selves so important a step.

Mr. Hincks said he concurred almost entirely in what had been advanced by the hon gentleman the Secretary of his Excellency, and the hon. gentleman who had just spo-ken. He believed the proper course was to apply in the first instance to the executive; but when he heard the hon, gentleman from Gaspe stand up and declare that he had re-peatedly applied to the executive govern-ment, and that he had received only insult, he felt that there was some explanation necessary from the hon. gentlemen on the trea-sury benches. Hon. gentlemen must recollect that the system of government has been altered, and consequently they would now be entitled to expect more ready access to the head of the government with all matters of complaint, and a more speedy and certain redress of all abuses. Upon these grounds he would be very much inclined to recommend that the hon. gentleman from Gaspe should withdraw his motion and take the course which had been suggested by the hon. gentleman from the third riding of the county of York, and move for an address to his Excellency for the production of all papers connected with the case. The hongentleman would then come before the house better prepared to suggest such further steps as might be found necessary to be taken. It as might be found necessary to be taken. It the papers are forthcoming, hon, gentlemen will have an opportunity of arriving at a cor-rect judgment before entering upon so im-portant a step as that proposed by the hon-gentleman. With regard to the observa-tions made by the hon, gentleman from Bo-naventure, it is to be recollected that that gentleman is connected with the individual against whom these accusations are made. against whom these accessations are made. There has been a good deal of recrimination indulged in, and I hope it will now be at an end. I cannot at present vote for the me

Mr. Baldwin said he certainly thought a great deal which had fallen from the hon. gentleman opposite (Mr. Ogden) deserved attention. Many observations which he (Mr. Baldwin) had intended to make had of the matter had been under the consideration of the matter had been under the motion that in the motion he thought the house would agree with him in postponing the consideration of the question until Friday next. It appeared the matter had been under the consideration of the forms Constant of the consideration. of a former Governor and a former council; and without intending to pay a very great compliment to the hon. gentlemen opposite who form part of the present council, he would say this, that he would be better sat-isfied that the matter should come before them; for he would not hesitate to say, that he was not entirely satisfied with the manner in which the affairs of the executive de-partment of the government had been adwith regard to the nevershear.) With regard to the nevessity for petitions being brought before the house he would observe that this is not the first complain-which they had heard respecting the administration of justice in the district of Gaspe; there had been petitions before the House of Assembly of Towas Caralachet. Assembly of Lower Canada that he conceived was quite sufficient. They could not, however, proceed too carefully, and he trusted, therefore, the consideration of the subject

would be postponed.

Mr. Daly observed that he believed the hon. gentleman from Gaspe himself was in possession of all the documents relating to the case.

Mr. Boswell .- My own opinion is that the sooner the House takes action upon the matter the better, and I am utterly opposed to any postponement. Sir, I am willing to admit that questions of this kind must arise, and that it sometimes becomes necessary that a body having the high power which this hon body is invested with, should en-quire into the course of the administration of justice; but I trust that on all occasions of justice; but I trust that on all occasions the House will exercise their power with becoming dignity; and I do not hesitate to say that it would be exceedingly undignified to enter into the consideration of this subject upon a motion such as that which had been made. The hon, gentleman from Gaspe comes down to the House and tells us the administration of justice in the district which the represents is exceedingly had, they are he represents is exceedingly bad; that an eminent Judge who presides in that District is in the habit of going into the Court in a state of intoxication, and that the people of wron which to found a proceeding which would contribute to bring the administration of justice into disrepute? The more grave and serious the accusation, the more neces-sary is it that the House should be well informed before they take the first step in the matter. I shall decidedly vote against the

Mr. Christie said the house must certainacquit him of any intention of forcing upon the house the consideration of the subject. His object was now in part accomplished by having drawn the attention of the gentlemen of his Excellency's Council to the matter. He would therefore readily move for leave to withdraw his motion.

Mr. MERRITT said he thought the hon. gentleman was correct in withnrawing his motion. He had made a grave accusation, which that house could not reject as destitute of foundation, as it must be supposed that the hon. gentleman has the confidence of the county which he represents. But the question was now brought under the notice question was now brought under the notice of the administration, whose bounden duty it was to inquire into all abuses in the adition (hear, hear.) and he ministration of justice, (hear, hear,) and he thought it should be left in their hands. This he thought was the correct course to be pur-

Attorney General DRAPER said, if he understood the hone gentleman, the mover of the resolution, that there was no new complaint, since the eld one had been fairly answered, he did not consider that the question therefore was fairly before there and tion, therefore, was fairly before them, and he thought that they were not bound to take notice of it.

The motion was withdrawn.

Pursuant to the order of the day, the house resolved itself into a committe of the whole, for considering the laws in force in Upper Canada relating to Courts of Re-

their establishment. It was not his intention, at present, to oc cupy the time of the committee with an exhe proposed to substitute, in the place of the law now in existence. If the house should concur with him in thinking that some amendment was necessary, the considera-tion of those details would naturally arise at a future day; all that he was desirous of doing at present was to establish the position

ifest. I should have been better satisfied if that those courts were capable of improve-drawn, namely; the payment He would first mention that this presiding not be a payment. ifest. I should have been better satisfied if that those courts were capable of improve the hon, gentleman had produced petitions which would justify us in taking upon our-of the Government two or three years ago, who brought under the notice favour would not, then, be the court would not then be the court would not the court would not then be the court would not the cour of the Government two or three years ago, in consequence of an hundred complaints from different sections of the country. The hon, and learned gentleman opposite (Mr. Baldwin) could bear witness to this particular; he would go further back than the period of that hon, gentleman's connection with the Government extends, and he (Mr. Dreams) had had at that early period of the far from proposing as from different sections of the country. Draper) had had at that early period of the establishment of the court, as many as third ture I believe that the applications submitted to him at one time amendments which 1 sh relief from the improper decisions which have the effect of lessening ty applications submitted to him at one time

had taken place in that court.

In some cases the Commissioners had acted in the teeth of the statute; sometimes contrary to every principle of justice; sometimes taking on themselves to decide points which courts of a higher jurisdiction would healthet to decide upon. hesitate to decide upon. They constituted themselves a sort of general court for legislation, and not for the administration of the law. Such was the nature of the complaints which the country prefered against the opoperation of Courts of Request. He would not do the Commissioners of that court, the injustice to suppose that those complaints were in all cases well founded; he would be sorry to have it supposed that he would at onee, endorse all complaints. They were all well aware that an unsuccessful suitor is very apt to find cause of complaint, not in the weakness of his own case, but in the (as he only ask the committee to dee may immagine) wrong decision of the courts. But at the same time it would be right to observe that when the very constitution of the court is considered, and the great number of persons who must necessarily be engaged in them, it was almost impossible to expect that the government could find persons in all the remote sections of the Province, who were perfectly qualified for presiding over courts of that description, to whom the Government could entrust, even so limited a jurisdiction. In the year 1838 there were one hundred and seventy three courts, and one thousand and sixty eight Commissioners.—
He believed that hon, gentleman would agree with him that it would be a difficult matter to find nearly eleven hundred persons who might properly be entrusted with the who might properly be entrusted with the administration of justice in those courts.— Reasoning upon general principles, even were there to be a large number of vacancies at this moment, the filling them up would be found to be a matter of serious difficulty, and at this moment, the filling them up found to be a matter of serious difficulty, and one involving a serious responsibility. It had been a matter of considerable difficulty to find persons to fill the situation of Judges of the District Courts, though fewer in number, and where the Judge is not permitted to indulge discretionary powers, but is bound down by positive rules of law. He believed the experience of hon. gentlemen, speaking the experience of hon. gentlemen here read to the experience of hon. gentlemen, would bear these the experience of hon the first experience of hon. gentlemen here read to the experience of hon. him out in saying that in some cases these appointments have not been successful. We are now acting under a law which was passed at a period when it was more difficult to find persons of experience and ability to preside over the courts; and let hon, gentlemen reflect how many thousand cases there are in which people go into those courts to seek material alteration in the law, and learned gentlement and learned gentlement. are now acting under a law which was passed at a period when it was more difficult to in which people go into those courts to seek for justice, and there is nothing more likely to create a discontented feeling than when people find that in a tribunal into which they are obliged to go for justice, there are not persons qualified to transact the business of

the courts.
One of the arguments in favor of these courts has always been, and I admit it is one which has much weight, that while they afwhich has much weight, that while they afford an expeditious remedy in cases of trifling debts, they are at the same time attended with little expense. But it must be recollected that it is not simply the cheapness and expedition of obtaining judgment that is to be regarded, but you should be well assured that the judgment is a proper one, and that you have such a decision as may be relied upon. If, therefore, I can estable be relied upon. If, therefore, I can estab-lish that the complaints against these Com-missioners have been well founded, I shall then have made out my case. I will state be relied upon. If, therefore, I can establish that the complaints against these Commissioners have been well founded, I shall then have made out my case. I will state one or two leading features of these complaints. I recollect one case, and rather an amusing one. There had been committed. amusing one. There had been committed one of those breaches of moral and social a case of seduction. One would have supposed that this was one of those cases which ss in the habit of going into the Court in a state of intoxication, and that the people of that District are indignant to an extent almost impossible to express. How is he borne out in this assertion? Have the people sent a single petition? Without imputing to the hon gentleman any thing improper, I would ask where is our information upon which to found a proceeding which could not be tried under the head of debt or under such circumstances as would naturally give rise to an action of Trover. The commissioners of the court, however, in their wisdom, determined that it was a case which came under their jurisdiction, and they gave judgment accordingly. Besides all this it was strongly contended that the Court of Requests might hold jurisdiction in the court of Requests might hold jurisdiction in cases of tythes. I could multiply cases upon cases, did I not know that there are many hon. gentlemen in this house of the legal profes-sion, who can bear testimony to the extra-ordinary proceedings of some of the comordinary proceedings of some of the commissioners of these courts. I do not wish to be understood as charging upon them a desire of doing wrong; and I would not do justice to my own feelings were I not to add that there are many cases also, where the gentlemen presiding over those courts have about the sound because given great satisfaction. I could mention many instances (were it not inviduous to do so) such as I have last alluded to. The reasons of this is, that in such cases the government have been fortunate in finding per-sons of uprightness and intelligence, which it is impossible should be the case, to a very great extent, in a system of jurisprudence, which requires a thousand or more commissioners; this is what we should first strike at. Do away with the necessity of employat. Do away with the necessity of employ-ing so large a number; and we shall have the matter more tangible, and more within our reach; but where you find a Court of Request, with three or four commissioners presiding, there is a division of responsibili-ty which very often amounts to no responsi-bility at all. Unless they subject thembility at all. Unless they subject them-selves to an action in such a manner as is tangible, however improperly they may act, however ruinous may be their judgement, unfortunately it must stand, the evil is in-incurable, there are no means of redress. I have known another instance of flagrant abuse where a merchant in extensive busiduest.

Mr. Atty. Gen. Draper rose and said he had given notice at any early part of the session, that he should bring under the consideration of the house, the laws now in force in that part of Canada heretofore called Upper Canada, relating to the Courts of Request; and he was impelled to this step in consequence of the reiterated complaints which had been made against those courts, (and which had come under his (Mr. Draper's) notice in the performance of his official and professional duties,) that they had failed to attain those ends which the Legislature had in view when the act was passed for their establishment.

It was appointed a commissioner of a Court of Request; he had a vast number of debts which came within the jurisdition of the court, the first step he took was to obtain notes from all persons who owed him; so far all was right, the next thing he did was to transfer all these notes to his own clerk, and then to employ a bailiff at a percentage, to serve the parties with sommonses; and he himself gave judgement upon them. (Hear, hear, hear,) But it is only necessary to show that such cases can occur, to convince this house that the matter requires amendment.

When this circumstance became known, he was of course promptly removed.

When this circumstance became known he was of course promptly removed. It would be out of place if I were now to enter into the details of the measure which I trust the committee will at a future day give me an opportunity of bringing under their notice. I will now call the attention of the committee to the only remaining point which I desire to bring under their notice, at the present moment; and whatever the other alterations may be, this is one to which my attention has been natticularly which my attention has been particularly

who brought most case The I do not think any syst show to this committee the accruing upon business i accraing upon ousiness in the will state, from returns which I session of, for the year 1838, ceeded £10,000. The remed pose is to establish a graduate according to the amount of th for; let these fees be paid stance into the hands of a publi placed in the treasury of the the Judge who shall be app side in each court be paid a in from the treasury and let it be sed duce a Barrister or some of ly competent to undertake the offer now endeavoured as briefly as y induced me to make this moti abstained from entering in they concur with me in saying the

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From the St. C. MR. BALDWIN'S

OL. XXIII.

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per there should be some any present law upon the subject. Mr. MERRITT said the hon. gent made out a strong case, but he a this committee to do what he Mr. this committee to do what he M. thought required mature consider to pay the Judges of the Court of by salaries out of the District Trans (Mr. M.) would certainly be opposed. resolution of this nature. In his parcountry the operation of the law regulates Courts of Request was sally approved of. There were not used to the poor many. sally approved of. There were now
It was called the poor man's own
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the costs were excessive. He co
tion a case where upon collete
£150 of fees had been demanded
(thear, hear, Who was bedre (hear, hear. Who was the defeated was not myself. I was fixed in an letters which he had received upa ject.] He did not think it right and learned gentleman states to cannot be selected who are fit to be ed with the management of man come within the jurisdiction of h He (Mr. Merritt) would reputate idea—he would not admit it for it was an imputation which that learned gentleman was not in learned gentleman was not ja casting upon the Commission court. Instead of confining the ja of the court to £10 he would extent If the hon, and learned gentlem propose a plan tor amalgamating the Court with the Court of Requesta readily give it his support. It [the felt awary disposition to go with the

felt every disposition to go with the learned gentleman in establishing the expense of the Courts Marials penses were least were in all cases

Mr. Johnson said he was des but he could not agree with thela man who had last spoken, that it rable to have cheap law. He belt the paltry costs of that Cort had cause of creating a hundred suits der other circumstances notone in been instituted. He (Mr. Johnson desire that the costs should be a they are at present. He had be habit of attending these Courts and mention some amusing decisions. the hon. gentleman related the part several trials which had occurre

observation.]
MR. Roblin.—I certainly methon, gentleman who has just satisfad a high compliment to bis con I certainly did expect that the gentleman states as an objection are such a vast number of judges.
Courts. It must be recollected courts. It must be recoircular commissioners of those Courts are judges but juries also. I believe Courts generally speaking gives indeed I am convinced that this is The hon, and learned gentleman is ced but two cases where improper have been given, and those cases er from misunderstanding than improved the communication of the commu intentions on the part of the community as a month of the community are amount of business as those Community of the communit

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fore them, so few grounds of should have arisen.

After some further debate the tleman obtained leave to bring in he

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