

cially the ordinance of 1667, with the few modifications it received here under the French government. The cession of the country occasioned considerable changes in our judicature system, which was first modelled upon that of England, and since then the laws of procedure have been altered from year to year until they have arrived at the state in which we now find them; in making these alterations care was not always taken to adapt the new to legislation the older system of procedure, and in many instances the courts had to supply the means of adapting to each other systems that were but slightly compatible. Consequently the task of placing all these provisions of law under a systematic arrangement presented difficulties which it has been the endeavour of the Commissioners to surmount.

A glance at the division of subjects contained in the French Code will suffice to convince one of the impossibility of adopting its plan. The first book is devoted to *La Justice de Paix*, an inferior court, whose jurisdiction nevertheless extends over questions of possession and several matters of realty, which under our system belong to the Circuit Court and the Superior Court. In other respects, it is analogous to the Commissioners' Court; it moreover exercises many of the powers vested in our justices of the peace, with this difference however that the magistrates upon whom the jurisdiction devolves are all versed in the science of law.

The second book, intituled, *Des Tribunaux Inférieurs*, relates to a court whose jurisdiction embraces that of our Circuit Court and Superior Court, but is final for all sums not exceeding four hundred francs. The first chapter requires in certain cases the formality of proceedings in conciliation.

The third book treats of the courts of appeal; the fourth, of special remedies against judgments, and the fifth of their execution. Such are the contents of the first part.

The second part relates to miscellaneous proceedings, including those which are called contentious, such as attachments, and those which are had out of court and only require the authorization or homologation of a judge, without being susceptible of compulsory execution like judgments rendered by the courts.

Lastly the third part contains but one title concerning arbitrations.

This arrangement does not appear to the Commissioners to be adapted to our system.

The code now submitted is also divided into three parts; the first contains fundamental rules applicable to all the courts.

The second part contains the rules that govern the prosecution of suits submitted to the decision of courts and carried to execution under the authority of a court. The Commissioners begin with the Superior Court, the rules belonging to which are detailed in the first book. The third book contains the rules which are particular to the Circuit Court and refers to the first book for the other rules which are common to both courts. The second book contains all that relates to provisional proceedings. Its provisions apply to the Superior Court, and to the other courts also, in so far as their jurisdiction permits. The fourth book relates to appeals, and the fifth to certain inferior jurisdictions such as Commissioners' Courts and others. Finally the third part contains the rules that govern those matters, which, as has already been said, require the intervention of a judge only for their authorization or homologation.

The code now submitted contains a greater number of articles than the French code. This is due principally to proceedings in jury trials and some other matters which the latter code does not comprise. Our modes of taking evidence are more numerous and so are consequently the rules. One marked difference