22nd November, "that the spectacle just presented of election cases being disposed of by a judge who was an active partizan in the recent contest is not edifying;" and "does not produce a good impression upon the public mind."

Sec. 7 of the Supreme Court Act of British Columbia provides that: "Any barrister of not less than ten years' standing, and who has been in actual practice at the Bar of the Court for ten years, shall be qualified to be appointed a judge of the Court."

The objection was taken that the appointment by the Dominion Government of Mr. Martin as a judge of Supreme Court was ultra vires of this section, as Mr. Martin was only called to the Bar in British Columbia on 30th July, 1894.

Held, 1. The Supreme Court has no power to decide the validity of the appointment of one of its members.

2. The Court has power summarily to commit for constructive contempt notwithstanding ss. 290, 292 and 293 of the Criminal Code; but the Court will not exercise the power where the offence is of a trifling nature, but only when necessary to prevent interference with the course of justice.

3. A statement in a newspaper editorial to the effect that one of the parties to a pending suit will lose the case is a contempt of court.

4. A statement to the effect that a judge of the court, having taken an active part in a general election, would have to devote his spare moments to schooling himself into forgetfulness of his political career, is not a contempt.

5. A statement to the effect that the spectacle of such judge trying election cases is not edifying and that it does not produce a good impression in the public mind, is not a contempt.

6. A party to a suit has status to move to commit a stranger to the suit for constructive contempt, although no affidavit is filed by him or on his behalf, to the effect that the alleged contempt is calculated to prejudice him in his suit.

7. Any person may bring to the notice of the court any alleged contempt.

Duff, for the motion. *Hunter*, contra.

Irving, J.] CARROLL *v.* GOLDEN CACHE MINES CO. [Jan. 24.

Practice—Discovery—Cross-examination.

Summons to shew cause why the secretary of the defendant company should not attend at his own expense before the examiner on examination for discovery and answer certain questions, admittedly questions such as would only be allowed on cross-examination.

Held, that an examination for discovery must be conducted as an examination in chief and not as a cross-examination.

Davis, Q.C., for summons. *Wilson*, Q.C., contra.