in Chambers had to exercise a discretion in the making of orders of this nature, and except in very special cases the exercise of his discretion ought not to be interfered with. The old Court of Appeal in Chancery was not in the habit of interfering with the discretion of the judges of first instance in matters of practice, except where it was clear that injustice would result from the order under appeal, and now that appeals could be brought from all interlocutory orders made in the Common Law divisions, the same rule ought to be followed. Reference may also be made to *Lascelles* v. *Batt*, 24 W. R. 659, where the appellant court refused to interfere with the mode of trial directed by the judge under the Judicature Act.

In *Runnades* v. *Mesquita*, 24 W. R. 553, the Court of Queen's Bench lay down an important exception from the general rule. That was an appeal from an order made by Denman, J., in Chambers under order 19, r. 6 of the Judicature Act, ordering the defendant to pay a sum of money into Court as a condition of being allowed to defend the action. Cockburn, C. J., thought the order went too far in imposing such a condition, and said: "We are of course very unwilling to interfere in a matter of discretion where the limit of that discretion may be a matter of opinion. But this is a question coming to us at the beginning of a new system by which further infringements are made than heretofore on the Common Law rights of defendants. Here is a procedure which supersedes all ordinary forms; and in such a case we ought not to hesitate, where we think a discretion has been wrongly exercised, to lay down some kind of rule to point out what we consider to be intended to be the limits within which that discretion is to be exercised." Pollock, B., agreed that interference was proper where the exercise of discretion involved the formation of a practice under new rules of procedure which may largely affect the rights and liabilities of suitors.

The latest cases decided in the Courts of this Province touching the matter in hand are *Dunn* v. *McLean*, 6 P. R. 156, and *Bennett* v. *Tregent*, 25 C. P. 443. The head-note of this latter case is not quite correct in laying down that the Court will not interfere with the exercise of the discretion of the Clerk of the Crown in Chambers. The decision hardly goes as far as this; and the attention of the Court does not appear to have been called to the cases decided in Chancery, where the judges, while affirming the proposition that the discretion of a judge should not be interfered with, have not given effect to the rule in so far as an inferior judicial officer was concerned. We refer to such cases as *Chard* v. *Meyers* and *Dunn* v. *McLean*, already cited, and *Scott* v. *Burnham*, 3 Chan. Cham. R. 399. In *Bennett* v. *Tregent* the Court go into the merits of the application, and come to the conclusion that the Clerk had not exercised his discretion improperly.

DOMINION LAW SOCIETY.

At a meeting of the Nova Scotia Barristers' Society, held last spring, it was decided to initiate a measure looking forward to the establishment of a Dominion Law Society, and a committee, consisting of Messrs. Eaton, James, Q.C., Tremaine, Miller, Q.C., and Shannon, Q.C., was appointed to correspond with the different Barristers' Societies within the Dominion, and with prominent members of the profession in the other Provinces, in order to obtain information with the view of carrying out the desired object.

Mr. James, Q.C., on a recent visit to Toronto, brought the matter before the Benchers of the Law Society of Ontario.