

attending the making of a statute. The proposed rule, according to this idea is duly printed and a copy of it is in the hands of each judge, who has carefully weighed its meaning and effect, and thoroughly satisfied himself as to whether or not it should become a law. All present desiring to be heard, having expressed their views the question is put and carried, or lost, as the case may be. If carried, the new rule is duly inscribed in the Book of Rules, according to its proper number, and is forthwith printed and distributed to all judges and officers of the Court, and published in the official Gazette.

Now this is a mere figment of the imagination, and by the actual results we know that it is really not the way Rules of Court are passed or published, and we must therefore have recourse to our imagination to supply us with a more probable conjecture as to the procedure, and one more in accordance with the actual and visible results. It may be that the way Rules of Court are really passed is somewhat as follows. After luncheon, a judge will probably say: "We haven't had any new rules lately; I am afraid we shall get credit for being asleep, why not pass a *Rule*? What shall it be about?" is asked—"Well, I was talking to Smith the other day at Ottawa, and he said that he thought that Rule 900, I think it was, should be amended by adding the words: "as he shall think fit." "But there isn't any Rule 900." "Oh, he must have made a mistake, but that doesn't matter, that is a mere formality, I can look up the right number." "Well, what's your Rule?" "Oh I haven't written it out; has anybody got a scrap of paper?" After a general search of pockets, an old envelope is produced. "Oh, that will do (takes out a pencil and scrawls) "Rule — is amended by adding the words 'as he shall think fit.'" "I can fill in the blank." The chief justice: "Is it your pleasure that this rule shall pass." Carried. "By the way brother Brown, if you happen to come across a reporter you might tell him we have passed that rule." "All right I'll do so." "By the way where is the proposed amendment to be inserted?" On which, one of the judge's says: "I move that brother Brown do take a pin and insert it between the leaves of the authorized copy of the Rules, and that the place he shall thus