

Stisted was, on the 6th July, at Osgoode Hall, Toronto, sworn in as Lieutenant-Governor of Ontario, by the Chancellor, under a commission directed to him and the two Vice-Chancellors.

The judicature of the Dominion is settled by sections 96 to 101, inclusive of the Act referred to, which are as follows:

“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.

97. Until the laws relative to property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and the Procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

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 administration of the laws of Canada.”

The uniformity of laws in Ontario, Nova Scotia, and New Brunswick, is foreshadowed in section 97, and also in section 94, which provides that:

“Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is

adopted and enacted as law by the Legislature thereof.”

This uniformity will probably hereafter introduce a more intimate relationship between the Bars of the different Provinces, even if an interchange of civilities is not sooner accomplished.

The assimilation of some at least of the laws of New Brunswick to those of Upper Canada is already contemplated if not commenced, for we understand that information with respect to our courts for the collection of small debts has been obtained from a gentleman in this city who has made a study of the subject.

The few simple words of section 101 of the Act tell but little of the magnitude of the task before the Legislature, in the constitution and organization of a “general Court of Appeal for Canada, and the establishment of any additional courts for the better administration of the laws of Canada;” and of the care, patience and ability which will be required from those to whom the working of such courts may be entrusted.

What new courts are necessary, and how they should be constituted, we are not now discussing, we would merely refer again to the strong views we entertain and have expressed with reference to the necessity for a Court of Admiralty, competent to deal with the marine of what Canada now confessedly is, one of the most important of the maritime countries of the world.

THE QUESTION OF DIVISION COURT COSTS.

The attention of the writer has been strongly drawn to the practice of charging costs in Division Court suits.

As the business begins to fall off in these courts very perceptibly everywhere, many officers appear to exert every possible ingenuity to charge what they legally can, and some it is feared go beyond the law.

It may not be generally known to these officers, and the profession, that a case was tried at Barrie in 1866, at the Assizes, before Mr. Justice Adam Wilson, of the Court of Common Pleas, in which a bailiff was indicted for exacting and charging fees for enforcing an execution which were illegal. The bailiff was indicted under the 186th section of the Statute, and his offence was apparently charging fees and disbursements for keeping certain