

SESSIONAL PAPER No. 18

that is transacted there, and by the provost-marshal, or sheriff, and his bailiffs, for their summonses, arrests, and other ministerial business done by them in the course of the proceedings, and those which are taken in the court of Common Pleas, or the quarterly and weekly courts of the justices of peace, by the several officers of those courts, are found to be unreasonable, it will be easy to reduce them to a more moderate standard by a provincial ordinance for that purpose, if your Majesty will condescend to make such a reasonable addition to the salaries of these several officers as shall be a compensation for such diminution of their fees. The other cause of the expensiveness of law-suits is the rate of the fees of the attornies and advocates. These fees, it is evident, are not capable of a like reduction with the former, but must always be such as the parties and their lawyers shall agree upon; since it is the natural right of every man to set what price he pleases upon his labour. All that can be done to keep those fees from growing exorbitant is to prevent a monopoly of law business in the hands of a few lawyers, who might thereby be enabled to exact unreasonable rewards from their clients by the necessity the people would be under of either employing them upon the terms they thought proper to demand, or letting their business remain undone: and this has been already done by your Majesty's wisdom and indulgence in permitting Canadian notaries, attornies, and advocates to practise their respective professions notwithstanding their continuance in the profession of the Romish religion.¹

Yet when every thing is done that can be done to diminish the expence of law proceedings, it is probable they will still be more expensive than in the time of the French government; which ought not to be a matter of surprize, since the prices of corn and provisions, and of all sorts of labour, are almost double of what they were at that time.

The slowness with which they are conducted upon the present establishment.

The next inconvenience arising from the present establishment of the courts of judicature complained of by the Canadians is the tedious length of law-suits. This is owing to the unfrequency of the terms or sessions of the supreme court of judicature, and of the court of Common Pleas, which sit only three times a year at Quebec and twice at Montreal. In the time of the French government there were three royal courts in the three several districts of Quebec, Three Rivers, and Montreal, vested with full power to determine all matters both criminal and civil; in each of these courts a judge appointed by the French king administered justice, and a king's attorney prosecuted on behalf

¹ See Ordinance of Sept. 17th, 1764, and notes thereon; p. 205.