

grave doubts as to the constitutionality of such appointments. That question arose in Parliament when it was decided by the British Parliament to refer matters arising out of contested elections to the Courts. When the Courts were first charged with the duties of investigating such matters, Chief Justice Cockburn wrote a strong letter of protest from the constitutional standpoint. That protest was of no avail, but, nevertheless, it shewed that there was considerable doubt as to the right of the judges to sit in such matters. There are cases, however, where it is in the public interest that we should utilize the services of the judges outside the Bench, but only in matters of urgent public necessity."

The Premier also expressed his thoughts as to the scope of this provision as follows: "The judges are specially well qualified to act in arbitration between the Dominion and the Provinces, or between the Provinces themselves, and I think no one would object to that. The judges have also been called upon to act as arbitrators between workmen and their employers on the occasions of strikes, and as that is in effect a judicial matter to determine, I do not think judges should be prevented from so acting. But what Parliament intends, and what we are all agreed to is, that judges should not be allowed to participate in any kind of business which is of a commercial character; they should not be directors of insurance companies or banks, or such. But as regards anything which partakes of a judicial character, I do not think any one has the intention of preventing the judges from acting."

The remarks of the first Minister are not, we venture to suggest, as strong as they should be, nor are they, we hope, correct as to the narrower construction placed by him on the words of the resolution. The expression used by the Minister of Justice, "only in matter of urgent public necessity," is more worthy of the occasion. It is a pity it was not embodied in the Act.

ALIEN LABOUR LEGISLATION AND THE COURTS.

Upon considering the judgment of Mr. Justice Anglin, *In re Gilhula*, and the editorial in this journal in the issue for July, 1905, on Alien Labour Legislation, certain phases of the under-