

believed by him, when fairly read and considered as a whole, leads the appellate court to a clear conclusion that the findings of the trial judge are erroneous, it becomes the plain duty of the court to reverse these findings.\*

In the case under discussion, as already pointed out, it would appear that the judges of the Supreme Court of British Columbia, where the action was tried, held an opinion similar to that expressed by the Privy Council. If this is correct our correspondent's contention, so far as this case is concerned, fails on his own shewing, even though he correctly states the general principles involved. However that may be, the case stated by our correspondent seems to us a very slight foundation, certainly so when attendant circumstances are disclosed, upon which to base a somewhat unfair and uncalled for reference to advisers of His Majesty in Council and comparing them in this with their Canadian brethren. Comparisons are generally odious, and should be especially so in the present case where we are justified in assuming the presence of the highest capacity and unfailing rectitude.

As to this phase of the subject we have no desire to decry the ability or learning of the Canadian Bench, but we must look the matter in the face and not be led away by partiality or prejudice. It is an obvious and well-known fact (1) that our judges in this country are selected almost entirely from the supporters of the Government then in power, and selected, moreover, for political reasons; (2) that the best men at our Bar are not generally chosen, partly for the reasons above referred to, and partly because the honour of the position is out-weighed by the inadequacy of their emolument. On the other hand the English Bench is selected from the very best men at the English Bar—men of the highest legal training that the world affords—the pick of a population of sixty millions, as compared with our six millions. We have had occasion to criticize from time to time the spirit of the "little Englander." Is there not some-

\*See also cases cited in Holmsted & Langton, p. 43, and *Price v. Bryant*, 4 O.A.R. 542.