

Inefficient administration of justice.

The worst effects of this most faulty system of general administration will be developed in the view which I shall hereafter give of the practices adopted with respect to the public lands, and the settlement of the Province, but which I postpone for the present, because I purpose considering this subject with reference to all the North American Provinces. But I must here notice the mischievous results prominently exhibited in the provision which the government of Lower Canada makes for the first want of a people, the efficient administration of justice.

Civil law.

The law of the Province and the administration of justice are, in fact, a patch-work of the results of the interference at different times of different legislative powers, each proceeding on utterly different and generally incomplete views, and each utterly regardless of the other. The law itself is a mass of incoherent and conflicting laws, part French, part English, and with the line between each very confusedly drawn. Thus the criminal law is the criminal law of England as it was introduced in 1774, with such modifications as have since been made by the provincial legislature, it being now disputed whether the provincial legislature had any power to make any change whatever in that law, and it not being at all clear what is the extent of the phrase "criminal law." The civil law is the ancient civil law, also modified in some, but unfortunately very few, respects; and these modifications have been almost exclusively effected by Acts of the British Parliament and by ordinances of the Governor and Council constituted under the Quebec Act. The French law of evidence prevails in all civil matters, with a special exception of "commercial" cases, in which it is provided that the English law is to be adopted; but no two lawyers agree in their definition of "commercial."

Judicial divisions.

For judicial purposes, the Province is divided into four superior districts, having unlimited and supreme original jurisdiction, and one inferior, with limited jurisdiction. The four superior are those of Quebec and Montreal, Three Rivers and St. Francis; the inferior, that of Gaspé.

District of Gaspé.

The district of Gaspé is subordinate to that of Quebec, with some special provisions for the administration of justice within it under a particular Provincial Act, which expires next May. I could obtain no very satisfactory information respecting this district, except that every body appeared to be of opinion that, from its distance and scanty population, it had always met with very little attention from either the legislature or the executive government. About the administration of justice therein, I could hardly obtain any information; indeed, on one occasion, it being necessary, for some particular purpose, to ascertain the fact, inquiry was made at all the public offices in Quebec, whether or not there was any coroner for Gaspé. It was a long time before any information could be got on this point, and it was at last in some measure cleared up, by the Accountant General discovering an estimate for the salary of such an officer. The only positive information, therefore, that I can give respecting the present administration of justice in Gaspé is, that I received a petition from the inhabitants, praying that the Act by which it is regulated, might not be renewed.

Judges.

Each of the courts of Quebec and Montreal has a chief justice and three puisne judges; there is but one judge in each of the districts of Three Rivers and St. Francis. During term time judges from other districts make up the bench in these two.

Jurisdiction.

In all civil cases these courts have original jurisdiction to an unlimited amount; and in spite of the immense extent of all, but particularly of the two greater districts, the parties are in almost all cases brought up to the chief towns for the trial of their causes.

Attempt at circuits.

An attempt, but of a very trifling and abortive character, has been made to introduce the English system of circuits. The judges of these districts make circuits once a year, in order to try causes in which the disputed value is not more than £.10. sterling. The limitation of the value, the introduction of small-debt courts, and the consequent failure of attendance on the part of a bar during their progress, and the very insufficient time allotted for the stay at each place, have, I am informed, rendered these circuits almost useless; and even