

yer, who with experience and a reputation, has acquired wealth. But as between lawyers, for the reasons already mentioned, there should be a tariff of charges applicable to all and for the governance of all. There is quite as much reason for the tariff, as applied to conveyancing, as to the conduct of a suit. The one is as much a branch of professional business as the other, and it is the fault of the profession that it is not exclusively so.

HISTORICAL SKETCH OF THE CONSTITUTION, LAWS AND LEGAL TRIBUNALS OF CANADA.

(Continued from p. 10.)

Superior Court—Courts of Assize—District Courts—Courts of Request—Jurisdiction of each—Execution of Process—Tenures of Land—Disputes as to English and French Law—Results.

By an ordinance of 17th September, 1776, General Murray, with the advice of his Council, no Assembly having been as yet summoned, constituted courts of justice.

First.—A superior court of judicature, which was named King's Bench, to hold sittings in the town of Quebec twice every year, viz., one to begin on 21st January, called Hilary Term, and the other on 20th June, called Trinity Term. In this court a Chief Justice presided, with power to hear and determine all criminal and civil cases, agreeable to the laws of England and the ordinances of the province. From it an appeal lay to the Governor and Council, wherever the matter in dispute was above the value of three hundred pounds sterling. Wherever the value was five hundred pounds or upwards, an appeal lay from the Governor in Council to the King in Council. In all trials in this court all his Majesty's subjects were admitted on juries, without distinction. In all civil proceedings, the forms of action, the pleadings, the method of trial and the rules of evidence, were those prescribed by the English law.

Second.—The Chief Justice, once in every year, was authorized to hold a Court of Assize and General Gaol Delivery, soon after Hilary Term, at the towns of Montreal and Three Rivers, for the more easy and convenient distribution of justice in those parts of the province.

Third.—An inferior court of judicature, known as the Common Pleas, was also established. It sat at Quebec twice every year, at the same time as the Superior Court. A similar court was afterwards established in and for the district of Montreal. The courts of Common Pleas had authority to determine all demands above the value of ten pounds, with a liberty of appeal to the King's Bench whenever the matter in contest was of the value of twenty pounds or upwards. Where it exceeded three hundred pounds, there lay an immediate appeal to the Governor in Council; and from the Governor in Council, where the

matter in contest exceeded the value of five hundred pounds, an appeal lay to the King in Council. This court was empowered to determine disputes agreeable to equity, having regard nevertheless to the laws of England, so far as the then circumstances of the province would admit and until such time as proper ordinances for the information of the people could be established by the Governor and Council agreeable to the laws of England. The French laws and customs were allowed and admitted in all causes in these courts between the natives of the province, where the cause of action arose before 1st October, 1764. The first process was an attachment against the body, and execution might be had against the body, goods and lands of the defendant. The proceedings were drawn up in any form that the parties thought proper, sometimes in French, sometimes in English, as the attorney who prepared them happened to be French or English.

Fourth.—Courts for the trial of small demands in a summary way were also established. Power was given to any one Justice of the Peace within his district to hear and determine all causes or matters of property, not exceeding the sum of five pounds. A like power was given to any two Justices within their district, with jurisdiction not exceeding ten pounds. From the decision of the court, whether consisting of one Justice or of two, there was no appeal. Power was also given to any three Justices to be a quorum to hold Quarter Sessions in their respective districts, every three months, with a jurisdiction in civil cases for claims above ten and not exceeding thirty pounds. From this court an appeal lay by either party to the court of Queen's Bench.

Though a Provost Marshall or High Sheriff had been appointed two years previously, he does not appear at this time (1764) to have arrived in the province or to have appointed any deputies or other inferior officers. In his absence, warrants and other process were directed to officers of the Militia or to special Bailiffs. All subjects were, however, commanded to aid the Justices and officers of Militia in the due execution of their duty.

It was by an ordinance of 6th November, 1764, declared that until 10th August, 1765, the tenures of land with respect to such grants as were prior to the session of Canada by the definitive treaty of February, 1763, and the rights of inheritance prevailing before that period in such lands, should remain to all intents and purposes the same, unless altered by some positive law. It was provided that nothing in the ordinance contained should extend to the prejudice of the rights of the Crown, or to debar his Majesty, his heirs or successors, from obtaining by due course of law, according to the laws of Great Britain, any lands or tenements which at any time thereafter should be