cisely the same authority within their respective geographical limits, viz: that given to them by the British North America Act, and no other authority; and that, not by transmission or inheritance, but solely and entirely by virtue of the Act. But the contention seems no less singular than erroneous; and I think it would not, for instance, meet with much favor in the Province of Quebec.

It was also strenuously maintained that the Supreme Court of British Columbia (under its various successive titles) from 1858 up to the moment of Confederation was wholly organized, maintained and constituted by Colonial authority, and it was especially contended that it was "organized" by Colonial authority alone. As to this last point it is to some extent a question of definition: what is meant by "organization?" If issuing a commission and nominating every Judge in either Vancouver Island or British Columbia up to the time of Confederation, enter at all into the notion of "organizing" the Court, then, certainly, the Supreme Court of British Columbia from 1858 to the time of Confederation was not wholly "organized" by the then Colony. But the consideration of this question again seems to me entirely immaterial. What is material, and what cannot be denied, is, that at and up to the moment of Confederation a Supreme Court of British Columbia existed in the then Colony, completely organized, maintained and constituted; possessed of all the jurisdiction, power and authorities which had been possessed either by the previous Supreme Court on the Mainland, or by the previous Supreme Court of Civil Justice of Vancouver Island: possessed also of all the additional powers mentioned in the last constituting ordinance previous to Confederation, (viz.) the British Columbia ordinance of 1869 (confirmed by an ordinance of 1870.) And all this, before the "Province," in its technical sense, had at all come into existence. This I do consider extremely important. Combined with other circumstances, I think that it places this Court at once under the Dominion Parliament, and removes it from the authority of the local Legislature, by virtue of section 129 of the British North America Act.

By far the larger portion of Attorney General's suggestions was taken up by the fallacies just pointed out, and which I need not further refer to.

The bare question before us is, whether section 28 of the Act of 1881, so far as it forbids any sitting of the full Court oftener than once a year, and so far as it authorizes the executive council to fix the time of sitting, is constitutional. But in order to support this section it became pretty evident that it was necessary to include a good deal more; and the Attorney-General claimed an "omnipotent" authority over the Judges of the Supreme Court and the Court itself, and over the procedure in that Court, by virtue of this "omnipotent" authority. The Judges were to be nominated and sent into the Province by the Governor General as officers purely of the Province, the servants, I had well nigh said the slaves, of the Legislature and Executive of the Province; to live wherever the Executive might appoint each from time to time to live, to do what the Legislature might appoint each from time to time to do. The only thing that the local Legislature could not do to a man while he was a Judge of the Supreme Court was to pay him; that is by the British North America Act reserved wholly to the Dominion authority.