

The machinery may be altered, the educational methods may be changed, from time to time, to keep pace with advanced educational systems. It was never meant that the separate schools, or any other schools, should be left forever in the educational wilderness of the enactments in force in 1867. Educational methods and machinery may and must change, but separation, and equal rights regarding public schools, must remain as long as provincial public schools last, unless the federal or imperial parliament, which ever may have the power, decrees otherwise."

Province of Alberta.

SUPREME COURT.

Harvey, C.J.]

[24 D.L.R. 18.

POLSON IRON WORKS V. MUNNS.

Constitutional law—Appointment of judges—Masters—Powers of province to appoint.

The office of the Master is essentially that of an officer, and while his duties are largely judicial in their character they do not constitute him a judge within the meaning of sec. 96 of the British North America Act, so as to require his appointment by the Governor-General.

A. Macleod Sinclair, for appellant. S. W. Field, for respondent.

ANNOTATION ON ABOVE CASE FROM D.L.R.

This is an important decision, inasmuch as it appears to be the first reported case—and, therefore, we may probably say—the first case, which deals with the power, under the Constitution, of provincial legislatures to appoint judicial officers with authority to exercise the functions, in Superior Court actions, which are assigned under Judicature Acts and rules to Masters in Chambers in Ontario and in Alberta, and in other provinces. To understand the judgment it is necessary to have before one the following Rules of the Supreme Court of Alberta.

275. When a statement of claim includes a claim for a debt or liquidated demand and any defendant has delivered a defence, the plaintiff may, on affidavit made by himself, or any other person who can swear positively to the facts, verifying the cause of action in respect of the debt or liquidated demand and the amount claimed and stating that in his