

It recited that it might be necessary to ordain many regulations for the future welfare and good government of the province, the occasions of which could not be foreseen, nor without much delay and inconvenience be provided for, without entrusting that authority for a certain time and under proper restrictions to residents in the province, and that it was inexpedient to call an Assembly; and therefore provided that it should be lawful for his Majesty, his heirs or successors, by warrant under his or their signet or sign manual, and with the advice of the Privy Council, to constitute a Council for the affairs of the Province, to consist of such persons resident in it, not exceeding twenty-three nor less than seventeen years, as his Majesty, his heirs and successors, should be pleased to appoint. Upon the death, removal or absence of any of the members of the Council, further power was given to constitute such and so many other persons as should be necessary to supply the vacancies.

To the Council so appointed and nominated, with the consent of the Governor, was given power to make ordinances for the peace, welfare and good government of the province. No direct or indirect power to levy taxes, except for the purpose of making roads, erecting and repairing public buildings, or similar purposes, was granted. All ordinances were, within six months after their passing, required to be transmitted to his Majesty for approbation. If disallowed, they were to cease and be void from the time that his Majesty's order in council with respect to them should be published in Quebec. No ordinance touching religion, or by which any punishment might be inflicted greater than fine or imprisonment for three months, was to have any force until approved by his Majesty. No ordinance of any kind was to be passed at any meeting of the Council where less than a majority of the whole Council was present. Nor was any meeting of the Council to take place except between 1st January and 1st May, unless upon some urgent occasion, in which case every member thereof resident at Quebec, or within fifty miles thereof, should be personally summoned by the Governor for the time being to attend the same. His Majesty reserved power to himself, his heirs or successors, notwithstanding the provisions of the Act, power by letters patent under the great seal of Great Britain, to constitute such courts of criminal, civil and ecclesiastical jurisdiction, within the province, and to appoint from time to time judges and officers thereof, as he, his heirs or successors, should think necessary and proper for the circumstances of the province.

Our thanks are due to the Reporter of the Common Pleas for reports of important cases published in this No. of the *Law Journal* in advance of the regular series.

An English *Law Journal* advocates the admission of the County Court Judges to seats in the House of Commons, "not of course allowing them to be elected for the districts where they preside." It is urged in connection with the proposed parliamentary reform. "Although," it is said, "we should be sorry to see any of our Judges distinguished as active politicians, yet it has often appeared to us that the present system of excluding all judicial officers, with the single exception of the Master of the Rolls, from seats in the House of Commons, is one which is very questionable both as regards its expediency and constitutional correctness. Law reform has lost some of its ablest, most judicious and most efficient advocates, owing to the adoption of this principle, more especially as regards legislation for the County Courts."

Lord Brougham has brought in a bill to enable defendants in criminal cases to tender themselves as witnesses to be examined upon oath. Lord Campbell and the Lord Chancellor strongly object to the proposition, contending that it would be a practical adoption of the continental practice of examining prisoners, so hateful to the English notions of fair play.

A suggestion made some time since by the *Law Times*, that attorneys should resume their professional costume, the gown, in all the Courts in which they appear as advocates, has met with universal approval amongst the profession in England, and in numerous instances the County Judges have requested the practitioners in their Courts thus to distinguish themselves.

L. S. Comstock, describing himself as "Counsellor-at-Law, 330 Greenwich street, New York," has sent us a circular, in which he advances very grave charges against a firm of Comstock Brother, also of New York. Several members of the profession in Canada having received copies of the circular have also forwarded their copies to us with a request to notice the same. The Comstock cases are too well known for the comfort of many suitors in Canada. They are generally proved by evidence taken under a commission issued in New York. Suffice it to say, that it is charged that the execution of these commissions is, not to say worse, grossly irregular.

Knowing nothing of the truth of the charges we cannot of course be expected to repeat them. Any one interested in Comstock cases may have a copy of the circular upon application to us.