

ORGANIZATION OF THE LEGAL PROFESSION.

UPPER CANADA.

All Canada was ceded to the King of Great Britain in 1763, by the Treaty of Paris; and under the treaty the laws then in force, remained so until altered by the King of Great Britain.

In 1791, by Imperial Act 31, George III, ch. 31, the Province of Quebec was divided into two Provinces: Upper and Lower Canada; a separate Constitution and Representative form of Government granted to each. This Act, however, still left the French Canadian Law, and the Ordinances of the Governor in Council, in force in Upper Canada.

Under the first Act of the first Parliament of Upper Canada, the Provisions made by the Act 14, George III, chapter 83, "that in matters of controversy, as regarded property and civil rights, resort should be had to the Laws of Canada, (meaning the French Canadian Laws) was repealed," and it was declared that in such matters "resort should be had to the Laws of England as the rule for decision of the same.

By the second Act of the same Parliament, all issues in fact were to be determined by the unanimous verdict of twelve Jurors, conformable to the Laws of England.

From the fifteenth day of October, 1792, the day on which these Acts were passed, the English Laws, as they existed on that day, so far as regarded property and civil rights, and trial by jury, were introduced into Upper Canada with the exception of the English Poor and Bankruptcy Laws, and of such English Laws as were not applicable to the state and condition of the Province.

The Bar.—Any person of the age of twenty-one years, who may have been duly admitted into, and stand on the books of the Law Society for five years a student of Laws, and conformed to all the rules of the same, may on passing the examination set apart by the Society, be admitted to practise at the Bar in Her Majesty's Courts of Law, and Equity in Upper Canada.

Any person who shall, prior to his admission to the Books of the Law Society as a student of Laws, have conferred upon him the degree of Bachelor of Arts, or Bachelor of Law, in any of the Universities of the United Kingdom of Great Britain and Ireland, or of any University or College of Canada, having power to grant degrees, shall after three years standing upon the Books as such student of Laws, be admitted to practise at the Bar of Upper Canada.

Any person who has been duly called to the Bar in any of Her Majesty's Superior Courts in England, Scotland, or Ireland, not being Courts of mere local jurisdiction.

Any person who has been duly called to the Bar of any of Her Majesty's Superior Courts in any of Her Majesty's Provinces of North America, in which the same privileges would be extended to Barristers from Upper Canada, who conform to the rules of the Law Society, may be admitted to practise at the Bar of Upper Canada.

Attorneys, &c.—Any person who is bound by contract in writing, to a practising Attorney or Solicitor, to serve him for his clerk for five years, or who, prior to signing his Articles, has taken a degree in any of the Universities or Colleges before mentioned, and is bound to an Attorney for three years, or who is a Barrister of Upper Canada, England, Scotland, or Ireland, and is afterwards bound to an Attorney for three years, may, on passing an examination in the laws conforming to the

rules of the Law Society, be admitted to practise as an Attorney and Solicitor in all the Courts of Upper Canada.

The Law Society.—The Chief Justices and Judges of the Courts of Common Law, and the Chancellor and Vice-Chancellors of the Court of Chancery, are the Visitors; and the Hon. John H. Cameron, D.C.L., Q.C., is the Treasurer of the Law Society; Mr. Hugh N. Gwinne is the Secretary-Treasurer and Examiner in Classics and Mathematics. Any additions to the present number of Benchers, which is 78, are chosen by themselves.

COURTS.

The following are the Courts in Upper Canada, with a statement of the manner in which they are composed:—

The Court of Error and Appeal is the highest Court of Appeal in Upper Canada, from which an appeal lies to Her Majesty in Privy Council in cases of over £1000, or in cases in which the title to land or future rights are called in question. The Judges in this Court are the Chief Justices and Judges of the Courts of Common Law and the Chancellor and Vice-Chancellors of the Court of Chancery.

The Court of Impeachment for the trial of County Court Judges in Upper Canada. The Judges of the Court are the Chief Justice of the Court of Queen's Bench, the Chief Justice of the Court of Common Pleas, and the Chancellor of Upper Canada.

Court of Queen's Bench.—Judges: The Chief Justice of Upper Canada and two Puisné Judges.

Court of Chancery.—Judges: The Chancellor of Upper Canada and two Vice-Chancellors.

Court of Common Pleas.—Judges: The Chief Justice of this Court and two Puisné Judges.

Practice Court.—Held by one of the Judges of either of the Superior Courts of Common Law during Term.

Heir and Devisee Court.—Judges: The Chief Justices and Judges of the Courts of Common Law, and such other persons as may be appointed by commission under the Great Seal.

County Courts.—These Courts are established in each County in Upper Canada, and are presided over by resident Judges. Their jurisdiction extends to personal claims where the debt or damages claimed do not exceed £50, and to all suits relating to debt, covenant, or contract where the amount is ascertained by the acts of the parties or signature of the defendant to be £100.

Court of Quarter Sessions.—Judges: The County Court Judge in each County, who, with one or more Justices of the Peace in each County, holds this Court at the time of each sitting of the County Court—being four times a year.

Recorders' Courts.—These Courts are held in each city in Upper Canada, and are presided over by a Barrister appointed for that purpose. They take the place of the Courts of Quarter Sessions in the Cities, the Justices of the Peace for the Counties in which the cities are situate having no jurisdiction whatever in the cities.

Division Courts.—Judges: The Judge of the County Court in each County. These Courts are for the summary disposal of small claims which are heard by the Judge and decided by him, unless a Jury of five persons have been demanded by either of the parties to the suit, or appointed by the Judge.

LOWER CANADA.

The Law of Lower Canada is derived in great part from French sources. At the time of the Conquest it consisted, for the most part,

of the *Coutume de Paris*, and the Edicts and Ordinances of the French Kings, enregistered by the *Parlement de Paris*, and by *Le*