

SESSIONAL PAPER No. 18

Majesty's royal proclamation of the 7th of October 1763. If these instruments have introduced the laws of England, they may have a legal existence in this province, notwithstanding the want of legal authority in the two provincial ordinances above-mentioned. But if your Majesty should determine that these instruments have not introduced the laws of England into this province, then, as we conceive, it will follow, that the whole body of those laws has not yet been legally introduced into it, but that those parts only of the laws of England have a legal existence in this province which are contained in the acts of parliament above-mentioned, which by their own import and operation, and without needing any new instrument of government to introduce them, extend to all your Majesty's dominions in America.

Inconveniencies arising from the present state of the laws and administration of justice.

We will now proceed to lay before your Majesty the principal inconveniencies, under which the Canadians labour from the present state of the laws and methods of administering justice in this province.

The uncertainty of the laws.

The first and greatest inconvenience arising from the present state of the laws in this province is the uncertainty of them, and the doubts that are entertained concerning the legal continuance of the ancient laws and customs that were observed here in the time of the French government. This is a cause of great uneasiness and anxiety to persons of both nations in many of the ordinary transactions of life; insomuch that it would be a great improvement of the condition of the province if either the English laws, or the old laws and customs of the country, were established by some new act of government, conceived in the most clear and positive words that can be made use of, with an express exclusion or abolition of the other laws, which may be imagined to have hitherto been in force. For by this declaration in favour of either of the systems, your Majesty's subjects would know what they had to expect for themselves and their families with respect to their inheritances, purchases, mortgages, contracts, and other civil rights and privileges from the operation of the laws; and would in consequence thereof proceed to make such regulations of their affairs by particular agreements and settlements, and by their last wills and testaments, as would protect them against the inconveniencies which they might apprehend themselves to be exposed to from such parts of the established system of laws as they did not approve. We do not mean by this to insinuate, that such an immediate establishment of one of these systems of law, to the intire and express abolition and exclusion of the other, would be the best remedy that could be applied to this evil; but only to represent to your Majesty