

of the crown: and they used for that purpose to hold two courts in every week throughout the year, except about six weeks in the months of September and October, and a fortnight at Easter; and besides these courts held regularly every week, they would sit on other days of the week, if the business before them made it necessary. From these courts there lay an appeal to the highest court of the province, which was called the superiour council; and this high court also sat every week: so that the difference between the expeditious methods of obtaining justice in the time of the French government, and the slowness of the proceedings upon the present establishment, is very striking in the eyes of the Canadians, and is esteemed a very considerable inconvenience.

Besides the usual ill consequences arising from the want of dispatch in law-proceedings, this unfrequency of the sessions of the superior courts of judicature has been a principal cause of the increase of the fees of the Canadian attornies and advocates: for, as their opportunities of pleading causes happen so much seldomer than formerly, they endeavour to make up, by the value of the fees they now receive in the three sessions of the court of Common Pleas, the advantages they formerly derived from the number of them in the time that the French king's courts sat every week.

There is indeed in the present establishment a court of justice in each district of the province that sits every week for the dispatch of business. These are the courts of the justices of peace. This was a very judicious institution, and well suited to the circumstances and disposition of the people. Yet it is liable to some objections. For, in the first place, the justices of the peace, who are the judges of these courts, are not much skilled in judicial proceedings; and, secondly, the same justices not attending constantly at these sessions, it is often necessary, where a matter cannot be decided at one session, but is adjourned to the next, to repeat all the proofs and arguments before the justices at the second session, which had been produced at the former session before the other justices who happened not to be now upon the bench, which occasions an increase of expence and trouble: and, lastly, their jurisdiction extends only to such disputes as relate to sums of money that do not exceed ten pounds. In all contests for greater sums the parties are obliged to have recourse either to the quarterly courts of the justices of the peace, or to the courts of King's Bench and Common Pleas, where the sessions are held but three times a year.

The next inconvenience is the severity of the present method of proceeding in civil actions, by arresting and imprisoning the defendant's body. This, by filling the gaols with unhappy debt-