

from the Antient customs of Canada, and also all those local and Municipal Laws, which have from local convenience and consideration obtained in this Kingdom, were thereby introduced into Canada, and become Laws there. In consequence of these opinions and constructions, the customs of Canada, which before governed in all suits concerning property, were laid aside ; and a further ill effect of the ordinance was, that, instead of that Summary and easy process, which had before been used in the adjudication of questions of this nature, it had the effect to introduce all that delay, perplexity and expence, which accompanies the lowest and most disgraceful practice in this Kingdom ; and the new Subjects, who were precluded from serving on Juries,¹ or pleading their own Causes,² were compelled to entrust the prosecution of them to men unacquainted with their language and Customs, and who to the greatest ignorance added the grossest rapacity.

It is not to be wondered, that establishments, so inconsistent with the civil rights of the Canadians, and so oppressive in their operation, should have given that disgust, so strongly, and yet so respectfully expressed in their humble Address to His Majesty on this occasion,³ more especially, when, in a Presentment of a Grand Jury⁴ impanelled at a Quarter Sessions, they found their Religion presented, as illegal; themselves not only proscribed, as incapable of the common offices of Society, but also subjected to all the Pains and Penalties inflicted upon Popish Recusants in this Kingdom; and a right claimed by such grand Jury of being the only representative body of the Colony, and of being consulted upon all Measures of Government.

It is true indeed, that His Majesty has been graciously pleased to disapprove of such unwarrantable claims and proceedings, and to direct, that the Canadians shall be admitted to serve on Juries, and to plead as Advocates, in the Courts;⁵ but the same erroneous opinion, with regard to the extension of the Laws of England, still prevails; the Laws and customs of Canada, in respect to property, have not gained admittance into the Courts; And His Majesty's new subjects, though they have a full Confidence and reliance on His Majesty's Equity, and His paternal Regard for their interest, do yet express great uneasiness, and wait with impatience His Majesty's Determination on those points, which so materially affect their Properties, Quiet, and Happiness.

The representations of this matter made by His Majesty's Governor in his Letters to the Secretary of State, copies of which are hereunto annexed,⁶ are so full and explicit, and do so clearly and distinctly point out the danger, to which the Colony stands exposed, and the necessity of some speedy measures being taken to give satisfaction to the new Subjects in the several

¹ See, however, Murray's comment on this feature of the ordinance, as given in note 2, p. 206, and note 5, p. 206.

² See note 1, p. 207.

³ See Address to the King, 1764, p. 223.

⁴ See presentment of Grand Jury, p. 212, and Reply of French jurors, p. 216.

⁵ See ordinance of July 1st, 1766, and instructions for passing it, p. 249 and note 2, same page.

⁶ See appendix to this report, Nos. 1, 3 and 5, pp. 393-4.