

tion of the junior members of the profession, that although suitors in petitions and affidavits, when referring to the court, may properly designate the court in that way, yet the court, when speaking of itself, uses no adjectives, and is content to use simply the words, "this court."

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A WILD WEST correspondent sends us a clipping from a newspaper published in a flourishing town which sees the sun set on the other side of the Rockies, from which we gather that "ways that are dark and tricks that are vain" are not peculiar to the Heathen Chinee. They are only "advocates" in this simple land; this word covering the duties of both barrister and solicitor. The clipping states that a certain firm propose to carry on their counsel business apart, while continuing their business as solicitors as heretofore, and state that their separation is only in regard to criminal business. The fact is that one of the members is Crown prosecutor, whilst the other apparently desires to hold briefs for prisoners. This seems not only peculiar, but exceedingly undesirable. Whilst one would be willing to be very lenient in most matters in a frontier town, we think that these gentlemen, being members of an honourable profession, would do well to part company entirely, and keep within the rules governing the profession in the rest of the Dominion.

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By the recent amendment of the Rules, the judicial discretion over the costs of an action has been very largely increased.

Under Rule 1170, as it originally stood, the judge at a trial where the action was tried by a jury could only deprive a successful party of his costs for "good cause," and the question of whether "good cause" did exist was a question on which an appeal would lie, as was determined by the English Court of Appeal in *Jones v. Curling*, 13 Q.B.D. 265, a case which has been repeatedly followed in Ontario: *McNair v. Boyd*, 14 P.R. 132; *Carter v. Bradburn*, 15 P.R. 147.

The effect of the amendment to Rule 1170 is virtually to give the judge at the trial the same discretion, as to the costs of actions tried by a jury, as he has with regard to actions tried without a jury, and consequently there will no longer be any appeal