

according to law and equity, and, as near as may be, agreeably to the laws of England."

Governor Murray and his council of twelve, partly appointed by England and partly by himself, immediately promulgated this proclamation and in his first or great ordinance dated 17th September, 1764, constituting the courts of justice, these English laws, in abolition of the French law in its entirety, were put into force with the solitary reservation "that the French laws and customs should be allowed and admitted in all causes in the said court (Common Pleas) between the natives of the said province, in which the cause of action arose before the first day of October, 1764." A Court of Chancery was further established with the Governor as Chancellor, and two Masters, two examiners and one registrar. Full effect was thus given to the king's proclamation, but Murray, under the all-powerful influence of Cugnet and the French gentry soon upset the whole force of the king's edict by the resolution of council adopted the following month: "That in actions relative to the tenure of lands and rights of inheritance, the laws and usages of Canada should be observed as the rule of decision according to equity, conformable to the former ordinance." This was never confirmed by the king, and as the Governor and Council had no authority to pass such a resolution, it was not only illegal but wholly *ultra vires*, nevertheless it was acted upon and rendered "confusion worse confounded" in the decisions of the courts under the two systems of law thus brought into force; a constant cause of complaint to the Crown in after years, and which ultimately brought about the Canada Act of 1891.

General Murray, after the conquest resided in Quebec, where he soon became on most intimate terms with the French gentry, all of whom had become British subjects by taking the oath of fidelity. Son of Lord Elibank and of an autocratic turn of mind he could not condescend to associate with the commoners from England who came to settle