

Copy of a Report of a Committee
 of the Executive Council of the
 8th May 1841 on the subject of
 the fees allowed to the clerks of
 the Peace approved in Council by
 His Excellency The Governor
 General on the 11th June 1841.

The Committee of Council
 have carefully considered Your
 Excellency's reference on the
 subject of the fees allowed to
 the clerks of the Peace and
 charged against Government—

The Committee are of
 opinion that whatever necessity
 might have formerly existed
 for the performance of duties
 out of Session by clerks of the
 Peace in Quebec - Montreal

and Three Rivers, it is proper
that those duties should be
now performed by the magistrates
to whom they legally and
properly belong or by clerks to
be provided for those who
are stipendiary; and who are
supposed to be constantly
employed. The committee therefore
respectfully recommend the
amendment of the order in
Council of the 15th December
1820 by striking out the following
Items, namely-

1st For every deposition taken on
charges of felony, assaults on
any constable in the execution of
his duty or other misdemeanour. 0. 5. 0.

2^d For every warrant issued and
recognizances ————— 0. 5. 0

3^d For every examination of a
prisoner ————— 0. 5. 0

The Committee of Council are further of opinion that in the present state of the administration of criminal Justice, and in the absence of any power in the Government to provide for the expenses of criminal prosecutions out of funds locally provided no effectual means can be proposed of relieving the general revenue from the charges made by the clerks of the Peace for public business done in Session. They therefore recommend that the remaining part of the order in Council above referred to should stand as at present.

And as the clerks of the Peace are required by Law to keep a registry of all convictions before Magistrates in Montreal - Quebec

and Three Rivers, the Committee
recommends that the Police and
other magistrates acting in
those cities be instructed to
furnish the clerks of the
Peace monthly with lists of
these convictions and that for
the registry thereof a certain
yearly sum be allowed to the
clerks of the Peace - That is
to say in Quebec the sum of
£ 50. per annum - in Montreal
the sum of £ 50 per annum
and in Three Rivers the sum of
£ 50 per annum - to be continued
so long as this duty is
imposed upon the clerks of the
Peace.

The saving thus
effected amounting to about
one thousand pounds per
annum

annum will enable the
Government to appoint efficient
Clerks to the Police Magistrates
for whom the following Salaries
appear to be reasonable

In Quebec. \$ 125 per Annum
Montreal. 125 per annum
Three Rivers - 62. 10 per annum -

The Clerks of the Peace besides
the charges against the Government
for business done out of session
are authorized to charge fees
to individuals for like business
done out of session in Cases
not considered as falling within
the definition - "charges of felony"
"assaults on constables in the
execution of their duty or other
"misdemeanors" - The committee
see no reason why these duties
which

which do not strictly
belong to the clerks of the
Peace should not be performed
by the Police Magistrates, in which
case the expense to private
Prosecutors, and defendants
which is supposed to be considerable
might be saved, - and a legislative
Provision may be hereafter made
for fees to be payable to the
Magistrates' clerks and the
expense attending the appointment
of the latter thereby avoided. -

The Committee have also
considered your Excellency's minute
respecting the contingent expenses
of the Office of Prothonotary of
the Courts of Queen's Bench
which are found to consist of
the expenses attending the

repairs and care of the Court
Houses - fuel consumed there,
for stationery, and for fees on
documents furnished to the
Attorney General.

The amount of the charge
for the past year has been
\$ 905. 4. 4.

The Committee on examination
of the last accounts do not see any
charges that can be avoided
while the Court continues to be
constituted as at present.

The Committee are informed
that the fees of Office of the
Prothonotaries of the Court of
Queens Bench are such as to
make their official incomes
disproportionably high and they
think it worthy of consideration

whether in any new organization
of the courts of law - the expenses
attending the administration
of justice may not to a
considerable extent be borne out
of charges in the nature of the
fees now paid while all the
officers of the Courts may be
placed on fixed Salaries.

The Committee have also
considered Your Excellency's
minute in reference to the
Charges made for witnesses for
the Crown in criminal prosecutions

The expenses of Crown witnesses
are paid in Upper Canada out
of District funds, but there
they are very small, because
unless in cases of actual
want of means on the part of

witnesses to bear their own expenses no allowance is made and the number of places in which the courts are held presents the inconvenience felt in Lower Canada of bringing witnesses far from home and detaining them at Montreal or Quebec for many days waiting for the trials on which they are summoned -

The payments to Crown witnesses are provided for by an ordinance of the Special Council 2^d Vie: Cap: 56 which directs an allowance to Crown witnesses - The amount for the last year being £ 2228. 17. 9.

The committee are of opinion that the charge for Crown witnesses may upon the introduction of
Archives de la Ville de Montréal
Courts

Courts of Oyer and Terminer in
more numerous places than at
present be almost obviated,
and what remains may properly
be charged upon local revenues
but at present they see no
possibility of interfering with
effect so as to relieve the
Provincial revenue -

The committee of Council have
considered the claim preferred by
the Clerks of the Peace in Montreal
to be allowed to continue the old
charges for business done out of
Session in cases of summary
trials before the Police Magistrates
notwithstanding the order in
Council of 7th March 1839 which
limited the charges of the Clerks
of the Peace to 2/6 in each case
of conviction. This claim is

advanced on the plea that the Inspectors and Superintendents of Police have not in fact performed the duties charged for, but left the same as formerly to be done by the clerks of the Peace.

But the Committee of Council cannot recommend the allowance of a claim set up in direct contravention of an order of the Governor in Council. The Committee are of opinion that if the Police Magistrates could not from the multiplicity of their avocations attend to the whole business of their office, they should have applied for assistance and not have given occasion for a claim for fees directly disallowed by the Government.

Certified

8 mai 1841