

SESSIONAL PAPER No. 18

ors, increases the number of the poor and helpless, and makes the families of the debtors, as well as the debtors themselves, become oftentimes a burden to the publick; and it is generally thought by the Canadians to be an unnecessary degree of harshness.

To remedy these several inconveniencies we beg leave to recommend to your Majesty the following plan for the administration of justice in this province for the time to come; which we have formed in imitation of that which was in use in the time of the French government.

A plan for the administration of justice in this province.

That this province should be again divided into the three districts of Quebec, Three Rivers, and Montreal, as in the time of the French government: which might be called the Shires of Quebec, Three Rivers, and Montreal; and each of these three districts should have separate officers of justice: that a Royal court of judicature should be established in each of the three towns of Quebec, Three Rivers, and Montreal, which are the capital, or rather only, towns of those several shires or districts: and that each of these courts shall consist of one able English judge, appointed by your Majesty, and invested with full powers to hear and determine all matters, both criminal and civil, arising within his jurisdiction, just as your Majesty's chief justice of the province is impowered to do upon the present establishment throughout the whole province.

Three royal judges, one to each shire or district of the province.

These judges to be English barristers at law, of five years standing at the bar.

These English judges should be barristers at law, of at least five years standing at the bar; and they should be such as, besides their skill and knowledge of the law, had a competent knowledge of the French language. And further, to enable these English judges more readily to understand the testimonies of the French witnesses, that would so often be examined before them, and likewise to comprehend the nature and extent of such of the antient laws and customs of the country as your Majesty shall think fit to be either continued or revived, we conceive, that it would be convenient to give each of them a Canadian lawyer for an assessor, or assistant to them in the decision of causes: but the Canadian assessors should have no vote or authority to decide the causes in conjunction with the English judges; but should only assist them with their opinion and advice, the whole power of finally deciding them being vested solely in the English judges. This employment of the Canadian lawyers, even in this subordinate capacity of assistants and advisers, would be thought a very gracious indulgence in your Majesty by all your Majesty's new subjects; and many of them, to whom it has been mentioned, have expressed an entire approbation of it. If they had an equal degree of authority with the English judges in the final decision of causes, they would be much more likely than the

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but the sole power of deciding the causes should be vested in the English judges.