

defendant, who subsequently succeeded; that the defendant himself was present when the colt was unwisely and improperly shown to several jurymen, and that he offered to treat Porter and the other jurymen present.

I do not think I can allow a verdict to stand obtained under such circumstances. It may be that what took place did not influence the jury in the defendant's favour; but as to that it is immaterial if what was done was done with that object and intention. I think clearly that it was. The defendant's own conduct was highly imprudent and improper, as sworn to by the jurors examined; and this, coupled with the gross misconduct of Burns, his witness—some of the acts being committed in the defendant's presence without protest or remonstrance from him—must impose upon the defendant the responsibility for Burns' conduct.

I do not think that the plaintiff is altogether free from blame. There is evidence that he was seen in the company of the juror Porter, though this is denied by both the plaintiff and Porter. He was also present when the colt was being looked at, and when several of the jurors were standing around; but there is no evidence of any improper statement or communication made by him or his witnesses, and the event shows that the defendant was more successful in securing the finding of the jury.

Upon the consideration of all the facts, I order the verdict entered for the defendant to be set aside, and a new trial had between the parties. I direct that the cost of this application be costs to the plaintiff in the cause, and the costs of the first trial abide the result of the second trial.

## Notes of Canadian Cases.

### SUPREME COURT OF CANADA.

Referred by Governor-General in Council.]

[Dec. 13.

#### RE COUNTY COURT JUDGES OF BRITISH COLUMBIA.

*Constitutional law—Administration of justice—Constitution of provincial courts—Powers of Federal Government—Appointment and payment of judges—B.N.A. Act, s. 92, s-s. 14.*

The power given to the Provincial Governments by the B.N.A. Act, s. 92, s-s. 14, to legislate regarding the constitution, maintenance, and organization of Provincial courts includes the power to define the jurisdiction of such courts territorially as well as in other respects, and also to define the jurisdiction of the judges who constitute such courts.

The Consol. Statutes of B.C., c. 25, s. 14, enacted that "Any County Court judge appointed under this Act may act as County Court judge in any other district upon the death, illness, or unavoidable absence of, or at the request of, the judge of that district, and while so acting the said first-mentioned judge shall possess all the powers and authorities of a County Court judge in the said district: provided, however, the said judge so acting out of his district