that even assuming the validity of sections 32 and 28, no Order-in-Council had ever been made, but merely a report of a Committee of Council had been approved by the Lieut.-Governor, in which a sitting on the 19th December was recommended. As this was a matter which could readily be remedied, however, and as the Attorney-General was in attendance, we asked him if he could remove the doubts which had been cast on the validity of the clauses. He stated that he felt sure he could do so, and was perfectly ready to go on, but that he felt some difficulty as to his appearing to interfere in a case in which he was not retained on either side. As a grave constitutional objection appeared to us to be involved, striking at many acts of the local Legislature for which he is very possibly responsible, we gave him at once a *locus standi* as *amicus curiæ*. We then asked him to point out the words of the British North America Act which gave any authority to the local legislature to regulate the civil procedure of the Supreme Court, and he referred at once to the final words of section 92 sub-section 14. But as soon as it was suggested that those words seemed to be entirely confined to civil procedure in Courts constituted, made and organized by the province, and that this Court was by divers sections of the Act entirely taken out of that category; and that every topic of legislation not expressly given to the local legislature is by section 91 expressly given to the Dominion Legislature; he said that was to him an entirely new point, and he requested time to consider his argument. We adjourned accordingly, not as a full Court, but to consider the question whether we were then sitting as a full Court, until the 5th January. The Attorney-General then said that he did not feel that he could properly advise us as *amicus curiæ* until he had heard Mr. Theo. Davie's argument of the 24th November. We requested Mr. Theo. Davie to repeat his argument, and adjourned the consideration of the question until Wednesday the 11th January. On that day, however, the Attorney-General found himself unable to attend and we further adjourned till Friday the 13th January. On that day Mr. Theo. Davie repeated his argument; and the counsel for the defendants declining to say anything, the Attorney-General commenced as *amicus curiæ* his statement of the considerations which ought to guide our judgment, beginning with a review of the circumstances which led to the formation of the colony; but not concluding, he asked to be allowed to continue on Saturday. On Saturday he asked for a postponement til Monday; and on Monday and Tuesday the 16th and 17th, he concluded a review of the early history of the Colony and of Confederation at very considerable length, and discussed much less minutely the clauses of the British North America Act to which we had drawn his attention. We could not allow Mr. Theo. Davie to reply upon the observations of an *amicus curiæ*, and we adjourned to deliberate on the conclusion to which we should arrive.

The main line of argument, irrespective of the British North America Act, suggested by the Attorney General, so far as I understood him, was as follows: The Colony of British Columbia was originally established by settlement, not by treaty or conquest, and so had a wider and more indelible sort of legislative power. That power is continued since the Union and retained by a sort of transmission or inheritance even in its altered condition of a Province. The Legislature of the colony was completely sovereign, having even power conferred on it to alter its constitution by internal legislation and to adopt a different form of legislature.