

REVUE CRITIQUE

DE

Législation et de Jurisprudence.

THE JUDICATURE SYSTEM OF THE PROVINCE OF QUEBEC.

In the "Bulletin de la Société de Legislation Comparée," issued in Paris in the month of June, 1872, appeared a "Communication sur le Code de Procédure Civile du Canada et notamment sur le jury en matière civile," by M. Barboux, Avocat à la Cour d'Appel.

M. Barboux bases his communication on Mr. Gonzalve Doutré's work on the "Code de Procédure Civile."

The communication shows a great deal of study, a wonderful familiarity with our system, and a spirit of impartiality but rarely met with amongst advocates when discussing the merits of a foreign system of procedure.

M. Barboux divides his subject into the following heads: 1o. Organisation Judiciaire; 2o. Formalités générales de procédure et enquêtes; 3o. Procès par jury. He does not pretend to treat exhaustively all the matters provided for in the Code, he abstains from observations on the articles analogous to those of the Code Napoleon, restricting his remarks chiefly to the points of difference existing between the two systems.

The Judicature system of a country is the machinery by which its law is put into operation, and justice meted out to its citizens.

The meting out of justice in all civilized countries is one of the attributes of sovereign power. Exercised in the earlier ages of the world by the heads of families, as society increased in numbers and nations were formed, chieftains and kings became the judges of the disputes between their followers or subjects.