

## EDITORIAL NOTES—ADMINISTRATION OF JUSTICE IN BRITISH COLUMBIA.

trance as the "Count and Countess of Bankruptcy," and had to parade up the hall to the Lady Mayoress under the embarrassing burden of this novel and unsought for title. We hope no one will have his democratic sensibilities shocked by any similar blunder on the forthcoming entertainment at Osgoode Hall.

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A CORRESPONDENT of our namesake in England, speaking of the many hard cases resulting from breaches of trust and misappropriations by trustees, urges that some steps should be taken to provide for the safe keeping of trust deeds, and suggests that they should be in the custody of some official. We do not see that this would prevent frauds by trustees; but it is plain that every precaution should be taken for the protection of beneficiaries. What might answer a better purpose, though the whole subject is surrounded by difficulties, would be for private trusteeship to cease, and have all trust estates of a certain character, or where a certain sum is involved, administered by official trustees, or at least that the latter should have some supervision for the protection of the *corpus* of the estate. It is, however, rather "too large an order" to speak of without full consideration, and after all, the multiplicity of the interests involved might prevent the possibility of moving in the direction indicated.

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WE discuss elsewhere some important constitutional questions relating generally to the powers of the Local Legislatures in reference to the administration of justice, and with especial reference to a conflict of opinion in British Columbia which has come to a head in the following manner: It appears that the Provincial Legislature enacted that the Appellate Court should sit once a year on a day to be named by the Executive. The judges, on

the day which had been named (Dec. 19), assembled, but not as a Court, taking the ground that the Local Legislature had no right of interference with the Supreme Court, that that tribunal had never been constituted, maintained, or organized by the Province, and that the B. N. A. Act had given to the Local Legislature the power to legislate in regard to civil procedure only as to those Courts which the Province constituted, maintained or organized. It was finally arranged that the question should be argued and put in such a shape that the point might go before the Supreme Court. The 5th of January was fixed for the argument. There has been much friction for some time between the Provincial Executive and the judges. We trust, whatever may be the result of this discussion, that the independence of the judges may be kept inviolate.

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British Columbia, which has attracted so much attention in Canada Pacific Railway matters of late years, bids fair once more to come to the front; but this time with grave constitutional questions respecting the administration of justice in the Provinces under the British North America Act 1867.

These will have some bearing on the Superior or Supreme Courts through the rest of the Dominion; and, being also unconnected with politics, will no doubt possess considerable interest for our general readers.

The subject now raised for judicial decision in our Pacific Province is the nature and extent of the power of the Local Legislature over the Supreme Court and Judges of British Columbia, the residential unity of its Bench—its Procedure, Rules, and Costs, under the British North America Act 1867, the special terms with which British Colum-