

of felony. But if one has by that time thought discretion the better part of valour, the other 11 cannot be charged with the felony."

LEGISLATION PROHIBITING THE EMPLOYMENT OF ALIENS.

The Supreme Court of Canada having been asked by the Governor in Council of Canada for an opinion as to the validity of the legislation of the Province of British Columbia on the above subject, has set forth the views of the various Judges of that Court on various points that came up for discussion. These opinions will appear in the report of the case in the Supreme Court reports. We trust the Government has got what it wanted in the first finding, though with dissent from two voices. As to other points—*quot homines, tot sententiae*.

Speaking generally and without enquiring whether this reference and the findings thereon are of a Court of final jurisdiction, how refreshing it would be if the judgments of such a Court were, and were stated to be, pronouncements of the Court, free from the cloudings and mystifications attending the examination of numerous dissenting and dubitante opinions ushered in by the heading "Per." This doubting and disagreeing habit has become all too common with certain of the Judges of our Supreme Court. What is wanted is the law on the subject; not the views of one or other of the members of the Court. These might be dealt with before the Judges come into Court to pronounce the judgment of the Court.

The head note of the report as to this reference will be much as follows:—

"The Legislature of British Columbia in 1921 passed an Act (11 Geo. V. c. 49) purporting to 'validate and confirm (an) Orders in Council' which provided that 'in all contracts, leases and concessions of whatsoever kind entered into, issued or made by the Government or on behalf of the Government, provision be made that no Chinese or Japanese shall be employed in connection therewith.'"

It was held that the legislature of British Columbia had no authority to enact this legislation. Idington, J., and Brodeur,