

was given power, with the advice and consent of the Council, "to Erect, Constitute and Establish such and so many Courts of Judicature and Publick Justice within Our said Province" as should be necessary—the Commission further gave him power to "constitute and appoint Judges and in cases requisite Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs and other necessary officers and ministers in our said Province." His Instructions, December 7th, directed him to apply his Attention to these great and important objects (Sec. 16).

In the following year, September, 1764, Governor Murray issued an Ordinance establishing a Court of King's Bench for the Province to sit at Quebec—in this sat the Chief Justice with power to hear and determine all cases, Civil and Criminal,—an Appeal lying from his decision to the Governor and Council in cases over £300 Sterling: a further Appeal being provided for from the Governor and Council to the King and Council where the Matter in contest was of the value of £500 Sterling or upward. The Chief Justice was also to hold a Court of Assize and General Gaol Delivery once a year at Montreal and Three Rivers. It had been intended that the Court at Montreal should sit twice a year, but this was found too expensive.

A Court of Common Pleas was also established with jurisdiction in cases above £10 with an appeal to the Court of King's Bench in cases of £20 or upwards. This also sat at Quebec at the same time as the King's Bench and was intended "only for Canadians." Either party might demand a jury (in the King's Bench the trial was by jury): when the amount in contest was over £300 Sterling an Appeal lay to the Governor-in-Council and a further Appeal to the King in Council where the amount was £500 Sterling or upward. In both Courts the Law of England was to be applied except in cases between natives of the Province where the cause of action arose before October 1st, 1764, in which cases the French law and customs were to prevail.

Justices of the Peace were to determine cases of less importance, one Justice up to £5 and two up to £10 "current money of Quebec" (£1 Quebec Currency is \$4) without appeal: three Justices or more in Quarter Sessions could hear and determine causes above £10 and not more than £30 subject to an appeal to the King's Bench. The Courts of Quarter Sessions were to sit every three months at Quebec and Montreal only, until there should be a competent number of persons qualified to be Justices of the Peace at or near Three Rivers: and the Province was divided into two Districts for that purpose by the Rivers Godfroy and St. Maurice. By this Ordinance, of course, Detroit came within the jurisdiction of the Quarter Sessions at Montreal and the Justices of the Peace of that District—no very great advantage, as we shall see later.

Neither the law nor its administration was wholly acceptable to the Canadians. In 1770, February 1st, Sir Guy Carleton, the