

diction to convict for an offence under the Act to restrict the importation and employment of aliens (60-61 Vict. c. 11), and the Act in amendment thereof (1 Edw. VII. c. 13), for an offence not committed within his territorial jurisdiction.

The King v. Forbes; Ex parte Chestnut, 37 N.B.R. 402.

—Power of Dominion Parliament—Validity of Dominion Act, 60 and 61 Vict. c. 11, s. 6, amended by 1 Edw. VII. c. 13—Power to expel and deport aliens.]—Held, that s. 6 of the Dominion statute 60 & 61 Vict. c. 11, as amended by 1 Edw. VII. c. 13, s. 13, is intra vires of the Dominion Parliament. The Crown undoubtedly possessed the power to expel an alien from the Dominion of Canada, or to deport him to the country whence he entered it. The above Act, assented to by the Crown, delegated that power to the Dominion Government, which includes and authorizes them to impose such extra-territorial constraint as is necessary to execute the power. Re Gilhula and Cain, 10 O.L.R. 469, reversed.

Attorney-General v. Cain, [1906] A.C. 542.

—Penalty—Recorder's Court—Prescription of action.]—(1) Penalties, concerning the importation and employment of aliens mentioned in 1 Edw. VII. c. 13, s. 1, may be recovered before the recorders, subject to the formalities therein mentioned. (2) The prescription of an action, suit or information for any penalty is two years according to Art. 930 of the Criminal Code. (1).

Montreal Harbour Commissioners v. Recorder's Court, 8 Que. P.R. 63, affirmed in appeal.

—Right of exclusion and deportation—Tort committed in foreign country—Conditions on which right of action depends—Foreign law.]—The Court on appeal will not disregard the finding of a Judge who tries a question of fact without a jury on viva voce evidence and substitute for it a finding which they may think should have been made, unless they are satisfied the Judge was wrong, and the onus of showing that is on the party moving. If the question is left in doubt the presumption that the Judge was right is not displaced.

The civil liability arising out of a wrong derives its birth from the law of the place, and its character is determined by that law. Therefore the plaintiff, an alien, being unlawfully within the United States territory in violation of an Act of Congress, and a person liable to be deported, has no right of action in this Court against an officer of the United States Government for his arrest in, and deportation from, that country.

Foreign law is a matter of fact to be ascertained by the evidence of experts

skilled in such law. Where the evidence is unsatisfactory and conflicting the Court will for itself examine the decisions of the foreign Courts and text-writers referred to in order to arrive at a satisfactory conclusion upon the question of foreign law. (Con. Stat. (N.B.), 1903, c. 127, s. 60.)

By international law, and apart from any civil enactment, a sovereign state has the right at its pleasure to exclude or deport any alien from its dominions; therefore no action will lie in a British Court against an official exercising that right at the command and on behalf of the state, of which he is the servant.

Papageorgiou v. Turner, 37 N.B.R. 449.

—Action of penalties—Security for costs.]

—The action given to "any person who first brings his action, etc.," to recover the penalties imposed by the Act 60 and 61 Vict. c. 11, as amended by 1 Edw. VII. c. 13, is a *qui tam* or popular action and the plaintiff may be required under article 180 C.C.P. to give the security *judicatum solvi*.

Laurin v. Raymond, 29 Que. S.C. 101 (Davidson, J.).

—Alien Labour Act—Importation of foreign labour—Act of agent and his liability.

"Skilled labour for the purpose of a new industry."—(1) A person who, as the agent of a company, procures the immigration into Canada of an alien labourer, in violation of the Alien Labour Act, is guilty of the offence created, and liable for the fine imposed therein, as if he were a principal acting for himself. (2) It is a violation of the Alien Labour Act to import, or assist in importing, an alien labourer who resides in a foreign country that enacts and retains in force laws of a similar character, even though such labourer should be a citizen of, and have his domicile in another foreign country that does not enact and retain in force such laws. (3) On the establishment of steel car manufacturing as a new industry in Canada, rivetters may be imported from a foreign country for the purpose under s. 9 of the Alien Labour Act, if, in consequence of an unusual demand, they cannot be otherwise obtained, though rivetters are employed in other industries in Canada.

R. v. Disney; Franco v. Disney, 14 Can. Cr. Cas. 152, 17 Que. K.B. 488.

## ALIMENTS.

Equivalents.]—When a father is in need of maintenance which his son is in a position to furnish for him, the son cannot refuse to do so under the pretext that his father is living with people whom he does not consider reputable. The son who owes maintenance to his father has no right to offer instead thereof, to receive him into