

that the law in Quebec differs from the law in the other provinces in that the former is the Civil Code, the other the common law, for he knows:

(1) That there applies to all the Dominion that body of the law adopted by our Federal Parliament touching matters within its jurisdiction, e.g., the laws relating to citizenship, crime, the regulation of trade and commerce, banks, militia and defence, patents, etc.

(2) That those questions which come within the public law, using a general term, are governed in Canada, including Quebec, by the law of England as modified by legislation of the central authority.

But, in so far as the provinces have jurisdiction under the British North America Act and speaking generally, the system of law known as the Civil Code of Lower Canada does govern in Quebec and the common law system in the other provinces.

Mr. Justice Cross explained in general terms the difference between these systems:—

“The binding authority of precedents is characteristic of English law. With us the Code is the law whilst decisions are particular applications of the law.”

Dr. F. P. Walton, former Dean in McGill University, in a recent article on the subject of the Legal System of Quebec says:—

“The law of property and civil rights which is peculiar to the province of Quebec has, to a large extent, been codified in the Civil Code of Lower Canada, and in the Code of Civil Procedure the latest revision of which was in 1897. With the exception of the mercantile law, of which an outline is given in the Civil Code, that Code corresponds in form and contents somewhat closely to the Code Civil Français, formerly designated as the Code Napoleon. . . . It is probably true that the Code of Civil Procedure is composed to the extent of one-half or more of rules of English origin . . . . It will be seen that the special rules of law peculiar to the province of Quebec are to be found mainly in the Civil Code of Lower Canada, in