

mention. The question of the respective rights and powers of the Dominion and Provincial Governments as to such appointments has been matter of controversy for several years, the exclusive right of making such appointments having been claimed on behalf of the Dominion as a prerogative of the Crown, which, it is said, could only be exercised by the Governor-General, and some of the judges of the Supreme Court in the case of 'Lenoir & Ritchie' so held. An opinion to the contrary was given by Sir Horace Davey, now Lord Davey, and Mr. Haldane, another distinguished member of the English Bar, and the claim made on behalf of the Dominion was otherwise controverted. A case on the subject was four years ago submitted to the Court of Appeal of Ontario, and the matter was ripe for argument early in 1893, but no argument has yet taken place in consequence of the refusal of the Dominion Government at that time to appoint counsel on behalf of the Dominion, the Court declining to hear argument on one side only. No other mode of obtaining a decision was suggested or proposed on behalf of the Dominion. The undersigned intends to employ counsel forthwith so that the argument may be proceeded with and a decision obtained with the least possible delay. The decision of the Ontario Court will be subject to revision by the Supreme Court of Canada and by Her Majesty's Privy Council in case the decision which may be given should not be satisfactory to all parties. The undersigned respectfully submits that no appointments should be made until a final decision is obtained on this point. The undersigned is informed that the publication of the names contained in the recent order has created a sensation among members of the profession and others, that the list has been very generally disapproved of, and that the disapproval is shared by some who are named on the list, as well as by gentlemen previously holding the rank of Queen's Counsel, and by others. An examination of the list shows that the selection of the names was not made on the basis of professional or personal merit. On the contrary, there are names in the list of gentlemen, in regard to whom there could be no pretence or supposition of their having any claims on that ground, and on the other hand many gentlemen have been omitted from the list whose professional merits exceed that of many of those named. Queen's Counsel have precedence in the Courts over other barristers, and obviously there is great injustice in the bestowal of the honor and precedence upon infer-