

based upon that of England with a few important modifications. This uniformity is due to the fact that the Cape system has spread to the remaining parts of South Africa.

CIVIL JURISDICTION.

The inferior courts are those of magistrates, known in Southern Rhodesia as resident magistrates. The magistrate is generally at the same time a fiscal official known as the civil commissioner. He is a civil servant, his only legal qualification as a rule being that he must have passed an examination on the elements of law equivalent to the attorney's examination (for the more important appointments an examination equivalent to the degree of Bachelor of Laws is a recommendation, but is not essential. Only occasionally is a legal practitioner appointed to this post. Magistrates generally receive their appointments according to seniority; and a man who has spent years in a financial department may find himself called upon to administer, as a magistrate, an abstruse and complicated system of law, aided by an inadequate library. The only solution is codification and the appointment of magistrates who have had an adequate legal or judicial training. The magistrate resides in his district, and holds his court, which is a court of record, at the principal town and a periodical court in outlying parts of his district. In some of the larger towns there are several magistrates.

The magistrate's jurisdiction is limited by the amount sued for, varying in the different provinces and colonies, and not exceeding two hundred and fifty pounds in illiquid and five hundred pounds in liquid cases. Within this limit the magistrate has jurisdiction in all causes except where the validity of a will or the title to land, tenements, fees, duties or offices is in question, or whereby rights in future can be bound (*e.g.*, matrimonial rights). As a rule he cannot grant specific performance. Duties corresponding to those of the sheriff are exercised by the messenger of the court. From the magistrate's court there is an appeal to the Local and Provincial Divisions in civil and criminal cases, on the law and facts, and the superior courts have the power to review the proceedings of all inferior courts, including licensing and assessment courts.