

SESSIONAL PAPER No. 18

Justice and Equity, as well as these; That their Honors, Property, and Profits, as well as the King's Dues, in a great Measure Depended upon them, That, on the Mutation of Lands by sale, some special Cases excepted, they established Fines to the King, in Lieu of Quit Rents, and to the Seigneur, Fines and Dues, as his Chief Profits, Obliging him to grant his Lands at very low Rents—

This System of Laws established Subordination, from the first to the lowest, which preserved the internal Harmony, they enjoyed untill our Arrival, and secured Obedience to the Supreme Seat of Government from a very distant Province. All this Arrangement, in one Hour, We overturned, by the Ordinance of the Seventeenth of September One Thousand seven hundred and sixty four, and Laws, ill adapted to the Genius of the Canadians, to the Situation of the Province, and to the Interests of Great Britain, unknown, and unpublished were introduced in their Stead; A Sort of Severity, if I remember right, never before practiced by any Conqueror, even where the People, without Capitulation, submitted to His Will and Discretion.

How far this Change of Laws, which Deprives such Numbers of their Honors, Privileges, Profits, and Property, is conformable to the Capitulation of Montreal, and Treaty of Paris; How far this Ordinance, which affects the Life, Limb, Liberty, and Property of the Subject, is within the Limits of the Power, His Majesty has been pleased to Grant to the Governor and Council; How far this Ordinance, which in a Summary Way, Declares the Supreme Court of Judicature shall Judge all Cases Civil and Criminal by Laws unknown and unpublished to the People, is agreeable to the natural Rights of Mankind, I humbly submit; This much is certain, that it cannot long remain in Force, without a General Confusion and Discontent—

To prevent some of the Misfortunes that must accrue, the inclosed Draft of an Ordinance¹ was prepared, to be laid before the Council, but when I reflected on the many Difficulties, that would still remain, I thought it more advisable, to leave those important Matters, as I found them, till His Majesty's Pleasure was known thereon—

To shew more fully the Extent of these Alterations, several Months ago I directed an Abridgment of the Laws of Canada, in Force on our Arrival, to be drawn up, and at the same Time, desired the Chief Justice and Attorney General to give me their Opinion upon the Mode at present in Practice; This I thought absolutely necessary, to shew the true state of these Matters, Holding it of Great Importance to the King's Service, that all cause of great or general Discontent should be removed and prevented.

A few Disputes have already appeared, where the English Law gives to one, what by the Canadian Law would belong to another; A Case of

¹ See "Draft" which follows this letter.