

THE COURTS OF THE SISTER PROVINCES—ELECTIVE BENCHERS.

Justices of the County, the Grand Jury attending for municipal purposes. It has a limited jurisdiction in criminal matters which of late years has fallen largely into disuse. The duties now performed by this Court are confined almost entirely to local and municipal purposes.

MAGISTRATES COURTS,

Having jurisdiction in actions of debt, presided over by one Justice, when the whole dealing or cause of action does not exceed \$20, and by two where it is above \$20, but does not exceed \$80, exist in every County of the Province. Where a trespass has been committed by horses, cattle, &c., and the damages do not exceed \$12, a Justice of the Peace may try it, providing no question of title to land arises; and if the cattle alleged to have been trespassing are detained, and the alleged damage is not beyond \$12, a Justice may grant a writ of replevin for the same. Two Justices may hear and determine all complaints for common assault and battery, and may try bastardy cases, and may grant orders of affiliation. Prosecutions for illegal sale of intoxicating liquors are also confided to two Justices. The criminal jurisdiction now possessed by Magistrates in Nova Scotia, out of Sessions, has been conferred by Dominion Legislation.

ELECTIVE BENCHERS.

We regret to see that the proposition to make the Benchers of the Law Society elective has again been brought before the Legislature. The present Bill is however a Government measure, and may be expected to be, as it in fact is, more moderate and better digested than the crude Bill of last Session. Whilst we may rejoice at this the cause of rejoicing is but small, for it is the principle that we object to more than the details.

In thus objecting to the principle involved, if we do not speak for the majority of the profession, we claim to do so for those of the largest experience, and those who have had most occasion to think carefully on the subject, and to whose opinions we would give the most weight, and we now allude to those who have no connection with the present management.

The question now is, not whether there are defects, for that may for the sake of the argument be admitted, but whether the proposed change will remedy the alleged evils, and whether the cure will not be worse than the

disease. Desperate cases may require desperate treatment, but to speak of anything being desperately bad in the present management is simply childish exaggeration. For even admitting all that is alleged, we can still boast that the Law Society of this Province, and its system of education for students, and its management in general is equal, if not superior, to any similar institution in the world. Why then such a violent remedy for so mild a disease. The effect must surely be bad; it cannot in the ordinary course of events be otherwise.

Probably nothing that can now be said will affect the result of the present bill, and it will perhaps be only left for us to make the best of what we cannot avoid—for even many of those who strongly disapprove of the change think it most prudent to accept the present situation and secure as moderate an act, and containing as many safeguards, as possible—but we cannot allow the Bill to go as it were by default, or tacitly admit that there is only one side to the question.

Whether it would not be wiser in those we have just alluded to, as in those who are responsible to the profession and public for their future as well as present well-being, to resist any hurried action, and ascertain the calm dispassionate voice of the profession (which we contend has never yet been done), after hearing the arguments on both sides, may well be questioned. It must not be forgotten also that a House composed of the elements that must necessarily be found there is eminently unfit to discuss the subject with advantage; and of the lawyers that are members of the House, we may safely say without fear of offending them, that there are very few that the profession would choose to decide upon a question so vital to their interests. Besides this, party politics enter largely even into matters of this kind. Again, there is no second House to act as a safeguard on hasty legislation, and it requires no ordinary courage and strength in the leader of a government to stand up against outside pressure, when he is not backed up by an Upper House (which unfortunately our constitution denies to us) less amenable to the voice of a fickle public, and not swayed by the influences that govern an elective body.

Even hastily as changes are now made, the House evidently felt a difficulty when attempting to alter the details of this Bill, and handed it over with rather ludicrous alacrity to those