

Justice, it shall be lawful for his Excellency the Governor, or the Commander in Chief of the Province for the time being, with the advice of the Council, by Patent under the Great Seal of the Province, to form one or more new Districts therein, to be afterwards Organized by Commission and Commissions for the Creation and appointment of all such Offices and Officers within the same, as may appear to be most necessary or conducive to the purposes aforesaid, any thing in any former Law or Ordinance of the Province contained to the contrary thereof notwithstanding.¹

And for the security and contentment of such of his Majesty's Canadian subjects as have, or may have Property in such new District or Districts. Be it further enacted by the same authority that in all their controversies respecting Titles of Land, and the Tenures and Descent, Alienation, Incumbrances and settlements of Real Estates, and for the distribution of Personal Property of persons dying intestate, such Proceedings shall be had therein as will give them the full Benefit and Security intended by the Statute abovementioned, and that every clause and Article in any of the said Patents and Commissions for forming such new District and Districts, and the administration of Justice in the same to the contrary, shall as to his Majesty's Canadian Subjects be absolutely null and void.

And for amending the present Ordinances relating to the course of Judicature in Civil Causes.

§2. Be it also enacted by the same authority, that the Courts of Common Pleas shall have no cognizance of any new cause to be legally brought in any of the Courts of Request after the erection of the same, by Virtue of another Ordinance of the present Session, entitled, *"*An Act or Ordinance for the relief of the poor by the Dispensation of Justice in small Causes.*"

¹ Appended to this paragraph is the following marginal note, evidently inserted by Finlay when sending the draught:—"this first Section of y^e Law, with the §7 was to introduce the Laws of England into all the upper part of the Province, and among all the old Subjects in the lower part; and leave the Canadians to the Coutume &c until they should be *Enlightened.*" Though this bill did not pass, yet in the Ordinance for continuing for a time that of 1785 to regulate the Proceedings in the Courts of Civil Judicature, being 27 Geo. III., cap. 4, a clause was introduced providing for the erecting of new Districts and for their administration. See below p. 860.

² This is the title of a bill or draught ordinance, summarized by Finlay in the appended note, which was also introduced by the Chief Justice but which failed to pass. In the Ordinance, however, of 27 Geo. III., cap. 4, which continued the old Ordinance with some amendments, a clause is introduced, "Respecting Dispensation of Justice in Small Causes," which secures the central object of this bill. See below, p. 860.

³ The Bill here referred to, enables the Governor by Letters Patent, to parcel out the Province into Precincts or Circles comprehending several contiguous Parishes, and to appoint in each Precinct three commissioners from the principal Inhabitants; and authorizes them, or any two of them to hold a Court of Requests once a month, or oftener if need be for the Precinct.

There is to be a Clerk for every Circle to keep an Office and give out the Summons or Process. — A Serjeant to execute the Process is in the appointment of the Commissioners.

The Court of Requests is competent for causes under £10, except in certain causes involving questions that are not proper for a summary decision.

The Court is minutely directed, and the Judgements final without Appeal, because the main object is to relieve the poor and the distant inhabitants.

For the same reason the Fees are low and the proceedings quick, and very plain and simple.

The Bill proceeds upon the Supposition, that there are public spirited Gentlemen to be found up and down the Country, who will not refuse in turn to be Judges between their neighbours; for they are not to have authority out of their own Circle.

As it is possible that the Commissioners in some Circles, may not be able to afford to give so much of their time to their Countrymen as may be required, a fee is allowed to the sitting Judges on every Judgement; if they please to take it.

The Governor may form a Circle as soon as he finds fit Commissioners for it, and they may dispense Justice in either language.