

twice in every Year, *viz.* One to begin on the Twenty-first Day of *January*, called *Hillary* Term, the other on the Twenty-first Day of *June*, called *Trinity* Term.

In this Court His Majesty's Chief-Justice¹ presides, with Power and Authority to hear and determine all criminal and civil Causes, agreeable to the Laws of *England*, and to the Ordinances of this Province; and from this Court an Appeal lies to the Governor and Council, where the Matter in Contest is above the Value of *Three Hundred Pounds* Sterling; and from the Governor and Council an Appeal lies to the King and Council, where the Matter in Contest is of the Value of *Five Hundred Pounds* Sterling or upwards,

In all Tryals in this Court, all His Majesty's Subjects in this Colony to be admitted on Juries without Distinction.²

And His Majesty's Chief-Justice, once in every Year, to hold a Court of Assize, and General Goal-Delivery, soon after *Hillary* Term, at the Towns of *Montreal*³ and *Trois-Rivières*, for the more easy and convenient Distribution of Justice to His Majesty's Subjects in those distant Parts of the Province.

And whereas an inferior Court of Judicature, or Court of Common-Pleas,⁴ is also thought necessary and convenient, *It is further Ordained and Declared, by the Authority aforesaid, That an inferior Court of Judicature, or Court of Common-Pleas, is hereby established, with Power and Authority, to determine all Property above the Value of Ten Pounds, with a Liberty of Appeal to either Party, to the Superior Court, or Court of King's-Bench, where the Matter in Contest is of the Value of Twenty Pounds and upwards.*

All Tryals in this Court to be by Juries,⁵ if demanded by either Party; and this Court to sit and hold two Terms in every Year at the Town of

¹ The first Chief Justice of Canada was William Gregory, appointed in 1764.

² Accompanying the copy of this ordinance sent to the Home Government, were certain explanatory observations, in which Governor Murray states his reasons for introducing various features. On this clause his observation is as follows:—"As there are but Two Hundred Protestant Subjects in the Province, the greatest part of which are disbanded Soldiers of little Property and mean Capacity, it is thought unjust to exclude the new Roman Catholic Subjects to sit upon Juries, as such exclusion would constitute the said Two hundred Protestants perpetual Judges of the Lives and Property of not only Eighty Thousand of the new Subjects, but likewise of all the Military in the Province; besides if the Canadians are not to be admitted on Juries, many will Emigrate; This Establishment is therefore no more than a temporary Expedient to keep Things as they are until His Majesty's Pleasure is known on this critical and difficult Point." Q 62 A, pt. 2, p. 500.

³ Governor Murray's observation:—"We find, which was not at first apprehended, that the Court of Assize proposed to be held at Montreal Twice every year, will be attended with too much Expense to the Crown, and therefore that Establishment shall be corrected." *Ibid.* p. 502.

⁴ Governor Murray's observation:—"The Court of Common Pleas is only for the Canadians; not to admit of such a Court until they can be supposed to know something of our Laws and Methods of procuring Justice in our Courts, would be like sending a ship to sea without a Compass; indeed it would be more cruel—the ship might escape, Chance might drive her into some hospitable Harbour, but the poor Canadians could never shun the Attempts of designing Men, and the Voracity of hungry Practitioners in the Law; they must be undone during the First Months of their Ignorance; if any escaped, their Affections must be alienated and disgusted with our Government and Laws" *Ibid.* p. 502.

⁵ Governor Murray's observation:—"It is necessary to Observe that the few British Traders living here, of which not above Ten or Twelve have any fixed Property in this Province, are much dissatisfied because we have admitted the Canadians on Juries; the Reason is evident, their own Consequence is thereby bounded. But the Practitioners in the English Law have probably put them out of Humour with the Court of Common Pleas (which they are pleased to call unconstitutional.)" *Ibid.* p. 503.