ment of Canadian instead of Imperial jurisdiction in matters now within the jurisdiction of the British Vice-Admiralty Courts, which are still in operation throughout Canada.

All other courts of law in the Dominion have, in point of fact, been subject since Confederation to the legislative control of the different Provinces, and have, from time to time, been remodelled and reformed at the will and pleasure of the respective Provincial Legislatures, without any interference or remonstrance on the part of the Dominion authorities. In the years 1878 and 1879, in the memorable contests which grew out of the Dominion Controverted Election Trials' Act, the Courts of Ontario and Quebec agreed that the Dominion Parliament though incompetent, under the B. N. A. Act, to alter the "constitution" of any Provincial Court, whether possessed of superior original jurisdiction or otherwise, was nevertheless at liberty to assign to the *Judges* of existing Courts—they being Dominion officers—additional duties for Dominion purposes, provided only that the same did not interfere with the primary and ordinary functions of the judges in holding Provincial Courts. This decision was ratified by the Dominion Supreme Court and approved by the Judicial Committee of the Privy Council. The judgment in this case effectually disposes of the distinction attempted to be drawn by the judges in British Columbia between superior and inferior courts in that Province, and of the assumption that the latter only were the proper subjects of Provincial Legislation, whilst the former were liable to be regulated and controlled only by the Federal Parliament.

And now as concerning the competency of the Legislature of British Columbia to enact rules for the conduct of business in the Provincial Courts.

The principle involved in this question was hotly contested in the Imperial Parliament between the years 1870 and 1875, when the reform of the judicature system of England was under discussion. The point then raised was as to whether the new rules of Court that must necessarily be prepared should be framed by the judges, by the Privy Council, or by Parliament. Setting aside old custom, individual preferences, and perhaps general expediency, which might incline in favour of one or the other method, the "omnipotence of parliament" ultimately prevailed. The rules were, for the most part, appended by Parliament to the Judicature Act, although permission was given for the drafting by the judges of Supplementary Rules. But before these Supplementary Rules could go into operation they had to be authorized by Order in Council, and then submitted to Parliament for forty days,—during which period they were open to rejection or modification,—afterwards, if not disapproved of by either House, they went into force. By this means the actual authority as well as the ultimate control of Parliament in the formation of rules for the guidance of the courts of law was recognized as being inherent in the supreme power. The question whether this function should be exercised by Parliament directly or through some intermediate agency was simply one of expediency and not of right.

A similar power must be admitted to exist in all Colonial Legislatures that have been authorized to regulate "the administration of justice" in the particular Colony or Province. Accordingly, in the Australian Colonies it has been customary by local enactment to empower the Judges of the Superior Courts to frame new Rules of Court when required, submitting the same for the information of the Local Parliament. A similar direction is contained in the Statutes of Ontario. These Local Legislatures have not indeed gone to the length of insisting that all Rules of Court shall be subjected to their own legislative supervision before they go into force, but if the Legislature of British Columbia should deem it expedient to exercise a more direct authority in such matters, they are not usurping an unwarrantable power, but are acting within the limits of the jurisdiction assigned to them by the aforementioned subsection of the British North America Act.

It is true that in a Province the exercising of this particular function by the Legislature may, in some instances, be ill-advised and objectionable, but the remedy in this contingency consists, not in denying the authority of the Legislature, but in the lawful oversight of the Dominion Executive, who are free to remonstrate and to suggest the amendment by the local authorities of any objectionable enactment and if necessary to disallow it altogether.

The British Columbia Judges allege that they have already protested against much of the local legislation in judicature matters, but