"Court." This of course is directly contradictory to the Rules just previously adopted and made statutory by Legislative enactment.

Under the power in the 32d section to make new Rules not inconsistent with this Act, a Rule was made to hold a full court on the 19th of December, *i. e.* within six months after the previous Full Court had been held. Being in direct violation of the positive enactment in the very statute which authorised the Rule to be made, even were there no other grounds of objection, it could not be made operative. (Cockburn, Ch. J., Christ Church College *vs.* Martin L. R. 3 Queen B. Div. 29.)

To summarise the legislation under this statute, if legal, it would be an order to the Supreme Court. 1st, To sit continuously. 2nd, to sit only once a year. 3rd. To sit more than once a year, if "not inconsistent" with the enactment to sit only once a year.—It is difficult to bring such legislation within the assumption expressed in Severn vs. the Queen. It seems more naturally to fall within the view expressed by Mr. Justice Patterson in Leprohon vs. the City of Ottawa. It was contended that the act was not retrospective, and therefore the Court could sit on the 19th December, but these provisions being matters of Procedure the Act in that respect was retrospective, and the court clearly could not sit. (Poyser vs. Minors, 5 L. R. 7, Q. B. Div., 339.)

This power of suspending the Sittings of the Court for any period at the will of the local Legislature, or by rules made under an assumed delegated authority from the Legislature, and absolutely controlling its procedure is no light matter, "If the power exists at all" (as says "Mr. Justice Burton, with reference to taxation in Leprohon's case) it can be "exercised to any extent, and in the event of any Province being "disatisfied with the Dominion Government it would hold in its hands "a weapon to which it might resort to harass the Government and enforce "its demands."

It is a question of principle, not of degree, and in this instance is in violation of the rights of Suitors under Magna Charta, "*nulli negabimus* "*aut differemus justitiam vel rectum.*" As also of the right and duty of the Court to advance appeals, where irreparable damage may be caused by delay. (Lazenby *es* White. L. R. 6 Chan. ap. 89. London & Chatham & Dover Railroad Company *es* The Imperial Mercantile Credit Association. L. Rep. 3 Chan. ap. 231.)

Yet this power of legislation to the most unlimited extent is claimed for the local Legislature, even to that of direct antagonism to Dominion legislation, under the authority (the Attorney-General contends) of Mr. Justice Fisher's words in Steadman *vs.* Robertson, New Brunswick Reports, "All the powers possessed by the Legislature of New Brunswick "still exist as potential as ever," but (he omits the learned Judge's qualification) "they are distributed between the Parliament and local Legis- "lature, and are exercised in each according to the limitations of the "constituting Act." This qualification so clearly refutes the pretension that it is unnecessary further to notice it.

Equally unavailing to sustain the claim is the assertion that the Judges themselves are Provincial officers and thus shew conclusively the Provincial character of the Court. Apart from the distinct provision in section 91, sub-section 8, and the concluding paragraph of 91, and the direct words in the 96th, 99th and 130th sections, in Leprohon's case (2 Can. Ap. 526) we find it laid down: "Provincial officers are those "over whose salaries the Province has control," and at 537, "The officers