

6-7 EDWARD VII., A. 1907

not enlarge upon further, then to observe that the rapid Sale of Estates under Judgements out of the Common Pleas, or even the Supreme Court itself seems to be within the same Mischief and to require some effectual tho' perhaps a different remedy.

If any thing could yet be wanting to Compleat the Misery of such a People it would be the consideration that those powers Originally calculated for the ease of the Suitor and to facilitate the course of Justice should become the very Instrument of his Oppression and ruin, and instead of affording a Cheap and expeditious remedy for the recovery of small Debts should either direct or Connive at such a Complicated and expensive Mode of Process, as (if we may collect from one instance where the Expence of suing for a debt of Eleven Livres Amounted to Eighty four) must either deter the Creditor from pursuing a Just tho small debt, or, ruin himself or his adversary and perhaps both in the pursuit of it, which will probably always be the case where the Office of a Justice of Peace is considered as a Lucrative one and must infallibly be so where it is his principal if not only dependence.

In Justice, however, to the Magistrates of this District we ought to Declare that these Observations are not designed to extend to them.

For these and many other reasons which we are tender of enlarging upon, we conceive it to be high time to put a Stop to this unequal, Wasteful and Oppressive mode of administering Justice. And to Substitute some other in its place, more conformable to the System which formerly prevailed here, and less liable to the Objections which so manifestly Accompany this both in its Institution & Practice.

And for that purpose we recommend it to Your Excellency in the first place to appoint an other Judge for the Court of Common Pleas at Montreal and as a Compensation for the Extraordinary duty which will be required that their Salaries may be made £200 p. an^m

And 2^{dly} that an Ordinance should be immediately prepared which after setting forth in a Preamble some or all of the Grievances here mentioned, And the good Disposition in Government to attend to and redress the Injuries Complained of by the Subject as soon as they are made known to them, should abrogate and annull all that part of the Ordinance of 1764 which gives Authority to the Justices of Peace to determine Matters of Civil property in any shape or manner whatsoever, and expressly define their power to be barely such as the Commission itself Warrants and the Ordinances of this Province (except that of September 1764) has entrusted to them.