

## Correspondence.

To the Editor of THE CANADA LAW JOURNAL:

SIR,—Would it not be better, as a rule, to appoint County Court judges from outside the local bar. It is inevitable that a lawyer in considerable practice will make many enemies in his neighborhood, and disproportionate friendships.

One chosen from an outside bar could not be charged with either bias or prejudice, and such a choice would more nearly approximate the condition of things in the superior courts.

Yours,

LEX.

[We shall refer to this matter hereafter. In the meantime we should be glad to hear from some of our readers on the subject.—ED. L.J.]

To the Editor of THE CANADA LAW JOURNAL:

SIR,—I have been making a special study for the past month or so of the mining rights of the Crown in the provinces. I have been writing up some papers to show that the clause in the Quebec Mining Acts imposing a royalty on all minerals in the soil, heretofore granted or to be granted, is *ultra vires* of the Provincial Legislature.

Whilst investigating the matter, it occurred to me what right has the Province of Ontario to legislate concerning base metals and minerals? Why does not the common law of England prevail there in regard to them? I should be very glad if you would open up your columns to my reply, should you think favorably of it.

Yours truly,

F. S.

Montreal, Sept. 2, 1891.

[The question of our correspondent is disposed of by s. 109 of the B. N. A. Act: "All lands, mines, minerals, and royalties, belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick, at the union, and all sums then due or payable for such lands, mines, minerals, or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same." This section is very fully reviewed by the Judicial Committee of the Privy Council in *Attorney General of Ontario v. Mercer*, 8 App. Cas. 767, and especially the expression, "mines and minerals," on pp. 777-779.—ED. L.J.]