bor, hoc opus est. Writs of execution under which a decree for costs is enforced, are issued in the name of the reigning sovereign, and they cannot be levelled against their author. Officers of the Queen, to whom in the usual course of administration the affairs of the Crown are entrusted, and who for that reason appear as parties litigant have ordinarily no Crown property in their hands which they can apply or are at liberty to apply to satisfy such a decree, and it would not be conscionable to levy upon their private effects when they have been acting in the discharge of a public duty: *The Lord Advocate* v. *Lord Douglas*, 9 Cl. & Fin. 173. Hence, Courts of Equity will not issue an order which they cannot enforce, and will not award costs against the Crown or its officers which they can neither directly nor indirectly exact by their process.

This being the policy of the Court, it works a corresponding change in the right of the Crown to claim costs in cases where a subject would be entitled to receive them by the *cursus curiæ*. The Court generally applies the principle of reciprocity, and as it is not able to enforce costs against the Crown in favour of a private suitor, neither will it mulct a private suitor in costs when the Crown succeeds. This practice of the Court is conveniently summed up in the familiar maxim that the Crown neither pays nor receives costs: *Rees* v. *Attorney-General*, 16 Gr. 467; *Burney* v. *Macdonald*, 15 Sim. 6; *Attorney-General* v. *London*, 8 Beav. 270, and in appeal 1 H. L. R. 471; see also *Attorney-General London*, 1 Mac. & Gord. 269, where the matter is elaborately and instructively discussed.

The most noticeable statute affecting the right to costs in Crown cases is the Imperial statute 18, 19 Vict. cap. 90, which was soon after introduced into this Province and is now chapter 21 of the Consolidated statutes (U.C.) This statute is limited to cases where the information, suit action or other legal proceeding is by or on behalf of the Crown, (secs. 6 & 7) and it does not extend to litigation in which the Crown is made a defendant. In equity, then, the chief result effected by the statute is that the interposition of a relator is no longer really necessary to enable the Court to give costs to a successful defendant in Crown suits. Otherwise the practice is left as it was: see *Gibson* v. *Clench*, 1 Chan. Cham. R. 69. The proper form of order for the payment of costs under this statute is given in the *Attorney-General* v. *Hanmer*, 4 De. G. & Jo. 305. The position of the Crown and the Court was pointedly and pithily put by Van Koughnet, C., in the *United States* v. *Dennison*, 2 Chan. Cham. R. 263, where he laid it down that the rule that the Crown neither claims nor pays costs is that which the Court favours as most consistent with the dignity of the Crown and the practice of the Court. He perhaps unconsciously recalled the grave humour of Lord Lyndhurst's language in *Hullett* v. *The King of Spain*, 1 Dow 177, when he said that the House of Lords declined to disparage the dignity of the King of Spain by giving him costs.

LAW SOCIETY.

Hilary Term—1877.

CALLS TO THE BAR.

Sixteen students presented themselves for examination. Of these the following were successful. The names are given in the order of merit:

A. C. Killam, T. Hodgkin, C. J. O'Neil, F. Robertson, H. E. Henderson, H. Cassels, F. Love, W. Wyld, and T. Caswell.

The following were also called to the Bar under the Rule of the Society for calls of attorneys under Act of 1876: