brain of Lord Dundreary was thought to "flock by itself."

Now there were good principles in the Bill which the Judges heartily supported, and had previously advocated, for it gave statutory force to several rules of law which had long been already acknowledged by the Courts, and added a very important statutory rule that where Common Law and Equity conflicted the latter should prevail. The common lawyers were propitiated by commencing the action by writ of summons. The statement of case did duty for a declaration, and thenceforward the statement of reply and all the subsequent proceedings went on under the same rules and with the same, or nearly the same practice as a Bill in Equity. Two or three clauses would have done all that was useful or necessary.

As the matter reads to us, but for the Judges the Bill would certainly have had a decided tendency to create these conflicts, for as it at first stood the Judicature Bill divided the one Supreme Court into a number of separate courts called Divisions or Sides, with a special jurisdiction to each, and, judging from the Bill and the correspondence, the Bill made very careful preparations for inaugurating and perpetuating diversity of judicial views, and destroying rather than encouraging uniformity of decision. The Bill was handed to the Judges for their observations. They appear to have taken it in hand very heartily and vigorously, and in, it is said, the short space of four days altered it to what it is now, with the exception of two sections, 14 and 17, which they did not succeed in changing. The former of these, section 14, affected to make commissions of Oyer and Terminer and general gaol delivery unnecessary in trying criminals; that, they said, probably interfered with the criminal procedure. The latter, section 17, conferred on the Lieutenant-Governor in Council *exclusive* power to make Rules of Court to carry out the Act, for the holding of Assizes, Circuits, Chamber Practice, and relegating to them even the power of imposing taxes on suitors by way of fees; in fact, taking every authority over practice and procedure out of the hands of the Supreme Court Judges, who had held them from time immemorial, as a common law right, interfering with their costume, abolishing their long vacations, and even going so far as to require them to copy out minutes of evidence for suitors. The Judges, after remodelling all the Act, including two clauses 14 and 17, as nearly as possible according to the scheme laid down by the Local Legislature for adoption, next volunteered their services to draw up the Rules of Court by which the Act was to be carried out. In truth, the Judges throughout seem to have endeavoured to aid the authorities in their desire for the better administration of justice, though calling attention to and at last protesting against what they pointed out as calculated to defeat the very objects themselves at which the Legislature declared they aimed. One singular feature presented itself which could not have occurred in any other Provincial Legislature in the Dominion, that is, that there was only one lawyer, and has been only one for the last four years, in the B. C. Local House, and he combines in his own person the office and duties of Chief Commissioner of Public Works, Attorney-General and Premier, so that not only has there been no opportunity of debating, by professional men, in the House the legality or constitutionality of any Bill introduced in the Legislature, but here is the danger of undue pressure from supposed political necessities.

Under these circumstances it need scarcely be a matter of astonishment that some of the measures so passed, should fail to hold their own when exposed to the crucial tests of the Courts. Despite protests of the Judges, however, the act came into force, and it is out of the application of section 17 and some other Acts and sections we shall cursorily refer to, that the present contention in the B. C. Court has arisen.