modify the result which would otherwise be obtained in this private litigation, if he thinks the public interest demands it. Moreover, the section itself provides that the intervention may be not only at the trial but at "any stage of the proceedings."

If the Court has no jurisdiction, it seems to me that that fact should be ascertained at the earliest possible stage of the action. Upon an application to have this case heard in camera, made to my brother Latchford, it was stated under oath that the plaintiff's health and condition was such that a cross-examination made in public might seriously affect her life or reason; and it is easy to conceive that the case made by the plaintiff in her pleadings is one which ought not to be paraded in open Court if there is any real doubt of the jurisdiction of the tribunal to entertain the action. No Judge ought to be asked to pronounce an opinion upon such a matter, affecting as it must the whole future of this unfortunate young woman, unless it is plain that he has jurisdiction to deal with the action. If the finding should be adverse to the plaintiff and it should afterwards be held that the Court had no jurisdiction, her position would be lamentable in the extreme. Scarcely better would be her situation if the finding upon the facts should be in her favour.

These considerations point to the propriety of separating the trial of the question of fact from the hearing upon the question of law. Speaking generally, the policy of our law of recent years has been entirely against the separation of the issues in law from the trial of the questions of fact; but the rules still provide for this, leaving it to the Judge in each case to determine whether the questions should be so separated. It appears to me that this case is one of the few in which the interests of the parties will be best served by determining this much debated legal question in the way suggested.

The fact that the latest reported decisions seem to be against the existence of the jurisdiction also points to the adoption of this course; because they render it probable that the Judge before whom the case comes for hearing would investigate the legal aspect of the case in the first instance, and if he considered himself bound by the reported cases he would not express an opinion upon the question of fact if he was satisfied that he had no jurisdiction, and a new trial