

of Mr. H. E. Duke, K.C., M.P. Mr. Duke tried his hand for a short time in managing Irish affairs, succeeding Mr. Birrell, who certainly mismanaged them. However, Mr. Duke seems now to have found his proper place on the Bench. It is said that his appointment, being a common law man, upsets the balance of the Court as it gives four common law lawyers to two equity lawyers. It is strange how long it takes our conservative brethren in the Old Land to realize the fusion between common law and equity in the administration of justice.

*ORDERS IN COUNCIL UNDER THE MILITARY SERVICE
ACT AND THE WAR MEASURES ACT.*

We publish in full the judgment of the Supreme Court as delivered by Mr. Justice Anglin in the *Gray Case* which, so far as the Dominion is concerned, upholds the validity of the Order-in-Council under which the prisoner was called to military service. The Supreme Court of Alberta (Harvey, C.J., dissenting), as we all know, held otherwise in the *Lewis Case*.

The majority judgment of the Supreme Court of Canada is a masterly and convincing pronouncement. The dissenting judges were Mr. Justice Brodeur and Mr. Justice Idington, the latter read his dissenting opinion to which, however, it is not now necessary to refer.

Canadians, with a few unimportant exceptions, will be glad that the Supreme Court has found the law to be as set forth by Mr. Justice Anglin. We copy his words as printed in the daily press:—

The applicant moved before me in Chambers for a writ of *habeas corpus ad subjiciendum* under s. 62 of the Supreme Court Act. He is in military custody awaiting sentence of a court-martial for disobedience as a soldier to lawful orders of a superior officer. Such disobedience is declared to be an offence punishable by imprisonment for any term up to life by the Army Act (44 and 45 Vict., Imp., c. 58, s. 9; Manual of Military Law, 1914, pp. 370, 387), made part of the law of Canada by the Militia Act, R.S.C., c. 41, ss. 62 and 74, and the Military Service Act, 1917, c. 19, s. 13. The commitment of the applicant is therefore in a criminal case "under an Act of the Parliament of Canada" within s. 62 of the Supreme Court Act.