

6-7 EDWARD VII., A. 1907

of Five or Six of these Men by buying up a Large Quantity of Wheat, would have been Sufficient to Raise the Price of Flour to whatever Sum they pleased. This gave great Umbrage to Mess<sup>rs</sup> Cuthbert, L'Eveque, Alsop & Grant, who all have or proposed to have great dealings in Wheat and Flour. The Majority however felt the necessity of something being done, The Ordinance was passed and Received my Assent. It was printed & ready to be published, when fortunately it was discovered by Mr. Powell,<sup>1</sup> an Attorney at Montreal, who was employed to defend an Ingrosser against whom a Prosecution had been Commenced, that the Statute of Edward the VI<sup>th</sup> had been Repealed.

The Legislative Council had agreable to that Statute inflicted the Penalty of the Pillory (which, as Carrying Infamy with it would have had great Effect in deterring Canadians) upon Persons Convicted of the third Offence. The Quebec Act restrains the Legislature of this Province from Carrying into Execution without His Majestys Previous Approbation, any Ordinance inflicting Severer Penalties than Fine or three Months Imprisonement—I was therefore under the necessity to re-assemble the Council, to alter that Clause of the Ordinance, as likewise the Title of it<sup>2</sup>—I cannot Suppose that the Attorney General concealed from me or the Legislative Council any knowledge he may have had of that Statute being repealed, at the same time I must acknowledge to You My Lord that there have been many things in that Gentleman's Conduct, which Tend to destroy that Confidence which I should have in the Person who fills that Employment.

I had in my Speech to the Council<sup>3</sup> recommended to their consideration the Fees which were taken by the Officers of Government & mentioned those taken by the Lawyers as particularly Complained of—

Law-Suits in general are more owing to the Inhability than want of Inclination in people to pay their Debts, hence the Rapacity of the Lawyers was the more Conspicuous, as falling heavy upon the Poorer sort of People tho' there was but too much Cause of Complaint in the other Departments.

Governor Murray had in the Year 1765 published an Order of Council wherein he regulated the Fees of the Officers of Government and of the Lawyers at a Reasonable Rate, but after his Departure little Regard was paid to that Order except in the Courts of Common Pleas, & its Authority ceased entirely in May 1775.

Sir Guy Carleton had in the Sessions 1775 proposed to Regulate the Fees of Office & had that Business very much at heart. Committees were appointed for that Salutory purposes & tho' many Obstacles were thrown in the Way, great Progress was made. The Ordinance was lost for that

<sup>1</sup> William Dummer Powell was admitted to the practise of Law in Quebec Province, 1779, and practised in the Courts of Montreal. He carried to England the petition for the repeal of the Quebec Act in the latter part of 1783. He was afterwards a Judge, and later a member of the Legislative Council and Chief Justice in Upper Canada.

<sup>2</sup>The Ordinance as passed was entitled, "An Ordinance Describing the persons who shall be deemed Forestallers, Regrators and Ingrossers in this Province, and inflicting punishment upon those who shall be found guilty of such offences." See Ordinances, 1763-91, p. 103.

<sup>3</sup>See Minutes of Leg. Council, v. D., p. 57.