

164216D 40657

Quebec Janry 28.th 1761

* Duplicate



My Lord!

By the Mail which arrived a few days ago at New York I had the honor to receive two letters from you, one dated the 28.th August inclosing a letter from the Hospital board to your Lordship which shall be duely attended to; the other dated the 27.th September with a copy of a paper which has been transmitted by order of the french court to M^r Guignet his Majesty's commissary for the exchange of Prisoners of War I have answered the articles of complaint in that paper relative to myself, by which I am confident the French Generals will appear to have been the infringers of the

Cartel

Castels in every dispute they had with me
on that Subject; The answers with this letter
I enclose to General Amherst by his desire
that he may transmit the whole together
to your Lordship.

Take the opportunity of this con-
veyance to send to you the monthly returns
due from this Government, and I have the pleasure
to acquaint you that hitherto there has not this
winter the least Symptom of the Scurvey appear'd
amongst the Troops, and I believe we shall
be convinced by experience that good Lodging,
warm cloathing, and proper nourishment
will prevent the havock of that disorder in
the

The most malignant Climates
I have the honor to be with the at-
most Truth and Regard

My Lord!

Your Lordship's most faithfull,
& most obedient humble Servant

J. Murray

28 Jan^r 1761

Governor Murray

Duplicate

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J.A. Murray

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Appendix
No 21.

Commissions of
the Governors &c
of the Province of
Quebec

James Murray Esq.
21 Novr: 1763

Commission

to

James Murray Esquire

as

Captain General & Governor in Chief

of

Quebec

Chapel of the Rolls
by John Kepling
20th Feb 1763

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1
First Part of Patents, in the fourth
year of King George the Third.

James Murray Esq. }
Governor of Quebec } George the Third,

by the Grace of God, of Great Britain
France and Ireland King defender of
the faith &c to our trusty & well beloved
James Murray Esquire greeting we reposit-
ing especial trust and confidence in
the prudence courage and loyalty of you
the said James Murray of our especial gr-
ace 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 cap-
tain general and Governor in chief in
and over our provinces of Quebec in America
bounded on the Labrador coast by the riv-
er St John and from thence by a line
drawn from the head of that river through
the Lake of St John to the Southend of Lake
Nepisquin from whence the said line cross-
ing the river St Laurence and the Lake
Champlain in forty five degrees of Northern
latitude passes along the high lands which

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divide the rivers that empty themselves
into the said river St Laurence from those
which fall into the Sea and also along the
North coast of the Bay des Chaleurs and
the coast of the Gulf of St Laurence
to Cape Rosieres and from thence crossing
the mouth of the river St Laurence by the
West end of the Island of Anticosti Ter-
minates at the aforesaid river of St Johns
together with all the rights members and
appurtenances whatsoever thereto 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 further pow-
ers instructions and authorities as shall
at any time hereafter be granted or
appointed you under our signed 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
 of our said province under your government
 in such manner and form as is hereinafter
 expressed and our will and pleasure is that
 you the said James Murray do after the publi-
 cation of these our letters patent and after
 the appointment of our council for our
 said province in such manner and form
 as is prescribed in the instructions which you
 will hereunto 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 per-
 son and government and the succession
 of the crown in the Heirs of the late
 princeps 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 sub-
 scribe 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 preven-
 ting dangers which may happen from

popish recusants and likewise that you
 take the Path usually taken by Governors
 in other Colonies for the due execution
 of the Office and trust of our Captain
 general and Governor in chief in and
 over our said province and for the due
 and impartial administration of Justice
 and further that you take the Path
 required to be taken by Governors of the
 plantations to do their utmost that the
 several laws relating to trade and the
 plantations be duly observed which said
 Paths and declarations our Council of
 our said province or any three of the
 Members thereof have hereby full power
 and authority and are required to
 to tender and administer to you all wh-
 ick being duly perform'd you shall you
 -self administer to each of the Members
 of our said Council and to the Lieute-
 -nant Governors of Montreal and trois
 Rivières the said Paths mentioned in
 the said Act entitled (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

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Princess Sophia being protestants and for
extinguishing the hopes of the pretended
prince of Wales, and his open and secret
abettors as also cause them to make and
subscribe the aforementioned declaration
and to administer unto them the usual
oaths for the due execution of their places
and trusts And we do further give and gr.
and unto you the Saide 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 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 persons or
and persons as you shall think fit
who shall at any time pass into our
said province or shall be resident
or abiding there and we do hereby au-
thorize and empower you to keep

And use the public Seal which will be
 hereafter 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
 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 province under your government
 will admit thereof and when and as
 need shall require to summon and
 call general Assembly's of the freeholders
 and planters within your government
 in such manner as you in your dis-
 cretion shall judge most proper or
 according to such further powers in-
 structions and authorities as shall
 be at any time hereafter granted or
 appointed you under our Signet
 and sign Manual or by an Order in
 our privy council and our will and
 pleasure is that the persons hereupon
 duly elected by the major part of

The freeholders of the respective parishes
 or precincts and so returned shall be-
 fore their sitting take the oaths men-
 tioned in the said Act entitled 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 make and subscribe
 the aforesaid declaration whi-
 ch oaths and declaration you shall
 commissionate fit persons under the
 public Seal of that our province to
 tender and administer unto them and
 until the same shall be so taken and
 subscribed no person shall be capable
 of sitting though elected and we do here-
 by declare that the persons so elected and
 qualified shall be called and deemed
 the assembly of that our province of
 Quebec and that you the said James
 Murray by and with the advice and
 consent of our said council and

Assembly or the Major part of them shall
 have full power and authority to make
 constitute and Ordain Laws Statutes
 and Ordinances for the public peace and
 welfare and government of our said
 province and of the people and inhabi-
 tants thereof and such others as shall
 resort therunto and for the benefit of
 us our Heirs and successors which
 said Laws statutes and Ordinances are
 not to be repugnant but as near as may
 be agreeable to the laws and statutes of
 this our kingdom of great Britain provi-
 ded that all such Laws statutes and
 Ordinances of what nature or duration
 soever 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 and in case any or all
 of the said Laws statutes and ordinan-
 ces 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

or their signet and sign Manuel or by
 Order of our or their privy council unto
 you the said James Murray or to the
 commander in chief of our said provin-
 ce for the time being then such and so
 many of the said laws and statutes and
 ordinances as shall be so disallowed
 and not approved shall from thence
 forth cease determine and become utter-
 ly void and of no effect any thing
 to the contrary thereof notwithstanding
 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 of 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 assem-
 bly's as aforesaid and we do by these
 presents give and grant unto you
 the said James Murray full power
 and authority with the advice and

consent of our said council to erect con-
 stitute and establish such and so many
 Courts of Judicature and public justice
 within our said province under your
 government as you and they shall
 think fit and necessary for the hearing
 and determining of all causes as well
 criminal as civil according to Law and
 equity and for awarding execution
 thereupon with all reasonable and ne-
 cessary powers authorities fees and privi-
 leges belonging therunto as also to appoi-
 nt and commissionate fit persons in the
 several parts of your government to administer
 the Oaths mentio'd in the aforesaid Act instituted
 (an act for the further security of his Majesties
 person and government and the succession of
 the crown in the Heirs of the late Princeps Sophia
 being protestants and for extinguishing the hopes
 of the pretended prince of Wales and his open
 and secret Abettors) as also to tender and ad-
 minister the aforesaid declaration to such perso-
 ns belonging to the said courts as shall be ob-
 liged to take the same and we do hereby grant
 unto you full power and authority to consti-
 tute and Appoint Judges and in case requisite

commissioners of oyer and terminer justices
 of the peace sheriffs and other necessary of-
 ficers and ministers in our said province
 for the better administration of justice and so-
 putting the laws in execution and to admini-
 -ster or cause to be administered unto them
 such Oath or Oaths as are usually given for
 for the due execution and performance of
 Offices and places and for the clearing of
 truth in prejudice causes and we do hereby
 give and grant unto you full power and
 authority where you shall see cause or sha-
 -ll judge any Offender or Offenders in crimi-
 -nal matters or for any fines or forfeitures
 due unto us fit objects of our mercy to pardon
 All such Offenders and remit all such Offen-
 -ces fines and forfeitures (treason and willful
 Murder only excepted) in which cases you
 shall likewise have power upon extrardin-
 -nary occasions to grant reprieves to the of-
 fender until and to the intent our royal
 pleasure may be known therein and we do
 by these presents give and grant unto you
 full power and authority to call to any
 person or persons to any churches chapels or
 or other ecclesiastical benefices within-

Our said province as often as any of them
 shall happen to be voids 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 and authority to buy our Master
 Command and employ all persons whatsoever
 residing within our said province and
 as occasion shall serve them to march on
 bank or transport from one place to another
 for the resisting and withstanding of all
 enemies pirates and 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 and rebels if
 there shall be occasion to pursue and pro-
 secute in or out of the limits of our said
 province and if it shall so please Gods
 them to vanquish apprehend and take
 and being taken according to Law to put
 to death or keep and preserve alive or
 live at your discretion and to execute
 Martial Law in times of invasion war or
 other times when by Law it may be execu-

executed and to do and execute all and every
 other thing and things which to our cap-
 tain general and Governor in chief doth or
 of right ought to belong and we do hereby
 give and grant unto you full power and
 authority by and with the advice and consent
 of our council to erect raise and build in our
 said province such and so many Forts, fort-
 ifications castles cities boroughs 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, ammu-
 nition and all sorts of arms yet and neces-
 sary for the security and defence of our said
 province and by the advice aforesaid the same
 again or any of them to demolish or dismount
 as may be most convenient and forasmuch
 as divers mutinies and disorders may happen
 from persons shipped and employed at
 Sea during the time of war and to the end
 that such as shall be shipped and emp-
 loyed at Sea during the time of war may
 be better governed and ordered we do here-
 by give and grant unto you the said
 James Murray full power and authority
 to constitute and appoint captains lieu-

tenants masters of Ships and other Officers and
 commissions to execute the Law Martial dur-
 ring the time of war according to the dire-
 ctions of an Act entitled [an Act for amen-
 ding explaining and reducing into one Act
 of parliament the laws relating to the go-
 vernment of his Majesty's Ships vessels
 and forces by Sea and to use such proceed-
 ings authorities punishments corrections and
 executions upon any 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 re-
 quire 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 jurisdiction of any offence cause
 or matter or thing committed or done upon
 the high Sea or within any of the havens
 rivers or creeks of our said province und-
 er your government by any captain
 commander Lieutenant Master Officer

Seaman Soldier or person whatever 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 commiss^{rs} for executing the Office of our 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 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 Statutes of the twenty eighth of Henry the eighth directs or by commission from our said commiss^{rs} for executing the Office of high admiral of great Britain or from our high Admiral of great Britain for the time being according to the aforesaid Act entitled [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 Force by Sea and not otherwise provided nevertheless that all disorders and misdemeanors com-

mitted on shore by any captain commander lieutenant Master Officer Seaman Soldier or other person 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 offenders be in our actual service and and borne 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 High 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 offences committed on shore from any pretence of his being employed in our service at Sea and our further will and pleasure is that all public monies raised or which shall be raised by any Act

hereafter to be made within our said prov-
 ince be issued out by Warrant from you by &
 with the advice and consent of our council as
 aforesaid for the support of the government and
 not otherwise and we likewise give and
 grant unto you full power and authority
 by and with the advice and 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 su-
 ch moderate quit rents services and ac-
 knowledgments 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 public 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 law against us our Heirs and
 successors provided that the same be made
 conformable to the instructions herewith
 delivered to you or to such other instructions
 herewith delivered to you or to such other in

instructions as may hereafter be sent to you
 under our signet and sign Manuel 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 be relate to the granting of licences
 as aforesaid shall from time to time be pub-
 lished in the provinces and entered of re-
 cord in the manner as the said grants them-
 selves are hereby directed to entered and
 we do hereby give you the said James
 Murray full power and authority to make
 and appoint fairs Mark and Markets
 as also such and so many ports Harbours
 Bays Havens and other places for the con-
 veniency and security of Shipping and
 for the better loading and unloading of goods
 and Merchandizes in such and so many pla-
 ces as he and with the advice and con-
 sent of our said council shall be thought
 fit and necessary and we do hereby require
 and command all Officers and Ministers
 civil and Military and other inhabitants
 of our said province to be obedient aid-
 ing and assisting unto you the said
 James Murray in the execution of this

Our commission and of the powers and au-
 thorities therein contained and in case of
 your death or absence from our said prov-
 -ince and government to be obedient aiding
 and assisting as aforesaid to the comman-
 -der in chief for the time being to whom we
 do therefore by these presents give and gra-
 -nt all and singular the powers and author-
 -ities herein granted to be by him executed
 and enjoyed during our pleasure or until
 your arrival within our said province and
 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 Governours
 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 Governours of
 Montreal and Trois Rivières from our said
 province and there be no persons 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 eldest councillor who shall

be at the times of your death or absence
 residing within our said province shall take
 upon him the administration of the govern-
 -ment and execute our said commission
 and instructions and the several powers
 and authorities therein contained in the
 same manner and to all intents and pur-
 -poses as other our governor or commander in
 chief should or ought to do in case of your
 absence or until your return or in all cases
 until our further pleasure be known therein
 and we do hereby declare ordain and appoint
 that you the said James Murray shall
 and may hold execute and enjoy the of-
 -fice and place of our captain general
 and governor in chief in and over our
 said province of Quebec and all the ter-
 -ritories dependant thereon with all and sin-
 -gular the powers and authorities hereby gran-
 -ted unto you for and during our will
 and pleasure in witness &c. witness ourself
 at westminster the twenty first day of No-
 -vember. 1713. By writ of Privy Seal

This is a true copy from the originall
 Records remaining in the chapel of the Rolls
 having been examined John Kipping

A Sans Pruit le 1. Mars 1765

1G 4217 ^D 40658

Vous aurez la bonté, Monsieur, de remettre a
Nicolas Vaudel de la Pointe aux Trembes, les
papiers qui luy appartiennent & qui concernent
la terre. Je suis

N. B. les dits ^{Mons^{rs}} votre tres humble
papiers sont les ^{seigneurs}
Voutes des Precolets.

Jai: Murray

À Monsieur

Monsieur Lanet.

Quebec