question termed them. This Report will be found in Hodgins' Provincial Legislation, 2nd ed., at pp. 354-368; and is printed almost *in extenso* in Legislative Power in Canada, at pp. 140-174.

Sir John Thompson reviews the previous reports of Ministers of Justice, and the decisions of the Courts in respect to provincial appointments of officers exercising judicial functions, such as Police Magistrates and Justices of the Peace Fire Marshalls, Division Court Judges, and Judges of Parish Courts in New Brunswick; and, speaking generally, he says:—

"The most remarkable instance in which provincial legislation has overrun the limits of provincial competence has been the legislation in reference to the administration of justice. . . . Doubtful legislation has been adopted in nearly all the provinces, setting up Courts with Civil and Criminal jurisdiction, with Judges appointed by provincial or municipal authority. . . . In most cases, as in the case of Quebec, now under consideration, the legislatures have been careful to avoid conferring the title of 'Judges' upon the officers whom they have really undertaken to clothe with Judicial functions."

The report of a Minister of Justice which comes nearest to having a direct bearing upon this Alberta decision, is that of Sir Alexander Campbell, of January 30th, 1882, who took exception therein to a provision of the Ontario Judicature Act, 1881, constituting the Judges of County Courts, Official Referees and Local Masters. He says: "The undersigned thinks it doubtful whether the provincial legislature can constitutionally in this manner appoint Judges, who hold office by commissions from your Excellency, to other offices under the provincial Government. The expediency of allowing County Judges to act as Referees and Local Masters is questionable; the same may at some future time require the consideration of Parliament."

The decisions and reports of Ministers of Justice subsequent to Sir John Thompson's report of January, 18th, 1889, are the following: *The King* v. *Sweeney* (1912), 1 D.L.R. 476, wherein the Supreme Court of Nova Scotia held, that under No. 14 of section 92, provincial legislatures have power to appoint stipendiary magistrates notwithstanding section 96; (to the same effect is *The King* v. *Basker* (1912), 1 D.L.R. 295); and *Ex parte Vancini* (1904), 36 N.B.R. 456, where the Supreme Court of New Brunswick held that a provincial Act which created stipendiary and police magistrates a Court with all the powers and jurisdictions which any Act of the parliament of Canada had conferred or might confer, was *intra vires*. This was followed in *Geller* v. *Loughrin* (1911), 24 O.L.R. 18, see at pp. 23, 33. Then there is *Regina ex rel. McGuire* v. *Birkett* (1891), 21 O.R. 162, where it was held that the provincial legislature had power to invest the Master in Chambers in Toronto with authority to try controverted municipal election cases; but this was rested upon the provincial power in relation to municipal institutions; *In re Dominion Provident Benevolent and Endowment Association* (1894), 25 O.R. 619, when it was