

71. There shall be a Legislature for *Quebec* consisting of the Lieutenant Governor and of two Houses, styled the Legislative Council of *Quebec* and the Legislative Assembly of *Quebec*.

96. The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in *Nova Scotia* and *New Brunswick*.

98. The Judges of the Courts of *Quebec* shall be selected from the Bar of that Province.

99. The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

100. The Salaries, Allowances, and Pensions of the Judges of the Superior, District, and County Courts (except the Courts of Probate in *Nova Scotia* and *New Brunswick*), and of the Admiralty Courts in Cases where the Judges thereof are for the Time being paid by Salary, shall be fixed and provided by the Parliament of *Canada*.

101. The Parliament of *Canada* may, notwithstanding anything in this Act from Time to Time provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for *Canada*, and for the Establishment of any additional Courts for the better Administration of the Laws of *Canada*.

129. Except as otherwise provided by this Act, all Laws in force in *Canada*, *Nova Scotia*, or *New Brunswick* at the Union, and all Courts of Civil and Criminal Jurisdiction, and all legal Commissions, Powers, and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in *Ontario*, *Quebec*, *Nova Scotia* and *New Brunswick* respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of *Great Britain*, or of the Parliament of the United Kingdom of *Great Britain* and *Ireland*) to be repealed, abolished, or altered by the Parliament of *Canada*, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act.

RAMSAY v. REGINA.

To the Editor of the *Lower Canada Law Journal*:

Sir,— I presume it was from the same source you learned that the statement made respecting *Driscoll's* case in my argument on the 6th March was totally unfounded, and this piece of secret history, that "if he (Chief Justice Rolland) was not present on every occasion, the sole reason was that he feared to be subjected to fresh insult." The impression the report conveys to the reader will depend a good deal on the reader's intelligence, but the point plainly made by me was that in the *Driscoll* case, Mr. Justice Rolland took no part in the proceedings. It was never said that he was not on the Bench when the rule issued; but what I said was this, that Mr. Justice Rolland was not on the Bench on the 28th March, when Mr. Justice Aylwin read the famous paper beginning, "The marked misbehaviour of the person who represents the attorney-general &c.," and on the 11th of April when the rule was taken he was on the Bench, but far from presiding as you say, he took no part in the matter, and the rule, which I believe was in Mr. Justice Aylwin's own handwriting, was read by him. As for the reason given for the non-appearance of Chief Justice Rolland on the 28th, I do not believe it. Had he had any such fear it would have operated as strongly on the 11th April as on the 28th March, but to attribute to a childish fear, the forbearance which was evidently dictated by a sense of honour and regard for the judicial oath, is a slander on the memory of an upright and honorable man. Apart from any question of law, no man with the faintest sense of honour or decency would consent to sit as a sworn judge when he could be supposed to have a bias. And so the late Mr. Justice Mondelet would not sit in the Seigneurial Court because he was the owner of Seigneurial property, yet in that case there was no party interested, the matters to be decided being simply abstract questions of law.

I see you also support it as *probable* that dread of further insult prevented Mr. Justice Crosby from sitting in the *McDermott* case, and you add, "that there is no ground for