

And an alias *fi. fa.* was issued Oct. 2nd for this sum—which writ was returnable the first Court day in June 1790—for

£40 - 3 - 11 and subsequent costs,

£ 1 - 15 - 0

£41 - 18 - 11

The costs seem fairly large; it may be that the Clerk did not tax too stringently—in that respect being unlike a certain English taxing officer. Mr. Quirk, of Quirk, Gammon & Snap, had, we are told, “never been seen actually to shed a tear but once—when five sixths of his little bill (£196 - 15 - 4) were taxed off in an action on a Bill of Exchange for £13.”

In cases under £10 sterling there does not seem to have been any declaration or written pleading but otherwise the practice does not differ from what I have described.

A somewhat curious feature is that the evidence, given as it is, sometimes in English, sometimes in French, is taken down in the language employed by the witness—the orthography in neither language is unexceptionable and the syntax of the French sometimes is very bad—no doubt what appear to be solecisms are really the expressions of the witnesses themselves. The faulty orthography is just that of a man who understands French as spoken, but has no need to write it.

For example, on May 26th 1791, in *Graham v. McKenzie v. Louis, Campeau*, Mr. Roe appears for the plaintiffs: the defendant made default. J. B. Marin was called as a witness and he deposed as follows: (I give the original French and all) “Qu’il est commis actuelment employer par le Demandeur et que de leur part il fut Dimanche dernier chez Defendeur pour lui demander sa raison pour avoir pas acquitté la demande actuel. Pour reponse le Defendeur a dit au Tremoin que ce est bien vrai que lui devoit le vinght trois Ponds pour une Quart ³ de Romme qu’il a eut tête passé mais peut pas faire ceste somme bien qu’il avoit demander en plusier maison.” Accordingly judgment went for £23 - 16 - 0, N.Y. Cy. with costs—and the formal judgment for £14 - 17 - 6, and costs £6 - 8 - 2, in all £21 - 5 - 8, Provincial Currency. The computation here is exact—the judgment was for \$59.50 of our present currency.

Dollars were not wholly unknown in those days: at a Court holden at L’Assomption, 9th June, 1791, in a case *Samuel Edge v. John*

*This does not mean what we call a quart of rum—the “Quart” as is shown in another case was “more than 30 gallons”—so that the “Romme” cost less than \$2 a gallon.