The *Thrasher Case*, to which we have heretofore referred, brought these matters before the Court. It went to the Supreme Court at Ottawa, but was sent back from them expressly to obtain the opinion of a majority of the judges at Victoria, before that higher court would entertain their application to appeal. Upon an application being made by counsel to be heard by the full Court mentioned in the Judicature Act, and the Local Administration of Justice Act, 1882, the judges set to work to consult the "Rules" which had been made by the Lieutenant-Governor in Council, (the B. C. Government) to ascertain the earliest day at which the case in question could be heard, so as to forward the matter in appeal to Ottawa; preparatory, of course to going on to the Queen in Council. The Supreme Court Rules, 1880, had been enacted to have statutory force under sec. 32 of the Local Administration of Justice Act, 1881, but that also delegated at the same time an *exclusive* power to the Lieut.-Governor in Council, to make and vary new rules, or vary or amend the Supreme Court Rules of 1880, from time to time at discretion.

In the presumed exercise of this discretion, there was issued a copy of a report of the B. C. Committee of Council (and an Order in Council), as required by the Act, in which a full Court had been set for the 9th December in these words:—

Rule 400 (*i.e.* of the Supreme Court Rules, 1880) is hereby repealed, and the following substituted therefor:—

400 A.—A full Court shall consist of not less than three judges of the Supreme Court sitting together. An appeal shall lie to such Court (from specifying whatever may be appealed).

It then repeals a rule of the Supreme Court, and substituted the following therefor:—

401 A.—Sitting of the full Court shall be held in February, for the year 1881, on Monday the 19th December.

The *Thrasher Case* came on before three of the B. C. judges, the Chief Justice, Mr. Justice Crease and Mr. Justice Gray, on a motion for a new trial, but after the proceedings were opened, the hearing was adjourned out of defference to the presumed wish of the executive, until Monday, the 19th December last. On that day (Mr. Justice Robinson having died in the interval, of an accident in circuit, and Mr. McCreight being away in the mountains of Cariboo), the three remaining judges sat. It was then argued that they could not sit there, as a full Court, under rule 400 A., among other reasons for the following:—

1.—That the amendment of the Supreme Court Rules, 1880, was merely a copy of the Report of a Committee of Council, not an Order in Council, which by the construction of the statute was required.

2.—That had it been technically an "Order" in Council, it was ostensibly made in pursuance of sec. 32 of the B. C. Act of 1881, and was therefore invalid, as it professed to be in exercise of a power delegated to the executive, to repeal the Supreme Court Rules, 1880, which the legislature had by the same section erected into a statute. These led inevitably to the larger question which counsel formally raised.

3.—Can the Local Legislature of B. C. make rules of practice and procedure, or in any way interfere with the Supreme Court of B. C., or the judges thereof, under the B. C. Terms of Union, and the British North America Act, 1867: or delegate the power to any other body except the Supreme Court judges—and are not these judges the Common Law depositary of that power? The further argument of that question was adjourned to Thursday, the 5th of January last, to enable the Attorney General, to whom the points were new, to look into the case.

The tripartite questions were very fairly formulated by the Chief Justice, Sir Matthew B. Begbie, we are told, at the request and for the benefit of the Attorney General, very much to the following effect:—