

those qualified to act as substitutes for the judges. Clearly the Parliament which originally conferred the right on judges to appoint a substitute, was the power whose chief executive officer, the Governor-General, alone had the right to appoint Queen's Counsel. This of course does not conflict with the recent decision, as it does not follow that the Governor-General has an exclusive right to appoint all Queen's Counsel, but merely that he has the exclusive right to appoint those Queen's Counsel who are qualified to act as judicial substitutes.

We do not pretend to say which of these views should prevail. We have merely endeavored to show that concerning one of the principal questions connected with the matter, we have no judicial opinion, and as Sir Roger de Coverley said, "There's a good deal to be said on both sides."

Whether the Governor-General has any, and if any, what power to make appointments of Queen's Counsel, is also a question still left open. Another point of minor importance, but still, we think, deserving of attention, is this, assuming it to be ultimately authoritatively decided that both the Governor-General and the Lieutenant-Governors have power to appoint Queen's Counsel, the one for Dominion Courts and the other for Provincial Courts, we should have then (indeed even now we have de facto) two classes of Queen's Counsel, the one having no more rights than those of "utter barristers" in the Courts of the Dominion or the Province, as the case may be. How are the Courts to distinguish to which class of Queen's Counsel a man belongs? How are the "utter barristers" to bear in mind whether a man is a Dominion or a Provincial Q.C.? A barrister may come and sit within the bar of a Court when he has no right to do so. The Courts have hitherto accorded the privileges of Queen's Counsel to all Q.C.C., whether appointed by the Governor-General or the Lieutenant-Governor. After the present decision can they any longer properly do so, without injustice to the outer bar? We do not think they can. Such being the case, in order to prevent confusion in this respect, it has been suggested by some that a Dominion Q.C., when he comes into a provin-