

he, a French Canadian, disregarding the prejudices of his nation, (who cling to the French rules of evidence as a portion of their institutions, and who, had an Anglo-Canadian proposed such a change, would have greeted it with hootings and outcries,) carried through his project, swept away distinctions and rules which really fostered injustice, and placed Lower Canadians on a level with other people. It was a great reform—it was sagaciously conceived—it was ably carried out; and so manifest is the benefit to be derived, that no one has dared to appeal to the prejudices of the mob, on the ground of a portion of an institution having thereby been swept away, for even popular censure upon the author of the measure.

By one of the sections introducing the changes in question it is provided, that any party to a cause may examine any of the other parties thereto, who may be cross-examined by his or her Attorney, but that nothing said by such party in his or her own favor shall be taken into consideration by the Judge. Now the effect of this provision will be, to envelope the examination of such party with all the clouds, heretofore surrounding answers upon *Faits et articles*. Would it not be better to leave the credibility of the party so examined as a question to be decided by the Judge, in lieu of according a cross-examination, which is declared inoperative, and from which no good can be derived by the party cross-examining? Would it not be as well moreover that there should be an explicit declaration on the part of the Legislature, quoad the effect of the evidence of the parties? Are their answers to be looked upon as equivalent to those given to *Interrogatories on faits et articles*, furnishing a *commencement de preuve par écrit*, and providing a substitute for the memorandum in writing required by the Statute of Frauds?

An opponent of the system and reforms introduced by Mr Cartier, might discover other inconsistencies and apparent contradictions, in the constitutions of the Courts as remodelled by him, but it is very doubtful whether he could suggest any amelioration or remedy. To play the critic is easy, to cavil at the merits of an idea does not require ability of the first order; but to create, a new judicature system, in which but few errors can be found, to sweep away rules having strong root in the prejudices of his people and which were fostered by his own education, and to have the moral courage to borrow from another system, regarded with peculiar dislike by his compatriots, its excellences, speak volumes in proof of the intellectual power and independence of him who has so created and so acted.

DU DROIT DU BAS-CANADA.

(Suite.)

Dans un premier article, nous avons signalé la plaie profonde et béante, qui affecte la législation du pays. Un rapide regard jeté sur l'ensemble de nos lois a été plus que suffisant pour dévoiler les vices et les défauts dont elles fourmillent. Si notre travail devait s'arrêter là, il ne présenterait pas l'ombre d'une difficulté. Tout le monde peut sonder une plaie, reconnaître une maladie qui s'annoncent par des signes extérieurs; mais dès qu'il s'agit de remonter aux