

Kingston and Napanee, the proclamation should be posted there, a suggestion which was accepted. Again, having no officers corresponding to the French notaries, mortgages and other documents requiring registration could not be registered. Further, under the French system the public highways were under the direction of the officers of the militia, subject to the supervision of the grand voyer. But this arrangement could not be carried out in the English districts. The granting of licenses to keep taverns was in the hands of the Secretary of the Province or his agent, and could be arranged only in Montreal. And finally it is prayed that if Government will not grant them any relief from the French system, then, inasmuch as they are entirely ignorant of the requirements of that system, the Government may send them full instructions as to the laws and how they are to be enforced.¹ But by this time a change in the constitution had been recognized as inevitable and was then being prepared, hence no action was taken on this memorial. In default of instructions the justices in civil matters simply followed the laws and customs which they had known, and decided cases on the good old English principle of equity and good conscience.

The duties of the Court of Quarter Sessions, as interpreted, were partly judicial, as in connection with the maintenance of the peace, partly legislative, as in prescribing what animals should not run at large, or what conditions should be observed by those who held tavern licenses, and partly administrative, as in appointing certain officials, and in laying out and superintending the highways.² We find, for instance, that before 1789 the magistrates had appointed church wardens for the township of Fredericksburg, and doubtless for several others, and that these church wardens were exercising their powers as if they were living in an English colony under English laws.³

It is noteworthy that most of the civil or municipal administration undertaken by the justices of the peace was based upon the old English law and custom as it was in the days of Queen Elizabeth and the Stuarts, and not as subsequently modified in Britain.⁴

The first loyalist settlers were chiefly military men, many of them not having been actual settlers in the colonies, and some of them being German auxiliaries. They came to Canada under command of their officers, who, as we have seen, were appointed the first magistrates of the districts. As might be expected, most of these settlers did not take

¹ Canadian Archives, Q. 43, 1 and 2, pp. 404-415.

² Early Records of Ontario, *Queen's Quarterly*, Vol. VII.

³ Early Records of Ontario, *Queen's Quarterly*, Vol. VII, p. 58.

⁴ Early Records of Ontario, *Queen's Quarterly*, Vol. VII, pp. 58, 243, 327.