

6-7 EDWARD VII., A. 1907

Read at the Board. Approved and the Attorney General directed to prepare an Ordinance in Consequence thereof:

Approved and Ordered to be Entered in this Book, and that the Attorney General¹ be directed to prepare an Ordinance in consequence of the New Regulations proposed to be made by the said Report.

“QUEBEC, 29th August &

“11th September 1769.

The Report
Viz^t

“At a Committee Appointed to take into Consideration the “State of the Administration of Justice under the Justices of “Peace in this Province.

“PRESENT

“The Hoñble William Hey, President

“H. T. Cramahé	} Esquires.
“Thomas Dunn	
“Colin Drummond	

“Who agreed upon the following Report

“In obedience to an order of Council bearing date the 18th day of August last. We have taken into our consideration the several Matters therein referred, in consequence of which we beg leave to represent to Your Excellency and the Council, that the several Authorities & powers of the Justices of Peace in Matters of property as contained in the Ordinance of September 1764.² Appear to us to have been very injudicious in their Original Institution, and in the exercise of them, more particularly within the District of Montreal exceedingly grievous and oppressive to the Subject. It is well known that in England, where the Justices of Peace are for the most part Men of large Fortunes, who have a Considerable interest in Common with the people over whom their Authority is exercised, no such power is entrusted to them either by the Commission itself, or any of the Various Acts of Parliament which relate to their Office: And tho the ill Advised construction of the great Courts established here

¹ At this time Francis Maseres, being desirous of returning to Britain, was granted, by Governor Carleton, a year's leave of absence. The Governor explained the circumstances in a letter to Hillsborough, of Oct. 3rd, 1769, and in which the lack of harmony between Carleton and Maseres is fully evidenced. At the close of the letter Carleton states that Henry Kneller had been appointed to act as Attorney General in the interim; hence upon Kneller fell the duty of draughting the new ordinance.

² The Ordinance of September 17th, 1764. See p. 205.