

6-7 EDWARD VII., A. 1907

our idea of the greatness of this inconvenience, since even such a cure would be desirable. What is the best remedy that can be applied to this evil, is, as we conceive, a point of the greatest difficulty, and fit only to be determined by the wisdom of your Majesty's councils; though in obedience to your Majesty's commands, we shall humbly suggest to your Majesty, in the subsequent part of this report, some of the different methods that, as we apprehend, may be taken for this purpose, with the advantages and disadvantages with which they will be respectively attended. But before we proceed to consider this arduous subject, we beg leave to lay before your Majesty some other and much smaller inconveniencies arising from the present state of the courts in this province, together with a plan for the administration of justice for the time to come, which we humbly conceive to be likely in a great measure to remove them.

Other inconveniencies attending the present state of judicature in this province.

These inconveniencies are the expensiveness of law proceedings, which is considerably greater than in the time of the French government, the tediousness of them, and the severity of the present method of proceeding in civil suits by arresting and imprisoning the defendant's body.

The expences of law proceedings.

The expences attending law-suits arise evidently from two different sources, the fees of the officers of the courts of justice, and those of the attornies and advocates whom the parties employ in the management of their causes.¹ The former are capable of being properly regulated, as the persons to whom they are due are all servants to your Majesty, and under the immediate controul of your Majesty's governour and council; and measures have been already taken to ease your Majesty's subjects in this province of some part of these fees: your Majesty's chief justice and clerk of the crown have remitted those that used to be taken by them in the supreme court; and those of the attorney-general for the conduct of criminal prosecutions have always been charged to your Majesty: and if those which are taken by the clerk of the supreme court for the civil business

¹ A complete return of the fees exacted by the various officers in the different departments of the King's service in Quebec Province, was prepared, under an order of the Lt.-Governor, and is given in Canadian Archives, Q 5-2, pp. 445-466.

When this return, together with Carleton's observations upon the system of fees, had been transmitted to Colonial Secretary Hillborough, he made the following reply:—"It is His Majesty's firm Purpose that every proper Measure shall be taken to remedy those Evils, and to remove that Scandal and Reproach brought upon His Majesty's Government, and the consequential unfavourable Impressions made upon the Minds of His Majesty's New Subjects, which are the Effects of the little Attention given by the Patentees in this Kingdom to Ability and Integrity in the Appointment of their Deputies; and of the shameful Frauds and Exactions of exorbitant Fees which are practised, and of which you so justly complain. To this End I have received His Majesty's Commands to lay your Letters upon this Subject before the Lords of Trade for their Consideration, and to recommend such Remedies as their Lordships shall judge best adapted to redress these Grievances; and in the mean Time His Majesty trusts you will make some temporary Regulation to restrain the Fees of Office within some settled and certain Bounds, so far as Right and the Nature of the Case will admit, and also for punishing with Rigour those who shall be guilty of Exaction, or other mal-practice in their Offices." Q 5-2, p. 602.