

Governor-in-Chief issued another Ordinance taking away the Civil jurisdiction of the Justices of the Peace and directing all disputes for any sum not exceeding £12 Currency (\$48) to be tried by the Judges of the Courts of Common Pleas. The Court of Common Pleas formerly sitting at Montreal and considered part of the Court of Common Pleas at Quebec was made independent with Judges residing constantly at Montreal. The two Courts at Quebec and Montreal were limited in their jurisdiction to their own Districts and were to be constantly open except on Sundays and certain vacations. One day in each week was to be set aside for these cases not exceeding £12, and one Judge might determine them: every Friday to be a Court day for such cases.

Agitation for and against the reinstitution of Canadian law continued and at length in 1774 was passed The Quebec Act, 14 George III, C. 83. This by section 3 revoked and annulled as of May 1st, 1775, all Ordinances of the Governor and Commissions to Judges, &c., theretofore made: Section 8 provided that "in all matters of controversy relating to property and civil rights resort" should "be had to the Laws of Canada," i. e., the former French Canadian law: while Section II retained the English Criminal Law. By Section 17 the Crown retained the right to erect Courts of Criminal, Civil and Ecclesiastical Jurisdiction and to appoint judges and officers. This Act aroused the bitterest opposition from the English subjects and petitions were sent to Westminister for its repeal but in vain.

Governor Carleton received with his new Commission, Instructions dated January 5th, 1775, which directed him, Sec. 15 (in general) to establish a Provincial Court, the Court of King's Bench, for cognizance of all Pleas of the Crown (i. e., Criminal cases) in the Province—also to divide the Province into two Districts, those of Quebec and Montreal and establish in each a Court of Common Pleas with jurisdiction over all civil causes "cognizable by the Court of Common Pleas in Westminster Hall." He was instructed also that there should be an "Inferior Court of Criminal and Civil Jurisdiction in each of the Districts of the Illinois, St. Vincenne, Detroit, Missilimakinac and Gaspée by the name of the Court of King's Bench for such District"—the Judges of these inferior Courts to have the same jurisdiction in Civil matters as any other Judge of a Court of Common Pleas and in Criminal matters the same as the Chief Justice of the Province except that in Treason, Murder and other Capital Felonies they should only arrest and commit to the gaols of Quebec or Montreal to be tried before the Chief Justice: Appeals in matters over £10 to be taken to the Governor-in-Council with a further appeal to the King in Council in cases of £500 and upwards. The importance attached to these inferior Courts is manifested by another reference to them in Section 31, and Section 56 provides a salary of £100 for "one Judge of the Inferior Courts of King's Bench and Common Pleas at each of the . . . five Posts" with £50 of a salary to an Assistant or Assessor.

The Courts of Common Pleas at Quebec and Montreal were each