

position to this high authority, by the supposed operation and effect of recent statutes providing for the enforcement of Scottish judgments in England and of English judgments in Scotland, and also for the more convenient ascertainment of the law of one part of the United Kingdom by a Court in another part. By what is known as 'The Judgments Extension Act,' 31 and 32 Victoria, c. 54, a judgment of a Court of Common Law in England for debt, damages, or expenses (but not an order or decree of the Court of Chancery), may be enforced in Scotland by the party holding the judgment producing to a registrar in Scotland a certificate of the judgment, and having it registered. And *converso*, a judgment by this Court for debt, damages, or expenses, (but not any other kind of order or decree), may, by a corresponding proceeding, be enforced in England. But this gives no jurisdiction to the Scotch Court in the matter of the English judgment, nor jurisdiction to the English Court in the matter of the Scotch judgment; the one remains an English judgment throughout, though endorsed, so to speak, by a Scotch official under the authority of the statute, and the Scotch judgment also remains throughout a Scotch judgment, though endorsed by an English official under the like authority. The 22d and 23d Vict., c. 63, 'to afford facilities for the more certain ascertainment of the law administered in one part of Her Majesty's dominions when pleaded in the Courts of another part thereof,' provides in effect, that in any suit or proceeding, when the facts are ascertained, a case may be submitted by a Court in Scotland to a Court in England to ascertain the law of England applicable to such facts, or by a Court in England to a Court in Scotland, to ascertain the law of Scotland applicable to such facts. But how the passing of such an Act can affect the jurisdiction of any of the Courts in Scotland or England, or their relation to one another in the matter of jurisdiction, does not at all appear. These very convenient reciprocal provisions for the enforcement of Scotch judgments in England and English judgments in Scotland, and for the more convenient ascertainment by any Court of the law which that Court does not judicially

know or administer, are authorized by Acts of the Imperial Legislature of the United Kingdom. But the same reciprocal advantages and conveniences might be brought about in the case of English and French Courts, or of Scottish and Dutch Courts reciprocally, not, indeed, by an Act of the Parliament of the United Kingdom, but by treaty or convention; and it could hardly be contended that the effect of such treaty or convention would be to affect the relation of these Courts to one another in a conflict of jurisdiction."

The judicial factor having been appointed, the agents of the trustees declined to allow him to take possession of the books and documents, and it became necessary to make a new application to the Court of Session "to grant warrant to messengers-at-arms" to take possession of the books, etc. The Court as a matter of course immediately granted the necessary warrant to enable the judicial factor to enter into possession. The trustees had refused in the first instance to let the judicial factor assume possession, in order that they might be able to say to the English Court that they had not voluntarily parted with the assets, and that they were constrained by force. The conflict is thus made one solely between the Courts, the trustees being freed from all responsibility in the matter.

The Scotch journals are somewhat absurdly excited on the subject. "The Orr Ewing case," says the *Scotsman*, is but the flag under which a great and most important battle is being fought—a battle which can only end in victory for Scotland. The encroachments of English Courts have been tolerated too long, and, as a consequence, they have been pressed beyond endurance. The spirit shown in England in regard to the matter is in strict accordance with that which guides the treatment of most Scottish matters. Scotland is dealt with as if she had no rights and no national institutions. Governmental officials will not consent to believe that Scottish affairs are worthy of notice. Scottish demands for attention are disregarded, no matter how well grounded they may be. All this has gone on for long, and has become intolerable. The demand for a Scottish Secretary is, in effect, part of the protest against it, and a most im-