

After the union of the Island and the Mainland the aforesaid provision was extended to the united colony.

In handing down a decision Mr. Justice Clement speaks of British Columbia being "tied down to the law of 1858." He further adds—

I am of the opinion that the use of the double negative throws the burden of proof on him who asserts that a given English law, statutory or otherwise, of date prior to 1858 was not introduced into British Columbia. He must establish the affirmative proposition that the law in question was from local circumstances inapplicable to British Columbia.

British Columbia Reports (Appeals) Watt
vs. Watt, 10th Nov., 1907, Clement, J.

Thus it will be seen that where our local legislature at Victoria has passed no civil law, and the Federal Parliament at Ottawa no criminal law, reference in British Columbia is always taken to English law as it was in 1858.

