

SESSIONAL PAPER No. 18

resent the Deminution of their Authority which the Regulations we have proposed are designed to make.—That Authority therefore very usefull and necessary to the publick should be transferred in case of their neglect to the two Judges of the Common Pleas, and the Justice who has a Commission in small Matters in the way that we have recommended.

(signed) "W. Hey. P"

AN ORDINANCE FOR THE MORE EFFECTUAL ADMINISTRATION OF JUSTICE, AND FOR REGULATING THE COURTS OF LAW IN THIS PROVINCE.¹

Preamble.

Whereas it has been found by Experience, that the several Provisions contained in an Ordinance, bearing Date the Seventeenth Day of September One thousand, seven hundred and Sixty four, and intituled, amongst other Things, "An Ordinance for regulating and establishing the Courts of Judicature," by virtue of which certain Powers and Authorities are given to the Justices of the Peace for this Province, as well separately as collectively, to hear and determine in matters of private Property between Party and Party, instead of answering the good purposes for which they were ordained, have become an intolerable Burthen to the Subject, and proved the means of great Disquiet, Vexation, and Oppression.

Authority of the Justices in Matters of Private Property taken away;

It is therefore Ordained and declared, by His Excellency the Captain General, and Governor in Chief of this Province, by and with the Advice and Consent of the Council of the same, That from and after the day of the Date of the Publication of this Ordinance, all Jurisdiction, Power, and Authority in Matters of Private Property, belonging to or exercised by any Justice or Justices of the Peace for this Province, or any District, Part, or Member of the same, except Such as have already procured, or hereafter may procure a Special Commission for that Purpose, under the Hand and Seal of the Governor, or Commander in Chief for the Time being, shall be clearly annulled,

¹ Canadian Archives, Q 62, p. 528. As indicated above (note 1 p. 396) acting Attorney General Kneller was required to draught an Ordinance based upon the Report of the Council on the subject of the administration of Law by the Justices of the Peace. This draught was read in Council, Jan. 10th, 1770, and referred to a committee consisting of H. T. Cramahé, Thos. Dunn, and Colin Drummond. On the 1st of February the committee reported the draught, with certain amendments, and the ordinance as amended was approved and adopted, and ordered to be translated into French. On February 14th the translation was read, and the ordinance and translation were ordered to be published in the *Gazette*. The ordinance when published gave great offense of the Magistrates in the District of Montreal, who under the leadership of Charles Grant, a member of one of the leading British mercantile houses engaged in the Canadian trade, prepared a memorial in remonstrance. See Q 7, p. 95. This, Carleton in forwarding, attempts to answer. See Q 7, p. 89. Among other protests entered was one by a French Magistrate, Pierre de Calvet, under the title, "Observations sur l'Ordonnance du 1^{er} février dernier." See Q 7, p. 274.