

SESSIONAL PAPER No. 18

the Laws of England may not be, if not altogether, at least in part the Rule for the Decision in all Cases of personal Actions grounded upon Debts, Promises, Contracts and Agreements, whether of a Mercantile or other Nature, and also of Wrongs proper to be compensated in Damages, and more especially where Our Natural born Subjects of Great Britain, Ireland, or other Plantations residing at Quebec, or who may resort thither or have Credit or Property within the same, may happen to be either Plaintiff or Defendant in any Civil Suit of such a Nature.

13. . . . Whereas an Ordinance hath been passed in Our Province of Quebec, Intituled, "An Ordinance for securing the Liberty of the Subject "and for the prevention of Imprisonments out of this Province," It is Our Will and Pleasure that you do take effectual Care that the said Ordinance be duly enforced, so that every Security to personal Liberty, which is thereby provided for, may be fully enjoyed by Our Subjects in that Province.

14. . . . Whereas, in pursuance of Our former Instructions to Our Governors and Commanders in Chief, Courts of Justice have been established within Our province of Quebec, It is Our Will and Pleasure that you do take due care that in all Cases whatever the Powers and Authorities granted by Us, or by any Ordinance confirmed by Us, to the said several Courts be duly observed and enforced, and that the Proceedings therein be in all things conformable to the said Act of Parliament "for making more effectual "provision for the Government of the Province of Quebec," and to such Ordinances as may have been or hereafter may be enacted by the Legislature for those purposes ; And that the Governor and Council (of which in the Absence of the Governor and Lieutenant Governor the Chief Justice is to be President) shall continue to be a Court of Civil Jurisdiction for the hearing and determining of all Appeals from the Judgment of the other Courts, where the Matter in dispute is above the Value of ten Pounds; That any five of the said Council (if no more shall upon Summons be present) with the Governor, Lieutenant Governor or Chief Justice shall constitute a Court for that purpose, and that their Judgment shall be final in all Cases not exceeding the Value of five hundred Pounds Sterling ; In which Cases an Appeal from their Judgment is to be admitted to Us in Our Privy Council ; It is however Our Will and Pleasure that no Appeal be allowed unless Security be first duly given by the Appellant that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs and Damages as shall be awarded by Us, in case the Sentence be affirmed ; Provided nevertheless, where the Matter in Question relates to the taking or demanding of any Duty payable to Us, or to any Fee of Office, or Annual Rents or other such like Matter or Thing, where the Right in future may be bound, in all such Cases Appeal to Us in Our Privy Council is to be admitted, though the immediate Sum or Value appealed for be of less Value ; And it is Our further Will and Pleasure that in all Cases where Appeals are admitted unto Us in Our Privy Council Execution be suspended until the final Determination of such Appeal, Unless good and sufficient Security be given