

6-7 EDWARD VII., A. 1907

criminal cases, and in suits concerning your Majesty's revenue, and in all other suits in which your Majesty's interest is concerned. If your Majesty should not think proper to appoint an officer expressly for this purpose, the power of carrying on these prosecutions for your Majesty might be vested in the clerk, or register, of the court; just as in your Majesty's court of King's Bench in England, the clerk of the crown, (whose principal duty is, to register, or enter, the pleas of the crown in the records of the court) is likewise attorney of your Majesty in that court, and prosecutes in your Majesty's behalf. But we submit it to your Majesty, that it would be convenient, and more suitable to the honour of your Majesty and the dignity of the court, to have a separate officer for this purpose to be called your Majesty's Attorney for that district, as there was in the time of the French government.

Appeals
from these
courts to the
gouverneur
and council,
and from
thence to the
King in
council.

From these courts there should lie an appeal to the gouverneur and council of the province, and from thence to your Majesty in your privy council. One great use of the appeal to the gouverneur and council would be to preserve an uniformity in the law throughout the whole province, which otherwise might gradually become different in the three different shires or districts of it, by the difference of the decisions that might be given in these several courts of justice, if they were intirely independant of each other, and subject to no common superiour council that might correct the errors of their proceedings.

And for the same reason the decisions of these courts should not be deemed to form precedents of sufficient authority to determine any subsequent disputes; but this authority should be ascribed only to those cases which had been decided by the gouverneur and council of the province upon the appeals brought before them from these shire-courts, or by your Majesty's self in your privy council.

And in order that your Majesty's gouverneur and council might not be destitute of the advice of persons skilled in the laws to assist them in the determination of the appeals that should be brought before them, it might be expedient that your Majesty's judges of these three courts, and perhaps also your Majesty's three attornies in them, should be made members of your Majesty's council of the province; by which means all the best law abilities in the province would be employed in making these important decisions that were to carry with them the force of law: and with this view it might be proper to require your Majesty's judges and attornies of the courts at Three Rivers and Montreal to attend the gouverneur at Quebec for one month about Christmas time, in order to assist at the decision of these