

As to a third highway, there was evidence of long user as such. The remaining one of the alleged highways was the road allowance between two sections of land according to the Dominion Government system of surveys, and it is vested by law in the Province. The Provincial Legislature has not expressly given to the municipalities a right of action for portions of the soil of a highway wrongfully removed, and the plaintiff municipality was not in actual possession or occupation of the land so as to be entitled, on that ground alone, without proof of title, to maintain an action against wrongdoers for the removal of the soil.

Held, 1. Under the enactment substituted for section 315 of The County Courts Act by 59 Vict., c. 3, s. 2 (M. 1896), an appeal to this court lies from the decision of a County Court judge on a question of jurisdiction as from all other decisions in actions in which the amount in question is twenty dollars or more. *Fair v. McGrow*, 31 U.C.R. 599, and *Portman v. Patterson*, 21 U.C.R. 237, followed.

2. The real question in the action was one of the title to the sand and gravel removed, and these being part of the freehold it was a question of the title to a corporeal hereditament, and that the jurisdiction of the County Court was ousted.

Ordered that the judgment for plaintiffs in the County Court be set aside, that judgment be entered in that court against the plaintiffs for the defendants' costs of the action under 1 Edw. VII., c. 5, s. 1, and that the plaintiffs should pay the costs of the appeal.

Hough, K.C., for plaintiffs. *Robson*, for defendants.

Province of British Columbia.

SUPREME COURT.

McColl, C. J.]

[June 21, 1901.

KING T. LAW SOCIETY OF BRITISH COLUMBIA.

Barrister and solicitor—University graduate—Legal Professions Act.

Order nisi calling upon the Law Society to shew cause why a writ of mandamus should not be issued directed to the Law Society commanding it to enter the name of the plaintiff on its books as an applicant entitled to be called and admitted on his paying the prescribed fee and passing the necessary examination. The plaintiff matriculated at the University of Dalhousie, Halifax, Nova Scotia, in August, 1892, and an LL.B. degree was conferred on him by the University on 23rd April, 1895; in March, 1892, he began to study law and signed articles in Nova Scotia, and on 2nd April, 1895, he was called and admitted there. Subsequent to his call and