

LOWER CANADA.—Continued.

Conseil Supérieur de Quebec after its establishment. Where these were silent the Civil (Roman) Law was appealed to, as furnishing rules of written reason. In certain matters the Canon Law was also in force. Upon the acquisition of the country by Britain, the English Constitutional and Criminal Law was introduced, the English form of wills allowed, and English rules respecting evidence in commercial cases established. All these laws have, of course, been modified from time to time by the statutes of the Imperial Parliament made specially to apply, and by the statutes of the Parliaments of Lower Canada and United Canada, and the ordinances of the Special Council of Lower Canada, which exercised legislative functions after the suspension of the Constitution, consequent upon the revolt of 1837, till the Union. The Civil Code, which became law in August, 1856, supersedes all but the English and Statutory Criminal Law, and the rules of procedure in civil cases, which latter subject another code, about to become law, will also regulate.

The Bar.—The Bar of Lower Canada is incorporated, and has power to exercise discipline over its members. It is divided into four sections, viz.: Montreal, Three Rivers, St. Francis and Quebec. The chief officer of each section is called its *Batonnier*, and represents it in the General Council of the Bar. No person can be admitted to study until he has proved, upon examination, his acquaintance with the French or English and Latin languages, and that he has received a liberal education. For admission to practice he must have served as a student in the office of a legal practitioner for four years, and passed his examination. But this term is reduced to three years if he has pursued a regular course of law at a university or college, and taken his degree in law.

Notaries.—The Notarial profession is similarly incorporated, having 4 District Boards, viz., for Montreal, Three Rivers, Quebec and Kamouraska; but no Provincial Board. Notaries in Lower Canada not only do the work which falls to them in countries under English law, but are also the principal conveyancers. Duly certified copies of deeds passed before them have the same value as proof as English originals. For admission to study there is required an examination and certificate of having "received a regular classical education." For admission to practice, the student must have served five years under articles (from which one term is deducted for a regular course of *belles lettres*, rhetoric and philosophy, including logic, ethics, mathematics and physics), and pass his examination before the examiners of his Board.

NEW BRUNSWICK.

There are five Judges of the Supreme Court of New Brunswick, four being the regular number required by law. The Master of the Rolls, who was at first appointed with a separate Equity jurisdiction, was added to the Bench in 1854 when the general equity business was transferred to the Common Law Judges. There is a Court of Common Pleas in each county, having its own judges, which has jurisdiction to any extent concurrent with the Supreme Court except in cases relating to land, but the defendant may before issue remove the cause to the Supreme Court. There is also a Court of Quarter Sessions held by the magistrates of each county as in England. Their duties are generally confined to the management of the county property and business. They have occasionally to try cases of bastardy, almost the only judicial business which comes before them.

There is a Court of Divorce and Matrimonial Causes in New Brunswick, one of the

COURTS.

The Superior Courts of Law in Lower Canada, besides the Court of Vice-Admiralty at Quebec, are two, viz.: the "Superior" Court and Court of Queen's Bench. The Judges of the "Superior" Court are 18 in number—that is to say, a Chief Justice and 17 puisné Judges. Sitting in the Superior Court, they hear cases of £20 and upwards; in the Circuit Courts of all less than £200. Judges sit from time (monthly) to time at Montreal and Quebec as Courts of Revision, reviewing the decisions of individual Judges, as is done by Courts sitting *in banc* under the English system. Judges of the "Superior" Court also hold Courts of Queen's Bench on the criminal side, in districts where the presence of a Judge of that Court cannot be obtained. There is no severance of Equity jurisdiction from Common Law, and Insolvency business is also brought before the same Judges.

The Court of Queen's Bench consists of a Chief Justice and four puisné Judges, and is on the "Appeal side" purely a Court of Appeals from the decisions of the Lower Courts, a further appealing from the Queen's Bench to the Privy Council in London when the amount at issue exceeds £500 sterling, or the matter in question affects rights in future. On the "Crown side" it exercises, either through its own Justices or those of the Superior Court, jurisdiction over all crimes, and disposes of all criminal cases not coming before the Quarter Sessions. The Courts of Quarter Session exercise a similar criminal jurisdiction to that exercised in England and the other Colonies, and there is little or no difference between the functions of a Justice of the Peace here and elsewhere in England or British Colonies.

A Small-Debt Court sits monthly in every parish or township, called a Commissioners' Court, and having jurisdiction in suits purely personal or relating solely to moveable property up to £25. This jurisdiction, however, does not extend to actions for slander, or for assault and battery, nor such as relate to paternity or to the civil estate of persons, or for any fine or penalty. It is made up of non-professional men.

Court of Queen's Bench.—Chief Justice: Hon. F. J. Duval. Justices: Hons. T. C. Aylwin; L. T. Drummond; Wm. Badgley; R. E. Caron; and C. J. E. Mondelet.

Superior Court.—Chief Justice: Hon. W. C. Meredith. Justices: Hons. James Smith; Ed. Short; John G. Thomson; J. A. Taschereau; D. Roy; P. Winter; Aimé Lafontaine; A. Polette; A. Stuart; F. O. Gauthier; A. Berthelot; J. J. Loranger; L. V. Sicotte; F. G. Johnson; J. T. Taschereau; and S. C. Monk.

Judges of the Supreme Court having power to determine all causes cognizable therein, with the right to either party to appeal to the Supreme Court, whose judgment shall be final.

The examination of Students, and admission of Attorneys and Barristers, is managed by Benchers appointed by the Barristers' Society, headquarters at Fredericton, consisting of all the Barristers attending Court at its regular terms. A fund is raised by the annual payment of three dollars by each Attorney practicing in the Province, and is applied towards keeping up the Law Library.

The term of study for admission as an Attorney is four years, or three years if the student be a graduate of any college. Before entering upon his studies, the student is required to pass an examination in classics and the ordinary branches of literature, and before admission as an attorney is required to pass an examination as to his legal attainments.