

## SESSIONAL PAPER No. 18

the Chief Justice in his judicial Character and Capacity in any particular; and it is our Duty here to observe, that your Majesty by the Seventeenth Article of your Instructions to the Governor of Quebec,<sup>1</sup> was graciously pleased to direct, that he should not displace any of the Judges, Justices of the Peace, or other officers or Ministers without good and sufficient cause, which he was to signify in the fullest and most distinct manner to your Majesty by one of your Majesty's principal Secretaries of State, and to your Majesty's Commissioners for Trade and Plantations, for their information, we shall now proceed to examine his conduct, as one of the legislative Council; and beg leave thereupon to observe to your Majesty,

That it does appear to us, that Your Majesty's Council of Quebec were called together by the late Governor for the purposes of Legislation on the 23<sup>rd</sup> of March last, and were prorogued by his order on the 25<sup>th</sup> of April following; that this was the first and only session of the legislative Council at which the Chief Justice was present; and that during the period of this Session he constantly attended; That upon the first day of the meeting, the late governor being present, recommended to the consideration of the Council the regulation of Fees to be taken in the several offices; and that upon the day following they resolved themselves into two Committees for the purpose of making the necessary examinations and reports preparatory to the framing an Ordinance the Chief Justice being Chairman of the Committee for Law Fees; that upon this occasion it appears on the Minutes, that the Chief Justice moved in the following words, viz.

"That in Order to regulate the fees in Compliance with his Excellency 'the Governor's Recommendation, the Judges of the Courts of Common 'Pleas for the Districts of Quebec and Montreal, might be directed to furnish a State of the Course of proceeding in their respective Courts, and of 'such Rules, Orders and Notices of practice as they have made to regulate 'the Course of their respective Courts, in order that this board may receive the Information necessary to apportion justly the fees to be allowed 'to the Labour necessary to be done.'"<sup>2</sup>

This motion being rejected upon a Division, the Committee proceeded on their Business; but before they were prepared to make their Report, it appears, that M<sup>r</sup> Finley, joint Post Master of America, and M<sup>r</sup> Grant, acting Receiver General, each moved certain regulations for the better managing and collecting your Majesty's Revenue within their respective Departments; That the Chief Justice voted for referring these to a Committee in both instances, which were over ruled; and the reasons he assigns for so doing are, because these propositions were offered by those, to whom your Majesty had committed the care of the matters, to which they referred, and because it was, as he conceives a breach of decency in the proceedings to refuse them the common attention of being considered by a Committee.

<sup>1</sup> See Instructions to Carleton 1775, p. 602.

<sup>2</sup> Minutes of Leg. Council, vol. D., p. 26.