

courts of judicature at such places and times as the same may or ought to be held within our said province.

In testimony whereof we have caused these our letters to be made patent, and the great seal of our said province of Quebec to be hereunto affixed, and to be entered on record in one of the books of patents in our register's office of inrollments of the said province.

Witness our trusty and well-beloved the honourable Guy Carleton, Esquire, our Lieutenant Governour and Commander in Chief in and over our said province of Quebec, and the territories thereon depending in America, at our Castle of St. Lewis in our city of Quebec, the twenty-fifth day of September in the year of our Lord one thousand seven hundred and sixty-six, and in the sixth year of our reign.

L. S. (Signed) GUY CARLETON.

By the lieutenant-governour's command.
(Signed) J. GOLDFRAP,
D. Secretary.

FIAT of the within Commission.

Recorded in the Register's Office at Quebec the 25th day of September 1766.

(Signed) J. GOLDFRAP, D. Registrar.

NUMBER XIV.

COMMISSION of ATTORNEY GENERAL.

QUEBEC.

GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith; To all to whom these Presents shall come, Greeting:

KNOW ye, that we, having taken into our royal consideration ^{Appointment.} the loyalty, integrity, and ability of our trusty and well-beloved Francis Maseres, have constituted and appointed, and by these presents do constitute and appoint him, the said Francis Maseres, our Attorney General of and in our province of Quebec, in America, in the room of George Suckling, Esquire:

To have, hold, exercise, and enjoy the said office unto him, the ^{Habendum.} said Francis Maseres, during our pleasure, together with all and singular the rights, fees, profits, privileges, and advantages there- ^{Fees and Advantages.} unto belonging or appertaining, in as full and ample manner as the said George Suckling hath held and enjoyed the same, or as any other attorney general in our Leeward Caribbee Islands doth hold and enjoy the said office.

Provided always, that the said Francis Maseres shall be actually ^{Provisione.} resident within the said province, and shall execute the said office in his own proper person, except in case of sickness or incapacity.

In testimony whereof we have caused these our letters to be made patent, and our great seal of our said province of Quebec to be hereunto affixed, and the same to be entered on record in one of the books of patents in our register's office of inrollment of our said province.

Witness our trusty and well-beloved the Honourable Guy Carleton, Esquire, our Lieutenant-Governour and Commander in Chief in and over our said province of Quebec, and the territories depending thereon in America, at our Castle of St. Lewis in our city of Quebec, the twenty-fifth day of September in the year of our Lord one thousand seven hundred and sixty-six, and in the sixth year of our reign.

(Signed) GUY (L.S.) CARLETON.

By the lieutenant-governour's command.

(Counterigned) J. GOLDFRAP,
D. Secretary.

F I A T.

Recorded in the Register's Office at Quebec the 25th day of September 1766.

(Signed) J. GOLDFRAP, D. Registrar.

NUMBER XV.

COMMISSION of the PROVOST MARSHAL.

GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting:

KNOW ye, that we, for divers good causes and considerations ^{Grant of the office of Provost Marshal.} us hereunto moving, of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents for us, our heirs and successors, do give and grant, unto our trusty and well-beloved Nicholas Turner, Esquire, the office or place of Provost Marshal of our said province of Canada, and him the ^{Appointment.} said Nicholas Turner, Provost Marshal of our said province of Canada, we do, for us, our heirs and successors, make, ordain, and constitute by these presents:

To have, hold, exercise, and enjoy the said office or place by ^{Habendum.} himself, or his sufficient deputy or deputies (who shall be resident in our said province, and for whom he shall be answerable) during the natural life of the said Nicholas Turner, with all fees, rights, ^{Fees and Advantages.} profits, privileges, and advantages whatsoever thereunto belonging, in as full * and ample manner as any other provost marshal of any other our provinces or colonies in North America does hold and enjoy, or of right ought to hold and enjoy, the same.

Lastly, we will, and by these presents for us, our heirs and successors, do grant unto the said Nicholas Turner, that these our letters patent, or the inrollment thereof, shall be in and by all things good, firm, valid, sufficient, and effectual in the law; any omission, imperfection, defect, matter, cause, or thing whatsoever to the contrary hereof in any-wise notwithstanding. ^{Grant that these letters shall be good in law notwithstanding any imperfections or defects.}

* This general reference to all the colonies in North America, without mentioning any one of them in particular, is productive of doubt and uncertainty.

In witness whereof we have caused these our letters to be made patent.

Witness ourself at Westminster the twenty-third day of September, in the third year of our reign.

By writ of privy seal.

(Signed)

C O C K S.

These are to certify that the foregoing is a true copy from the entry of the original upon record in the office of the Lords Commissioners for Trade and Plantations.

Whitehall,
March 1st, 1764.

(Signed)

JOHN POWNALL,
Secretary.

N U M B E R XVI.

A COMMISSION to be SECRETARY of the Province of CANADA, and CLERK of the COUNCIL, and COMMISSARY or STEWARD-GENERAL of Provisions and Stores, and CLERK of the INROLLMENTS.

GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting:

KNOW ye, that we, reposing especial trust and confidence in the faithfulness, experience, and ability of our trusty and well-beloved Henry Ellis, Esquire, of our especial grace, certain knowledge, and mere motion, have given and granted, and by these presents for us, our heirs and successors, do give and grant unto the said Henry Ellis the offices and places of Secretary and Clerk of the Council of our province of Canada, and of Commissary or Steward-General of all such provisions and stores as are or shall be from time to time provided and sent for the forces of us, our heirs or successors, in our said province, and of Clerk of the Inrollments for the inrolling and registering all deeds and conveyances made and passed in that our province, and also all bills of sale and letters patent, or other acts or matters usually inrolled, or which by the laws of that province shall be directed to be inrolled.

And him, the said Henry Ellis, Secretary and Clerk of the Council of our said province of Canada, and Commissary or Steward-General of all such provisions and stores as are or shall be from time to time provided and sent for the forces of us, our heirs or successors, in our said province of Canada, and Clerk of the Inrollments for inrolling and registering of all deeds and conveyances made and passed in that our province, and also all bills of sale and letters patent, or other acts or matters usually inrolled, or which by the laws of that our province shall be directed to be inrolled, we do make, ordain, and constitute by these presents.

Habendum.

To have, hold, exercise, and enjoy the said offices and places unto him, the said Henry Ellis, by himself, or his sufficient deputy or deputies (who shall reside in our said province, and for whom he shall be answerable) for and during the term of the natural life of the said Henry Ellis, together with all the salaries, fees, profits, perquisites, and advantages whatsoever to the said offices and places, or any of them, jointly or severally in any-wise belonging, or which are or shall be established or allowed for or in respect of the exercise or execution of the said offices and places respectively, in as full and ample manner, to all intents and purposes, as any * other secretary or clerk of the council of any of our provinces in North America does hold and enjoy, or of right ought to hold and enjoy, the same.

Fees and Advantages.

Grant that these letters patent shall be good in law notwithstanding any imperfections or defects.

Lastly, we will, and by these presents for us, our heirs and successors, do grant unto the said Henry Ellis, that these our letters patent, or the inrollment thereof, shall be, in and by all things, good, firm, valid, sufficient, and effectual in the law, notwithstanding any omission, imperfection, defect, matter, cause, or thing whatsoever to the contrary hereof in any-wise notwithstanding.

In witness whereof we have caused these our letters to be made patent.

Witness ourself at Westminster the thirtieth day of April, in the third year of our reign.

By writ of privy seal.

(Signed)

C O C K S.

These are to certify that the foregoing is a true copy of the entry of the original upon record in the office of the Lords Commissioners for Trade and plantations.

(Signed) RICH^d. ROGERS, Dep. Secretary.

Whitehall, March 26, 1764.

The foregoing is a true copy of the original registered and examined by

J. GOLDFRAP, Dep. Register.

* This reference seems very vague and uncertain.

N U M B E R XVII.

A COMMISSION under the Public Seal of the Province of QUEBEC to Captain SCHLOSSER to be a JUSTICE of the PEACE for the District of MONTREAL, in the said Province.

GEORGE the THIRD, by the Grace of God, King of Great Britain, and the Territories thereunto belonging, Defender of the Faith, and so forth; To JOHN SCHLOSSER, Esquire, Captain of a Company in the First Battalion of the Royal American Regiment of Foot, sendeth Greeting:

KNOW all men by these our present letters, that we have assigned you, John Schlosser, Esquire, captain of a company in the first battalion of our royal American regiment of foot, to be one of our Justices to keep our peace in our district of Montreal in our province of Quebec, and to keep and cause to be kept all ordinances and statutes for the good of the peace and for preservation of the fame, and for the quiet rule and government of our people made, in all and singular their articles according to the force, form, and effect of the same; and to chastise and punish all persons that offend against the form of those ordinances or statutes, or any one of them, in the aforesaid district, as it ought to be done according to the form of those ordinances and statutes; and to cause to come before you all those who to any one or more of our people concerning their bodies or the firing of their houses have used threats, to find sufficient security for the peace, or their good behaviour, towards us and our people; and, if they shall refuse to find such security, then them in our prisons, until they shall find such security, to cause to be safely kept.

Power to keep the peace, and cause the statutes and ordinances to be kept;

and to take security for the peace or good behaviour.

And

Power, in con-
junction with
one or more
justices, to in-
quire of felonies
and other of-
fences by the
oath of a grand
jury;

And we have likewise assigned you, in conjunction with one or more of the justices assigned to keep our peace in the district of Montreal aforesaid in our province of Quebec, properly by us authorized thereunto, to inquire the truth more fully by the oath of good and lawful men of the aforesaid district, by whom the truth of the matter shall be the better known, of all and all manner of felonies, poisonings, trespasses, forestallings, regratings, and extortions whatsoever; and of all and singular other crimes and offences, of which the justices of our peace may and ought lawfully to inquire, by whomsoever, and after what manner soever in the said district done or perpetrated, or which shall happen to be there done or attempted; and also of all those who in the district aforesaid in companies against our peace, in disturbance of our people, with armed force have gone or rode, or hereafter shall presume to go or ride; and also of all those who have there lain in wait, or hereafter shall presume to lie in wait, or cut, or kill our people; and also of all victuallers, and all and singular other persons who in the abuse of weights and measures, or in selling victuals against the form of the ordinances and statutes of of England or our said province of Quebec, or any one of them, therefore made or introduced into our said province for the common benefit of our said province of Quebec and our people thereof, have offended or attempted, or hereafter shall presume in the said district to offend or attempt; and of all and singular articles and circumstances, and all other things whatsoever that concern the premises, or any of them, by whomsoever and after what manner soever in our aforesaid district done or perpetrated, or which hereafter shall there happen to be done or attempted in what manner soever; and to inspect all indictments so before you and one or more of our said justices for our said district of Montreal, properly by us authorized thereunto, taken or to be taken, or before others late our justices of the peace in the aforesaid district made or taken, and not yet determined; and to make and continue processes thereupon against all and singular the persons so indicted, or who before you and our other justices of our district aforesaid hereafter shall happen to be indicted, until they can be taken, surrender themselves, or be outlawed; and to hear and determine all and singular the felonies, poisonings, trespasses, forestallings, regratings, ingrossings, extortions, unlawful assemblies, indictments aforesaid, and

and to inspect
all indictments
so taken either
before them or
any former
justices;

and to make
processes against
the persons so
indicted;

and to hear and
determine all the
said felonies and
other offences.

and all and singular other the premises, according to the laws and statutes of that part of our kingdom of Great Britain called England, and the ordinances of our said province of Quebec, as in the like case it has been accustomed or ought to be done; and the same offenders, and every of them, for their offences, by fines, ransoms, amerciaments, forfeitures, and other means, as according to the laws and customs of England, or form of the ordinances and statutes of England and of our province of Quebec aforesaid, it has been accustomed or ought to be done, to chastise and punish.

Provided always, that if a case of difficulty upon the determination of any of the premises before you conjointly with any one or more of our justices of the peace of our district of Montreal aforesaid, properly by us authorized thereunto, shall happen to arise, that then you let judgement in no wise be given thereon before you in conjunction with one or more of our justices of our said district, unless in the presence of our chief justice of our said province of Quebec.

Provide that in
cases of difficulty
the justices shall
ask the advice of
the chief justice
of the province.

And therefore we command you, that to the keeping the peace, ordinances, and statutes aforesaid, and all and singular other the premises, you diligently apply yourself; and that at certain days and places as you and any one or more, or any other two, of our justices assigned to keep the peace in and for our district of Montreal aforesaid in our province aforesaid, shall appoint for these purposes, into the premises ye make inquiries, and all and singular the premises hear and determine, and perform and fulfill them in the aforesaid form, doing therein what to justice appertains, according to the laws and customs of England and the ordinances of our province of Quebec aforesaid; saving to us the amerciaments and other things to us therefrom belonging.

Command to the
justice to apply
himself to the
execution of his
commission.

In witness whereof we have caused these our letters to be made patent, and our public seal of our province of Quebec to be affixed thereunto, this sixth day of August in the seventh year of our reign, and in the year of our Lord one thousand seven hundred and sixty-seven.

S

Given

Given at our Castle of Saint Lewis at Quebec, in the district of Quebec, in the province of Quebec, this sixth day of August in the seventh year of our reign, and in the year of our Lord one thousand seven hundred and sixty-seven.

(Witness)

GUY CARLETON,
Lieutenant Governour and
Commander in Chief.

NUMBER

N U M B E R XVIII.

A DRAUGHT of a Form of a WRIT of
DEDIMUS POTESTATEM to administer the
Oaths to a Justice of the Peace in the Province of
Q U E B E C.

GEORGE the THIRD, by the Grace of God, King of Great Britain,
and of all the Territories thereunto belonging, Defender of the
Faith, and so forth; To our trusty and well-beloved
and of the District of Quebec, in the Province of
Quebec, Esquires, Greeting:

KNOW ye, that we have thought fit to empower you, and we do hereby give and grant unto you full power and authority to tender and administer unto A. B. Esquire, whom we have constituted and appointed a justice of the peace for the district of Quebec in our said province, the oaths appointed to be taken by an act passed in the first year of the reign of King George the First, intituled, "*An Act for the further security of his Majesty's person and government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors;*" and by an act passed in the sixth year of our reign, intituled, "*An Act for altering the oath of abjuration and the assurance, and for amending so much of an act of the seventh year of her late Majesty Queen Anne, intituled, 'AN ACT FOR THE IMPROVEMENT OF THE UNION OF THE TWO KINGDOMS,' as, after the time therein limited, requires the delivery of certain lists and copies therein mentioned;*" and to tender and administer unto him, and receive from him, the declaration appointed to be made in an act of parliament passed in the twenty-fifth year of the reign of King Charles the Second, intituled, "*An Act for preventing dangers which may*

happen
● Power to administer the oaths appointed by stat. 1 Geo. I. and stat. 6 Geo. III.

and the declaration against transubstantiation, appointed by stat. 25 Car. II.

and the oath of office. "happen from Popish Recusants;" and also to receive from him his subscription to the oaths and declaration; and likewise to administer unto him an oath for the due execution and performance of the office of a justice of the peace of the said district of Quebec in our said province in the usual form.

And of what you shall do herein you are to make return forthwith into the office of the Register of our High Court of Chancery of our said province, together with this our writ.

Witness our trusty and well-beloved the Honourable Guy Carleton, Esquire, our Captain General and Governour in Chief in and over our said province of Quebec, and Keeper of our Public Seal of our said province, at our castle of Saint Lewis in our city of Quebec this day of May in the ninth year of our reign, and in the year of our Lord one thousand seven hundred and sixty-nine.

(Signed) GUY CARLETON.

N U M B E R

N U M B E R XIX.

A DRAUGHT of a Form of the OATH of OFFICE of a JUSTICE of the PEACE of the District of QUEBEC, in the Province of QUEBEC; made by the Order of Governour CARLETON.

YOU shall swear that, as a justice of the peace for the district ^{To do equal justice to all persons.} of Quebec in the province of Quebec, you will do equal right to the poor and to the rich in all articles in the King's commission to you directed, according to your cunning, wit, and power, and according to the laws and customs of that part of the kingdom of Great Britain which is called England, and to the statutes of England and of Great Britain, and to the ordinances of this province of Quebec, thereof made. And that you shall not be of counsel in any Quarrel hanging before you. And that you will hold your sessions after the form of the statutes and ordinances ^{To hold sessions.} of the said province thereof made.

And the issues, fines, and amerciaments that shall happen to be ^{Fines and amerciaments.} made, and all forfeitures which shall fall before you, you shall cause to be entered, without any concealment or embezzling, and truly send them to the receiver-general of his Majesty's revenue in this province. You shall not let for gift or other cause, but well and truly you shall do your office of a justice of the peace in that behalf.

And you shall take nothing for doing your said office of a ^{Fees.} justice of the peace, but of the King and the fees accustomed and costs limited by statute or ordinance of this province.

And you shall not direct, or cause to be directed, any warrant, ^{Warrants.} by you to be made, to the parties; but you shall direct them to the bailiffs of the district, or other the King's officers or ministers, or other indifferent persons, to do execution thereof.

So help you G O D.

N U M B E R XX.

An ORDER of the KING in Council, disallowing and repealing an Ordinance of the Commander in Chief and Council of the Province of QUEBEC, passed on the 17th of July 1766, concerning LICENCES to retail SPIRITUOUS LIQUORS.

AT the COURT at St. JAMES's, the 26th day of June 1767,

P R E S E N T

The KING's most Excellent MAJESTY,

Archbishop of Canterbury,	Earl of Harcourt,
Lord President,	Earl of Shelburne,
Duke of Grafton,	Viscount Townshend,
Duke of Queensberry,	Viscount Howe,
Lord Steward,	Viscount Barrington,
Earl of Huntingdon,	Viscount Clare,
Earl of Denbigh,	Viscount Villiers,
Earl of Litchfield,	Lord Sandys,
Earl of Cholmondeley,	James Stuart Mackenzie, Esq;
Earl of Marchmont,	James Oswald, Esq;
Earl of Bristol,	Sir Edward Hawke.
Earl of Ashburnham,	

WHEREAS the governour of his Majesty's province of Quebec, with the advice of the council of the said province, is authorized and impowered (until the situation and circumstances of our said province will admit of calling general assemblies) to make such rules and regulations as shall appear to be necessary for the peace, order, and good government of the said province, taking care that nothing be passed, or done, that shall any ways tend to affect

affect the life, limb, or liberty of the subject*, or to the imposing any duties or taxes; which rules and regulations are directed to be transmitted to his Majesty for his approbation or disallowance:

And whereas in pursuance of the said powers the following ordinance was passed in the said province on the 17th of July 1766, and transmitted, intitled as follows, viz.

“ An Ordinance for granting Licences for retailing Rum and
“ other Spirituous Liquors, and for suppressing unlicensed
“ Houses;”

which ordinance, 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 to his Majesty that the said ordinance ought to be repealed:

His Majesty is thereupon pleased, with the advice of his privy council, to declare his disallowance of the said ordinance. And, pursuant to his Majesty's royal pleasure thereupon expressed, the said ordinance is hereby repealed, declared void and of none effect. Whereof the governour, or commander in chief, of his Majesty's province of Quebec for the time being, and all others whom it may concern, are to take notice, and govern themselves accordingly.

ROBERT WALPOLE.

* This very great restriction of the legislative power delegated by his Majesty to the governour and council of the province is generally thought to be very inconvenient. Few ordinances can be made that tend neither to affect the life, limb, or liberty of the subject, or to the imposing duties or taxes. — See above, pages 26, 27.

N U M B E R. XXI.

An ORDER of the KING in Council, confirming the BOUNDARY LINE between the Provinces of New York and Quebec, fixed by Sir Henry Moore, the Governour of New York, and Brigadier-General Carleton, Lieutenant-Governour of Quebec, at a Meeting held for that Purpose; and regulating the Claims made by his Majesty's new Canadian Subjects to Lands situated on the South Side of that Line.

AT the COURT at St. JAMES's, the 12th day of August 1768,

P R E S E N T,

The KING's most Excellent MAJESTY,

Duke of Grafton,	Vifcount Falmouth,
Duke of Rutland,	Vifcount Barrington,
Duke of Queensberry,	Vifcount Villiers,
Marquess of Granby,	Lord North,
Earl of Litchfield,	James Stuart M ^c Kenzie, Esq;
Earl of Hillsborough,	Thomas Harley, Esq;
Earl of Shelburne,	Sir Edward Hawke.
Vifcount Weymouth,	

WHEREAS there was this day read at the board a report from the right honourable the lords of the committee of council for plantation-affairs, dated the ninth of this instant, upon considering a report made by the lords commissioners for trade and plantations, upon an extract of a letter from Sir Henry Moore, governour of New-York, to the Earl of Shelburne, dated the 16th of January last, relative to the settling the boundary-line between that province and Quebec; by which report it appears, that

it having been mutually agreed upon between Sir Henry Moore and the commander in chief of the province of Quebec, at a meeting for that purpose appointed, that the line of division between these provinces should be fixed at the 45th degree of North latitude, conformable to the limits laid down in his Majesty's proclamation of October 1763. And it having been ascertained and determined by proper observations where the said line would pass, it is therefore propoed that these proceedings above stated should be confirmed by his Majesty.

His Majesty taking the said report into consideration, was pleased, with the advice of his privy council, to approve thereof, and doth hereby confirm the said proceedings above stated, and order that the said line of division be run out and continued as far as each province respectively extends.

Provided that nothing herein contained shall extend to affect the properties of his Majesty's new subjects having possessions under proper titles on those parts of the lands on the south side of this line, the dominion of which was not disputed on the part of the crown of Great Britain.

And provided also, that this determination shall not operate wholly to deprive his Majesty's new subjects of such concessions on the south side of the said line, on which they may have made actual settlement and improvement, although the lands may have been disputed by the crown of Great Britain; but that such possessors shall be intitled to so much of the said concessions as shall be proportioned to their improvements, at the rate of fifty acres for every three acres of improvement, provided they take out grants for the same under the seal of the province of New York, subject to the usual quit-rents.

And provided also, that the grant to no one person shall exceed twenty thousand acres.

And the governours or commanders in chief of his Majesty's said provinces of New York and Quebec for the time being, and all others whom it may concern, are to take notice of his Majesty's pleasure hereby signified, and govern themselves accordingly.

(Signed)

STEPH. COTTRELL.

N U M B E R XXII.

The OPINION of the Attorney and Solicitor General concerning Two Acts of Parliament made for the Preservation of Ships and Goods that are forced on Shore or stranded upon the Coasts of Great Britain, or other Dominions of his Majesty.

To the Right Honourable the Lords Commissioners for Trade and Plantations.

May it please your Lordships,

IN obedience to your lordships commands signified to us by Mr. Pownall's letter of the 12th day of this instant June, that we would take into our consideration an act of parliament passed in the 12th year of Queen Anne, stat. 2, cap. 18, intituled, "*An Act for the preserving all such Ships and Goods thereof which shall happen to be forced on Shore, or stranded upon the Coasts of this Kingdom, or any other of her Majesty's Dominions:*" also one other act of parliament passed the 4th George I. cap. 12, intituled, "*An Act for enforcing and making perpetual an Act of the 12th Year of her late Majesty, intituled, 'An Act for preserving all such Ships and Goods thereof which shall happen to be forced on Shore or stranded upon the Coasts of this Kingdom, or any other of her Majesty's Dominions; and for inflicting the Punishment of Death on such as shall wilfully burn and destroy Ships:*" and that we would give our opinion whether the said acts do extend to and are in force in his Majesty's colonies and plantations in America:

We have taken the same into our consideration, and are of opinion, that as the title of the act 12 Anne, stat. 2, cap. 18, expressly imports to be an act for preserving ships and goods forced on shore or stranded upon the coasts of this kingdom, *or any other of her Majesty's dominions*, and the enacting part has words extending to *her Majesty's dominions in general*, that the said act of 12th Anne extends

extends to and is in force in his Majesty's colonies and plantations in America, notwithstanding the special promulgation of the law, and some other provisions in it, are applicable only to this kingdom.

We are likewise of opinion, that so much of the act of 4th Geo. I. cap. 12, as declares the 12th of Anne to be perpetual, extends to America.

But the third clause of that act, which introduces a new crime, by a provision altogether independent of the former part of the act, and made to render an act of the 1st Anne more effectual, we are inclined to think does not extend to his Majesty's colonies and plantations in America, that clause being expressed in general terms, without any reference to the colonies; and the 11th Geo. I. cap. 29, s. 7, which directs the mode of the prosecution of these offences, when committed within the body of any county of this realm, or upon the high seas, making no mention of the manner of trial if such offences should be committed in any of his Majesty's plantations or colonies in America.

All which is submitted to your lordships consideration.

(Signed) W^M. DE GREY.
E. WILLES.

June 25th, 1767.

N. B. This opinion of his Majesty's attorney and solicitor-general was transmitted to the governor of the province of Quebec by his Majesty's secretary of state for the American department; and therefore is considered as having had the sanction of his Majesty's approbation, and as making part of the law of that province.

N U M B E R XXIII.

IN the year 1768 his most excellent Majesty was pleased to issue three mandates to the governour, or commander in chief, of the province of Quebec for the time being, requiring him to constitute and appoint three clergymen of the church of England Rectors of the parish-churches of Quebec, Three Rivers, and Montreal, which are the three principal, or rather only, towns in the province. The reverend Mr. David Francis de Montmollin, a native of Switzerland, that had resided more than twenty years in England, was to be appointed rector of Quebec; the reverend Mr. Veyssiere, a late convert (and, I doubt not, a very sincere one) from the Romish religion, who had some time before been a Recollet-Monk in the convent of that order in Quebec, was to be appointed rector of the Parish of Three Rivers; and the reverend Mr. De Lisle, a native of Old France, but who had always been bred a Protestant, and who had received part of his education at Geneva, and is a powerful and eloquent preacher in the French language, was to be rector of the Parish of Montreal, where he had already resided two years in the character of chaplain of the garrison. Upon the receipt of these three mandates the lieutenant-governour, Guy Carleton, Esquire, (now governour in chief of that province) was pleased to order Francis Mafères, Esquire, the attorney-general, to prepare a draught of a commission for Mr. de Montmollin to be rector of the church and parish of Quebec in pursuance of the King's mandate for that purpose for his examination and perusal; which the said attorney-general accordingly did. But upon more fully considering the peculiar and delicate situation of the province with respect to the article of religion, and some claims of property in the churches, made on the behalf of the Roman Catholic inhabitants of those parishes, which required a very serious and deliberate discussion, his excellency did not think it expedient to grant these gentlemen commissions of this form under the seal of the province; but in lieu thereof gave them licences to preach and perform divine service according to the ceremonies of the church of England in the respective parishes of Quebec, Three Rivers, and Montreal, under his hand and private seal. Nevertheless as it may hereafter, when the Protestant religion shall have gained more footing in the province, be both safe and expedient to give Protestant clergymen some of the

the benefices of the province in the manner directed by these royal mandates, I shall here insert a copy of one of these mandates and of the draught of a commission made by the said attorney-general in pursuance of it, that it may undergo the examination of his Majesty's ministers of state and law-officers, and receive such corrections and alterations at their hands as it shall appear to them to want. In a new province we have no precedents to direct us; every thing requires to be settled with care and attention.

The KING's MANDATE to the Governour, Lieutenant-Governour, or Commander in Chief of the Province of QUEBEC, to collate and admit the Reverend Mr. DE MONTMOLLIN to the Parish-Church of QUEBEC.

To our trusty and well-be'oved JAMES MURRAY, Esquire, our Captain General and Governour in Chief in and over our Province of Quebec, in America; and, in his Absence, to our Lieutenant-Governour, or Commander in Chief of our said Province for the Time being.

GEORGE R.

TRUSTY and well-beloved, we greet you well.

We, having received a good report of the loyalty, abilities, prudent conduct, and sober conversation of our trusty and well-beloved David Francis de Montmollin, clerk, have thought fit hereby to signify our will and pleasure to you that, forthwith upon receipt hereof, you do collate and admit the said David Francis de Montmollin, clerk, to the church and parish of Quebec, in our province of Quebec, in America:

To have, hold, and enjoy the same unto him, the said David Francis de Montmollin, during his natural life, with all rights, dues, profits,

profits, and privileges thereunto belonging in as full and ample manner as the ministers of churches in any of our colonies in America have usually held and enjoyed, or of right ought to hold and enjoy, the same. And for so doing this shall be your warrant. And so we bid you heartily farewell.

Given at our court at Saint James's, the 12th day of February 1768, in the eighth year of our reign.

By his Majesty's command.

HILLSBOROUGH.

N. B. This royal mandate seems to be founded upon a supposition that the King is general patron of all the ecclesiastical benefices in the province, agreeably to the clause to that purpose in the commission of captain-general and governor in chief. See above, page 98.

A DRAUGHT of a COMMISSION to the Reverend Mr. DAVID FRANCIS DE MONTMOLLIN to be Rector of the Church of QUEBEC, made in pursuance of, and conformably to, the King's Mandate for that Purpose, dated on the 12th Day of February 1768.

GEORGE the THIRD, by the Grace of God, King of Great Britain and the Territories thereunto belonging, Defender of the Faith, and so forth; To all to whom these Presents shall come, sendeth Greeting:

WHEREAS the church of Quebec, in our province of Quebec, is now vacant; and whereas the gift, collation, and free disposition of the said church doth fully and intirely belong to us in right of our crown of Great Britain: and whereas we have received a good report of the piety, learning, and abilities, and

likewise

likewise of the loyalty, prudent conduct, and sober conversation of our trusty and well-beloved David Francis de Montmollin, clerk, and are persuaded that he is a fit person to fill the said church, and to have the care of the souls of our good subjects in the parish of the same committed to him:

Now know ye that we, for these and other good reasons and causes us thereunto moving, and of our especial grace, certain knowledge, and mere motion, have given, conferred, and granted, and, by these our present letters, do give, confer, and grant the said church of Quebec to the said David Francis de Montmollin; and do ordain, make, and constitute him, the said David Francis, curate and rector of the same, and minister of the holy gospel in the parish of the same; provided that he, the said David Francis, shall, before he takes possession of the said church, take an oath upon the holy gospels of Almighty God to pay lawful and canonical obedience to our right trusty and well-beloved Richard, the lord bishop of London, and his successors, bishops of London, under whose spiritual jurisdiction we have thought proper to place our aforesaid province of Quebec; and likewise that, by another solemn oath upon the holy gospels, he shall renounce, deny, and reject all, and all manner of foreign jurisdiction, power, authority, and superiority whatsoever, spiritual as well as temporal, and shall acknowledge our royal authority to be supreme in all causes and matters whatsoever, ecclesiastical as well as temporal, according to the force, form, and effect of a certain statute of the parliament of the realm of England in that case made and provided: which oaths the said David Francis shall take before the chief justice of our said province of Quebec in open court, at one of the sessions of the supreme court of judicature holden before the said chief justice, whom we do hereby authorize and require to administer the said oaths unto the said David Francis:

To have, hold, and enjoy the said church of Quebec, together with all rights, dues, profits, and privileges thereunto belonging, in as full and ample a manner as any ministers of churches in any of our colonies in * America have usually held and enjoyed, or of right

* This clause of general reference to all the colonies in America, without mentioning any one in particular, seems to be very vague and uncertain, and was inserted only in order to make the commission intirely conformable to the royal mandate on which it was founded. See above, pages 127, 131, 134.

ought

Gift, or collation, of the church of Quebec to Mr. de Montmollin. Appointment of him to be curate and rector of the same.

Oath of canonical obedience to the bishop of London.

Oath of abjuration of the Pope's power and all foreign jurisdiction, and of acknowledgment of the King's ecclesiastical supremacy.

Habendum.

ought to hold or enjoy, the same, for and during the natural life of him, the said David Francis de Montmollin.

In witness whereof we have caused these our letters to be made patent, and the public seal of our province to be affixed thereunto this day of July, in the eighth year of our reign, and in the year of our Lord Jesus Christ one thousand seven hundred and sixty-eight.

Given at our castle of Saint Lewis at Quebec in our province of Quebec aforesaid, on the day and year above-mentioned.

(Witness)

GUY CARLETON,
Lieutenant Governour and
Commander in Chief.

✶ This commission has not been passed,—July 10, 1769.

N. B. In making the foregoing draught of a commission to Mr. de Montmollin to be rector of the church of Quebec, or rather of the collation, or gift, of the said church to Mr. de Montmollin, I have followed the words of the King's mandamus as closely as possible, and have supplied what was further wanting to it from two precedents in the appendix to bishop Gibson's codex, the one of a donation of a donative church or chapel, the other of the collation or gift of a church by a bishop, to whom the right of giving it away is devolved from the patron of it by lapse of time.

N U M B E R

N U M B E R XXIV.

COMMISSION of RECEIVER GENERAL.

GEORGE R.

GEORGE the THIRD, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, and so forth; To all to whom these Presents shall come, Greeting:

KNOW ye that we, reposing especial trust and confidence in the ability and prudent circumspection of our trusty and well-beloved Thomas Mills, Esquire, and his fitness for the performance of the trust hereby intended by us to be committed unto him, have constituted and appointed, and by these presents do constitute and appoint, him, the said Thomas Mills, to be, during our pleasure, the Receiver General and Collector of all the royal patrimony, rents, revenues, farms, taxes, tithes, duties, imposts, profits, and casualties whatsoever (our revenue of customs always excepted) belonging unto us, and which have arisen or shall arise within our province of Quebec.

Hereby giving and granting unto the said Thomas Mills full power and authority to ask, demand, and receive all sums of money so due, and to become due, unto us, and to give acquittances for the same, and (if need be) to pursue and prosecute the recovery of the said rents, duties, imposts, profits, and other things above-mentioned, by all just and lawful ways and means.

And we do hereby require him, the said Thomas Mills, in the execution of the trust hereby committed unto him, and in all things concerning the same, to observe and follow, and govern himself according to, such orders, rules, and instructions as he shall receive from us by any warrant or writing under our royal sign manual, counter-signed by the commissioners of our treasury for the time being, or from the said commissioners of our treasury, or our high treasurer for the time being.

L. S.
Appointment.
L. S.
Habendum.
L. S.

Insert in office relations
recept. Secret. into
di. April 1766.
BARTH. LUCAS.

The receiver-
general is to act
according to
such instruc-
tions as he shall
receive from the
commissioners
of the treasury.

U

And

And he is to
account in the
Exchequer for
all the monies
he receives.

And also to render into our Exchequer, according to the due course thereof, an account of, and duly answer unto us, all monies which he shall have received in virtue hereof.

Salary 200*l.* per
annum.

And in consideration of the labour, pains, charges, and expences which the said Thomas Mills may be at in the execution of the said office, and for the whole charge thereof and in lieu of all fees, profits, and advantages on account of the said office, we do hereby grant and allow to him, the said Thomas Mills, a yearly salary or allowance of two hundred pounds Sterling, to be retained by him out of the said rents, revenues, and incomes, and to commence from the day of the date hereof, and to be accounted payable unto him for and during his continuance in the said office.

And we do hereby command and require all our officers and ministers and loving subjects whatsoever, in their several and respective stations and places, to be aiding and assisting to the said Thomas Mills in all things to be done and performed by him in the due execution of this our commission.

Security to be
given in the
Exchequer for
the due execu-
tion of this
office.

And the said Thomas Mills is strictly required not to enter upon the execution of the said office until he shall have given security in our Exchequer to the good liking of the commissioners of our treasury for the due execution thereof.

Given at our court at St. James's this 10th day of July 1765, in the 5th year of our reign.

By his Majesty's command.

(Signed) GEORGE GRENVILLE.
NORTH.
JOHN TURNER.

Thomas Mills, Esq; to be Receiver and Collector of the Revenues in the Province of Quebec.

N. B. The salary of this office has been since increased to 400*l.* per annum.

INDORSE-

INDORSEMENT 8.

This is inrolled in the remembrances of the Exchequer at Westminster of our Sovereign Lord King George the Third, of the fifth year of his reign, to wit, among the common matters of Michaelmas term, the first roll in the custody of the King's Remembrancer.

King's Remembrancer's Office, WOOD for ARBUTHNOT.
19th July 1765.

These are to certify that the within-named Thomas Mills, Esquire, hath given security in the office of his Majesty's Remembrancer of the Exchequer at Westminster, for the due execution of his within-mentioned office of Receiver General of the Revenues in the Province of Quebec, pursuant to a warrant from the Right Honourable the Lords Commissioners of his Majesty's Treasury in that behalf.

WOOD for ARBUTHNOT.

KING'S COMMISSION—Thomas Mills, Esquire, to be Receiver and Collector of the Revenues in the Province of Quebec:

Entered in the office of the Lords Commissioners for Trade and Plantations.

(Entered) J. POWNALL.

Entered in the office of Mr. Cholmondeley, Auditor General of America, this 19th August 1765.

DAVID BALFOUR.

Received into the Register's Office in Quebec, on Wednesday the 2d day of July 1766, at twelve o'clock at noon.

J. GOLDFRAP, D. Register.

Registered in said office on Thursday the 3d day of July 1766, at ten o'clock forenoon, in register A. page 175.

J. GOLDFRAP, D. Register.

U 2

INSTRUC-

I N S T R U C T I O N S .

HIS Majesty having by his commission under his royal sign manual, dated the 10th day of July 1765, appointed you Receiver General and Collector of all the patrimony, estates, revenues, farms, taxes, tithes, duties, imposts, profits, and casualties whatsoever (his revenue of customs always excepted) belonging to his Majesty, and which had arisen or should arise within his Majesty's province of Quebec, and his Majesty having in the same commission required you to follow such orders, rules, and instructions as you should receive from his Majesty, as therein is mentioned, or from the commissioners of his Majesty's treasury, or his Majesty's high treasurer for the time being; we the Commissioners of his Majesty's Treasury, now being, have thought fit to give unto you the orders, rules, and instructions herein after contained for your government in the execution of the trust committed to you in and by the said recited commission; that is to say:

Whereas it appears unto us that the following duties were raised, payable, and paid for the support of government there while the country was subject to the French king; that is to say,

	In Sterling money.			
	<i>Livs.</i>	<i>Sols.</i>	<i>l.</i>	<i>s.</i>
The duties paid in the time of the French government.				
Wine by the hoghead	12	0	0	10
Rum by ditto	24	0	1	0
Brandy by veldt, or measure of two gallons	1	4	0	1
Ordinary wine bottled, <i>per</i> bottle,	0	1	0	0
Bottled sweet wine, <i>per</i> bottle,	0	3	0	1
Eau de vie de liqueur, <i>per</i> gallon,	0	10	0	5
Dry goods imported, three <i>per cent.</i> on their valuation.				
Dry goods exported, a duty of three <i>per cent.</i>				

To demand and receive the old duties that were payable in the time of the French government.

We do hereby order and instruct you to demand and receive the said several duties, and that in so doing you do strictly conform yourself to the ancient customs and usages of the said country before it was conquered by his Majesty; and that you demand and take all such and the like papers, orders, and instructions for the regulation of your conduct in the said office as formerly and usually were given to

to those who had the management of the revenue of that country before the conquest thereof; taking care that English and other brandies, eau de vie de liqueur, rum, and wines, from whatever parts they may arrive and be imported into the said province, do pay the like duties and rates thereupon as were formerly and usually paid as aforesaid; and that the like rule be observed by you in respect of dry goods imported or exported, and allowing such and the like exemptions of duties and taxes as have formerly and usually been allowed in the said country whilst in the possession of the French king.

And whereas it is necessary that regular accounts should be made and exhibited by such of his Majesty's officers, who have had the management of any of his estates and revenues in the said province since the conquest thereof, you are hereby strictly enjoined to demand of all the said officers exact and complete accounts of all sums of money, of the duties, fines upon alienations, taxes, and revenues of the crown whatsoever, which have arisen and grown due to his Majesty, and have been received for his Majesty's use by the said officers, or any of them; and if any such duties and revenues are outstanding in the hands of the inhabitants who ought to have paid the same, you are further strictly directed to make use of all legal methods for the recovery thereof; and you are generally to pursue and use all such legal ways and methods as may be necessary for the accounting for and recovering all monies due to his Majesty for any his said duties and revenues of and in the said province from any person or persons whatsoever.

We do likewise instruct and authorize you to suspend any officer or officers belonging to the revenues under your charge for any misbehaviour in their departments; which suspensions are to be forthwith by you notified to the commissioners of his Majesty's treasury, you appointing others in the mean while to do the duty of the persons so to be suspended.

And it is his Majesty's pleasure that no greater number of officers shall be employed than what may be sufficient to take care of the revenues and estates under your charge; and that no greater or further allowances or salaries shall be given to them than such as were annexed to their several offices while the said country was subject to the French king.

To inquire concerning the King's posts, whether or no it is most expedient to lay them open.

We having been informed that the posts and places of resort, to which the Indians and savage nations used at stated times of the year to come with their furs and peltries, were formerly kept as part of the King's domain and estate, but that a lease of the said posts and places hath been granted by Governour Murray to a company of merchants for a term of years upon the same plan as when the country was subject to the French king: you are hereby strictly directed to examine into the nature and condition of that lease, and acquaint us for his Majesty's information, whether, in your opinion, by the continuance of the said lease the confidence of the savages may be gained, and their affections to his Majesty's government be conciliated and preserved in the most effectual manner, or whether the said purposes may not be better answered and obtained by opening a free intercourse of trade between them and the province.

Lands of religious houses.

And whereas the lands of several religious societies in the said province, particularly those of the society of the Jesuits, are, or will become, part of his Majesty's revenue, you are therefore to endeavour, by agreements to be made with the persons interested for the present in any the said estates, to take the said estates into your charge, giving unto them respectively such competent allowance thereout for their lives as you may judge proper, taking care that these lands may not be sequestered or alienated from his Majesty. You are from time to time to acquaint the lords of the treasury of your proceedings herein.

And, for better enabling the proper officer to collect the duties upon importation and exportation within the said province, you are upon your arrival in Canada to give him the most exact accounts and lists of the duties upon importation and exportation which were raised whilst the country was subject to the French king, so that he may conform in every thing to what was the ancient usage of the country before the conquest: and he is to account with you from time to time, and to pay the clear amounts of receipts into your hands for defraying the expences of civil officers and contingencies of government in that province.

Application of the monies received by the receiver general.

You are to apply the monies which shall come to your hands of the said duties and revenues, in the first place, for and towards defraying the necessary expences of government, and the necessary charges of

managing the revenue under your care; remitting home by good bills of exchange the surplusses of the monies which from time to time shall remain in your hands after payment of those expences, in order that the same may be applied to the reimbursing the public here the monies which have been necessarily advanced for that province by reason that the aforesaid duties and taxes have not been levied within the two years last past.

The overplus above what is necessary for the public expence at Quebec is to be remitted to England.

And lastly, we charge and require you annually to transmit to the commissioners of his Majesty's treasury for the time being exact accounts of all your receipts and payments, and other your transactions in the premises, taking care that duplicates thereof be sent by different ships to prevent the consequences of any miscarriages by dangers of the seas.

Annual accounts of all receipts and payments are to be sent to England.

Given under our hands at the Treasury Chambers in Whitehall, this tenth day of March one thousand seven hundred and sixty-six.

(Signed) W^M. DOWDESWELL.
J. CAVENDISH.
GEO. ONSLOW.

To our very loving friend Thomas Mills, Esquire,
Receiver General and Collector of his Majesty's
Revenues arising within the province of Quebec.
(the revenues of customs excepted).

Instructions to the King's Receiver in the Province of Quebec.

N U M B E R XXV.

GRANT of the Office of SURVEYOR and AUDITOR GENERAL of the King's Revenues arising in AMERICA to the Honourable ROBERT CHOLMONDELEY, Esquire, by Letters Patent under the Great Seal of Great Britain, dated 20 November, 1752.

GEORGE the SECOND, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting:

WHEREAS our late royal father, King George the First, of glorious memory, did by his letters patent under his great seal of Great Britain, bearing date at Westminster on or about the sixth day of September in the fifth year of his reign, for himself, his heirs and successors, give and grant unto his right trusty and well-beloved George Lord Newburgh, afterwards George Earl of Cholmondeley, his heirs, executors, or administrators, to be executed by himself, or by his or their sufficient deputy or deputies, from and immediately after the death, surrender, forfeiture, or other determination of the estate and interest of his trusty and well-beloved Horatio Walpole the younger, Esquire, therein, for and during the natural lives of James Cholmondeley and George Cholmondeley, sons of the said George Lord Newburgh, afterwards George Earl of Cholmondeley, together with the annuity, or yearly salary, of five hundred pounds Sterling, payable as therein is mentioned, for and during the natural lives of the same James Cholmondeley and George Cholmondeley.

Recital of the
reversionary
grant of the
office to George
Lord New-
burgh, after-
wards Earl of
Cholmondeley,
his heirs and
executors, in
s Geo. I.

Devise of the
aforeaid rever-
sionary grant by
the said grantee
to his grand-
children Robert

And whereas the said George, late Earl of Cholmondeley, did by his last will and testament, bearing date the fourteenth day of August 1732, give and bequeath the reversionary grant which he

had

had of the said office of surveyor and auditor-general of our plan- and Frederick, tations in America unto his grand-children Robert Cholmondeley, Cholmondeley by his last will made in August 1732, and Frederick Cholmondeley, who is since deceased, younger sons of the Lord Viscount Malpas, now George Earl of Cholmondeley:

And whereas the said Robert Cholmondeley, Esquire, grandson and devisee of the said George late Earl of Cholmondeley, and the said George Earl of Cholmondeley, eldest son and heir at law of the said George late Earl of Cholmondeley, and the honourable James Cholmondeley, Esquire, together with George James Guidott, Esquire, the only surviving executors of the last will and testament of the said George late Earl of Cholmondeley, by an instrument in writing under their hands and seals, bearing date the fourteenth day of October in the twenty-fifth year of our reign, and duly inrolled in our high court of Chancery, have surrendered and yielded up into our hands all their right, title, and interest, both in law and equity, in or to the said office of surveyor and auditor-general of all the revenues of us, our heirs and successors, arising in America, with the fees, profits, perquisites, and advantages afore- said, together with the annuity or yearly salary of five hundred pounds Sterling, and the said letters patent themselves to be cancelled and vacated; which said surrender we have accepted, and by these presents do accept:

As by the said recited letters patent, will, and surrender, relation being thereunto respectively had, may more fully and at large appear.

NOW KNOW YE that we, in consideration of the said surrender, and for divers other good causes and considerations us hereunto moving, of our especial grace, certain knowledge, and meer motion, have given and granted, and by these presents for us, our heirs and successors, do give and grant unto our trusty and well-beloved the said Robert Cholmondeley the said office or offices of Surveyor and Auditor-general of all the revenues of us, our heirs and successors, arising in America, together with all such fees, profits, perquisites, and advantages as are now lawfully had, received, and enjoyed by our trusty and well-beloved counsellor the said Horatio Walpole by virtue of the said office.

Surrender of the
letters patent
aforeaid, and of
the reversionary
right to the
office therein
granted, to the
King, by the
surviving devisee of the office
and the sur-
viving executors
of the aforeaid
grant, in
October 1732
Geo. II.

Grant of the
said office to
Robert Chol-
mondeley.

X

And

Power to audit
the accounts of
the King's re-
venue arising in
America :

And we do also give to him the said Robert Cholmondeley full power and authority to inspect, examine, state, and audit, and with the allowance, authority, and consent of the commissioners of the Treasury, or high treasurer, and chancellor of the Exchequer of us, our heirs and successors for the time being, to determine all and singular accounts of all such rents, revenues, prizes, fines, escheats, forfeitures, duties, and profits whatsoever as are by reason or cause of any matter or thing happened or fallen since the beginning of the first war that was between our late royal predecessor Charles the Second, king of England, &c. and the States General of the United Netherlands since his restoration, and not before, and which shall at any time hereafter happen, fall, become, or be due, payable, or accruing unto us, our heirs and successors, during the continuance of this grant, and which shall not be accounted for before the commencement thereof, in or from all or any of the several foreign dominions, islands, colonies, and plantations in America of us, our heirs and successors ;

and to cause the
same to be re-
covered by law-
ful means :

and to act in the
same manner
with relation to
this revenue as
the surveyor-
general or audi-
tor of the Ex-
chequer in Eng-
land may law-
fully act with
respect to the
King's revenue
in England.

as also by all lawful ways and means to cause to be recovered and paid to the proper officers, to the use of us, our heirs and successors, all such rents, revenues, prizes, fines, escheats, forfeitures, duties, and profits as are now, or shall be hereafter, due or owing to us, our heirs and successors, and which shall not be accounted for as aforesaid within or from the said foreign dominions in America ; and to do and perform all and every such other matter, cause, or thing, in relation to the said accounts and revenues, which to the office and place of our surveyor-general, or any our auditors of our Exchequer in England doth or may belong or appertain as to our accounts and revenues in England : and him, the said Robert Cholmondeley, Surveyor and Auditor-general of the rents, duties, revenues, prizes, fines, forfeitures, escheats, and profits aforesaid, we do by these presents for us, our heirs and successors, make, ordain, and constitute :

Habendum.

To have, hold, enjoy, and exercise the said office or offices of surveyor and auditor-general, with the fees, profits, perquisites, and advantages aforesaid, unto him the said Robert Cholmondeley, his heirs, executors, and administrators, from and immediately after the death, surrender, forfeiture, or other determination of the estate and interest therein of the said Horatio Walpole, for and during the natural lives of George Cholmondeley, commonly called Lord Viscount Malpas, and the said Robert Cholmondeley ; and to

be

be executed by the said Robert Cholmondeley, his heirs, executors, administrators, or by his or their sufficient deputy or deputies, such deputy or deputies being first approved by the commissioners of the Treasury, or high treasurer for the time being of us, our heirs and successors.

Power to exe-
cute the said
office by a deputy
approved by the
commissioners
of the Treasury.

And for the better encouragement of him, the said Robert Cholmondeley, diligently and faithfully to execute the said office and employment of surveyor and auditor-general as aforesaid, we have given and granted, and by these presents for us, our heirs and successors, do give and grant, unto the said Robert Cholmondeley the annuity, or yearly salary, of five hundred pounds Sterling, to have, hold, receive, and enjoy the said annuity, or yearly salary, of five hundred pounds Sterling, to him the said Robert Cholmondeley, his heirs, executors, or administrators, from and immediately after the death, surrender, forfeiture, or other determination of the estate and interest of the said Horatio Walpole in the said office, for and during the natural lives of the said George Cholmondeley, commonly called Lord Viscount Malpas, and Robert Cholmondeley, out of the said rents, revenues, prizes, fines, forfeitures, escheats, duties, and profits, arising, or growing due or payable, as aforesaid, in or from the said dominions, colonies, and plantations of America, of us, our heirs and successors, by the hands of the treasurers, receivers, collectors, or other officers or persons of us, our heirs and successors for the time being, out of such the treasure of us, our heirs and successors, as shall be remaining in their hands, after and according to the portions following ; that is to say, Out of all or any the rents and other duties and profits aforesaid arising in and from our dominion and colony of Virginia the sum of one hundred pounds ; out of our island of Barbadoes the sum of one hundred and fifty pounds ; out of our islands, commonly called the Leeward Caribbee Islands, the sum of one hundred pounds ; and out of our island of Jamaica the sum of one hundred and fifty pounds, to be allowed them on their respective accounts, and to be received by the said Robert Cholmondeley, his heirs, executors, or administrators as aforesaid, quarterly, at the four most usual feast-days in the year ; that is to say, the Feast of Saint Michael the Archangel, the Birth of our Lord Christ, the Annunciation of the blessed Virgin Mary, and the Nativity of Saint John the Baptist, by even and equal portions ; and the said payments to commence from and immediately after the

Grant of a salary
of 500l. Ster-
ling a year.

To Habendum.

This salary to
be paid out of
the said revenue
arising in Ame-
rica.

From Virginia
100l.—Barba-
does 150l.—
Leeward Islands
100l.—Jamaica
150l.

To be paid by
quarterly pay-
ments :

and to begin
from the deat-

death,

X 2.

death, surrender, forfeiture, or other determination of the estate and interest of the said Horatio Walpole in the said office, and to be paid and payable in proportion, after the rate of five hundred pounds by the year, to him the said Robert Cholmondeley, his heirs, executors, and administrators, at and upon such of the said feasts which shall first and next happen after the said office shall become vacant as aforesaid.

And we do hereby authorize, will and direct all officers and persons whom it may concern, to make due payment and allowance of the said annuity, or salary, of five hundred pounds Sterling in manner as aforesaid, according to the purport, true intent, and meaning of these presents, for which the acquittance of the said Robert Cholmondeley, his heirs, executors, or administrators shall be to such officers and persons a sufficient discharge.

And to the end that the said office or offices of our surveyor and auditor-general may be duly and rightfully executed, we do hereby, for us, our heirs and successors, will and command the said Robert Cholmondeley, his heirs, executors, and administrators, and his and their deputies, to be obedient to and observe such orders, rules, and directions for and concerning the same, or relating thereunto, as the commissioners of the Treasury, or high treasurer, and the chancellor of the Exchequer of us, our heirs and successors for the time being, shall from time to time direct and appoint: which directions and orders shall be unto him the said Robert Cholmondeley, his heirs, executors, and administrators at all times good and sufficient warrant and discharge: and that he the said Robert Cholmondeley, his heirs, executors, or administrators, do deliver unto them respectively from time to time a fair and just state of all such accounts as he shall receive from the respective officers settled or established, or to be settled or established, within the said plantations, colonies, and dominions in America aforesaid: and that the said Robert Cholmondeley, his heirs, executors, or administrators, do also from time to time offer and present to the commissioners of the Treasury, or high treasurer of us, our heirs and successors for the time being, such proposals and observations concerning our said duties and revenues as may any ways tend to our service.

And

And for the more effectual execution and performance of the premises, we do hereby further for us, our heirs and successors, empower and authorize the said Robert Cholmondeley and his heirs, executors, and administrators, from time to time to constitute and appoint, by any writing under his or their hands and seals, such inferior officers, for the better expediting and carrying on the service in relation to the said office, as by nomination, warrant, and direction from the commissioners of the Treasury, or high treasurer of us, our heirs and successors for the time being, the said Robert Cholmondeley, his heirs, executors, or administrators, shall be directed; and them from time to time to suspend, remove, and displace, as to him the said Robert Cholmondeley, his heirs, executors, or administrators, with the allowance or direction of the commissioners of the Treasury, or high treasurer of us, our heirs and successors for the time being, shall be thought necessary and expedient.

And further, it is our express will and pleasure that by the name and stile of rents, revenues, prizes, fines, escheats, forfeitures, duties, and profits arising, due, and payable unto us, our heirs and successors, within the said dominions, be understood and comprized to all intents and purposes, amongst other things, all, and all manner of arrears of monies, rents, revenues, prizes, and prize goods, fines, forfeitures, escheats, duties, and profits which have arisen within our said dominions of America, and which are due, payable, and accountable unto us, our heirs and successors, by any person or persons whatsoever by cause or reason of any matter or thing happened, or done, since the beginning of the first war which was between his said late Majesty King Charles the Second and the States General of the United Netherlands since his restoration, and not before, and that shall hereafter happen, fall, or become due to us, our heirs and successors, during the continuance of this grant, and also all seizures and forfeitures since that time lawfully belonging, or which shall at any time hereafter belong, unto us, our heirs and successors, by virtue of any law or statute of England or of Great Britain, or other law which is or shall be in force in any of our said dominions in America respectively, not hereby directed to be otherwise accounted for, or by reason of any special licence, grant, or charter held of us, whether the same be made on land or upon the sea, in any part or parts whatsoever lying or situate, or commonly

Power to appoint inferior officers for carrying on the business of this office, by the direction of the commissioners of the Treasury:

and to suspend or displace them by the allowance of the said commissioners.

All arrears of rents, prizes, fines, duties, and other branches of the King's revenue, that have become due since the beginning of the first Dutch war after the Restoration, shall be recovered, rated, and audited by the grantee.

accounted or esteemed to be lying or situate, within the limits and bounds of America aforesaid.

Alt governours
and other
officers of the
crown belong-
ing to the plan-
tations in Ame-
rica are to be
aiding and affil-
ing to the
grantee in the
execution of
this office.

And we do hereby for us, our heirs and successors, require and command all governours, deputy-governours, councillors, and commanders in chief, and their and every of their subordinate officers and ministers of us, our heirs and successors respectively, and all and every collectors, receivers, treasurers, and all other officers and persons whatsoever, of, in, or appertaining to, our said colonies and dominions in America, from time to time to observe, obey, and fulfil our will and pleasure in all things concerning the premises, and to be aiding, favouring, and assisting the said Robert Cholmondeley, his heirs, executors, and administrators, and his or their deputy or deputies, in the due execution thereof.

An exception
of the customs
or duties on
goods imported
into Great Bri-
tain from colo-
nies in America

And our will and pleasure is, and we do hereby declare our royal intention to be, that these presents, or any thing herein contained, shall not extend, or be construed to extend, to empower the said Robert Cholmondeley, or his heirs, executors, or administrators, or any other person or persons whatsoever, to act or intermeddle in or with the customs, imposts, or duties arising in Great Britain for or upon any wares, goods, or merchandizes imported into Great Britain from our said islands, colonies, and plantations in America, or with any bond or obligation, taken or to be taken in pursuance of any act of parliament at any time heretofore made in England or Great Britain, or with any rates or duties payable unto us, our heirs and successors, for goods transported from one plantation to another by virtue of an act of parliament made in the twenty-fifth year of his said late Majesty's reign; any thing herein contained to the contrary notwithstanding.

and of duties
payable for
goods transport-
ed from one
plantation to
another, by
virtue of the
stat. 25 Car. II.

These letters
patent, or the
exemplification
thereof, shall be
good in law for
the benefit of
the grantee, not-
withstanding
any misrecital
of the former
letters patent or
other imperfec-
tion.

And lastly, we do by these presents for us, our heirs and successors, grant unto the said Robert Cholmondeley, his heirs, executors, and administrators, that these our letters patent, or the inrollment or exemplification thereof shall be good and effectual in the law, and shall be allowed of as well in all courts of record as elsewhere in England, as also within any of our said islands, plantations, territories, and dominions whatsoever, for his, the said Robert Cholmondeley's, his heir's, executor's, and administrator's exercising and enjoying the said office, profits, perquisites, advantages, and annuity

or

or salary, according to the purport and true intent of these presents, without any further or other warrant in that behalf; notwithstanding the not fully or truly reciting the said recited letters patent, or the date thereof, or any other imperfection, defect, matter, cause, or thing whatsoever to the contrary thereof notwithstanding.

In witness whereof we have caused these our letters to be made patent.

Witness ourself at Westminster the twentieth day of November
in the twenty-fifth year of our reign.

By writ of Privy Seal.

C O C K S.

N. B. It might perhaps be doubted whether this commission comprehended the revenues of the province of Quebec, as that province did not belong to the crown of Great Britain at the time it passed the great seal, and there are no words in it that expressly mention the future dominions of the crown in America: but the approbation hereafter following of the deputy-auditor appointed by Mr. Cholmondeley for this province by the lords commissioners of his Majesty's Treasury, and the instruction given by his Majesty himself to the governor of this province to cause a docket of every warrant he shall issue for the surveying of lands, in order to their being granted, to be entered in the auditor's office, seem to be either a constructive determination that it does extend to this province, or an actual extension of it for that purpose.

The

The Auditor-General's LETTER to the Lords Commissioners of the Treasury, recommending and presenting to their Lordships Mr. JOHN BROOK, Clerk, as a fit Person to be the AUDITOR's DEPUTY for the Province of QUEBEC.

To the Right Honourable the Lords Commissioners of his Majesty's Treasury.

My Lords,

THE office of Surveyor and Auditor-General of his Majesty's revenues arising in America being vested in me by virtue of the late King's letters patent, bearing date the 20th day of November in the twenty-fifth year of his reign, to have, hold, and exercise the same by myself or my sufficient deputy or deputies, such deputy or deputies being first approved by the right honourable the lords commissioners of his Majesty's Treasury, or the lord high treasurer, for the time being; I do humbly present to your lordships John Brook, of Quebec, Clerk, as a fit person to be my Deputy for executing the office of Surveyor and Auditor in his Majesty's province of Quebec and all the territories dependant thereon.

I am, with true respect,

Your Lordships

Most obedient,

And most humble Servant,

ROBERT CHOLMONDELEY,
Auditor-General.

Auditor's Office,
January 11th, 1764.

The

The ANSWER of the Lords Commissioners of the Treasury, approving and confirming the foregoing Nomination.

To our very loving Friend ROBERT CHOLMONDELEY, Esquire, Surveyor and Auditor-General of his Majesty's Revenues arising in America.

AFTER our hearty commendations we approve of your presentment aforegoing; and do hereby, pursuant to the power to us reserved in this behalf, authorize and empower you to constitute and appoint the therein-named John Brook, to be your Deputy for executing the office of Surveyor and Auditor-General in his Majesty's province of Quebec, and all the territories dependant thereon, as by you proposed. And for so doing this shall be your warrant.

GEORGE GRENVILLE.
NORTH.

Whitehall, Treasury Chamber,
the 12th day of January 1764.

Mr. ROBERT CHOLMONDELEY's APPOINTMENT of
Mr. JOHN BROOK to be his DEPUTY for the
Province of QUEBEC.

To all Christian People to whom these Presents shall come, The Honourable and Reverend ROBERT CHOLMONDELEY, Surveyor and Auditor General of all his Majesty's Revenues arising in America, sendeth Greeting:

WHEREAS his late Majesty, by his letters patent under the great seal of Great Britain bearing date the twentieth day of November in the twenty-fifth year of his reign, was graciously pleased

Recital of the
grant of the
office to Mr.
Robert Chol-
mondeley.

pleased to give and grant unto him the said Robert Cholmondeley the office of Surveyor and Auditor General of all his Majesty's revenues arising in America; to have and to hold the same from and immediately after the death, or other determination of the estate and interest, of Horatio Walpole, Esquire, afterwards Lord Walpole, therein, with full power and authority to inspect, examine, state, and audit, and, with allowance and consent of the lord high treasurer, or commissioners of the Treasury, and chancellor of the Exchequer for the time being, to determine all and singular accounts of all such rents, revenues, prizes, fines, escheats, forfeitures, duties, and profits whatsoever as are by reason of any matter, or thing, happened or fallen, and which shall at any time thereafter become due and payable to his Majesty, his heirs and successors, during the continuance of the said letters patent, in or from all or any of his Majesty's foreign dominions, islands, colonies, and plantations in America, and by all lawful ways and means to cause the same to be recovered and paid to his Majesty's use, and also to exercise and enjoy the said office to him the said Robert Cholmondeley by himself or his sufficient deputy or deputies (such deputy or deputies being first approved by the commissioners of the Treasury, or high treasurer for the time being) for and during the natural lives of George Cholmondeley, commonly called Lord Viscount Malpas, and the said Robert Cholmondeley:

And whereas the said Horatio, Lord Walpole, departed this life on the 5th day of February 1757, whereby the said office became vested in the said Robert Cholmondeley, his heirs, executors, or administrators, during the term aforesaid:

Recital of the death of Horatio Lord Walpole, the former grantee of the office, in 1757.

Appointment of Mr. John Brook to be deputy to Mr. Cholmondeley for the province of Quebec.

The deputy shall have power to examine and state the accounts of the revenue;

NOW KNOW YE, that the said Robert Cholmondeley, for the more effectual execution and performance of the premises, and the better expediting and carrying on his Majesty's service, hath constituted and appointed, and, by these presents, doth constitute and appoint, John Brook, of Quebec, Clerk, to be his Deputy within his Majesty's province of Quebec, and all the territories dependant thereon, for the purposes and to the ends hereafter mentioned, and no other; that is to say, that he the said John Brook shall, and the said Robert Cholmondeley doth hereby give and grant full power and authority to the said John Brook to inspect, examine,

examine, and state all accounts of all such rents, revenues, prizes, fines, escheats, seizures, forfeitures, duties, and profits whatsoever as have not already been examined, stated, and finally determined, or shall hereafter happen, fall, become due or payable, or accruing unto his Majesty, his heirs and successors, within the said province, with full power and authority to and for him, the said John Brook, by all lawful ways and means, to cause to be recovered and paid unto the proper officers, to his Majesty's use, all such rents, revenues, prizes, fines, escheats, seizures, forfeitures, duties, and profits whatsoever, as aforesaid, as have accrued, or shall hereafter accrue, to his Majesty, his heirs and successors, as aforesaid, within the said province, and have not been, or shall not be, answered or satisfied and paid to the proper officers, to his Majesty's use; to have and to hold the said office of Deputy Surveyor and Auditor unto the said John Brook so long as by him the said Robert Cholmondeley shall be thought fit.

and to cause the several branches of the revenue to be recovered by all lawful means, and paid to the proper officers.

To hold the said office of deputy-surveyor and auditor during Mr. Cholmondeley's pleasure.

And the said Robert Cholmondeley doth hereby require from the said John Brook; and the said John Brook doth, by his acceptance of this present grant, agree to and with the said Robert Cholmondeley; that he, the said John Brook, shall once in every six months, or once in every year at least, during which he shall be deputy to the said Robert Cholmondeley by virtue of these presents, transmit and send over unto him the said Robert Cholmondeley, with duplicates thereof to the lord high treasurer, or lords commissioners of the Treasury for the time being, fairly written, and by the said John Brook under his hand attested, all such accounts of the rents, revenues, prizes, fines, escheats, seizures, forfeitures, duties, and profits aforesaid, as he the said John Brook shall from time to time have inspected, examined, and stated, and also duplicates thereof by the next conveyance; and shall at the same time certify and make known unto the said Robert Cholmondeley all such sum and sums of money, if any such shall be, as he hath by the ways and means aforesaid caused to be recovered and paid to the proper officers, to his Majesty's use: and the said John Brook shall in all and every other matter and thing relating to the said office observe such rules and instructions as the said Robert Cholmondeley shall at any time or times give or transmit unto him.

The said deputy shall, at least once in every year, send over attested copies of all the accounts which he shall have examined and stated, to Mr. Cholmondeley and to the commissioners of the Treasury.

and he shall make known to Mr. Cholmondeley all such sums of money as he shall have caused to be recovered and paid to the proper officers; and he shall in all other thing relating to the said office observe the directions of Mr. Cholmondeley.

All acts done by the said deputy by virtue of this deputation shall be of the same force as if they had been done by Mr. Cholmondeley himself.

And lastly, the said Robert Cholmondeley doth hereby ratify, confirm, and allow all and every act and acts, thing and things, that shall be done and executed by the said John Brook, deputy to the said Robert Cholmondeley, by virtue of these presents, and doth hereby grant that they and every of them shall be of equal force and authority as if they had been done, executed, and performed by the said Robert Cholmondeley himself in his proper person.

In witness whereof the said Robert Cholmondeley hath hereunto set his hand and seal this 14th day of January 1764, in the fourth year of the reign of his Majesty King George the Third, of Great Britain, &c. King, and so forth.

(L.S.) ROBERT CHOLMONDELEY.

Sealed and delivered, being first duly stamped, in the presence of

JOHN HATCH.
DAVID BALFOUR.

INSTRUCTIONS to the Reverend Mr. JOHN BROOK,
Deputy-Auditor of his Majesty's Revenues arising in
the Province of QUEBEC.

WHEREAS, in pursuance of the approbation of the right honourable the lords commissioners of his Majesty's Treasury signed the 12th day of January 1764, I have, by instrument under my hand and seal bearing date the 14th day of the same month, constituted and appointed you to be my Deputy in the province of Quebec, and all the territories dependant thereon, for the examining and stating all the accounts of the public revenue arising within that province.

You

You are, in the execution of the powers given to you by the said instrument or deputation, to apply yourself to the inspecting, examining, and stating all accounts of all such rents, revenues, prizes, fines, escheats, seizures, forfeitures, duties, and profits whatsoever as have not been already examined, stated, and determined.

You are, for that purpose, to inform yourself in the best manner you can, of what rents, revenues, prizes, fines, escheats, seizures, forfeitures, duties, and profits in that province have any ways accrued or become due to the crown, or which shall hereafter accrue to his Majesty, his heirs and successors, within the same, and have not been, or shall not be, duly answered, paid, or satisfied to the proper officers of the crown, and to endeavour by all lawful ways and means that the same may be recovered and answered, or paid, to the proper officers to his Majesty's use.

And you are to transmit unto me attested copies of all such acts, or public orders, as shall at any time be passed or made, any ways relating to the public revenues or profits in that province, which are to be delivered to you by the secretary of the said province upon your application to the governor, or commander in chief, for his directions to him therein.

And whereas a considerable part of his Majesty's revenues in the said province arises from the quit-rents, that it may be more certainly known what is rightfully due to the King on that head, you are to procure by the best ways and means a true state and rent-roll of the said quit-rents, which may be allowed of by the governor in council, so as to be an authentic charge upon the receiver of the revenue, whereof you are to send over to me authentic copies to remain in my office; and so from time to time, as any further grants of land shall be made.

To procure a true state of the quit-rents due to the King.

And you are by letters to inform me from time to time, by all opportunities, of all such monies or other profits as at any time shall have been recovered, or shall be recovered, for his Majesty's use, or whereof you have received, or shall at any time receive, information that the same is of right accruing or belonging to his Majesty,

Majesty, or of any other matter or thing which shall come to your knowledge, which may be of advantage to his Majesty's revenues.

You are further to take notice, that the several accountants are to make oath to the truth of their respective accounts before his Majesty's governour, or commander in chief, of that province: which accounts, being certified by the said governour to have been sworn to before him by the said receiver, and regularly audited by you every six months or oftener, you are to transmit unto me, with their proper vouchers, by the first and best opportunity, and duplicates thereof to the lord high treasurer, or lords commissioners of the Treasury for the time being, and duplicates of the same by the next conveyance to both respectively.

Auditor's Office,
January 14th, 1764.

ROBERT CHOLMONDELEY.

NUMBER

N U M B E R XXVII.

EXTRACTS from his Majesty's INSTRUCTIONS
to JAMES MURRAY, Esquire, Captain General and
and Governour in Chief of the Province of QUEBEC,
relating to GRANTS of LANDS. Given under
his Majesty's Signet and Sign Manual.

AND whereas nothing can more effectually tend to the speedy settling our said colony, the security of the property of our subjects, and the advancement of our revenues, than the disposing of such lands as are our property upon reasonable terms, and the establishing a regular and proper method of proceeding with respect to the passing of grants of such lands; it is therefore our will and pleasure, that all and every person and persons, who shall apply to you for any grant or grants of lands, shall, previous to their obtaining the same, make it appear before you in council that they are in a condition to cultivate and improve the same, by settling thereon, in proportion to the quantity of acres desired, a sufficient number of white persons and negroes: and in case you shall, upon a consideration of the circumstances of the person or persons applying for such grants, think it advisable to pass the same, in such case you are to cause a warrant to be drawn up, directed to the surveyor-general, or other proper officers, empowering him or them to make a faithful and exact survey of the lands so petitioned for, and to return the said warrant within six months at furthest from the date thereof, with a plot or description of the lands so surveyed thereunto annexed; provided that you do take care that, before any such warrant is issued as aforesaid, a docket thereof be entered in the auditor's and register's office.

Method to be used in passing grants of lands.

Petition for lands shall be made to the Governour in Council.

Warrant to survey the land petitioned for.

And when the warrant shall be returned by the said surveyor or other proper officer, the grant shall be made out in due form, and the terms and conditions required by these our instructions be particularly and expressly mentioned in the respective grants.

Grant to be made in due form, and to contain all the proper conditions in express words.

And

To be registered within six months in the office of the clerk of the insinuations, and a docket of it to be entered in the auditor's office.

And it is our will and pleasure, that the said grants shall be registered within six months from the date thereof in the register's office there, and that a docket thereof be also entered in our auditor's office there, in case such establishment shall take place in our said province; or that, in default thereof, such grant shall be void: copies of all which entries shall be returned regularly by the proper officer to our commissioners of our Treasury and to our commissioners for Trade and Plantations within six months from the date thereof.

Inconveniencies have arisen from granting away excessive quantities of land to particular persons.

And whereas great inconveniencies have arisen in many of our colonies in America from the granting excessive quantities of land to particular persons, who have never cultivated nor settled it, and have thereby prevented others more industrious from improving the same; in order therefore to prevent the like inconveniencies for the future, you are to take especial care that in all grants to be made by you by and with the advice and consent of our council, to persons applying for the same, the quantity be in proportion to the ability to cultivate. And you are hereby directed to observe the following directions and regulations in all grants to be made by you, *viz.*

In what quantities and proportions lands shall be granted to the petitioners.

That one hundred acres of land be granted to every person, being master or mistress of a family, for himself or herself, and fifty acres for every white or black man, woman, or child of which such person's family shall consist at the actual time of making the grant. And in case any persons applying to you for grants of lands shall be desirous of taking up a larger quantity than the actual number of persons in his or her family would entitle such persons to take up; it is our will and pleasure, and you are hereby allowed and permitted, to grant unto every such person or persons such further quantity of land as they may desire, not exceeding one thousand acres over and above what they are intitled to by the number of persons in their respective families, provided it shall appear to you, that they are in a condition and intention to cultivate the same; and provided also, that they do pay the receiver of our quit-rents or to such other officer as shall be appointed to receive the same, the sum of five shillings only for every fifty acres so granted, on the day of the date of the grant:

That

That all grantees be subject to the payment of two shillings ^{Quit-rent.} Sterling for every hundred acres, to commence at the expiration of two years from the date of such grant, and to be paid yearly and every year, or in default of such payment the grant be void:

That every grantee, upon giving proof that he or she has fulfilled the terms and conditions of his or her grant, shall be intitled to another grant, in the proportion and upon the conditions above-mentioned:

That for every fifty acres of land accounted plantable, each patentee shall be obliged, within three years after the date of his patent, to clear and work three acres at the least in that part of his tract which he shall judge most convenient and advantageous; or else to clear and drain three acres of swampy or sunken grounds, or drain three acres of marsh, if any such be within the bounds of his grant:

Conditions of cultivation.

That for every fifty acres of land accounted barren, every patentee shall be obliged to put and keep on his land, within three years after the date of his grant, three neat cattle, which number he shall be obliged to continue on his land, until three acres for every fifty be fully cleared and improved:

That if any person shall take up a tract of land wherein there shall be no part fit for present cultivation without manuring and improving the same, every such grantee shall be obliged, within three years from the date of his grant, to erect on some part of his land one good dwelling-house, to contain at least twenty feet in length and sixteen feet in breadth, and also to put on his land the like number of three neat cattle for every fifty acres:

That if any person shall take up any stony or rocky grounds, not fit for planting or pasture, and shall within three years after the passing of his grant, begin to employ thereon, and so continue to work for three years then next ensuing, in digging any stone quarry or other mine, one good and able hand for every hundred acres of such part, it shall be accounted a sufficient cultivation and improvement:

Z

That

That every three acres which shall be cleared and worked as aforefaid, and every three acres which shall be cleared and drained as aforefaid, shall be accounted a fufficient feating, planting, cultivation, and improvement to fave for ever from forfeiture fifty acres of land in any part of the traft contained within the fame patent, and the patentee shall be at liberty to withdraw his ftock, or to forbear working in any quarry or mine, in proportion to fuch cultivation and improvement as fhall be made upon the plantable lands, or upon the fwamps, funken grounds, and marfhes which fhall be included in the fame patent :

Proof may be made of the cultivation of granted lands in a court of juftice ;

and a certificate of fuch proof by the judges of fuch court of juftice fhall be entered in the office of the register or clerk of the inrolments.

The furveyor fhall give in accounts of the quality of the lands that are to be granted.

That when any perfon, who fhall hereafter take up and patent any lands, fhall have feated, planted, and cultivated or improved the faid land, or any part of it, according to the directions and conditions above-mentioned, fuch patentee may make proof of fuch feating, planting, cultivation, and improvement in the general court, or in the court of the country, diftrict, or precinct where fuch lands fhall lie, and have fuch proof certified to the register's office, and there entered with the record of the faid patent, a copy of which fhall be admitted, on any trial, to prove the feating and planting fuch land :

And laftly, in order to afcertain the true quantity of plantable and barren land contained in each grant hereafter to be made within our faid province, you are to take efpecial care that, in all furveys hereafter to be made, every furveyor be required and enjoined to take particular notice, according to the beft of his judgment and understanding, how much of the lands fo furveyed is plantable, and how much of it is barren and unfit for cultivation, and accordingly to infert in the furvey and plot by him to be returned into the register's office the true quantity of each kind of land :

And it is our further will and pleafure, that in all the grants of land to be made by you as aforefaid, regard be had to the profitable and unprofitable acres, fo that each grantee may have a proportionable number of one fort and the other ; as likewife that the breadth of each traft of land to be hereafter granted be one third of the length of fuch traft ; and that the length of every traft do not extend along the banks of any river, but into the main land, that thereby the faid grantees may have each a convenient fhare

Breadth of the granted lands to be only one third of the length.

of

of what accommodation the faid river may afford for navigation or otherwife.

And whereas it has been reprefented to us that many parts of the province under your government are particularly adapted to the growth and culture of hemp and flax ; it is therefore our will and pleafure that, in all furveys of land for fettlement, the furveyors be directed to report whether there is any or what quantity of lands contained within fuch furvey fit for the production of hemp and flax ; and you are to take particular care to infert a clause in every grant of land where any part thereof is fit for fuch production, obliging the grantee annually to fow a proportionable part of his grant with hemp or flax feed.

And whereas it hath been further reprefented to us, that a great part of the country in the neighbourhood of lake Champlain, and between that lake and the river Saint Lawrence, abounds with woods producing trees fit for mafting our royal navy, and other useful and neceffary timber for naval conftruction, you are therefore exprefly directed and required to caufe fuch parts of the faid country, or any other within your government that fhall appear upon a furvey to abound with fuch trees, and fhall lie convenient for water-carriage, to be referved to us, and to ufe your utmoft endeavour to prevent any wafte being committed upon the faid trafts, by punifhing in due courfe of law any perfons who fhall cut down and deftroy any trees growing thereon ; and you are to confider and advife with our council whether fome regulation, that fhall prevent any faw-mills whatever from being erected within your government, without a licence from you or the commander in chief of our faid province for the time being, may not be a means of preventing all wafte and deftruction in fuch trafts of land as fhall be referved to us for the purpofes aforefaid.

And whereas it appears from the representations of our governour in the diftrict of Trois Rivieres, that the iron-works at Saint Maurice in that diftrict are of great confequence to our fervice ; it is therefore our further will and pleafure, that no part of the lands upon which the faid iron-works were carried on, or from which the ore ufed in fuch works was procured, or which fhall

iron-works of St. Maurice near Three Rivers.

appear to be necessary and convenient for that establishment, either in respect to a free passage to the river Saint Lawrence, or for producing a necessary supply of wood, corn, and hay, or for pasture for cattle, be granted to any private person whatever; and also that as large a district of land as conveniently may be, adjacent to and lying round the said iron-works, over and above what may be necessary for the above purposes, be reserved for our use, to be disposed of in such manner as we shall hereafter direct and appoint.

NUMBER

NUMBER XXVIII.

AS all the following grants of land are made with a reservation of fealty and certain rent, it may be proper to insert in this place a short account of the oath of fealty and the manner in which it ought to be taken, together with the words of the oath itself.

An ACCOUNT of the OATH of FEALTY
according to the Law of ENGLAND.

ALL the freehold lands in England are at this day held by fealty either of the King or some other lord, notwithstanding the abolition of military tenures by the statute of the 12 Car. II. And every new tenant of a piece of freehold land ought regularly, when he comes to the possession of it, to take the oath of fealty to the lord of whom it is held. This he ought to do in all cases; whatever be the title by which he claims the land, whether it be by descent upon the death of his father or other ancestor, by devise, or by purchase: though it must confessed that this ceremony is now very much neglected and almost gone out of use; which is owing in great measure to its being a naked ceremony unaccompanied by any pecuniary advantage to the lord. Yet perhaps it would be better to revive it, and to require it to be universally observed, as it would tend to keep in sight that fundamental maxim of the British constitution, that all lands are held of the King either mediately or immediately, and may escheat or fall back to him as the original owner or lord of them, either upon the extinction of the family of the last possessor and those of the other intermediate lords between him and the crown, or upon their committing those more atrocious crimes which the law of England has distinguished by the name of felonies; a maxim very useful in a monarchical government, and obviously tending to preserve union and subordination throughout the kingdom. This oath of fealty was taken in the following manner.

The freeholder who was to take the oath of fealty went to the lord's manor-court, or court-baron, and holding his right hand upon

Manner of
taking the oath
of fealty.