would have cost $30 to produce the person who had the custody of this deed.

2.—A charge of $7.73 for procuring from Montreal certain documents and a stock register whereby the expense of a commission to Montreal, to examine witnesses, was saved.

3.—"Instructions for statement of claim" was allowed, but "Instructions for reply" struck out.

The taxing officer held that he had power to tax charges for work done which caused a saving of expense only where the work was done between the solicitor on either side, and that one set only of instructions to plead could be allowed. On an application under rule 440, O.J.A.,

PROUDFOOT, J., allowed the first two items, but upheld the taxing officer's ruling as to the third.

Cattanach, for the application.

CHAMBERS.

Proudfoot, J.] [May 22.

BROWN V. BROWN.

Partition—Infants—Parties.

A partition suit commenced by summary application under Chy. G. O. 640.

The infants interested in the estate were joined as plaintiffs.

J. Hoskin, Q.C., as official guardian, moved to set aside the proceedings, on the ground that the infants should have been made defendants, and represented by the official guardian, under Chy. G. O. 640.

H. Symons for the plaintiffs.

Hoyles for the defendants.

PROUDFOOT, J., held that the infants were improperly joined as plaintiffs; that they should have been defendants, and represented by the official guardian; and directed a reference to the Master to fix the guardian commission as if he had been in the suit from the beginning. On consent of the guardian it was ordered that the proceedings taken for sale, if they prove to be regular, should stand, but this is not to be a precedent.

CORRESPONDENCE.

Supreme Court of British Columbia—The Thrasher Case.

To the Editor of the LAW JOURNAL.

SIR,—As one of that large and growing class from whom, as your readers, Mr. Alpheus Todd, (in his correspondence in the LAW JOURNAL of April 12th, under the above caption), invites a notice, I venture to address to you a few remarks upon his commentary in the *Thrasher Case*.

Previously to reading his letter I had always been under the impression that that well known writer was a close, careful, logical and impartial reasoner. It was with great astonishment therefore, I observed that his comment on the *Thrasher* judgment was *petitio principii* throughout. It begged the very questions adversely on which the judgment was mainly based. It did not attempt to enter into the details of the judgment it reviewed, or to discuss the reasoning on which it was founded. He merely states dogmatically that he differs from the conclusions of our judges on some of the constitutional issues of the case, and decides off-hand against the opinions of judges who have given time and research to the subject proportionate to its gravity and importance—who step by step have discussed with us in open Court our authorities, and the reasons for their conclusion; and, in the main point of their judgment we, as a bar, I may say almost without exception, concur. All his objections are fully met and disposed of in the judgment to which I refer your readers.

I have called the letter a review, but it is not a review. It is as though the writer should have said to himself:—"The judges have given their conclusions but the world will want to know what Mr. Todd thinks in the matter." It would at least have been expected of him that he would have discussed the question from the main point of view from which the the judges regard it; but like our Attorney-General here when arguing in Court, he entirely ignores the force given by so many of our Canadian judges to section 91—the chief controlling section and key-note of the B. N. A. Act. He ignores even its existence. Notwithstanding the multitude of authorities cited in the *Thrasher* judgment; he discusses none of them, and does not attempt to show how or by what authorities he arrives at his result.