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And the Lords of the Committee being of opinion that the said Addition is proper and necessary to be made in the said Commissions, His Majesty this day took the same into Consideration, and was pleased with the Advice of His Privy Council to approve thereof and to order as it is hereby Ordered, that the Right Honourable the Earl of Halifax one of His Majesty's Principal Secretarys of State, do cause the said Addition to be inserted in all the aforementioned Commissions accordingly—

COMMISSION OF CAPTAIN-GENERAL & GOVERNOR IN CHIEF OF THE PROVINCE OF QUEBEC.<sup>1</sup>

GEORGE THE THIRD by the grace of God of Great Britain France and Ireland King Defender of the Faith and so forth; To our Trusty and well beloved James Murray Esquire, Greeting.

Commission to be Captain-General and Governor in chief of the Province

We, reposing especial trust and Confidence in the prudence, Courage and loyalty of you the said James Murray, of our especial grace, Certain Knowledge and meer motion, have thought fit to Constitute and appoint, and by these presents, do Constitute and appoint you, the said James Murray to be our Captain General and Governor in Chief in and over our Province of Quebec in America.

Boundaries of the Province

Bounded on the Labrador Coast by the River Saint John, and from thence by a line drawn from the head of that River through the lake Saint John to the south end of Lake Nepissin, from whence the said line Crossing the River Saint Lawrence and the lake Champlain in Forty five Degrees of Northern Latitude, passes along the high lands which Divide the Rivers that empty themselves into the said River Saint Lawrence from those which fall into the sea, and also along the north Coast of the Bay des Chaleurs and the Coast of the Gulfts of Saint Laurence to Cape Rosieres, and from thence, Crossing the mouth of the River Saint Lawrence by the west end of the Island of Anticosty terminates at the aforesaid River Saint John.

The Governor is to act according to the powers and directions of this Commission & according to the Kings Instructions

Together with all the Rights members, and appurtenances whatsoever thereunto belonging.

And we, do hereby require and Command you to do and execute all things in due manner that shall belong to your said Command and the Trust we have reposed in you, according to the several powers and Directions granted or appointed You by this present Commission and the instructions and authorities herewith given unto you, Or by such other powers instructions or authorities as shall at any time hereafter be granted

<sup>1</sup> Copied from the Register of Commissions in the office of the Secretary of State, Canada.

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or appointed under our Signet and Sign Manual, or by our Order in our Privy Council, and according to such reasonable laws and statutes as shall hereafter be made and agreed upon by you with the advice and Consent of the Council and Assembly of our said Province under your Government, in such manner and form as is herein after expressed.

Oaths to be taken by the Governor

Those appointed by 1. Geo. 1.

Declaration against popery Stat 25 Car: 2<sup>d</sup>

Oath of Office

Oath to observe the laws relating to Trade and Plantations.

Oaths to be taken by the Counsellors & Lieut<sup>t</sup> Governors of Montreal & Trois Rivieres

Power to administer or to authorize

And our will and pleasure is that You the said James Murray do after the publication of these our Letters patent, and after the appointment of our Council for our said province in such manner and form as prescribed in the instructions which you will herewith receive, in the first place take 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) as also that you make and subscribe the Declaration mentioned in an act of Parliament made in the twenty-fifth Year of the Reign of King Charles the Second Intituled (an act for preventing Damages which may happen from Popish recusants) and likewise that you take the oath usually taken by our Governors in other Colonies for the due execution of the Office & Trust of our Captain General and Governor in Chief in and over our said province, and for the due & impartial administration of justice; and further that you take the oath required to be taken by Governors of the Plantations to do their utmost that the several laws relating to Trade and Plantations be duly observed: which said oaths and Declarations our Council of our said Province, or any three of the members thereof, have hereby full power and authority, and are hereby required to tender and administer to You.—

All which being duly performed you shall yourself administer to each of the members of our said Council, and to the Lieutenant Governors of Montreal & Trois Rivières the said Oaths, mentioned in the said Act Intituled (an act for the further Security of His Majesty's person & 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 also Cause them to make and subscribe the aforementioned Declaration, and also shall administer unto them the usual Oaths, for the due execution of their places and trust.

And We do further give and grant unto you the said James Murray full power and authority from time to time, and at any time hereafter by Yourself, or by any other to be authorized by

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others to administer to any person in the Province the Oaths appointed by Stat 1. Geo: I. you in this behalf, to administer and give the Oaths mentioned in the said 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) to all and every such person and persons as you shall think fit, who shall at any time or times pass into our said Province or shall be resident or abiding there.

Power to keep & use the publick seal And we do hereby authorize and Impower you to keep and use the Publick seal, which will herewith be delivered to you, or shall be hereafter sent to you, for sealing all things whatsoever that shall pass the Great seal of our said Province.

Power to call an assembly of the Freeholders And we, do hereby give and grant unto you the said James Murray full power and authority with the advice and Consent of our said Council to be appointed as aforesaid, so soon as the Situation and circumstances of our said Province under your Government will admit thereof, and when & as often as need shall require, to summon and call General Assemblies of the Freeholders and Planters, within your Government, in such manner as you in your Direction shall judge most proper, or according to such further powers, Instructions, and authorities as shall be at any time hereafter granted or appointed you under our Signet and Sign Manual, or by our Order in Our Privy Council.

The Mem- bers of such assembly shall take the Oaths appointed by Stat: 1 Geo: I; and the declaration against popery And our will and pleasure is, That the persons thereupon duly Elected by the Major Part of the Freeholders of the respective parishes, or precincts, and so returned, shall before their sitting take the oath mentioned in the said act intituled (an act for the Further security of his Majesty's person & Government and the succes- sion of the Crown in the Heirs of the late princess Sophia being protestants, and for extinguishing the hopes of the pretended Prince of Wales and his open and secret abettors) as also make and subscribe the forementioned declaration: Which oaths & declaration you shall Commissionate fit persons under the pub- lick seal of that our province, to tender and administer unto them and untill the same shall be so taken and subscribed, no person shall be Capable of sitting though Elected.

power to make Laws And we do hereby declare that the persons so Elected & Qualified shall be called the Assembly of that our province of Quebec; and that you the said James Murray, by & with the advice and Consent of our said Council and Assembly, or the major part of them, shall have full power & authority, to make, Constitute or Ordain, Laws Statutes & ordinances for the publick peace, Welfare, & good Government of our said province, and of the people and Inhabitants thereof, and such others as

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not repugnant to the Laws of Great Britain

shall resort thereunto and for the benefit of us our heirs & successors: which said Laws Statutes and Ordinances are not to be repugnant, but as near as may be agreeable, to the laws & Statutes of this our Kingdom of Great Britain.

The Laws so made to be transmitted to England within three months

Provided that all such Laws Statutes and Ordinances of what nature or Duration soever they shall be within three months or sooner after the making thereof, Transmitted to us, under our seal of our said province for our approbation or disallowance of the same, as also duplicates thereof by the next Conveyance.—

If disallowed by the King they shall thenceforth become void

And in Case any, or all of the said Laws Statutes and Ordinances not before Confirmed by us, shall at any time be disallowed and not approved, and so signified by us, our Heirs, and Successors, under our, or their Signet and sign Manual, or by order of our, or their privy Council, unto you the said James Murray or to the Commander in Chief of our said Province for the time being; Then such and so many of the said Laws, Statutes, and Ordinances, as shall be so disallowed, and not approved, shall from thence forth cease determine and become utterly void and of no effect, anything to the contrary thereof notwithstanding

The Governor shall have a negative voice against both Council and Assembly

And to the end that nothing may be passed or done by our said Council or Assembly, to the prejudice of us, our Heirs and Successors, We will and ordain that you the said James Murray, shall have, and enjoy a Negative Voice in the making and passing all laws, Statutes and ordinances as aforesaid; and that you shall and may likewise from time to time, as you shall judge necessary, adjourn, prorogue or dissolve all General assemblies as aforesaid

power with the Consent of the Council to Erect Courts of Judicature

And We, do by these presents give and grant unto you, the said James Murray, full power and authority, with the advice & Consent of our said Council, to Erect, Constitute and Establish, such and so many Courts of Judicature and publick Justice within our said province under your Government as you & they shall think fit and necessary, for the hearing & determining of all causes as well Criminal as Civil according to Law and Equity and for awarding execution thereupon, with all reasonable & necessary powers, authorities, Fees, and priviledges belonging thereunto: as also to appoint and commisionate fit persons in the several parts of your Government to administer the oaths mentioned in the aforesaid act Intituled (an act for the further security of His Majesty's person & Government, and the succession of the Crown in the Heirs of the late Princess Sophia being protestants and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors) as also to Tender & administer the aforesaid declaration to such persons belonging to the said Courts as shall be obliged to take the same.

power to Commissionate fit persons to administer the Oaths appointed by Stat: 1. Geo. I, & the declaration agt popery to persons belonging to such Courts

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Power to appoint Judges, Commissioners of Oyer & Terminer, Justices of the peace, Sheriffs & other officers of Justice—

And We do hereby grant unto you full power and authority to constitute and appoint judges, and in Cases requisite Commissioners of Oyer & Terminer, Justices of the peace, Sherriffs and other necessary Officers and ministers in our said Province for the better administration of Justice, and putting the Laws in Execution; and to administer or cause to be administered unto them such oath or Oaths as are usually given for the due Execution and performance of Offices & places and for clearing the truth in Judicial Causes.

power to pardon Crime

And We do hereby give and grant unto you full power and authority, when you shall see cause, or shall Judge any Offender or Offenders in Criminal matters, or for any Fines or Forfeitures due unto us, fit Objects of our Mercy, to pardon all such offenders and remit all such offences, Fines and Forfeitures; Treason and Willful murder only excepted; In which cases you shall likewise have power upon Exterordinary Occasions to Grant Repriues to the offenders untill and to the intent our Royal pleasure may be Known therein.

power of Collating to Ecclesiastical Benefices

And We do by these presents Give and Grant unto you full power and authority to Collate any person or persons to any Churches, Chappels, or other Ecclesiastical Benefices within our said province, as often as any of them shall happen to be void.

power to levy Troops and Employ them against Enemies pirates & Rebels.

And We do hereby give and grant unto you, the said James Murray, by yourself, or by your Captains and Commanders by you to be authorized, full power & Authority to Levy, Arm, Muster Command, and Employ all persons whatsoever, residing within our said province, and as occasion shall serve them to march, Embark, or Transport, from one place to another for the resisting and withstanding of all enemies, pirates, & Rebels both at land and sea: and to Transport such Forces to any of our Plantations in America, if necessity shall require for Defence of the same against the invasion or attempts of any of our Enemies; and such Enemies, pirates & Rebels, if there should be occasion, to pursue and prosecute in or out of the limits of our said province; and if it shall so please God, them to vanquish, apprehend and take; and being taken, according to law to put to death, or Keep and preserve alive, at your discretion: and to execute Martial Law in time of Invasion, War, or other times, when by Law it may be executed and to do and execute all and every other thing and things which to our Captain General & Governor in Chief doth, or of right ought to belong.

And to execute Martial Law in time of War

power with the Consent of the Council, to

And We do hereby give and grant unto you full power and authority, by and with the advice and Consent of our said Council, to Erect, Raise, and build in our said province, such

build Forts & Castles

And to Fortify & Furnish them with Arms &c., and to Demolish or Dismantle them.—

power in time of War, to appoint Captains and other Officers of ships, and to grant them Commissions to execute the Law Martial according to the Stat.: 22 Geo.: 2.

This shall not affect any seamen or other persons on board ships Committed by the Admiralty, when they Commit offences either on the High Sea, or in any River, Creek or Haven.

But these persons shall be tried either by Commissions under the Great seal of Great

and so many Forts, Platforms, Castles, Cities, Borroughs, Towns, and Fortifications, as you, by the advice aforesaid, shall judge necessary: and the same or any of them, to Fortify and Furnish with Ordnance, ammunition, and all sorts of arms, fit and necessary for the security & defence of our said province: And by the advice aforesaid, the same again or any of them, to Demolish or Dismantle as may be most Convenient,—

And for as much as divers Mutinies & Disorders may happen by persons Shipped and Employed at sea during the time of War: And to the end, that such as shall be shipped and Employed at sea during the time of War may be better governed and ordered: We hereby give and grant unto you the said James Murray, full power and authority to Constitute and appoint Captains, Lieutenants, Masters of Ships, and other Commanders & officers, Commissions to execute the Law Martial during the time of War, according to the Directions of an act passed in the Twenty Second year of our late Royal Grand Father, intituled (an act for amending Explaining and Reducing into an act of Parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea) and to use such proceedings, authorities, punishments, Corrections and Executions upon every Offender or Offenders, who shall be mutinous, Seditious, Disorderly, or any way unruly either at Sea or during the time of their abode or residence in any of the ports, Harbours, or Bays in our said Province, as the Case shall be found to require, according to Martial Law and the said Directions during the time of War as aforesaid.—

Provided that nothing herein Contained shall be Construed to the enabling you, or any by your authority, to hold plea, or have any Jurisdiction, of any offence, Cause, matter or thing, Committed or done, upon the High sea, or within any of the havens, Rivers, or Creeks of our said province, under Your Government, by any Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier, or person Whatsoever, who shall be in actual service and pay, in or on board any of our ships of War, or other vessels, acting by immediate Commission or Warrant from our Commissioners for executing the office of High Admiral of Great Britain, or from our high Admiral of Great Britain for the time being; under the seal of our Admiralty. But that such Captain, Commander, Lieutenant, Master, Officer, Seaman, or Soldier, or other person, so offending shall be left to be proceeded against and Tried, as their offences shall require. either by Commission under our Great seal of this Kingdom, as the Statute of the Twenty eight of Henry the Eight directs, or by Commission from our said Commissioners for Executing

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Britain, according to the Stat. 28 Hen 8; or by Commission from the admiralty according to the Stat 22 Geo. 2.

the Office of High Admiral of Great Britain, or from our High Admiral of Great Britain for the time being according to the aforementioned Act Intitled (an act for amending, explaining and reducing into one act of parliament, the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea) and not otherwise.—

But for offences Committed on Shore, these persons shall be tried & punished according to laws of the place where the offence shall be committed.

Provided Nevertheless that all disorders and misdemeanors Committed on shore by any Captain, Commander, Lieutenant, Master, Officer, Seaman, Soldier, or other persons whatsoever belonging to any of our Ships of War, or other Vessels acting by immediate Commission or Warrant from our Commissioners for executing the Office of High Admiral of Great Britain, or from our High admiral of Great Britain for the time being; under the seal of our admiralty, may be Tried and punished, according to the laws of the place where any such disorders, offences, and misdemeanors shall be Committed on shore, notwithstanding such offender be in our actual service, and Born in our pay on board any such our ships of war, or other vessels acting by immediate Commission or Warrant from our Commissioners for Executing the Office of High Admiral of Great Britain, or from our Admiral of Great Britain for the time being as aforesaid; so as he shall not receive any protection for the avoiding of Justice for such offence Committed on shore from any pretence of his being employed in our service at sea.

power with the Consent of the Council to dispose of publick money for the support of the Government.

And our Further will & pleasure is that all publick monies raised, or which shall be raised, by any act hereafter to be made within our said province, be issued out by Warrants from you, by and with the advice & Consent of our Council as aforesaid for the support of the Government & not otherwise.—

power with the Consent of the Council to grant ands.

And We likewise give and grant unto you full power and authority, by and with the advice & Consent of our said Council to settle and agree with the inhabitants of our said province for such lands, Tenements and Hereditaments as now are or hereafter shall be in our power to dispose of, and them to grant to any person or persons upon such terms, and under such moderate Quit Rents, services, and acknowledgements to be thereupon reserved unto us, as you with the advice aforesaid shall think fit: which said grants are to pass and be sealed by our publick seal of our said province; and being entered upon Record by such officer or Officers as shall be appointed thereunto, shall be good and effectual in the Law against us, our Heirs and Successors.—

The grants to be under the Publick seal, and to be registered.

These grants must be made conformably to the Kings Instructions.

Provided the same be conformable to the Instructions herewith delivered to you, or to such other instructions as may hereafter be sent to you under our Signet & Sign Manual,

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And these Instructions relating to the granting of Lands shall be published.

or by our order in our Privy Council, Which instructions, or any articles Contained therein, or any such order made in our Privy Council, so far as the same shall relate to the Granting of Lands as aforesaid, shall from time to time be published in the province and Entered of record, in like manner as the Said Grants themselves are hereby Directed to be entered.

power with the Consent of the Council, to appoint fairs & markets, harbours & wharfs.

And We do hereby give you the said James Murray full power & authority to order Fairs, Marts, & Markets, and also such and so many Ports, Harbours, Bays, Havens, and other places for the conveniency and Security of shipping, and for the better loading & unloading of goods & Merchandizes, in such and so many places as, by and with the advice and Consent of our said Council, shall be thought fit and necessary.—

All officers Civil & military, and all other inhabitants of the province, are to be aiding and assisting to the Governor in the execution of his Commission & in case of the death or absence of the Governor, to the Commander in Chief for the time being.

And We do hereby require & Command all Officers and Ministers Civil & Military, and all other inhabitants of our said Province, to be obedient, aiding, and assisting unto you, the said James Murray in the Execution of this our Commission, and of the powers & Authorities therein Contained, and in Case of your Death or Absence from our said province & Government, to be obedient, aiding and assisting as aforesaid to the Commander in Chief for the time being, to whom we do therefore by these presents, give and grant all and singular the powers and Authorities herein Granted, to be by him Executed & Enjoyed during our pleasure or untill your Arrival within our said province.

Who shall be Commander in Chief of the Province in case of the death or absence of the Governor.

And in Case of your Death or absence from our said province, our will and pleasure is, that our Lieutenant Governor of Montreal or Trois Rivières, According to the priority of their Commissions of Lieutenant Governors, do Execute our said Commission with all the powers and authorities therein mentioned as aforesaid, and in Case of the Death or absence of our Lieutenant Governor of Montreal and Trois Rivières from our said province, and that there shall be no person within our said province appointed by us to be Lieutenant Governor or Commander in Chief of our said province, Our Will and pleasure is, that the Eldest Counsellor, who shall be at the time of your Death or absence, residing within our said province, shall take upon him the administration of the Government, and Execute our said Commission and Instructions and the several powers and Authorities therein Contained, in the same manner to all intents and purposes, as other our Governor or Commander in Chief should or ought to do in Case of your Absence, or untill your Return, or in all Cases untill our further pleasure be Known therein.—



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This Office  
of Captain  
General and  
Governor in  
Chief to be  
held only  
during the  
Kings  
pleasure.

And We do hereby declare, ordain and appoint, that you the said James Murray, shall and may hold Execute and Enjoy the Office & place of our Captain General, and Governor in Chief in and over our said Province of Quebec, and all the Territories depending thereon, with all and singular the powers and authorities hereby Granted unto you, for & during our will and pleasure. In Witness Whereof, We have Caused these our Letters to be made patent, Witness our Self at Westminster the Twenty first Day of November, in the fourth Year of our Reign.

By Writ of privy Seal  
(Signed)

YORKE & YORKE.

Recorded at the Treasury Chambers Whitehall the 28<sup>th</sup>  
Day of November 1763

(Signed)

T. TOMKYNs

Recorded in the Registry Office in Quebec the 7<sup>th</sup> Day of  
June 1766

(Signed),

J. GOLDFRAP D.Reg

INSTRUCTIONS TO GOVERNOR MURRAY.<sup>1</sup>

GEORGE R.

(L.S.) Instructions to Our Trusty and Wellbeloved JAMES MURRAY, ESQ.<sup>r</sup>, Our Captain General and Governor in Chief in and over Our Province of Quebec in America, and of all Our Territories dependent thereupon. Given at Our Court at S<sup>t</sup> James's the Seventh Day of December 1763 in the Fourth Year of Our Reign.

1. With these Our Instructions You will receive Our Commission under Our Great Seal of Great Britain, constituting You Our Captain General and Governor in Chief in and over Our Province of Quebec in America, bounded on the Labrador Coast by the River S<sup>t</sup> John, and from thence by a Line drawn from the Head of that River through the Lake S<sup>t</sup> John to the South End of the Lake Nipissin; from whence the said Line crossing the River S<sup>t</sup> Lawrence and the Lake Champlain in forty five Degrees of North Latitude, passes along the High Lands, which divide the Rivers that empty themselves into the said River S<sup>t</sup> Lawrence, from those which fall into the Sea; and also along the North Coast of the Baye des Chaleurs and the Coast of the Gulph of S<sup>t</sup> Lawrence to Cape Rosieres, and from thence crossing the Mouth of the River S<sup>t</sup> Lawrence by the West

<sup>1</sup> Copy from Public Record Office, Col. O. Plantations, 1763-1766: in Canadian Archives, M, 230, p. 1.