

6-7 EDWARD VII., A. 1907

The judges should hold court once a week, with a very few exceptions.

English judges to abuse it, by reason of their connections in the country, and the enmities and partialities that these connections would give birth to. And besides, there are other reasons, which would make it inexpedient to trust your new Roman catholick subjects, so lately brought under your Majesty's allegiance, with so great a degree of power. These judges and their assistants should hold their courts every week throughout the year, excepting one month at Christmas, one week at Easter, and another at Whitsunday, which are the three great seasons for holidays observed by Christians. And they should sit on the Tuesday or Wednesday of every week, that the contending parties and their witnesses might not be under a necessity of travelling on Sundays to attend them. If the use of grand juries should be thought fit by your Majesty to be continued in criminal prosecutions, these judges should take cognizance of criminal matters (that is, of such parts of the criminal proceedings as required the attendance of grand juries) only once a month, that the inhabitants might not be too much diverted from the care of their private affairs by their attendance in the courts as grand jurymen. But the other steps of all criminal proceedings that do not require the presence of grand jurymen, and, if the use of grand juries was laid aside, the whole of those proceedings should be carried on in weekly sessions, as well as all the civil business of the district.

Method of proceeding in these courts.

The method of proceeding in these courts in civil actions might be as follows. The plaintiff might bring a declaration or plaint, in writing, into court, which might be either in the French or English language, as he thought proper, praying the process of the court to cause the defendant to be summoned to answer it; but not to be arrested by his body. This plaint should be read to the judge in open court, in order that he should determine whether or no it contained a good cause of action; and, till he approved it, no summons should be issued upon it. If he approved it, he should order it to be filed amongst the records of the court by the clerk or register of the court, and should award a summons to be sent to the defendant to come and answer the plaintiff's demand, at such a time as he, the judge, should therein appoint. If he neglected to come at the time appointed by the summons, without any good reason for his neglect, he should be condemned to pay the plaintiff a moderate sum of money, to be ascertained by the judge, as a compensation to him for his expence and trouble in attending the court, at the time appointed by the summons, to no purpose; and he should be summoned to come and answer the plaintiff's demand on another day. If he then also refuse to come, judgment should go against him by default. When the defendant appeared, he should make his