

It is to be hoped that the result of the proposed revision of the Mines Act and its amendments by the Ontario Legislature will be a mining law which will satisfy the tests of Sir Frederick Pollock, who states as the criteria of just laws in a civilized community—generality, equality and certainty.

J. M. CLARK.

RETIRED JUDGES AND KING'S COUNSEL.

In the last number of the Ontario Law Reports will be found a lengthy report of the Committee of Discipline of the Law Society of Upper Canada on the subject of the status of retired judges and King's Counsel, in which two conclusions appear to have been reached by the Committee and adopted by the Benchers in Convocation:—

(1) That the provisions in the Ontario Judicature Act and the Criminal Code purporting to authorize retired judges and King's Counsel to act as judges of the High Court or Court of Appeal are ultra vires and invalid and should be repealed, except perhaps as regards King's Counsel appointed prior to Confederation. (2) That the office of King's Counsel is incompatible with that of a judge. The Committee further seem to suggest that by accepting the office of judge a King's Counsel, ipso facto, resigns that office or honorary distinction; and that, in case of his retirement from the Bench, this office or status of King's Counsel does not revive.

The conclusion of the Law Society is based on s. 96 of the B.N.A. Act, which provides that all judges of the Superior, District and County Courts in each Province shall be appointed by the Governor-General; and that, therefore, there is no power in the Dominion Parliament, or in the Local Legislatures by statute or otherwise to enable any person to act as a judge who has not been so appointed.

That conclusion appears to us to be incontrovertible; but with regard to the other points, we are not prepared to accede to the conclusion of the Committee.

There are at present two gentlemen who have retired from