last day with the addition of Mess.^{rs}
 "Finlay and Collins. ____

"M.^r Grant moved that the first enacting Clause be struck
 out

JW

“out and that the following be inserted in place of the 1st Article of the
“Bill read on Saturday last. ____

““Be it therefore enacted by His Excellency the Governor &
“ the Legislative Council and it is hereby enacted by the authority of the
“ same that whensoever it shall become expedient to form Parishes or
“ build or repair Churches or Parsonage - Houses or Cemiteries the same
“ course shall be pursued as was requisite before the Conquest according
“ to the Laws and Customs at the time in force and practice and that the
“ Bishop or Superintendant of the Romish Churches for the time being
“ shall have and exercise the rights of the then Bishop of Canada and that
“ such rights as were then on the Crown of France and exercised by the
“ Intendant and Provincial Government of that day shall be considered
“ or vested in the Governor or Commander in Chief for the time being
“ except so far as may relate to the compelling of the payment of the
“ Assessments and Repartitions for the Construction and repair of Churches
“ Presbyteries and Cemiteries and all disputes relative to the same shall
“ be recognizable in any of His Majesty’s Courts for Civil - Causes to the
“ amount of the matter in controversy. _____

““Provided always and be it also enacted by the same authority
“ that nothing in this Act contained shall be construed to bring any of
“ His Majesty’s subjects of any Protestant denomination whatsoever or any
“ other Person than such as shall be of the Roman Catholic Communion into
“ charge for any of the purposes aforementioned or into any manner of
“ compulsory contribution to the support of the Communion of the Church
“ of Rome.” _____

“Debates arose and the question being put the voices stood. _

For the Amendment	Against the Amendment
“Mess. ^{rs} Dupré	De Boucherville
“De Lanaudiere	De Longueuil
“Holland	Baby
“Grant	De S. ^t Ours
“Pownall	Caldwell
“Delery	Belestre
“Harrison	Mabane
“Collins	
“Finlay	

“The Chief - Justice

“His Honor the Lieu.^t Governor

“Carried in the Affirmative by 11 against 7.

“Then read the second clause in the words following

““The Inhabitants being so assembled and three fourths of

them

JW

“ “them having determine on the necessity of making the buildings or repairs
 “ “shall proceed to the election and appointment of three Sindics who shall
 “ “be authorized by a majority of the Inhabitants in the presence of the
 “ “Seignior (if residing on the Seigniory) and the Curate of the Parish, to
 “ “make an estimate of the necessary expences of the buildings or repairs
 “ “required and also a repartition of the sums and materials to be paid
 “ “and furnished by each inhabitant in proportion to the lands he holds
 “ “or possesses in the parish except the Seignors and CoSeignors who are
 “ “not to contribute for the unconceded Lands in their respective Seigniories
 “ “of Fiefs but for the Lands of their Domains only and such other Lands
 “ “in cultivation as they may possess and every Person being a resident
 “ “in the Parish, Judges, Justices of the Peace, Officers of the Militia,
 “ “Surgeons, Post - masters, Notarys and accountable Church - Wardens,
 “ “or Persons exceeding the age of sixty years or being Guardian or Curator
 “ “to two Successions excepted being elected Sindics in manner aforesaid
 “ “by a majority of the Parishioners assembled and refusing to accept
 “ “thereof and execute the duties of the said Office shall be subjects to and
 “ “suffer the Penalties the Law inflicts in such cases””_____

“Question of concurrence put

“M.^r Grant moved that the 2^d Article be struck out and the following
 “inserted in its place. ____

““And be it also enacted by the same authority that if at any
 “ “time heretofore Repartitions and Assessments shall have been made
 “ “for the purposes aforementioned and not strictly [^] according to the law and Custom
 “ “anterior to the Conquest no new suit or action shall be maintained
 “ “on the ground of such variation from the ancient course, provided
 “ “always that as to any Action or suit actually pending in any Court
 “ “the same shall proceed as though this Act had never been passed ____

“Debates arose _ Question of concurrence put, carried in the Affirma-
 “tive by 10 against 8. ____

“For the Affirmative

“Mess.^{rs} Dupré

“De Lanaudiere

“Holland

“Grant

“Pownall

“Delery

“Harrison

“Collins

“Finlay

“The Chief Justice

For the Negative

Mess.^{rs} De Boucherville

De Longueuil

Baby

De S.^t Ours

Caldwell

De Belestre

Mabane

His Honor the Lieu.^t Gov.^r

JW

Then

““Then read the third Clause in the words following
 “ “ The Sindics elected as aforesaid shall present a Petition to
 “ “any of the Judges of the Court of Common - Pleas of the District in
 “ “which the Parish is situated annexing thereto the resolutions of
 “ “the Parishioners at their meetings and the act of repartition
 “ “requesting the same may be homologated and confirmed and upon
 “ “such application any one of the Judges of the said Court shall
 “ “by his fiat upon the Petition fix a day for hearing and determining
 “ “before any two Judges of the said Court, upon the oppositions and objections
 “ “made thereto by any of the Inhabitants interested therein which fiat and
 “ “order shall be read and published by the Curate of the Parish immediately after
 “ “Divine Service on three succeeding Sundays of which reading and publicati-
 “ “-on the Sindic shall produce to the Judges a Certificate signed by the Curate
 “ “of the Parish on the day fixed for homologating and for hearing and determi-
 “ “-ning on the oppositions thereto if any there be””

“M.^r Grant moved that the 3^d Article be struck out _ Debates
 “arose _ Question put. Carried in the Affirmative by 14 against 4 ____

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Mess.^{rs} De Boucherville

“De Lanaudiere

De Longueuil

“Holland

Baby

“De S.^t Ours

Mabane

“Grant

“Caldwell

“De Belestre

“Pownall

“Delery

“Collins

“Harrison

“Finlay

“The Chief Justice

“His Honor the Lieu.^t Governor

“Then the fourth Article was read in the words following

““After the homologation by the Judges every Inhabitant of the
 “ “Parish or Person possessing Lands therein shall pay and furnish to the
 “ “Sindics, when thereunto required, their and each of their respective
 “ “proportions, and in default thereof he she or they shall be constrained
 “ “thereto by Judgment of the Court of Common - Pleas for the District in
 which

JW

“ “which the Parish is situated or by Judgment of the Circle – Court
 “ “in which the Circle [^] Parish is included when the Sum demanded does not exceed
 “ “the competency of said Court.””

“M.^r Grant moved that the fourth clause be struck out _

“Debates arose _ Question of concurrence put, carried by the same fourteen
 “voices for the affirmative against the same four voices for the negative _

“Then the Chairman read the Preamble in the following words

““Whereas doubts have arisen respecting the authority of the Judges
 “ “of the Courts of Common - Pleas in this Province to ratify and homologate
 “ “the resolutions and determinations of the Inhabitants thereof at their
 “ “parish - meetings for the purpose of building and repairing Churches and
 “ “Parsonage - houses by reason whereof it becomes necessary to promulgate
 “ “and make known to His Majesty’s Subjects the Laws Usages and Customs
 “ “respecting the same ____

“M.^r Grant moved that the Preamble be struck out and the
 “following inserted in its place

““Whereas the Roman Catholic Religion is the most prevalent
 “ “persuasion in this Province and stands secured to His Majesty’s Canadian
 “ “Subjects by Act of Parliament but wants for the support of it that aid
 “ “formerly enjoyed anterior to the Conquest and which it may securely hope
 “ “for from the generosity, Justice and Wisdom of the British Parliament
 “ “to which it is become subject by the Providence of Almighty God ””

“Question of concurrence put _ Debates arose _ carried in the negative
 “by 10 against 8. _

“For the Affirmative

“Mess.^{rs} Dupré

“Holland

“Grant

“Pownall

“Collins

“Finlay

“Chief - Justice

“His Honor the L.^t Governor

For the Negative

Mess.^{rs} De Boucherville

De Lanaudiere

De Longueuil

Baby

De S.^t Ours

Caldwell

De Belestre

Delery

Mabane

Harrison

“Then the question in Chief, whether the preamble in this Bill
 “shall stand. Carried unanimously in the Affirmative.____

“The Title was then read in the following words

““An Act or Ordinance for promulgating the Laws and
 usages

“ “usages in force in this Province respecting the building and repairing
 “ “Churches and Parsonage - Houses.””
 “M.^r Baby moved to strike out the Title and to adopt the
 “following.
 ““An act or Ordinance concerning the building and repairing of
 “ “Churches, Parsonage - houses and Church - yards ”.”
 “Question of concurrence put _ concur unanimously. _____
 “Ordered that the Chairman report progress and pray leave to sit
 “again on Saturday next.
 “Saturday 23^d April 1791
 “In Committee _ same Members present _
 “Read the proceedings _ Ordered that the Chairman report
 “By Order
 (Signed) Tho.^s Dunn
 “By Order of the Committee 23 April 1791
 (Signed) “Thom.^s Dunn. Chairman.”

Question of concurrence put _ concur unanimously ____
 Ordered that the Bill be ingrossed and read a third time next monday.

Road - Bill

M.^r Boucherville pursuant to the order of the day moved that the
 “Council resolve themselves into a Committee of the whole Council to
 “An Act or Ordinance to explain and amend an Ordinance, intituled,
 “proceed further upon the Bill intituled ^ An ~~Act~~ or Ordinance for repairing
 “and amending the public Highways and Bridges in the province of Quebec
 “passed in the seventeenth year of His Majesty’s reign.”_
 Question of concurrence put _ concur unanimously _
 His Honor the Lieu.^t Governor left the Chair
 The Lieutenant Governor resumed the Chair
 M.^r Boucherville from the Committee of the whole Council upon the said
 Bill, reports progress and prays leave to sit again on Monday next _ Question
 of concurrence put _ concur unanimously. _____
 Adjourned till Monday next at 12 oClock _____

Monday 25.th April 1791
 At the Council - Chamber in the Bishop’s Palace
 Present
 The Honorable Major General Clarke Lieu.^t Governor
 and

The Honorable

Hugh Finlay	William Grant
Thomas Dunn	Paul Roc De S. ^t Ours
Edw. ^d Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	Samuel Holland
J. G. C. Delery	Charles De Lanaudiere
George Pownall	R. A. De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré
Henry Caldwell	Esquires

M.^r

Curator Bill

M.^r Hopkins &
M.^r Macdonell's
Petitions

M.^r Mabane from the Committee charged to wait on His Excellency Lord Dorchester with a Transcription of the Bill intituled An Act respecting Guardians to Minors and Curators. _____

reports that the Committee have waited on His Lordship with the Transcript pursuant to the Order of the Council. ____

M.^r Dunn from the Committee charged to report upon the Petitions of M.^r Samuel Hopkins and M.^r Angus Macdonell with the several papers connected therewith reports that the Committee have made the necessary Inquiries and finished their Report, which with Papers annexed thereto he delivers in at the Table _ The Report and Papers were read in the words following. ____

“Council - Chamber Quebec

“Monday 25 April 1791

“At a meeting of the Committee respecting the manufacture of Pot
“and Pearl Ashes

“Present

“Mess.^{rs} Mabane

“Grant

“Baby

“De S.^r Ours

“De Longueuil

“M.^r Dunn being engaged on Public business sent the papers
“concerning the reference to the Committee. ____

“Read in both languages the certificate of Doctor Nooth and Mess.^{rs}
“Gould and Longmore dated the 21st instant hereunto annexed relative to the
“process of M.^r M.^c Donell for the manufacture of Pearl Ash _____

“Read a certificate signed William Terrill and John Rees dated
“22^d instant and under another certificate signed John Gould also a
“Certificate from Doctor Nooth dated this day all hereunto annexed
“relative to the process of M.^r Hopkins for the manufacture of Pearl Ash.

“M.^r Grant informed the Committee that M.^r Hopkins confided to
“him on friday last, his secret or new invented process and mode of extracting
“or manufacturing Pot and Pearl Ashes from Common - Ashes as the Same is
“set forth in exclusive Letters – Patent granted to him for fourteen years on the
“31.st of July last by the President of the United States an exempli ^{fi} cation of which
“M.^r Grant has in his Possession and will communicate such parts as may be
“required by the Legislature in the progress of the business.

“Signed W.^m Grant^s

“The Chairman M.^r Dunn joyned the Committee and laid before
them

“a Petition from M.^r Angus M.^c Donell to the President and Members of
the

JW

“the Legislative Council referred to this Committee which was read and
“is hereunto annexed. ____

“Resolved that the Prayer of the Petition should be granted. ____

“M.^r Angus M.^c Donell applied to be heard before the Committee
“and being admitted _ He requested that Doctor Nooth and Mess.^{rs} Gould
“and Longmore who attended and inspected his process for manufacturing
“Pearl Ash, may be requested to attend the Legislative Council at such time
“as it may please them to appoint and that he may be permitted to attend and
“ask such questions as he may think necessary respecting his method of
“manufacturing Pearl Ash and humbly hopes that the Legislative Council
“will be pleased to proceed upon the merits of his and M.^r Hopkin’s Petitions
“for obtaining an exclusive of privilege for the manufacture of Pot &
“Pearl Ashes at the same time; and that the Petitioners may be
“permitted to attend. _

“Resolved that in the opinion of this Committee Doctor
“Nooth and Mess.^{rs} Gould, Longmore, Terrill and Rees with the Petitioners
“should be requested to attend the Legislative – Council to answer such
“questions as may be proposed to them when in Committee upon the two
“Bills. ____

“Ordered that the Chairman report accordingly ____

“By Order of the Committee

(Signed) “Thom.^s Dunn. Chairman”

Annexations

“This certifies that We the Subscribers have attended a process for
“making Pearl Ash with Mess.^{rs} M.^c Donald & have examin’d the Pearl
“Ash produc’d by that process & are of opinion that the said Pearl Ash
“was of greater purity and likewise in greater quantity than is usually
“obtain’d by the common methods practised in this country as the quantity
“produced was at the rate of twelve pounds & upwards from every bushel of
“Ashes. ____

(Signed) “J Mervin Nooth

“John Gould

“Geo: Longmore”

“Quebec 21 April 1791

“We do certify that at the request of M.^r Samuel Hopkins
“we attended a Process for making Pearl - Ash at which Doct.^r Goold was
“present part of the time, that we measured half a bushel of Ashes collected
“indiscriminately from different places in this City and that it yielded at
the

JW

“the rate on nine and a half pounds at least to the bushel. ____
 “Quebec April 22.^d 1791
 (Signed) “W.^m Terrill
 “John Rees”

“I do certify that I attended the principal part of the Process as above
 “mentioned and do believe the quantity produced is as specified in the above
 “Certificate (Signed) “John Gould”

“This certifies that I have seen the Furnace erected by M.^r
 “Samuel Hopkins for manufacturing Pearl Ash & have examined the
 “Pearl – Ash presented to me by Mess.^{rs} Terrill & Rees made therein as
 “certified by them & am of opinion that M.^r Hopkins method is prefer-
 “-able to the methods usually practis’d in this Country & do firmly
 “believe that the quantity of Pearl – Ash produced by the Process which they
 “attended was equal to the quantity specified in their Certificate & do
 “from trials made with the said Pearl – Ash affirm that it was extremly
 “pure. ____ (Signed) “J Mervin Nooth”
 “Quebec 25th April 1791” ____

“M.^r Grant of the Committee informs the Committee, that M.^r
 “Hopkins confided to him on Friday last, his secret or new invented process
 “and made of extracting or manufacturing Pot and Pearl Ashes from
 “Common Ashes, as the same is set forth in exclusive Letters – Patent
 “granted him for fourteen years on the 31th of July last by the President of
 “the United States an exemplification of which M.^r Grant has in his
 “possession and will communicate such parts as may be required by the
 “Legislature in the progress of the business. ____
 (Signed) “William Grant
 “Council – Chamber Quebec
 “25. th April 1791”

“To His Honor the President and their Honor the Members
 “of His Majesty’s Legislative – Council for the Province of Quebec
 “The Petition of Angus M.^c Donell
 “Most Humbly Sheweth
 “That Mess.^{rs} Alex.^r M.^c Donell Lieu.^t in the late
 “Corps of Rangers, James M.^c Donell Ens.ⁿ in the late 84th Reg.^t and Chris^r
 “Carter Assistant Surgeon to the Gen.^l Hospital having co-operated with
 “your Petitioner in improving the manufacture of Peart Ash and your Petitioner
 “and those Gentlemen being by mutual contract & Agreement each intituled to ~~youers~~ an equal
 share with ~~you~~
 your

JW

“your Petitioner in any advantages to be derived from the issue of their
“joint labours. _____

“Therefore your Petitioner humbly prays that the names
“of the aforementioned Gentlemen (tho’ omitted in the
“draught of the Bill which your Petitioner had the honor
“of Preventing to your honors) be inserted along with
“your Petitioner’s name in any Act or Ordinance that
“your Honors may think expedient to pass in favor of your
“Petitioner and of those Gentlemen his Partners to establish
“the more firmly their equal rights & pretentions & your
“Petitioner as in duty bound will ever pray. _____

(Signed) “A Macdonell

“Quebec 23^d April 1791”

Ordered that the Report and Papers be referred to the Committee
of the whole Council to whom the two Bills respecting the manufac-
ture of Pot and Pearl - Ashes are committed _____

Ordered also that Doctor Nooth and Mess.^{rs} Gould,
Longmore, Terrill, Rees and the Petitioners be requested to
attend a Committee of the whole Council to - morrow at
10 o Clock to answer such questions as may be thought
necessary to ask them whereof notice if to be given them
by the Clerk. _____

Militia - Bill

Col.^o Caldwell moves the Order of the day to proceed further in Committee
of the whole Council upon the bill intituled “An Act to explain and amend
“the Ordinances now in force relating to the Militia of the Province of
“Quebec” _____

Question of concurrence put. concur unanimously _ His Honor the
Lieutenant Governor quitted the Chair. _

The Lieutenant – Governor resumed the Chair _

Col.^o Caldwell from the Committee of the whole Council upon the
said Bill reports that the Committee have gone through the Bill and made
several amendments, which with the Bill and Report he delivers in at the
Table _ The Report was read in the following words. _

In

JW

“In Committee of the whole Council upon the Bill intituled ““An
 “ “Act to explain and amend the Ordinances now in force relating to
 “ “the Militia of the Province of Quebec. _

“Thursday 21.th April 1791

“Present M.^r Caldwell in the Chair

“His Honor Major - General Clarke Lieu.^t Governor

“M.^r Chief - Justice

“and

“Mess.^{rs} Finlay

Mess.^{rs} Grant

“Dunn

S.^t Ours

“Harrison

Baby

“Collins

Longueuil

“Mabane

Holland

“Delery

Lanaudiere

“Pownall

Boucherville

“Belestre

Dupré

“The Chairman read the Bill in both languages and then proceeded
 “to read the same by paragraphs ____

“Read the first Clause in the words following _

““Be it enacted by His Excellency the Governor and the Legislative

“ “Council and it is hereby enacted by the Authority of the same that

“ “it shall and may be lawful for the Field - Officers commanding the

“ “Militia in the different Districts, Seigneuries, Towns with their

“ “respective Suburbs and Banlieus Township and Parishes to regulate the

“ “strength of the Companies of Militia in each parish as well as in the

“ “different quarters of the Town and Banlieu under their command as well

“ “as the bounds of the Precinct to which each company shall belong and

“ “any person residing in such Precinct who refuses or neglects to do

“ “the duty that the Law requires of him as a Militia – man in such

“ “Company shall be liable to such fines and penalties as by the Militia

“ “Laws are inflicted for such offences. ____

“Question of concurrence put _ Debates arose

“M.^r Grant moves that the first enacting Clause be struck out _ Question
 “of concurrence put _ Debates arose _ Carried in the Affirmative by 11 ag.^t

“7 _ “For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Delery

Mess.^{rs} Boucherville

“Lanaudiere

Collins

Longueuil

“Holland

Harrison

Baby

“S.^t Ours

Finlay

Pownall

“Grant

The Chief - Justice

Mabane

“Belestre

Dunn

His Honor the Lieu.^t Governor

The

“The Chairman read the second clause in the words following

““And whereas it may be inconvenient to many of the

“ “Inhabitants of the City and Banlieu of Quebec and Montreal that
 “ “the Militia of said City and Banlieu should assemble during the
 “ “two first months after the opening of the Navigation Be it enacted
 “ “by same authority that instead of assembling the said Corps of
 “ “Militia on the days now appointed by the Militia laws that it shall
 “ “and may be lawful for the Commanding Officers of such Corps to assemble
 “ “them on any five days as shall be most convenient in the months of
 “ “July, August and September and also for them as well as for other
 “ “Commanding Officers of Corps and Districts in the Province to assemble
 “ “the Militia under their Command either by Battalion or by Companies
 “ “with or without Arms or for any other purpose that their duty as
 “ “Militia - men may require and whatever Officer non - commissioned
 “ “Officer or Private militia - man shall refuse or neglect to attend
 “ “when duty warned without reasonable excuse or leave of absence
 “ “previously obtained shall be liable for the first offence if a non -
 “ “commissioned Officer or private militia - man to a fine not exceeding
 “ “ten shilling but for the second and every other offence if an Officer
 “ “to be reprimanded at the head of the Corps or to be cashiered according to
 “ “the nature of the offence by the sentence of a Militia General Court -
 “ “Martial and if a non - commissioned Officer or Private Militia -
 “ “man by a fine not exceeding five pounds or one months imprisonment
 “ “according to the nature of the offence by the sentence of a Regimental
 “ “Militia Court - Martial or of a Militia - Court as herein after
 “ “constituted any Law, Usage or Custom to the contrary notwithstanding_

“M.^r Grant moves that the second enacting clause be struck
 “out _ Debates arose _ Question of concurrence put _ carried in the
 “affirmative by 12 against 6. _____

“For the Affirmative

“Mess.^{rs} Dupré

“Lanaudiere

“Holland

“S.^t Ours

“Grant

“Belestre

“Pownall

“Delery

“Collins

“Harrison

“Finlay

“The Chief - Justice

For the Negative

Mess.^{rs} Boucherville

Longueuil

Baby

Mabane

Dunn

His Honor the Lieu.^t Governor

JW

The

“The Chairman read the third clause in the following words

““And be it enacted by same authority that any Commissioned
 “ “non commissioned officer or private militia - man belonging to any
 “ “Battalion or Company of Militia in this Province who shall insult
 “ “his superior Officer by disrespectful words or otherwise or shall
 “ “disobey any lawful commands of his superior officer he being in the
 “ “execution of his duty or shall at any time behave disrespectfully
 “ “to his superior Officer in anything respecting their duty as Officers
 “ “shall if an Officer be liable to such punishment as may be inflicted
 “ “on him according to the nature of his offence, either of reprimand
 “ “at the head of the corps or by being cashiered by the sentence of a
 “ “Militia - General Court. martial and if a non - commissioned
 “ “Officer or a private militia - man, to such punishment or may be
 “ “inflicted on him according to the nature of his offence by the sentence
 “ “of a Regimental militia - court martial or militia - court not
 “ “exceeding a sum of five pounds Currency or one month’s imprisonments.

“M.^r Grant moves that the third enacting clause be struck out _
 “Question of concurrence put _ Debates arose _ Carried in the affirmative
 “by 13 against 5.

“For the Affirmative

“Mess.^{rs} Dupré
 “Lanaudiere
 “Holland
 “S.^t Ours
 “Grant
 “Belestre
 “Pownall
 “Delery
 “Collins
 “Harrison
 “Finlay

For the Negative

Mess.^{rs} Boucherville
 Longueuil
 Baby
 Mabane
 Dunn

“The Chief - Justice

“His Honor the Lieu.^t Governor

“The Chairman read the fourth clause in the following words

““And be it enacted by the same authority that in future all
 “ “offences in contravention to the Militia _ Ordinances shall be cognizable
 “ “and punished in the Towns of Quebec Three Rivers, Montreal and those
 “ “parishes that are under the Orders of the Field - Officers of those Towns
 “ “also in the new Districts above Montreal by the sentence of General
 and

“ “and Regimental militia courts - martial the former to consist of
 “ “at least one Field and twelve Commissioned - Officers to be ordered and
 “ “the sentence approved of by His Excellency the Governor or Commander
 “ “in Chief the latter to consist of one Captain and four Subalterns
 “ “to be ordered by the Commanding Officer of the Corps or Districts where
 “ “the offence is committed and the sentence to be approved of by him but in
 “ “other parts of the Province such offences shall be cognizable by a Militia
 “ “Court composed of three field - Officers, the Commanding Officer of the
 “ “Precinct not being one or in case of the absence of one or more of the
 “ “Fields - Officers, by one field - Officer and two commissioned Officers of
 “ “the Precinct the Court [^]_{to} be ordered by the Field - Officer commanding the
 “ “Precinct and the sentence to be approved of by him””

“M.^r Grant moves that the fourth enacting Clause be struck
 “out _ Question of concurrence put _ Debates arose _ Carried in the
 “affirmative by 13 against 5. _

“For the Affirmative

“Mess.^{rs} Dupré

“Boucherville

“Lanaudiere

“Holland

“S.^t Ours

“Grant

“Belestre

“Pownall

“Delery

“Collins

“Harrison

“Finlay

“The Chief - Justice

For the Negative

Mess.^{rs} Longueuil

Baby

Mabane

Dunn

“His Honor the L.^t Governor

“M.^r Mabane moves that the Chairman quit the Chair report
 “progress and beg leave to sit again _ _ Question of concurrence put _
 “Debates arose _ Carried in the negative by 11 against 6. _

“For the Affirmative

“Mess.^{rs} Longueuil

“Baby

“Mabane

“Finlay

“The Chief Justice

“His Honor the L.^t Governor

For the Negative

Mess.^{rs} Dupré

Boucherville

Lanaudiere

S.^t Ours

Grant

Belestre

Delery

Collins

Harrison

Dunn _

JW

The

“The Chairman read the fifth Clause in the following words

““And be it enacted by same authority that the said Militia
 “ “Courts as before described shall have power and authority to compel
 “ “all delinquents to appear before them to subpoena the witnesses and
 “ “administer Oaths and the now – commissioned Officers of the Corps and
 “ “companies of Militia in this Province are hereby authorized and directed
 “ “to carry into execution the sentence of the said Courts when required
 “ “by the commanding Officers of Corps or districts on pain of fine and
 “ “imprisonment, they being entitled to such fees as are usually given
 “ “to Bailiffs in cases of a similar nature in civil and criminal
 “ “matters. _

“M.^r Grant moves that the fifth enacting clause be struck
 “out _ Question of concurrence put _ Debates arose _ Carried in the
 “Affirmative by 12 against 6

“For the Affirmative

“Mess.^{rs} Dupré

“Lanaudiere

“Holland

“S.^t Ours

“Grant

“Belestre

“Pownall

“Delery

“Collins

“Harrison

“Finlay

For the Negative

Mess.^{rs} Boucherville

Longueuil

Baby

Mabane

Dunn

His Honor the Lieu.^t Governor _

“The Chief - Justice

“The Chairman read the 6th Clause in the following words.

““And be it enacted by same authority that all fines imposed
 “ “by virtue of the militia Ordinances shall and may be levied together
 “ “with the expences in levying the same by distress and sale of the offenders
 “ “goods and chattels returning the overplus to said delinquent and that by
 “ “warrant under the hand and seal of the Colonel or Commanding officer
 “ “of the Corps or District where the offence was committed and the fine appro-
 “ “priated as directed by the 15.th article of the militia Ordinance passed
 “ “in 1787. _

“Question of concurrence put _ Debates arose _

“Carried in the affirmative by 10 against 9 _

“For the Affirmative

“Mess.^{rs} Boucherville Harrison

“Longueuil Dunn

“Baby The Chief Justice

“Grant His Honor the L.^t Gov.^r

“Mabane M.^r Caldwell

For the Negative

Mess.^{rs} Dupré Belestre

Lanaudiere Delery

Holland Pownall

S.^t Ours Collins

Finlay

The

“The Chairman read the 7.th Clause in the following words

““And be it enacted by same authority that all offences
 “ “committed by Officers shall be cognizable by General Militia -
 “ “Courts Martial only but that all offences in contravention to
 “ “the Militia Laws committed by non - commissioned Officers or
 “ “Private militia - men shall be cognizable by Regimental
 “ “Militia - Courts - martial or military - courts as herein described
 “ “subject however when the fine exceeds the sum of forty shillings
 “ “or the imprisonment exceeds the Period of forty eight hours to an
 “ “Appeal before a General - Militia Court - martial and the command -
 “ “-ing Officers of the District or Corps are hereby required to allow of
 “ “the same any time before the sentence is executed which it is
 “ “hereby directed shall not be in less than four days after sentence
 “ “is pronounced and in consequence of such allowance to apply to Head -
 “ “Quarters in order that such Court - Martial may be ordered and
 “ “appointed to hear such appeal at such place as His Excellency the
 “ “Governor or the Commander in Chief for the time being shall judge most
 “ “convenient _____

“M.^r Grant moves that the seventh enacting clause be struck
 “out _ Question of concurrence put _ Debates arose _ Carried in the
 “Affirmative by 13 against 5. _____

“For the Affirmative

“Mess.^{rs} Dupré
 “Boucherville
 “Lanaudiere
 “Holland
 “S.^t Ours
 “Grant
 “Belestre
 “De Lery
 “Pownall
 “Collins
 “Harrison
 “Finlay

“The Chief Justice

For the Negative

Mess.^{rs} ~~Boucherville~~
 Longueuil
 Baby
 Mabane
 Dunn
 His Honor the L.^t Governor

“The Chairman then read the eighth enacting clause in the following
 “words

““And be it further enacted that after such Militia - General
 “ “Courts - Martial have had the approbation of His Excellency the Governor
 “ “or the Commander in Chief for the time being that it shall be final and
 not

JW

“ “not liable to the interference or the inquiry of any [^] other of His Majesty’s
 “ “Courts either criminal or civil. ____
 “M.^r Grant moves that the eighth enacting clause be struck
 “out _ Question of concurrence put _ Debates arose _ Carried in the
 “Affirmative by 13 against 5. ____

“For the Affirmative	For the Negative
“Mess. ^{rs} Dupré	Mess. ^{rs} Boucherville
“Lanaudiere	Longueuil
“Holland	Baby
“S. ^t Ours	Mabane
“Grant	Dunn
“Belestre	
“Pownall	
“Delery	
“Collins	
“Harrison	
“Finlay	
“The Chief Justice	

 “His Honor the Lieu.^t Governor
 “The Chairman then read the Preamble in the following words
 ““Whereas experience hath shewn the expediency of making
 “further amendments and additions to the Ordinances now in force
 “relative to the Militia of this province. ____
 “Question of concurrence put _ Debates arose
 “Carried in the Affirmative by 11 against 7

“For the Affirmative	For the Negative
“Mess. ^{rs} Boucherville	Mess. ^{rs} Dupré
“Baby	Lanaudiere
“S. ^t Ours	Holland
“Grant	S. ^t Ours
“Belestre	Collins
“Pownall	Harrison
“Delery	Finlay
“Mabane	
“Dunn	

 “The Chief - Justice
 “His Honor the L.^t Governor
 “The Chairman then read the Title in the following words
 ““An Act to explain and amend the Ordinances now in force
 “relative to the Militia of the Province of Quebec. ____
 “Question of concurrence put _ Debates arose _ Carried in the Affirmative
 “by 12 against 6. ____

JW

For

“For the Affirmative
 “Mess.^{rs} Boucherville
 “Lanaudiere
 “Baby
 “Grant
 “Belestre
 “Pownall
 “Delery
 “Mabane
 “Dunn
 “Finlay

For the Negative
 Mess.^{rs} Dupré
 Holland
 S.^t Ours
 Collins
 Harrison
 The Chief - Justice

“His Honor the L.^t Gov.^r

“The Chairman then desired leave to report progress and sit
 “again next monday _ Question of concurrence put _ Concur
 “unanimously _____

“Monday 25th April 1791

“Same Members except the Ch: Justice & M.^r Collins

“The Report being read Chairman desired leave to sign it _

“Ordered accordingly

(Signed) “Henry Caldwell”

Question of concurrence put _ concur unanimously _

Ordered [^] that the Bill ~~to~~ be engrossed _ Col.^o Caldwell moved that the Bill
 be read a third time on Wednesday next _ Seconded by M.^r De Longueuil.
 Question of concurrence put _ concur unanimously. _____

Port of S.^t John’s Bill

M.^r Grant moves that pursuant to the order of the day the Council
 resolve themselves into a Committee of the whole Council upon the Bill
 intituled “An Act to regulate the fees taken on Land Carriages at the
 “Port of S.^t Johns _ Seconded by M.^r Lanaudiere _ Question of concurrence
 put _ concur unanimously _ His Honor the Lieu.^t Governor quits the Chair
 The Lieutenant - Governor resumes the Chair. _____

M.^r Grant from the Committee of the whole Council upon the
 said Bill reports that the Committee have gone through the Bill and made
 some amendments which with the Bill and report he delivers in at the
 Table _ The Report was read in the following words. _

“Council - Chamber 25th April 1791

“In Committee of the whole Council upon the Bill intituled “An Act
 “to regulate the Fees to be taken on Land - Carriages at the Port of S.^t
 “Johns.” _

JW

Present

“Present _ W.^m Grant Chairman
 “His Honor Major General Clarke Lieu.^t - Governor
 “and
 “The Honorable
 “Mess.^{rs} Finlay S.^t Ours
 “Dunn Baby
 “Harrison Longueuil
 “Mabane Holland
 “Delery Lanaudiere
 “Pownall Boucherville
 “Belestre Dupré
 “Caldwell

“The Chairman read the Bill in both languages in the following
 “words Viz.^t

““Be it enacted by his Excellency the Governor and the
 “ “Legislative Council and it is hereby enacted by the authority of the
 “ “same that it shall and may be lawful for the Naval _ Officer
 “ “at the Port of S.^t John’s to take and receive for entering or clearing and
 “ “Searching each Sleigh Train or Cariole or other carriage inwards
 “ “or outwards and certificate thereof three pence each and no more _
 “ “for a Cocket for Goods to Montreal or any part of the province be the
 “ “quantity more or less entered by one person at one time six pence and
 “ “no more _

““Provided always that nothing in this Act contained shall
 “ “be construed to extend to any Sleight Train Cariole or Carriage other
 “ “than such as are employed in the Commerce and Carriage of Effects
 “ “to and from the United States nor to carriages employed in the removal
 “ “into this province of any families for the purpose of becoming
 “ “inhabitants thereof consistent with the law. _

“The question put whether the enacting clause and proviso
 “should stand. Debates arose _ M.^r Boucherville moved that the word
 “three in the 10.th line and the word six in the 14.th be struck out. And
 “that the words six be inserted in the place of the first and the word twelve
 “in the place of the second. _

“Carried in the affirmative _ M.^r Delery only in the negative _

“The Preamble was then read in the following words

““Whereas there is as yet no regulation of fees in the trade and intercourse
 “ “to and from the United States of America by Land Carriages””

“Question put _ carried unanimously in the Affirmative

“Then the title in the following words

““An Act to regulate the fees to be taken on Land Carriages at the
 Port

““Port of S.^t Johns.” _____
 “Question put _ carried unanimously in the affirmative ____
 “Ordered that the Chairman report accordingly ____
 “By Order of the Committee
 (Signed) “William Grant
 “Chairman”_____

Question of concurrence put _ concur unanimously
 that the Bill
 Ordered to be ingrossed and read a third time to – morrow ____

Inland Commerce

M.^r Grant moves the order of the day that the council resolve themselves into a Committee of the whole council upon the Bill intituled “An Act to prevent obstructions to the inland Commerce “on the death of a Superintendant”_ Question of concurrence put _ concur unanimously _ His Honor the Lieutenant Governor quits the Chair.

The Lieutenant - Governor resumes the Chair _____

M.^r Grant from the Committee of the whole Council upon the said Bill reports that the Committee have gone through the Bill, which with the Report he delivers in at the Table. ____

The Report was read in the words following ____

“Council - Chamber 25th April 1791

“In Committee of the whole Council upon the Bill intituled An Act “to prevent Obstructions to the Inland Commerce on the death of a “Superintendant _____

“Present _ William Grant Chairman

“His Honor the Lieutemant - Governor

“and

“Mess. ^{rs} Finlay	Caldwell
“Dunn	S. ^t Ours
“Harrison	Baby
“Mabane	Longueuil
“Delery	Holland
“Pownall	Lanaudiere
“Belestre	Boucherville
	Dupré

“The Chairman read the Bill in both languages and then the enacting “clause in the following words ____

““Be it therefore enacted by His Excellency the Governor and
 “ “the Legislative - Council and it is hereby enacted by the authority of the
 same

JW

“ “same that whenever the Office of Superintendent for granting such
 “ “documents shall become vacant by the death of the Patentee and until
 “ “the same shall be filled up by a new appointment the same may be
 “ “executed by such person as shall be named to act on such emergency
 “ “by the Governor or . Commander in Chief for the time being under his hand
 “ “and seal at arms for the districts where such vacancy shall happen
 “ “and all the acts of the person so named to act in the place of the
 “ “Patentee shall have the same force and effect in the law as if he was
 “ “thereunto appointed under the Great Seal of the Province until such
 “ “vacancy shall be provided for by a new patent in the manner directed
 “ “by the said Ordinance. ____

“Question put thereon _ carried unanimously in the Affirmative.

“The Preamble then read in the following words

““Whereas mischiefs may happen for want of a person on the
 “ “spot to furnish the documents required for Vessels by the Act intituled
 “ “An Ordinance for promoting the inland navigation” passed in the
 “ “twenty eighth year of His Majesty’s reign whenever there may be a
 “ “vacancy in the Office authorised to grant the same. ____

“Question put thereon _ Carried unanimously in the Affirmative _

“The Title then read in the following words

““An act to prevent obstructions to the Inland Commerce on the Death
 “ “of a Superintendant”. ____

“Question put thereon carried unanimously in the Affirmative

“The Bill being gone through Ordered that Report be made accordingly

“By Order of the Committee

(Signed) “William Grant

“Chairman.”

Question of concurrence put _ concur unanimously

Ordered that the Bill to ingrossed and read a third time to morrow ____

Adjourned till to – morrow at 10 oClock

Tuesday 26.th April 1791

At the Council – Chamber in the Bishop’s Palace

Present

The Honorable Major General Clarke Lieutenant - Governor

The Honorable William Smith Esq.^r Chief - Justice

and

The Honorable

Hugh Finlay	Henry Caldwell
Tho. ^s Dunn	William Grant
Edw. ^d Harrison	Paul Roc De S. ^t Ours
John Collins	Francis Baby
Adam Mabane	Cha. ^s De Lanaudiere
J. G. C. Delery	R A. De Boucherville
George Pownall	Le C. ^{te} Dupré
Picotté De Belestre	

Esquires

M.^r

JW

Potash Bills

M.^r Grant moves the order of the day that the Council resolve themselves into a Committee of the whole Council upon the Bills concerning the manufacture of Pot and Pearl _ Ashes within this Province. __

Seconded by M.^r Finlay _ Question of concurrence put _ concur unanimously. __

His Honor the Lieutenant - Governor quits the Chair _

The Lieutenant Governor resumes the Chair _

M.^r Grant from the Committee of the whole Council upon the said Bills reports progress and prays leave to sit again to - morrow __
Question of concurrence put _ concur unanimously. _____

Adjourned till to - morrow at 10 oClock. _____

Wednesday 27.th April 1791

At the Council – Chamber in the Bishop's Palace

Present

The Honble Major General Clarke Lieutenant - Governor

The Honble William Smith Esq.^r Chief - Justice

and

The Honorable

Hugh Finlay

William Grant

Tho.^s Dunn

Paul Roc De S.^t Ours

Edward Harrison

Francis Baby

John Collins

Joseph De Longueuil

Adam Mabane

Samuel Holland

J. G. C Delery

Cha.^s De Lanaudiere

George Pownall

R A. De Boucherville

Picotté De Belestre

Le C.^{te} Dupré

Henry Caldwell

Esquires

Road Bill

M.^r Boucherville moves the order of the day to resolve into a Committee of the whole Council upon the Bill intituled “An Act or Ordinance to explain
“ “and amend an Ordinance intituled An Ordinance for repairing and
“ “amending the public Highways and Bridges in the Province of Quebec passed
“ “in the Seventeenth year of His Majesty's reign”__ Question of concurrence
put . concur unanimously _ His Honor the Lieu.^t Governor leaves the Chair __

The Lieu.^t Governor resumes the Chair

M.^r Boucherville from the Committee of the whole Council upon the said Bill reports that the Committee have gone through the Bill and made several amendments, which with the Bill and report he delivers in at the Table _ The Report is read in the words following _

JW

In

“In Committee of the whole Council upon the Bill intituled “An Act or
 “ “Ordinance to explain and amend an Ordinances intituled An Ordinance
 “ “for repairing and amending the Highways & Bridges in the Province of Quebec”
 “passed in the seventeenth year of His Majesty’s Reign _____

“19.th April 1791

“Present

“M.^r Boucherville in the Chair

“His Honor the Lieutenant - Governor

“M.^r Chief - Justice

and

“Mess.^{rs} Finlay

Mess.^{rs} Grant

“Dunn

S.^t Ours

“Harrison

Baby

“Collins

Longueuil

“Mabane

Holland

“Delery

Lanaudiere

“Pownall

Dupré

“Belestre

“Caldwell

“The Chairman read the Bill in both languages

“Then proceeded to read it Article by Article

“The Chairman read the first Article in the following words

““That Bridges over Line - ditches between two Inhabitants made
 “ “for conveying the waters from their Lands, shall be made and kept in repair
 “ “by the two proprietors or Farmers, without regarding the extent of the bridges
 “ “~~if the same shall not extend beyond eight feet~~ but will exception nevertheless
 “ “to those over Rivulets, Gutters occasioned by water - falls or line - ditches by
 “ “which several Inhabitants convey away the waters from their respective
 “ “Lands, in which case those inhabitants shall be obliged to repair such
 “ “Bridges, Rivulets and Ditches jointly with the Proprietors or Farmers under
 “ “the penalty of the fine mentioned in the second Article of the said
 “ “Ordinance passed in the Year One thousand seven hundred and seventy seven,
 “ “And as by the second, third, fourth & fifth Articles of the said Ordinance
 “ “of the Year One thousand seven hundred and seventy seven it is enacted
 “ “that the Grand voyer shall state in writing the repartitions and parts
 “ “which the Inhabitants shall respectively bear proportionably, to their
 “ “Possessions, the said Articles are hereby declared to be repealed and the
 “ “Subvoyers shall be authorized in their respective Districts to order the
 “ “Proportions and Repartitions of the Inhabitants according to their respective
 “ “Possessions””

“Question of concurrence put _ Debates arose _ Carried in the

“Affirmative by 13 against 5.

JW

For

“For the Affirmative “Mess.^{rs} Dupré “Lanaudiere “Holland “Longueuil “Baby “S.^t Ours “Caldwell “Belestre “Pownall “Mabane “Dunn “The Chief Justice “His Honor the Lieu.^t Governor	For the Negative Mess.^{rs} Grant Delery Collins Harrison Finlay _

“M.^r De S.^t Ours moves that after the words “Bridges” in the 4th Line, be
“added the words “if the same shall not extend beyond eight feet” _

“Question of concurrence put _ Debates arose _ Carried un the Affirmative
“by 16 against 2 _ Mess.^{rs} Belestre & Delery (only) for the Negative _____

“The Chairman read the second Article in the following words

““And whereas the Thirds Article of the said Ordinance on the Year

“ “One thousand seven hundred and seventy seven hath frequently occasioned
“ “prejudice and damage to proprietors of lands by the mode of making and
“ “repairing the fences and ditches on each side of a road running on the Line
“ “between their concessions Be it enacted by the same authority that all
“ “Proprietors who shall furnish a Line road running between their
“ “Lands for the convenience and necessities of the Inhabitants of the
“ “Concessions lying behind them shall henceforth be exempted from
“ “making and repairing the said fences and ditches on each side of such line
“ “road, and that the Inhabitants of such Concessions shall be obliged to fence
“ “in the same with good Pickets & Perches; to be examined and such as ought
“ “to be received by the Proprietors in which case the Proprietors shall be obliged
“ “to keep them on the same good order and repair as they shall have received
“ “them”. ”

“Question of concurrence put _ Debates arose _ Carried in the
“Affirmative by 11 against 5. _____

“For the Affirmative “Mess.^{rs} Dupré “Lanaudiere “Longueuil “Baby “S.^t Ours “Caldwell “Mabane “Dunn “Finlay	For the Negative Mess.^{rs} Holland Grant Belestre Delery Harrison

“The Chief - Justice

“His Honor the Lieu.^t Governor

M.^r

“M.^r De Lanaudiere moves that there be added to the second Article
 “the following words” “Provided always that the said fences shall be renewed
 “ “every fifteen years by the inhabitants of the Concessions for whom the said
 “ “line - road shall have been furnished, if the Grand Voyer of the Districts
 “ “finds it necessary” ”

“Question of concurrence put _ Debates arose _ carried in the
 “Affirmative by 10 against 7_

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Mess.^{rs} Grant

“Lanaudiere

Caldwell

“Holland

Delery

“Longueuil

Mabane

“Baby

Collins

“S.^t Ours

Harrison

“Belestre

Finlay

“Pownall

“Dunn

“His Honor the Lieu.^t Governor

“The Chairman read the 3.^d Clause in the following words

““Whereas by the effect of the seventh Article of the Ordinance
 “ “passed in the year One thousand seven hundred and seventy seven daily
 “ “difficulties arise between the Inhabitants respecting Roads leading to
 “ “the Grist - Mills of the different Seigneuries or Parishes, in order to prevent
 “ “the same in future Be it also enacted by the Authority aforesaid that
 “ “all roads made leading to Grist - mills shall be kept up and repaired by all
 “ “the Inhabitants of the parish who have a right and are obliged to go to
 “ “the said Mills.” ”

“Question of concurrence put _ Debates arose _ Carried in the
 Negative by 10 against 6__

“For the Affirmative

For the Negative

“Mess.^{rs} Lanaudiere

Mess.^{rs} Dupré

“Caldwell

Holland

“Belestre

Longueuil

“Mabane

Baby

“Dunn

Grant

“His Honor the Lieu.^t Governor

Pownall

Delery

Collins

Harrison

Finlay

“M.^r Mabane moved that the Chairman report progress and pray
 “leave to sit again on Saturday next _ Question of concurrence put _
 “concur unanimously

“Ordered accordingly

Saturday

JW

“Saturday 21th April 1791

“M.^r Boucherville in the Chair

“and

“His Honor the Lieutenant - Governor

and

“All the other Members as on the 19.th ____

“The Chairman read the 4.th Clause in the following words Viz.^t

““And seeing that the Public have already suffered and

“ “may suffer hereafter by delaying the reparations of antient Bridges
 “ “of considerable extent which the Grand Voyer cannot order to be done
 “ “without first making report to the Governor and Council and receiving
 “ “their authority for ordering the reparation and maintenance of
 “ “such great Bridges, for these reasons be it enacted by the same authority
 “ “that the eleventh article of the Ordinance passed in the Year One
 “ “thousand seven hundred and seventy seven beginning at the line
 “ “twenty three to the end thereof be repealed; and that all considerable
 “ “bridges already erected over Rivers and gutters occasioned by water - floods
 “ “which have been maintained for a series of years part, and requiring
 “ “reparation or reconstruction shall be repaired and reconstructed by the
 “ “order of the Grand - Voyer of the Districts, and if the Grand - Voyer finds that
 “ “the reconstruction or reparation of such Bridges shall be too burthensome
 “ “for the parish or Part of a Parish that is charged with the reparation
 “ “or reconstruction thereof, he shall decide whether one or two parishes
 “ “having occasion for such bridges should not join in the work for reconstructing
 “ “or repairing such antient Bridges Provided always that all such Bridges
 “ “or are to be built over Rivers or Gutters occasioned by Water – floods, over which
 “ “there never have been any built, the Grand - Voyer shall visit the place and
 “ “make his Procés Verbal thereof to be transmitted by him to the Governor and
 “ “Council for ratification.” _____

“Question of concurrence put _ Debates arose _ Carried in the Negative
 “by 11 against 6 ____ For the Negative

“For the Affirmative

“Mess.^{rs} Pownall

“Mabane

“Dunn

“Finlay

“The Chief - Justice

“His Honor the Lieu.^t Governor

Mess.^{rs} Dupré

Lanaudiere

Holland

Longueuil

Baby

S.^t Ours

Grant

Caldwell

Belestre

Delery

Harrison

JW

The

“The Chairman read the 5 Clause in the following words

““Whereas by the twelfth Article of the Ordinance passed in
 “ “the year one thousand seven hundred and seventy seven the Captain or
 “ “other oldest Officer of Militia in each Parish, and even every other
 “ “militia officer to whom the Captain or other oldest Officer of Militia
 “ “of his Parish may assign a Portion of the Road, is named Sous Voyer
 “ “of the Highways within his Parish, And that all the Inhabitants
 “ “of the different parishes ought to execute the Orders they receive from
 “ “the Captain or other oldest Officer for the objects contained as well
 “ “in the said Ordinance passed in the year one thousand seven hundred
 “ “and seventy seven, as in this present act, and also all amendments
 “ “concerning the reparation of Bridges and Roads now in force in this
 “ “Province, That it has not yet been ordained by the Legislature touching
 “ “the Obligation that the captain or oldest militia – officer is under of
 “ “causing the said Ordinances to be executed, and no Provision is made to
 “ “exempt the said officers from the reparation or the repartition which
 “ “they should be obliged to make as Proprietors. For these causes be it
 “ “enacted by the authority aforesaid that the Captain or oldest officer of
 “ “Militia in every company of Militia in every parish shall have a
 “ “certain part and portion which he shall cause to be executed by the
 “ “Inhabitants, All the said Officers are hereby exempted from aiding or
 “ “contributing in any manner whatsoever to any reparation of Bridges
 “ “and Highways And if such Captain or oldest militia Officer shall in any
 “ “instance be wanting in his duty of causing the said Ordinances concerning
 “ “the bridges and highways to be executed, he shall for the first time be carried
 “ “before the Field – Officers of his District to be there reprimanded, in case of a
 “ “Relapse and upon good information procured by the diligence of the Grand
 “ “Voyer of the District who shall make a full report to the Governor or
 “ “Commander in Chief of this Province to adjudge upon the same as to him
 “ “shall seem meet _____

“Question of concurrence put _ Debate arose _ Carried in the Negative
 “by 15 against 3 _____

“For the Affirmative

“Mess.^{rs} Baby

“Pownall

“The Chief Justice

For the Negative

Mess.^{rs} Dupré

Lanaudiere

Holland

Longueuil

Baby

S.^t Ours

Grant

Caldwell

Belestre

Delery

Mabane

Collins

Harrison

Dunn

Finlay

His Honor the Lieu.^t Gov.^r

JW

The

“The Chairman read the 6.th Clause in the following words

““And as the 14.th Article of the Ordinance passed in the
 “ “year One thousand seven hundred and seventy seven directs and obliges
 “ “a Captain of Militia and all others who prosecute to produce one
 “ “credible witness, to avoid the inconveniencies that have thereby resulted
 “ “Be it enacted by the same authority, that for every disobedience,
 “ “negligence or contravention committed by any person or persons, the
 “ “offender shall be prosecuted and adjudged summarily before a Justice
 “ “of the Peace residing nearest to the place where such disobedience, negligence
 “ “or contravention was committed or before the Judges of a Court of Request
 “ “Provided also and be it enacted by the same authority that all publica-
 “ “-tions made on Sundays at the Church - door of the Parish after divine
 “ “service concerning the reparation and maintenance of Bridges and
 “ “Roads shall be of legal forces and effect, and that in future it shall
 “ “only be necessary in the prosecution of such offenders to prove that such
 “ “publication was made as is above - mentioned ____

“Question of concurrence put _ Debates arose _ Carried in the
 “Affirmative by the voice of the Chair. _ For the Negative

“For the Affirmative

Mess.^{rs} Dupré

“Mess.^{rs} Lanaudiere

Grant

“Holland

~~Lanaudiere~~

“Longueuil

Belestre

“Baby

Pownall

“S.^t Ours

Delery

“Caldwell

Collins

“Mabane

Harrison

“Dunn

Finlay

“His Honor the Lieu.^t Governor

The Chief - Justice

“The Chairman

*

“The Chairman read the 7.th Clause in the following words

““Be it also enacted by the authority aforesaid that all Procès

““Verbaux made by the Grand - Voyers in their different districts for all other

““Roads in the front of Lands or Roads de Ceinture or Line. Roads which

““shall be indispensibly wanting as well to go to the Church and the Mill

““as to the Town; granted formerly by the Seigneurs before the passing of

““the said Ordinance of the Year One thousand seven hundred and seventy seven

““shall be continued and regarded or ratified and conformable to the

““present Law, and that all Procès Verbaux given by the Grand voyers of

““the different Districts since the passing of the said Ordinance of the

year

* “M.^r Mabane moves that the
 “words at the beginning of the
 “Article from the word And in
 first

“the last line to the word Be in
 “the fourth line be left out.

“Question of concurrence put _

“Debates arose carried in the

“affirmative by 10 against 8

“For the Affirmative For the Negative

“Mess.^{rs} Holland Mess.^{rs} Dupré

“Longueuil Lanaudiere

“Baby Belestre

“S.^t Ours Pownall

“Grant Delery

“Caldwell Collins

“Mabane Harrison

“Dunn The Chief

“Finlay Justice }

“His Honor the L.^t

Governor.

JW

“ “Year one thousand seven hundred and seventy seven shall be and remain
 “ “in force in case there shall be no opposition made by any person who
 “ “may be interested therein within one year from the day of the publication
 “ “of the said Procès Verbal at the Church – door of the Parish, with
 “ “exception nevertheless to all Procès Verbaux that may be the subject to
 “ “difficulties of consequence, wick difficulties shall be expressed in
 “ “the Procès Verbal or Procès Verbaux of the said Grand Voyers these shall
 “ “be sent to the Governor & Council to be ratified if it be right so to do ____

“Question of concurrence put _ Debates arose _ Carried in the

“Affirmative by 12 against 6. _____

“For the Affirmative

“Mess.^{rs} Dupré

“Lanaudiere

“Holland

“Longueuil

“Baby

“S.^t Ours

“Caldwell

“Pownall

“Mabane

“Dunn

“The Chief - Justice

“His Honor the Lieu.^t Governor

“The Chairman read the 8th Clause in the following words

““For as much as it is known by long experience that the Highways

“ “cannot be repaired and kept in good condition where the waters are not

“ “properly carried - away and that it is necessary that the drains should be

“ “considerably wide and deep to discharge the same _ Be it enacted by the

“ “same authority that the Grand - voyer of the District, upon the

“ “representation in writing of the Captain of Militia and notable

“ “inhabitants of the Parish, shall with the said Captain and notable Inhabi-

“ “tants and the Captain of Militia of the other Parishes who are interested

“ “in those roads leading to Town, for the carriage of effects belonging to the

“ “Governments and the public, visit and examine the place or places that it

“ “will be necessary to open for discharging the waters from any such road,

“ “and he shall upon the spot, immediately after such examination

“ “had, write out his Procès Verbal, naming therein the different Parishes

“ “whose inhabitants have occasion mostly for that road, to give their

“ “aid in opening the places by which the waters are to be discharged, which

Procès

For the Negative

Mess.^{rs} Grant

Belestre

Delery

Collins

Harrison

Finlay

JW

“ “Procès Verbal shall be transmitted to the Board of Council, to be
 “ “ratified and afterwards executed by the Sous voyers agreeable to the
 “ “written order of the Grand voyer, and the said Sous voyers are hereby
 “ “authorized to cause the said discharges or water - courses to be done,
 “ “and also all other pursuits for the reparation of bridges and Roads,
 “ “those who shall refuse or neglect to pay obedience to the said sous-
 “ “voyers or other officers named for the purpose, after publication
 “ “made at the door of the Parish - Church after divine service shall
 “ “pay a fine of ten shillings for every contravention together with
 “ “the costs of the prosecution. _____

““Provided that nothing in this act shall extend or be
 “ “construed to extend to the changing or altering any other part of the
 “ “said Ordinance in any manner whatsoever except the second, third,
 “ “fourth, fifth, seventh, eleventh, twelfth and fourteenth articles
 “ “of the said Ordinance passed in the year one thousand seven hundred
 “ “and seventy seven” _____

“Question of concurrence put _ Debates arose _ Carried in
 “the Negative by 12 against 6. _____

“For the Affirmative

“Mess.^{rs} Lanaudiere

“Holland

“Baby

“Pownall

“Dunn

“The Chief - Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Longueuil

De S.^t Ours

De Belestre

Grant

Delery

Caldwell

Mabane

Collins

Harrison

Finlay

His Honor the Lieu.^t Governor

“The Chairman read the Preamble in the following words

““Experience having evinced that the execution of many of the
 “ “Articles of the Ordinance above – mentioned is impeded as well by means
 “ “of the difficulties and delays occasioned to the Captains of Militia
 “ “named sub - voyers in the said Ordinance as of various unforeseen
 “ “inconveniencies to obviate the same Be it enacted by His Excellency
 “ “the Governor and the Legislative Council of this Province, and it is hereby
 “ “enacted and ordained by the authority of the same, _____

JW

Question

“Question of concurrence put _ concur unanimously _

“The Chairman read the Title in the following words

““An Act or Ordinance to explain and amend an Ordinance intituled

“ “An Ordinance for repairing and amending the Public Highways and Bridges

“ “in the Province of Quebec” passed in the seventeenth year of His Majesty’s

“ “Reign” _ ”

“Question of concurrence put _ concur unanimously _

“The Chairman begged to be directed to report progress and ask leave
“to sit again on Monday next. _____

“Question put concur unanimously. _____

“Met according to adjournment Wednesday April 27th

“Members present as before

“Engrossed Copy of the Report read and the Chairman directed to report the
“same _ “Signd by Order of the Committee

(Signed) “Boucherville President”

“Question of concurrence put. Concur unanimously.

“M.^r Boucherville moves the 3^d reading of the Bill for to - morrow _ Question
“of concurrence put _ Concur unanimously _ Ordered that the Bill be ingrossed
“and read a third time to morrow.

Inland - Commerce Bill

M.^r Grant moves the order of the day for a third reading of the Bill
intituled “An Act to prevent obstructions to the inland Commerce on the
“death of a Superintendant”_ Question of concurrence put _ Concur unani-
mously. _

The Bill read _ M.^r Grant moves “that the words” such person
“as shall be named to act on such emergency by the Governor or Commander
“in Chief for the time being under his hand and seal at arms” in the 15.th 16.th
“17.th 18th & 19th lines of the Bill be struck out and the following words inserted
“in their stead Viz.^t “Any Justice of the Peace” and also that the words _
“the Persons so named to act in the place of the Patentee” in the 20th and 21.th
lines be struck out, and the words “such Justice” inserted on their place _____

Seconded by M.^r Dunn _ Question of concurrence put _ concur unanimously.

Question from the Chair _ Shall the Bill with the amendments pass?
concur unanimously. _

Ordered that M.^r Grant, M.^r De S.^t Ours & M.^r De Lanaudiere be
a Committee to wait on His Lordship, with a transcript of the Bill,
and that they informs His Lordship that the Council have passed the
Bill and submit it to His Lordship’s assent to be enacted into a
Law _

JW

M.^r

Port of S.^t John's Bill

M.^r Grant moves the Order of the day for a third reading of the Bill intituled "An Act to regulate the fees taken on Land Carriages at the "Port of S.^t Johns." _ _

"Question of concurrence put _ concur unanimously _____

The Bill read M.^r Grant moves that the word "are" in the fourth lone of the Proviso be struck out and the words "is" inserted in its stead _
Seconded by M.^r Lanaudiere _ Question of concurrence put _ concur
Unanimously _

Question from the Chair _ shall the Bill with the amendments pass? Debates arose _ Carried in the Affirmative by 16 against 2
Mess.^{rs} Delery and Mabane only in the Negative. _

Ordered that M.^r Grant M.^r De S.^t Ours & M.^r De Lanaudiere
be a Committee to wait on His Lordship with a Transcript of the
Bill and that they inform his Lordship that the Council have passed
the Bill and submit it to His Lordship's assent to be enacted into _
a Law. _____

Church Bill

M.^r Dunn moves the order of the day for a third reading of the Bill intituled "An Act or Ordinance concerning the building and repairing of "Churches, Parsonage houses and Church yards." _

Question of concurrence put _ concur unanimously

M.^r Dunn moves that the following Clause be added to the Bill

"And whereas it appears necessary for the tranquillity of
"His Majesty's subjects in this Province to regulate a fixed mode of
"proceeding in every case respecting the construction or reparation of
"Churches Presbyteries or Cemeteries; Be it further enacted by the said
"authority, that whenever it shall become expedient to built or repair
"any Church, Presbyterie or Cemitarie; a majority of the Inhabitants
"residing in or having lands in the Parish, shall present a Petition to
"the Bishop or Superintendant of the Romish Church who after a view
"of the Place by himself or his substitute will issue his mandate or
"permission to proceed to the building or reparations required, fixing the
"situation, when it is a new Church and principal dimensions of the
"Edifice; This being obtained a majority of the Inhabitants as aforesaid
"shall present a Petition to the Governor or Commander in Chief for
"the time being praying his permission to assemble the Parishioners
"and proceed to the election of three or more Sindics by a majority of
"the voices of the Inhabitants so assembled, being residents in the parish
the

JW

“the permission of the Governor or Commander in Chief being obtained
 “and the election of the Sindics made in the Parish meeting at which the
 “Curate shall preside every Person so elected Sindic although he have five
 “Children, shall be held to accept thereof and execute the duties of the
 “Office without reward except he had such other legal objection as would
 “excuse him from accepting the charge of Guardian to Minors or of
 “Curator agreeable to the Laws and Usages observed in this Province prior
 “to the Conquest; The Sindics so elected shall present a Petition to the
 “Governor or Commander in Chief to obtain his confirmation of their
 “election and for being authorised to make a state and estimate of the
 “expence to which the proposed buildings or repairs may amount, and
 “also an Act of repartition or state of what each individual possessing
 “Land in the Parish shall be held to pay and furnish, which estimate
 “and repartition shall by the Sindics be laid before the Governor or Comman-
 “der in Chief for the time being for his order thereon. _____

“And be it further enacted that the trust herein before vested
 “in the Governor or Commander in Chief for the time being may be
 “executed by such person or persons as he may for that purpose name
 “and constitute _____

Seconded by M.^r Delery _ Question of concurrence

M.^r De Lanaudiere moves the previous Question – Question of
 concurrence upon M.^r De Lanaudiere’s motion put _ Debates arose _ Carried
 in the Negative by 12 against 6 _____

For the Affirmative

“Mess.^{rs} Lanaudiere

Holland

Grant

Pownall

Finlay

The Chief - Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Longueuil

Baby

De S.^t Ours

Caldwell

Belestre

Delery

Mabane

Collins

Harrison

Dunn

Then the Question was put on M.^r Dunn’s motion _ Debates arose _
 Carried in the Affirmative by 16 against 2. _ M.^r De Lanaudiere &
 Major Holland only in the Negative

M.^r De S.^t Ours moves that the following proviso be added to
 the foregoing Clause. “Provided always that nothing in this Act
 contained

JW

“contained shall be construed to diminish any Seignorial rights
“whatsoever.” Seconded by M.^r Delery _ Question of concurrence put __
concur unanimously. __

M.^r Grant moves that after the word “Cemiteries” in the
19th line of the first enacting Clause be added the words “or other Church
“parochial charges” Seconded by M.^r Lanaudiere _ Question of
concurrence put _ Debates arose _ Carried in the Negative by 10
against 9 __

For the Affirmative

Mess.^{rs} Lanaudiere

Longueuil

S.^t Ours

Grant

Belestre

Pownall

Harrison

Finlay

The Chief - Justice

For the Negative

Mess.^{rs} Dupré

Boucherville

Holland

Baby

Caldwell

Delery

Mabane

Collins

Dunn

His Honor the Lieu.^t Governor

The Chief ^{Justice} moves that in the first clause after the word
Canada be inserted the words “for the purposes afore - mentioned” Seconded
by Colonel Caldwell _ Question of concurrence put _ Concur unanimously _

Question from the Chair _ “Shall the Bill with its amendments
pass? Carried unanimously in the Affirmative _____

Ordered that M.^r Delery, M.^r De Belestre M.^r De

Longueuil and M.^r Boucherville be a Committee to wait on

His Lordship with the Transcript and inform His Lordship

that the Council have passed the Bill and submit it to His

Lordship’s assent to be enacted into a Law. _____

Militia _ Bill

Col.^o Caldwell moves the Order of the day for a third reading of the Bill
intituled “An Act to explain and amend the Ordinances now in force relative
“to the Militia of the Province of Quebec” _____

Question put _ concur unanimously. _____

The Bill read _ Colonel Caldwell moves that the Article of the
“Militia Ordinance as reported by the Committee be struck out and the
“following substituted in its place.”

“Be it enacted by His Excellency the Governor & the Legislative

“Council of this Province and by the authority of the same it is hereby enacted

“& Ordained _ That all penalties & forfeitures directed by the Militia

“Ordinances, shall be adjudged and recovere’d on proof upon Oath of an

Officer

JW

“Officer of the Company, or Adj.^t of the Corps to which the Offender
 “belongs, before one or more of His Majesty’s Justices of the Peace, such
 “Justice or Justices, not being either the Commanding - Officer of the
 “District, or Corps, or Officer of the Company in which the Offender is
 “enrolled, and such fine or penalty as does not exceed the Sum of forty
 “Shillings or 48 hours imprisonment, may be cognizable by any one
 “of His Majesty’s Justices of the Peace as aforesaid, but when the fine
 “execute the sum of forty shillings, or the penalty of that of 48 hours
 “imprisonment, then the decision to be had before two or more of His
 “Majesty’s Justices of the Peace and the fines levy’d by distress and sale of
 “the Offender’s Goods & Chattels, by warrant under their hands and seal
 “and the fine appropriated as directed in the 15 Art. of the Militia
 “Ordinance passed in 1787 but for want of sufficient distress, the
 “Offender to be committed to the Common - Goal for any time not
 “exceeding one month or ‘till satisfaction is made, any Law, Usage
 “or Custom to the contrary notwithstanding” _

Seconded by M.^r Dunn _ Question of concurrence put _ Debates
 arose _ Carried in the Negative by 15 against 3. _____

For the Affirmative

Mess.^{rs} Lanaudiere

Caldwell

Dunn

For the Negative

Mess.^{rs} Dupré

Boucherville

Holland

Longueuil

Baby

S.^t Ours

Grant

Belestre

Pownall

Delery

Mabane

Collins

Harrison

Finlay

The Chief - Justice

M.^r Mabane moves “that the consideration of the Bill relative
 “to the Militia be put off to the next Session of the Legislature” _____
 Seconded by M.^r Dupré _ Question of concurrence put _ concur unani-
 mously _ Ordered accordingly. _____

M.^r Grant moves the order of the day for proceeding in a Commit-
 tee of the whole Council upon the Pot ash Bills _ Question of concurrence
 put _ concur unanimously _ His Honor the Lieutenant - Governor quits
 the Chair —

Pot Ash Bills

JW

The Lieutenant - Governor, resumes the Chair _

M.^r

{ M.^r Grant from the Committee of the whole Council upon
the said Bills reports progress and prays leave to sit again to - morrow
Question of concurrence put _ concur unanimously. _____

The Council having taken up the consideration of the
Memorial laying on the Table respecting Attornies &. ^c _____
and the same being now read a second time M.^r Grant moves for
leave to bring in a Bill intituled “An Act to repeal certain
“Articles in the Ordinance intituled An Ordinance concerning
“Advocates, Attornies, Solicitors & Notaries passed in the twenty fifth
“year of His Majesty’s reign and also the Ordinance passed in the
“twenty seventh year of His Majesty’s Reign to amend the same.”__
Seconded by M.^r Baby _ Question of concurrence put _ concur
unanimously. __

Adjourned till to – morrow at 10 oClock. _____

Thursday 28th April 1791
At the Council - Chamber in the Bishop’s Palace
Present
The Hon^{ble} Alured Clarke Esq.^r Lieu.^t Governor
The Hon^{ble} William Smith Esq.^r Chief - Justice
and

The Honorable	
Hugh Finlay	William Grant
Tho. ^s Dunn	Paul Roc De S. ^t Ours
Edward Harrison	Francis Baby
John Collins	Joseph De Longueuil
Adam Mabane	Samuel Holland
J. G. C Delery	Cha. ^s De Lanaudiere
George Pownall	R A. De Boucherville
Picotté De Belestre	Le C. ^{te} Dupré
Henry Caldwell	

Esquires

Inland Commerce Bill M.^r Grant from the Committee named to wait on His Lordship
with a transcript of the Bill intituled “An Act to prevent obstructions
“to the inland Commerce on the death of a Superintendant” reports that the
Committee have waited on His Lordship with the Transcript pursuant to
the order of the Council. _____

Port of S.^t John’s fee Bill. } M.^r Grant from the Committee named to wait on His Lordship
with a Transcript of the Bill intituled “An Act to regulate the Fees
“taken on Land - Carriages at the Port of S.^t Johns” reports that the Committee
have waited on His Lordship with the Transcript pursuant to the
Order of the Council. __

JW

M.^r

Advocate & Notary
Bill

} M.^r Grant pursuant to have brings in a Bill intituled “An
“Act to repeal certain clauses in the Ordinance concerning Advocates
“Attornies Solicitors & Notaries and for the more easy collection of His
“Majesty’s revenues passed in the 25.th year of His Majesty’s reign and
“also the Ordinance passed in the 27.th year of His Majesty’s reign to
“amend the same. ____

Seconded by M.^r Baby _

And moves the first reading _ Seconded by M.^r Baby _ Question put _
concur unanimously. _____

The Bill being read in both languages M.^r Grant moves it
may now be read a second time _ Seconded by M.^r Baby _ Question of
concurrence put _ Debates arose _

Carried in the Affirmative by 11 against 7_

For the Affirmative

Mess.^{rs} Dupré

Boucherville

Lanaudiere

Holland

Longueuil

Baby

S.^t Ours

Grant

Belestre

Pownall

Harrison

For the Negative

Mess.^{rs} Caldwell

Delery

Mabane

Collins

Dunn

Finlay

The Chief - Justice ____

The Bill read a second time _ M.^r Grant moves that the Bill be
committed to a Committee of the whole Council to be taken up to day _ Seconded
by M.^r Baby _ Question of concurrence put _ Debates arose _ Carried in the
Affirmative by 11 against 7. _____

For the Affirmative

Mess.^{rs} Dupré

Boucherville

Lanaudiere

Holland

Longueuil

Baby

S.^t Ours

Grant

Belestre

Pownall

The Chief - Justice

For the Negative

Mess.^{rs} Caldwell

Delery

Mabane

Collins

Harrison

Dunn

Finlay

Pot - Ash Bills

M.^r Finlay pursuant to the order of the day moves that the Council
resolve themselves into a Committee of the whole Council to proceed further
upon the Pot Ash Bills _ Question of concurrence put _ concur unani-
mously _ His Honor the Lieutenant - Governor quits the Chair

The Lieu.^t Governor resumes the Chair.

JW

M.^r

M.^r Grant from the Committee of the whole Council upon the said Bills reports that the Committee have gone through the Bills and made some amendments which with the Bill and report he delivers in at the Table _ The Report was read in the following words.

“Council - Chamber Quebec

“Tuesday 26.th April 1791

“In Committee of the whole Council upon the Bills of Mess.^{rs}

“Hopkins and M.^r Donell _____

“Present _ William Grant Chairman

“His Honor the Lieu.^t Governor

“Hon^{ble} Chief - Justice

“Mess.^{rs} Finlay Mess.^{rs} Caldwell

“Dunn De S.^t Ours

“Harrison Baby

“Collins De Longueuil

“Mabane De Lanaudiere

“Delery De Boucherville

“Pownall Dupré

“De Belestre

“The Petitioners Samuel Hopkins and A M.^c Donell

“were admitted, together with Doctor Nooth, Mess.^{rs} Longmore Gold

“Tyrill & Rees agreeable to the resolve of Council yesterday ____

“The Bill brought in by M.^r Grant on behalf of M.^r

“Hopkins was then read, also the Bill brought in by M.^r Dunn on

“behalf of M.^r M.^c Donell, in both languages ____

“The Reports of the Special Committee referred by the Legislative
“Council to this Committee were then read and likewise the annexations. ____

“M.^r M.^c Donell then requested that Doctor Nooth be
“asked whether he attended his process and whether he thinks it will be
“beneficial to the Public, and to give his general opinion of the whole?

“Doctor Nooth answered _ “M.^r Longmore, M.^r Gold and himself
“attended alternately different parts of the process; M.^r Gold and M.^r
“Longmore communicate to him in writing what passed in his absence _
“part of the process being gone through the doors were locked until the
“next morning, then the Lie was christalised and the product was found
“to be pure pearl ash, the quantity equal to that specified in the
“Certificate. ____

2^d Question by M.^r M.^c Donell _ “Whether Doctor Nooth considers
“that he understands the principles and the operation in its various
parts

JW

“parts so as to instruct those who may wish to manufacture Pearl _
 “Ash according to his invention in the most expeditions cheap and
 “profitable manner hitherto known?”

“Answered _ “He had frequently explained both to M.^r Hopkins &
 “M.^r M.^c Donell the principles on which their processed depend and
 “pointed out to them the extent to which the principle may be applied
 “in the manufacture of Pearl – Ash, he therefore concludes that
 “M.^r M.^c Donell may be capable of instructing others in the carrying
 “on the manufacture to greater advantage than by the common methods.

“M.^r M.^c Donell then requested that M.^r Longmore
 “be asked “whether he was in possession of the Key of the Room when the
 “process was carried on while the Lye was leeching”_____

“Answered _ “He locked up the Room and kept the key until necessary
 “next morning to go on with the process.”_____

“M.^r Hopkins delivered to the Committee a Certificate from
 “the Agriculture Society dated 25.th inst.^s in the following words
 “ “Extract from the Minutes of the Agriculture Society. Quebec 25.th
 “ “April 1791 _____

““M.^r Scott presented to the Chairman a Letter from Samuel
 “ “Hopkins requesting a Copy of the Resolve of this Committee in November
 “ “last relative to an application made in his behalf to His Excellency
 “ “Lord Dorchester by William Shephard for an exclusive privilege to
 “ “manufacture Pot and Pearl Ashes after a new method invented by him”
 ““Resolved, That the Secretary be directed to furnish M.^r Hopkins
 “ “with a Copy of the Report of this board to Lord Dorchester, of the 16.th
 “ “of November last, touching the matter in question””_____

“Report

““Having resumed the consideration of the Papers referred by His
 “ “Excellency Lord Dorchester, and examined those laid before us by M.^r
 “ “Shephard, (M.^r Hopkins’s agent) and having heard his explanations and
 “ “weighed his proposals, the board is of opinion that the introduction of
 “ “M.^r Hopkins’s improved method of making Pot and Pearl Ashes, would
 “ “be of benefit it to this Province, by augmenting the exportation of that
 “ “valuable commodity from this country to the Parent state, where it is
 “ “in great demand; and altho’ the Board are led to believe, that Hopkins’s
 “ “new invented method of manufacturing these articles will soon be
 “ “generally known, they nevertheless conceive that its immediate
 “ “introduction into this Province (after proof had of that which M.^r
 Hopkins

“ “Hopkins advances in its favor) would be highly beneficial to such
 “ “manufacturers or may chuse to purchase the secret; Provided an
 “ “exclusive right by Ordinance of the Governor and Legislative Council
 “ “be granted to them to carry on the manufacture in M.^r Hopkins’s
 “ “method, without prejudice however to such persons as may continue
 “ “to make Pot and Pearl - Ashes in any other way they may think
 “ “fit. ““A true Copy

“(Signed) ““Hugh Finlay
 ““Secretary.””

“The Petitioners withdraw, also Mess.^{rs} Tyrill and Rees

“The Chief Justice then asked Doctor Nooth “Are the interventions
 “and processes of Mess.^{rs} Hopkins and M.^c Donell different?”

“The Doctor answered _ “The principle is the same but the
 “application of that principle is different.”

“2^d Question by the Chief - Justice to Doctor Nooth _ “Do they respectively
 “deserve the reward of an exclusive manufacture for the term of 14 years?

“Answered _ “He thinks they do not, because it is his intention to
 “publish a treatise on the manufacturing of Pearl - Ash and to carry
 “the principle to the utmost extent he thinks it capable of.”

“M.^r Caldwells questions proposed to Doctor Nooth, as written & taken
 “by the Col.^o _____

“1st _ From what you have said it would appear that you were before
 “acquainted with the principles on which those processes were carried on, the
 “Committee wishes to know if that is the case?”

“Answered “Yes” and produced a Letter to Doctor Carter from himself
 “dated 1.st January 1786, by which it appears the principles of the processes
 “were explained _____

“2^d _ Was there any difference in the process by the different Petition-
 “ers? and if any what was that difference?”

“Answer _ There was a difference, M.^r Hopkins’s process depended on
 “the introduction of fixed Air before the laxivation of the ashes; in
 “the other the laxivation of the Ashes was performed before the Alkali
 “was saturated with fix’d air.” _____

“3.^d Which process appears to you to have the preference, as well in
 “respect to the quantity of Alkali produced as in the time and attendance,

and

JW

“and the quantity of fuel necessary, and also in the expense in erecting
“the furnaces?”

“Answer _ “There appears to be very little difference in the advantage
“to be reaped from either process, there being defects in both, the one it is
“true produced more pearl - ash, but that might have proceeded from
“M.^r Hopkins being in a hurry”_____

“Question by M.^r Baby to Doctor Nooth _ “Whether he thinks it will
“be beneficial to the Province to grant an exclusive privilege to either
“M.^r Hopkins or M.^r M.^c Donell for any term?”

“Answered “He has before said that it was his intention to publish
“a treatise on the manufacture of Pearl ash, therefore he thinks it
“will be useless to grant either an exclusive privilege for any term
“of years whatever exceeding one or two years.”_____

“The Chairman then asked M.^r Longmore and M.^r Gold
“Whether they concurred in opinion with Doctor Nooth?”

“They answered _ they did _____

(“Mess.^{rs} Nooth, Longmore & Gold withdrew)

“The Chief Justice then moved to resolve _ “That it is the sense
“of this Committee that it will be expedient to give some encouragement
“to the petitions respectively and that neither should have the benefit
“of an exclusive manufacture beyond three years”

“The Question put thereon _ Debates arose

“For the Affirmative

For the Negative

“Mess.^{rs} De Lanaudiere

Mess.^{rs}

“De Belestre

Dupré

“Pownall

Boucherville

“Collins

De Longueuil

“Harrison

Baby

“Dunn

De S.^t Ours

“Finlay

Caldwell

“Ch. Justice

Delery

“Lieu.^t Governor

Mabane

“Carried in the Affirmative 9 Ayes against 8 Nays _

“M.^r S.^t Ours then moved “That the word three be stuck out
“of the last motion, and the word two inserted in its place

“The Question put _ Debates arose

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Mess.^{rs} Boucherville Pownall Harrison

“Baby

De Lanaudiere Delery Dunn

“De S.^t Ours

De Longueuil Mabane Finlay

“Caldwell

De Belestre Collins Ch. Justice

Lieu.^t Governor

“Carried in the Negative 13 against 4. _____

JW

The

“The Chief Justice then moved “that the petitioners be
 “called in, and that the Chairman read to them the proceedings of
 “this day, and then put the question to them whether they are
 “respectively desirous of the exclusive benefit limited to the term of
 “three years”_____

“The Question put _ Debates arose

“For the Affirmative

For the Negative

“Mess.^{rs} De Lanaudiere

Mess.^{rs} Dupré

“Pownall

Boucherville

“Collins

De Longueuil

“Harrison

Baby

“Dunn

De S.^t Ours

“Finlay

Caldwell

“Ch. Justice

De Belestre

“Lieu.^t Governor

Delery

Mabane

“Carried in the Negative 9 against 8 _____

“M.^r Dunn then moved “That the Chairman report progress
 “and beg leave to sit again to - morrow.”_____

“The Question put

Debates arose

“For the Affirmative

For the Negative

“Mess.^{rs} Dupré

Mess.^{rs} Boucherville

“Caldwell

De Lanaudiere

“De Belestre

De Longueuil

“Delery

Baby

“Mabane

De S.^t Ours

“Collins

Pownall

“Harrison

Finlay

“Dunn

Ch. Justice

“Lieu.^t Governor

“Carried in the Affirmative 9 against 8

“Adjourned

“Wednesday 27.th April 1791.

“In Committee of the whole Council on the same Bills as yesterday / Viz.^t
 “Mess.^{rs} Samuel Hopkins and Angus MacDonell and Associates. /

“Present, the same Members as yesterday and Major Holland _

“M.^r Finlay moved _ “That the two Bills severally offered by the Petitioners,
 “M.^r Samuel Hopkins and M.^r Angus M.^c Donell be rejected and that the
 “following Bill be reported, subject to such amendments as it may be found
 “to require”_____ .

An

JW

““An Act or Ordinance to reward Samuel Hopkins and Angus
 “ “Mac Donell for their inventions of two new and improved methods of
 “ “making Pot and Pearl Ashes.”_____

““Whereas Samuel Hopkins hath invented an improved
 “ “process for the making of Pot and Pearl Ashes, and made discovery of
 “ “the same to the Government, by a writing under his hand lodged in
 “ “the Council Office, towards rewarding him thereof and to encourage
 “ “useful Inventors,

““Be it therefore enacted by His Excellency the Governor and the
 “ “Legislative Council and it is accordingly enacted by the Authority of the
 “ “same, that no person whomsoever shall before the first day of May
 “ “in the year of Our Lord One thousand seven hundred and ninety four
 “ “manufacture Pot or Pearl Ashes within this Province in the manner
 “ “used by the said Samuel Hopkins and described in the writing afore -
 “ “-mentioned without a written Licence therefore under his Hand and
 “ “Seal attested by two credible witnesses; and whoever shall offend in the
 “ “premises, shall for every pound weight of such Pot or Pearl Ashes
 “ “forfeit the penal sum of _____ Shillings with costs of suit, one
 “ “moiety whereof shall belong to His Majesty and be paid to the Receiver ____
 “ “General, and the other moiety thereof to such person as shall sue for the
 “ “same and be recoverable by Action of debt, bill plaint Information or
 “ “otherwise before any Court Judge or Judges having cognizance of causes and
 “ “controversies to the amount of the Penalty or penalties in demand _____

““And be it also enacted by the same authority that the Party or
 “ “Parties offending against this act shall also be answerable to the said
 “ “Samuel Hopkins or his legal representatives or assigns for any damages
 “ “by such offence sustained to be recovered with costs of Suit in any Special
 “ “action to be brought therefor grounded on this Act or Ordinance _____

““Provided always and be it further enacted by the same authority
 “ “that no person or persons shall be liable to such penalty or damages who
 “ “shall have authority to make Pot or Pearl Ashes under Letters - Patent from
 “ “His Majesty’, tho’ the same be made in the manner so discovered by the said
 “ “Samuel Hopkins the burden of the proof whereof shall lay upon the maker
 “ “sued or prosecuted for the same, nor shall this act be construed to affect any
 “ “Person or Persons manufacturing Pot or Pearl Ashes according to any other
 “ “method heretofore used and not in that method so as afore - mentioned to
 “ “have been discovered by the said Samuel Hopkins.” _____

JW

And

““And Whereas ~~are~~ ^{are} ^{one} other improved method of making Pot
 “ “and Pearl Ashes hath been invented by Angus M.^c Donell, different
 “ “from that invented by the said Samuel Hopkins, and which the
 “ “said Angus M.^c Donald hath discovered to the Government and lodged
 “ “in the said Council - Office _____

““Be it therefore further enacted by the same authority,
 “ “that in reward for the same he shall have the same securities
 “ “benefits privileges and advantages herein before given to the said
 “ “Samuel Hopkins as fully to all intents and purposes, as if every
 “ “clause of this act herein before contained relating to the invention
 “ “of the said Samuel Hopkins had referred to and been expressly made
 “ “for the sole benefit of the said Angus Mac Donell.” _____

“M.^r Grant presented to the Council an exemplification
 “of M.^r Hopkins’s Patent obtained from the President of the United
 “States in which M.^r Hopkins’s method of making Pot and Pearl
 “ash is set forth. _____

“M.^r M.^c Donell attending delivered in writing his method
 “of making Pot and Pearl Ash _____

“Ordered that both be delivered to the Clerks of the Council
 “to be by him kept secret _____

“The Question was then put on M.^r Finlay’s motion and carried
 “unanimously in the affirmative _____

“Ordered that the Chairman report progress and pray leave
 “to sit again to – morrow _____

“Adjourned _____

“Council _____ Chamber 28th April 1791

“Present

William Grant Chairman & all the Members as yesterday

“M.^r Dunn delivered the following Letter which was read

““Sir ““Having had an opportunity of perusing the Pearl –
 “ “Ash Bill as now drawn out, the clause specifying that “Whereas Angus
 “ “M.^c Donell has likewise found out a different manner of meliorating &
 “ “I am apt to fear may occasion some future litigation as the methods
 “ “must bear so strong an affinity as hardly to allow of a difference any =
 “ “wise striking therefore must pray you and the rest of our generous
 “ “supporters to secure to us in the clearest manner the very small
 “ “advantages that are designed for us _ I have _ honor to be with every
 respect

JW

concurrence put – concur unanimously. _____

M.^r Dunn moves “that after the words “Angus Macdonell” in the 4th line in the fourth clause the words “Alexander Macdonell “James Macdonell and Christopher Carter” be inserted _ Seconded by M.^r Dupré _ Question of concurrence put _ concur unanimously. _____

M.^r Dunn moves that the word “He” in the 2^d line in the last Clause be struck out and the word They be inserted in its place and that the words Alexander Macdonell James Macdonell and Christopher Carter be inserted after the word Macdonell in the ~~first~~^{last} line of the said Clause _ Seconded by M.^r Dupré _ Question of concurrence put _ concur Unanimously _____

M.^r Finlay moves that the blank in the Bill be filled up with the word Ten _ Seconded by M.^r Lanaudiere _ Question of concurrence put _ Debates arose _ Carried in the Affirmative 13 against 4 _____

For the Affirmative

Mess.^{rs} Dupré

Lanaudiere

Holland

Baby

Grant

Caldwell

Belestre

Pownall

Mabane

Harrison

Dunn

Finlay

The Chief - Justice

M.^r Dunn moves that after the word “Macdonell” in the second line of the Title the words “and others” be inserted _ Seconded by M.^r Dupré _ Question of concurrence put _ concur unanimously. _____

Question from the Chair “Shall the Bill with the amendments pass? Debates arose _ Carried in the Affirmative by 10 against 8. _____

For the Affirmative

Mess.^{rs} Lanaudiere

Holland

Grant

Belestre

Pownall

Collins

Harrison

Dunn

Finlay

The Chief - Justice

Ordered that M.^r Pownall M.^r Grant and M.^r De Lanaudiere be

For the Negative

Mess.^{rs} Boucherville

Longueuil

S.^t Ours

Delery

For the Negative

Mess.^{rs} Dupré

Boucherville

Longueuil

Baby

S.^t Ours

Caldwell

Delery

Mabane

“a Committee to wait on His Lordship with a Copy of the Bill and that
 “they inform His Lordship that the Council have passed the same and submit
 “it to His Lordship’s assent that it be enacted into a Law ____

M.^r Grant moves “that an authenticated Copy of the proceedings
 “upon M.^r Hopkins’s Petition be delivered to him by the Clerk of the Council
 “together with authenticated Copies of all papers delivered by him” _ Seconded
 by M.^r Dunn _ Question of concurrence put _ concur unanimously. ____

Church - Bill

M.^r Delery from the Committee charged to wait on
 His Lordship with a Transcript of the Bill, intituled “An Act or
 “Ordinance concerning the building and repairing of Churches,
 “parsonages houses and Church - yards” reports that the Committee
 have waited on His Lordship with the Transcript pursuant to the
 Order of the Council. ____

Adjourned till to _ morrow at 9 oClock. _____

Friday 29th April 1791

At the Council - Chamber in the Bishop’s Palace

Present

The Hon ~ ble Major General Clarke Lieu.^t Governor

The Hon ~ ble William Smith Esq.^r Chief - Justice

and

The Hon ~ ble

Hugh Finlay

William Grant

Tho.^s Dunn

Paul Roc De S.^t Ours

Edw.^d Harrison

Francis Baby

John Collins

Joseph De Longueuil

Adam Mabane

Samuel Holland

J. G. C Delery

Cha.^s De Lanaudiere

George Pownall

R A. De Boucherville

Picotté De Belestre

Le C.^{te} Dupré

Henry Caldwell

Esquires

Road - Bill

The Order of the day read for a third reading of the Bill intituled “An
 “Act or Ordinance to explain and amend an Ordinance intituled “An
 “Ordinance for repairing and amending the Public Highways and Bridges
 “in the Province of Quebec passed in the seventeenth year of His Majesty’s
 “reign” _ Question of concurrence put _ Concur unanimously _ The Bill
 read a third time in both languages. _____

M.^r Boucherville moved that in the 14th line of the 2^d Article the
 word “Cedar” be inserted before the word Pickets, and the words “cedar or ash”
 inserted before the word Rails in the same line _ Seconded by Major
 Holland _ Question of concurrence put _ Debates arose _ Carried in the
 Negative by 13 against 5 ____

JW

For

For the Affirmative
 Mess.^{rs} Boucherville
 Lanaudiere
 Holland
 Harrison
 The Chief Justice

For the Negative
 Mess.^{rs} Dupré
 Longueuil
 Baby
 S.^t Ours
 Grant
 Caldwell
 Belestre
 Pownall
 Delery
 Mabane
 Collins
 Dunn
 Finlay

+ “Be it enacted and ordained
 “by the same authority that all
 “bridges made and repaired by
 “the inhabitants of a parish
 “shall be rebuilt by order of
 “the Grand - Voyer, who shall
 “decide whether such bridges
 “shall be built by the whole or
 “any part of the parish _

“Provided always that this
 “shall not be understood to
 “extend to any great bridges
 “constructed by an Architect or
 “any other great bridge not
 “yet built over rivers, if any
 “such are intended to be built,
 “nothing being to be done therein
 “without the Grand - Voyer’s being
 “previously called on for the
 “purpose, as well as all captains
 “of militia and other notable
 “inhabitants of one or several
 “parishes where any and all
 “such process verbal or procès
 “verbaux shall be made; which
 “shall be sent to the governor
 “and council to be homologated
 “should it be judged proper _

* “Be it also enacted by the
 “said authority that the cap-
 “tains of militia who are
 “named for Voyers by the Ordinance
 “of one thousand and seven hundred
 “& seventy seven; or such other
 “officers who shall have any
 “part or portion of the roads
 “under their care shall be
 “exempted from contributing
 “to the repairs of bridges &
 “roads of repartition for one
 “of their lands only _

JW

M.^r Boucherville moves that the following Clause be added to the Bill

+ “Qu’il soit Statué et ordonné par la dite autorité que tout
 “Pont faite et entretenu par les habitans d’une paroisse seront
 “reedifiés par l’ordre du Grand - voyer; qui dessidera si tel pont doit
 “etre reedifiés par toute la paroisse ou partie dy celle

“Pourvû toujours que cecy ne s’entendra pour aucun de ces
 “grands ponts construit par architecte ou pour aucun autre grand
 “pont (non encore faite) sur des riviere; si aucun d’iceux sont a
 “construire; ils ne pourront l’etre qu’au préalable le grand voyer ny
 “soit appellé; aussi les capitaines de milice et notables habitans d’une
 “ou plusieurs paroisses dont et du tous Procès verbal sera rendu et
 “envoyés au gouverneur et conseil pour etre homologué si il le juge
 “a propos” _____

Seconded by M.^r De Longueuil _ Question of
 concurrence put _ Debates arose _ Carried in the Affirmative by 16
 against 1 _ M.^r Delery alone in the negative and M.^r Lanaudiere absent _

M.^r Lanaudiere enters

M.^r Boucherville moves that the following Clause be further
 added to the Bill

* “Qu’il soit en outre statué par la dite autorité que les
 “capitaines de milices qui sont nomée sous Voyer par l’ordonnance de mil
 “sept cens soixante et dix sept, ou toutes autres officiers qui ont une
 “part et portion des chemins a leur souin seront examts de contribuer
 “a la reparation des ponts et chemin de repartition pour une de leur
 “terre seulement.” _____ Seconded by M.^r Dupré _ Question put _ Debates
 arose _ Carried in the Affirmative by 17 against 1 _ M.^r De Lery alone
 for the Negative. _____

M.^r Pownall moves “that the further consideration of this
 “Ordinance be deferred to the next, Session of the Legislature”_ Seconded
 by M.^r Grant _ Question of concurrence put _ Debates arose _
 Carried in the negative by 11 against 7 _____

For

For the Affirmative

Mess.^{rs} Grant
Pownall
Delery
Mabane
Collins
Harrison
Finlay

For the Negative

Mess.^{rs} Dupré
Boucherville
Lanaudiere
Holland
Longueuil
Baby
S.^t Ours
Caldwell
Belestre
Dunn

The Chief - Justice

Question from the Chair _ Shall the Bill with its amendments
pass? Carried in the Affirmative by 10 against 8. _____

For the Affirmative

Mess.^{rs} Dupré
Boucherville
Lanaudiere
Holland
Longueuil
Baby
S.^t Ours
Caldwell
Belestre
Dunn

For the Negative

Mess.^{rs} Grant
Pownall
Delery
Mabane
Collins
Harrison
Finlay
The Chief - Justice

Ordered that M.^r Dunn M.^r Longueuil and M.^r Boucherville be
a Committee to wait on His Lordship with a Copy of the Bill and that they
inform His Lordship that the Council have passed the same and submit it
to His Lordship's assent that it be enacted into a Law _____

Advocate & Notary }
Bill . . .

M.^r Grant moves the order of the day to resolve into a Committee
of the whole Council upon the Bill intituled "An Act to repeal certain
"Clauses in the Ordinance concerning Advocates, Attornies Solicitors &
"Notaries and for the more easy collection of His Majesty's Revenues passed in
"the 25.th year of His Majesty's reign and also the Ordinance passed in the
"27.th year of His Majesty's reign to amend the same" Question of concurrence
put, concur unanimously. _____ His Honor the Lieu.^t Governor quits the Chair_

His Honor the Lieu.^t Governor resumes the Chair _

M.^r Grant from the Committee of the whole Council upon the said
Bill reports that the Committee have gone through the Bill and made several
amendments which with Bill and Report he delivers in at the Table _ The
Report was read in the following words. _

"Council - Chamber 29th April 1791

"In Committee of the whole Council on the Bill intituled ""An act to
" "repeal certain clauses in the Ordinance intituled An Ordinance concerning
Advocates

JW

“ “Advocates, Attornies, Solicitors & Notaries and for the more easy
 “ “collection of His Majesty’s Revenues passed in the 25.th year of His
 “ “Majesty’s reign and also the Ordinance passed in the 27.th year of His
 “ “Majesty’s reign to amend the same. _____

“Present William Grant Chairman

“His Honor the Lieu.^t Governor

“M.^r Chief - Justice

&

“Mess. ^{rs} Finlay	Delery	Longueuil
“Dunn	Pownall	Holland
“Harrison	Belestre	Lanaudiere
“Collins	Caldwell	Boucherville
“Mabane	S. ^t Ours	Dupré.
	Baby	

“The Chairman read the Bill in both languages and afterwards
 “the enacting Clause in the following words

““Be it therefore enacted His Excellency the Governor &
 “ “Legislative Council and it is hereby enacted by the authority of the same
 “ “that every Clause of the Ordinance intituled An Ordinance concerning
 “ “Advocates Attornies Solicitors and Notaries and for the more easy
 “ “collection of His Majesty’s Revenues passed in the twenty fifth year of His
 “ “Majesty’s reign and likewise every Clause of the Ordinance passed in the
 “ “twenty seventh year of His Majesty’s reign to amend the same in as far
 “ “as such clause or clauses can be construed to prevent any Person from practising
 “ “the Law or acting as a Notary in this Province be repealed except the
 “ “requirement of a Commission or Licence from His Excellency the Governor or
 “ “Commander in Chief for the time being””

“The Question put on the enacting clause _ Debates arose

“M.^r Mabane moved the previous Question that the Question be not now put

“Question put on M.^r Mabane’s motion

“Debates arose _ Carried in the negative by 13 nays against 5 Ayes

“For the Affirmative

For the Negative

“Mess. ^{rs} S. ^t Ours	Mess. ^{rs} Dupré	Pownall
“Caldwell	Boucherville	Collins
“Delery	Lanaudiere	Harrison
“Mabane	Holland	Finlay
“Dunn	Longueuil	The Chief Justice
	Baby	His Honor The Lieu. ^t Governor
	Belestre	

Then the Question in chief put whether the enacting Clause shall
 stand ____

JW

For

“For the Affirmative			For the Negative
“Mess. ^{rs} Dupré	Belestre	}	Mess. ^{rs} S. ^t Ours
“Boucherville	Pownall		Caldwell
“Lanaudiere	Collins		Delery
“Holland	Harrison		Mabane
“Longueuil	Finlay		Dunn
“Baby	The Chief Justice		
“His Honor the Lieu. ^t Gov. ^r			

“Carried in the Affirmative 13 against 5.

“M.^r Baby then moved that the following Clause be added

““And for securing the public against the mischief and dangers of
 “ “an unrestrained admission of ignorant and unfit persons into the practice
 “ “of the law & the office and functions of a notary public. _____

““Be it also enacted by the same authority, that whenever a
 “ “Candidate shall offer himself for either of there professions & the Governor
 “ “or Commander in Chief for the time being, may see cause to suspend his
 “ “licence until further ascertained of the character, loyalty and competency
 “ “of the candidate, he shall previously undergo an examination; and if
 “ “designed for the profession and practice of an Attorney, Proctor, Counsel
 “ “or Advocate, the same shall be as well in the Court of King’s bench or the
 “ “Court of Common - Pleas in open court _ But if intended for the Office
 “ “and function of a notary, such examination may be at a Judge’s
 “ “chamber on questions to be proposed by the Attorney or Solicitor - general,
 “ “or a licensed Notary; and in the presence of so many practisers of the bar
 “ “of the King’s bench and Common - Pleas & licensed notaries, as may chuse
 “ “to attend such examination. And every person who shall presume to
 “ “practise either at the bar of any Court of King’s bench or Common - Pleas,
 “ “or to perform the office of a notary, without licence from the Governor
 “ “or Commander in Chief for the time being, shall upon due conviction upon
 “ “information or indictment, incur the pains & penalties of Barre try or
 “ “unlawful maintenance. _____

“Question put thereon _ Debates arose _

“For the Affirmative			For the Negative
“Mess. ^{rs} Dupré	Pownall	}	M. ^r S. ^t Ours
“Boucherville	Collins		Delery
“Lanaudiere	Harrison		Mabane
“Holland	Dunn		
“Longueuil	Finlay		
“Baby	Chief Justice		
“Caldwell	His Honor the L. ^t Gov. ^r		
“Belestre			

“Carried in the Affirmative 15 Ayes against 3 Nays.

JW

The

“The Preamble was then read in the following words
 ““Whereas inconveniencies have arisen to the public from the
 “ “practice of the Law since the passing of the Ordinances recited in the
 “ “title of this Act and it is become necessary to remedy the same”____
 “Question put thereon Debates arose
 “For the Affirmative For the Negative
 “Mess.^{rs} Dupré Mess.^{rs} S.^t Ours
 “Boucherville Delery
 “Lanaudiere Mabane
 “Holland Dunn
 “Longueuil
 “Baby
 “Caldwell
 “Belestre
 “Pownall
 “Collins
 “Harrison
 “Finlay
 “The Chief Justice
 “His Honor the Lieu.^t Governor
 “Carried in the Affirmative 14 Ayes against 4 Nays
 “Then the Title was read in the following words
 ““An Act to repeal certain clauses in the Ordinance intituled
 “ “An Ordinance concerning Advocates Attornies Solicitors and Notaries
 “ “and for the more easy collection of His Majesty’s Revenues “passed in the
 “ “25.th Year of His Majesty’s Reign and also the Ordinance passed in the 27.th
 “ “Year of His Majesty’s reign to amend the same”____
 “The Question put _ Debates arose
 “For the Affirmative For the Negative
 “Mess.^{rs} Dupré Pownall } Mess.^{rs} S.^t Ours
 “Boucherville Mabane } Delery
 “Lanaudiere Collins }
 “Holland Harrison }
 “De Longueuil Dunn }
 “Baby Finlay }
 “Caldwell The Chief Justice }
 “Belestre His Honor the Lieu.^t Gov.^r }
 “Carried in the Affirmative 16 Ayes against 2 Nays
 “The Bill being gone through
 “Ordered that Report be made accordingly
 “By Order of the Committee
 (Signed) “W.^m Grant - Chairman.”

JW

M.^r

“M.^r Mabane moves “that the consideration of the Report and
 “the Bill reported in it be put off to the next Session of the Legislature” _
 “Seconded by M.^r S.^t Ours _ Question of concurrence put _ Debates arose _
 “Carried in the Negative by 13 against 5 _____

“For the Affirmative

“Mess.^{rs} S.^t Ours

“Caldwell

“Delery

“Mabane

“Dunn

For the Negative

Mess.^{rs} Dupré

Boucherville

Lanaudiere

Holland

Longueuil

Baby

Grant

Belestre

Pownall

Collins

Harrison

Finlay

The Chief - Justice _

“Question of concurrence with the Report put _ Carried in the
 “Affirmative by the same 13 members who were in the negative on
 “the last question against the same 5 members who were in the
 “Affirmative on that question. _____

“Ordered that the Bill be now read a third time _ The Bill
 “read in both languages _ Question from the Chair “shall the Bill pass?”
 “Carried in the Affirmative by 13 against 4. _____

“For the Affirmative

“Mess.^{rs} Dupré

“Boucherville

“Lanaudiere

“Holland

“Longueuil

“Baby

“Grant

Belestre

Pownall

Collins

Harrison

Finlay

The Chief - Justice

For the Negative

Mess.^{rs} S.^t Ours

Delery

Mabane

Dunn

“Ordered that M.^r Grant, M.^r Baby and M.^r Dupré be a Committee to
 “wait on His Lordship with a Copy of the Bill and that they inform His
 “Lordship that the Council have passed the same, and submit it to His
 “Lordship’s assent that it be enacted into a Law _

Pot - Ash Bill

“M.^r Pownall from the Committee charged to wait on His
 “Lordship with a Copy of the Bill intituled “An Act or Ordinance to reward
 “Samuel Hopkins and Angus Macdonell and others for their Inventions of
 “two new and improved methods of making Pot & Pearl - Ashes”_ reports
 “that the Committee have waited on His Lordship with the Transcript
 “pursuant to the Order of the Council. _____

“Adjourned till to - morrow at 10 oClock. _____

{ Saturday 30th April 1791
At the Council - Chamber in the Bishop's Palace

Present

The Honorable Major General Clarke Lieu.^t Governor

The Honorable William Smith Esq.^r Chief - Justice

and

The Honorable

Hugh Finlay Henry Caldwell

Tho.^s Dunn William Grant

Edw.^d Harrison Paul Roc De S.^t Ours

John Collins Francis Baby

Adam Mabane Joseph De Longueuil

J. G. C Delery Samuel Holland

George Pownall Cha.^s De Lanaudiere

Picotté De Belestre R A. De Boucherville

Le C.^{te} Dupré

Esquires

Road Bill

M.^r Dunn from the Committee charged to wait on His Lordship with a Copy of the Bill intituled "An Act or Ordinance to explain & amend an Ordinance intituled an Ordinance for repairing and amending the public Highways and Bridges in the Province of Quebec passed in the seventeenth Year of His Majesty's reign" reports that the Committee have waited on His Lordship with a Transcript of the Bill pursuant to the Order of the Council. _____

Advocate and
Notary Bill

M.^r Grant from the Committee charged to wait on His Lordship with a Copy of the Bill intituled "An Act to repeal certain Clauses in the Ordinance concerning Advocates Attornies Solicitors & Notaries and for the more easy collection of His Majesty's Revenues passed in the 25th year of His Majesty's reign and also the Ordinance passed in the 27th Year of His Majesty's reign to amend the same" reports that the Committee have waited on His Lordship with a Transcript of the Bill pursuant to the Order of the Council. _

Adjourned to the Castle of S.^t Lewis to assemble at 1 o'Clock this day, pursuant to the intimation conveyed in a Letter from His Lordship's Secretary to the Clerk _____

{ Saturday 30th April 1791

{ At the Council - Chamber in the Castle of S.^t Lewis

Present

His Honor The Lieutenant - Governor

The Chief - Justice

and

All the other Members of the Council as above

JW

His

- His Excellency Lord Dorchester enters the Council - Chamber
and being seated in the Chair, the following Bills are presented to
His Excellency for his assent Viz.^t
- + 2 An Act to continue and Act intituled “An Ordinance
“for regulating all such persons as keep Horses and Carriages to let
“and hire for the accommodation of Travellers commonly called & known
“by the name of Maitres de Poste” ____
The Governor assents
- + 1 An Act to amend an Act intituled “An Act or Ordinance
“for regulating the Fisheries in the River of S.^t Lawrence in the Bays of
“Gaspé and Chaleurs on the Island of Bonaventure and the opposite
“Shore of Percé
The Governor will advise upon it
An Act respecting Guardians to Minors and Curators
The Governor will advise upon it
An Act to regulate the Fees to be taken on Land Carriages at
the Port of S.^t Johns
The Governor will advise upon it
An Act to prevent Obstructions to the Inland Commerce
on the Death of a Superintendant. ____
The Governor assents.
An Act or Ordinance concerning the building and repairing
of Churches Parsonage - houses and Church - Yards
The Governor assents
An Act or Ordinance to reward Samuel Hopkins and Angus
Macdonell and others for their Inventions of two new and improved
methods of making Pot and Pearl – Ashes ____
The Governor assents
An Act or Ordinance to explain and amend an Ordinance
intituled “An Ordinance for repairing and amending the public
“Highways and Bridges in the Province of Quebec.” passed in the
seventeenth year of His Majesty’s reign ____
The Governor will advise upon it ____
An Act to repeal certain Clauses in the Ordinance intituled
“An Ordinance concerning Advocates Attornies Solicitors and Notaries & for
“the more easy collection of His Majesty’s Revenues” passed in the 25.th Year
“of His Majesty’s reign and also the Ordinance passed in the 27.th year of His
“Majesty’s Reign to amend the same.
The Governor will advise upon it ____

JW

Ordered by his Excellency that the several Acts above assented to be inrolled, and published in the Quebec Gazette with all convenient speed _

His Excellency prorogues the Legislative Council till further notice_____

JW

This books contains three hundred and five written pages _____
JWilliams C. L. G.