

even the suits which might be tried at the circuits are generally in preference carried up for trial to the chief places of these districts.

There are some complaints that excessive fees are taken in the courts of Montreal and Quebec. The distribution of legal patronage is a matter of great, it is not easy to say, of how just complaint; but the substantial evil of the administration of civil justice consists in the practical denial of it caused by the utter inefficiency of the circuit system, and enormous expense and delay of carrying every suit, where the value in dispute is more than £.10. sterling, from the extremities of the three large and settled districts of the Province to the three district towns; in the vicious constitution of the inferior tribunals by which it has been attempted to supply the want of an effective system, either of circuits or local courts; and in the very faulty nature of the supreme appellate jurisdiction of the Province.

Expensiveness
of justice.

The minor litigation of the country is, in fact, carried on throughout these three districts in the courts of the Commissioners of Small Causes. These courts are established in the different parishes by the Governor, on an application made by a certain number of the parishioners, according to forms prescribed by the provincial statute, in which this institution takes its rise, and have jurisdiction over all debts not exceeding 25 dollars, equal to 6*l.* 5*s.* currency. The Commissioners are appointed by the Governor, upon the recommendation of the petitioners; these are residents in the parish, and almost wholly unversed in law. The constitution of these courts is, in fact, nothing else in substance, but an elective judiciary, elected under the most irregular, fraudulent and absurd electoral system that could possibly be devised. I cannot better illustrate this description, than by narrating simply the mode in which the appointment is, in fact, made. It is, and has for a long time been, left almost entirely in the hands of a subordinate assistant in the Civil Secretary's office. This gentleman stated that he took no steps, and indeed by law he could not, until he received a petition, with the requisite number of names attached. His impression was, that these signatures were generally obtained by assiduous canvassing in the parish, generally on the part of some person who wanted the appointment of clerk, which is paid, and who took this trouble, in order to secure the nomination of commissioners, from whom he expected to get the appointment. After some inquiry from any person whom this assistant secretary thought proper to consult respecting the characters of the persons proposed, they were, almost as a matter of course, appointed. After a short time, if some other person in the district happened to acquire more popularity, and to covet the office, a petition was got up containing charges against the occupant of the office, and praying for his removal, and the substitution of his rival. Upon most of the appointments also, there arose long controversies respecting the politics, qualification and character of the candidate for office; and a removal or new appointment was always attributed to some political causes by the newspapers of each party or race. The inquiry into the qualification of persons proposed, the investigation of the charges made, the defence urged in reply, and the distant and unsatisfactory evidence adduced in support of each, formed a large proportion of the business of the Civil Secretary's office. Whatever appointment was made, the Government was sure to create dissatisfaction; and the administration of justice was left in the hands of incompetent men, whose appointment had been made in such a manner, as even, sometimes, to render their integrity suspicious, in the eyes, not only of those who had opposed, but also of those who had supported their nomination. I shall only add, that sometime previous to my leaving the Province, I was very warmly and forcibly urged, by the highest legal authorities in the country, to abolish all these tribunals at once, on the ground that a great many of them, being composed entirely of disaffected French Canadians, were busily occupied in harassing loyal subjects, by entertaining actions against them, on account of the part they had taken in the late insurrection. There is no appeal from their decision; and it was stated that they had in the most barefaced manner given damages against loyal persons for acts done in the discharge of their duty, and judgments by default against persons who were absent, as volunteers in the service of the Queen, and enforced their judgment by levying distresses on their property.

Commissioners of
small causes.

I must now turn from the lowest to the highest civil tribunal of the Province. In a country in which the administration of justice is so imperfect in all the inferior stages, and in which two different and often conflicting systems of law are administered by judges whose professional education and origin necessarily cause

Court of Appeal.