

in the Provinces, including the constitution, maintenance, and organization of the Provincial Courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those Courts." The establishment of additional Courts for the better administration of the laws of Canada was primarily, I think, intended to apply, when deemed necessary and expedient, rather to the general laws of the Dominion than to matters connected with the privileges, immunities, and powers of the Senate and House of Commons, though of course these might, if so provided, come within the jurisdiction of such tribunals. The "property and civil rights" referred to was not all property and not all civil rights, but the terms "property and civil rights" must necessarily be read in a restricted and limited sense, because many matters involving property and civil rights are expressly reserved to the Dominion Parliament, of which the first two items in the enumeration of classes of subjects to which the exclusive legislation of the Parliament of Canada extends are illustrations, viz.: (1) "the Public Debt and Property, and (2) the regulation of trade and commerce," to say nothing of "beacons, buoys, lighthouses, &c.," "navigation and shipping," "bills of exchange and promissory notes," and many others directly affecting property and civil rights. Neither this nor the right to organize Provincial Courts by the Provincial Legislatures was intended in any way to interfere with or give to such Provincial Legislatures any right to restrict or limit the powers in other parts of the statute conferred on the Dominion Parliament. The right to direct procedure in civil matters in those Courts had reference to procedure in matters over which the Provincial Legislature had power to give those Courts jurisdiction, and did not in any way interfere with or restrict the right and power of the Dominion Parliament to direct the mode of procedure to be adopted in cases over which it has jurisdiction, and where it was exclusively authorized and empowered to deal with the subject matter, or to take from existing Courts the duty of administering the laws of the land. The power of the Local Legislatures was to be subject to the general and special legislative powers of the Dominion Parliament; but while the legislative rights of the Local Legislatures are in this sense subordinate to

the right of the Dominion Parliament, I think such latter right must be exercised, so far as may be consistent with the rights of the Local Legislatures, and therefore the Dominion Parliament would only have the right to interfere with property or civil rights in so far as such interference may be necessary for the free power of legislating generally and effectually in relation to matters confided to the Parliament of Canada.

[To be continued in next issue.]

### STATUTES OF QUEBEC, 1879.

(ASSEMBLY BILL NO. 110.)

[Mr. Gagnon, M.P.P.]

An Act to amend the Act of this Province 39 Vict., Chap. 33, intituled: "An Act to amend and consolidate the various acts respecting the Notarial Profession in this Province."

Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section 5 of the Act 40 Vict., Chap. 24 is amended by adding the following words at the end: "and all such registrars so excepted, shall not be disqualified from exercising their profession as notaries, although named afterwards and since the passing of this Act."

2. Section 43 of the same act\* is amended by striking out the following words in the second and third lines: "a statement of the receipts and expenditure of the board and."

3. Section 74 is amended by replacing all the words after "practise," in the fifth line, by the following: "or who has transmitted his *greffe*, in changing districts, as he was heretofore obliged to do."

4. Section 77 of the same act is amended by adding thereto the following paragraph:

"Every purchaser of the *greffe* of another notary shall be bound to prepare and file in the hands of the secretaries of the boards of notaries, within one month from the date of such purchase, a declaration that he has become the legal possessor of such *greffe*, under a penalty of a fine of fifty dollars and of a like penalty of

\* This refers to 39 Vict. c. 33. The first section of the bill was altered, and a reference to 40 Vict. c. 24 inserted, instead of to 39 Vict. c. 33, as it originally stood; but by an oversight the following sections were not altered accordingly. The same error occurs in every section down to Sect. 10 included. Ed.