The Legal News.

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Some steps have been taken towards the establishment of a Federal Court of Appeal for Australia. The great expense of an appeal to the Privy Council has had the effect of deterring litigants from carrying their cases to England; and in ten years only fifty-eight appeals have been proceeded with from the colonies of New South Wales, Victoria, South Australia, and Tasmania. It is not proposed, we believe, to appoint permanent judges for the Federal Court of Appeal, as has been done in Canada, but to make up a Court from time to time, constituted of the Supreme Court Judges of the several colonies.

In the Legislative Council, a motion for the six months' hoist of the B.A. Bill was carried in a thin house by five votes. Only thirteen members voted, and the division was 9 to 4. In the Legislative Assembly a similar motion was defeated by 33 to 23. Without any wish to underrate the wisdom of the Council's decision, it may at least be pointed out that the whole question was very fully discussed before the Assembly, and that the bar was largely represented in that discussion by men of weight and prominence. So far, therefore, as the bar examinations are concerned, the divisions above referred to may be regarded as a moral victory for the Universities, and it would be well for the General Council of the Bar to yield the point contended for in behalf of the B.A. degree. In fact, Mr. Marcil, who moved the six months' hoist, is reported to have suggested that an agreement should be arrived at, with the object of reconciling the views of the two parties. Mr. de Boucherville, an ex-Premier, and a gentleman whose opinion should have considerable weight, writes to the managing director of the *Gazette* as follows:—'If I had been at Quebec I would have voted for Mr. Lynch's bill, because, in the first place, I believe that we should recognize the degrees of the universities of the country; and, again, because having a separate system of education for Protestants and Catholics, it is not just that the one should impose their opinions upon the other."

EXCHEQUER COURT OF CANADA.

Ottawa, March 5, 1889.

Before Burbidge, J.

Peterson v. The Queen.

Petition of Right — Waiver by the Crown — Jurisdiction.

The Superintendent General of Indian affairs, on July 30th, 1880, sold to P. certain lots of land being part of the Indian Reserve at Sarnia, for $1,000, the sale being subject to the condition that P. would, within nine months from the date of sale, erect thereon buildings for manufacturing purposes. One-fifth of the purchase money was paid at the date of the sale, and in August, 1881, although the condition to erect buildings had not been performed, W., the Indian Agent at Sarnia, received the balance of the purchase money from P., stating to him, however, that the sale would not be complete until such condition was complied with.

Held, that the acts of officers of the Crown may constitute a waiver by the Crown, and that the receipt of the balance of the purchase money was, under the circumstances, a waiver of the time within which the condition was to be performed, but not of the substance of the condition.

Quaere.—Has the Court jurisdiction to declare that a suppliant is entitled to have letters patent issued to him? *Clarke* v. *The Queen*, (per Sir Wm. J. Ritchie, C.J., in the Exchequer Court), unreported, *The Canada Central Railway Company* v. *The Queen*, 20 Grant, 289, and the *Attorney General of Victoria* v. *Ettershank*, L. R., 6 P.C. 354, referred to.

Petition dismissed without costs.

S. H. Blake, Q.C., and *J. Adams*, for Suppliant.

Wallace Nesbitt, for Crown.

CIRCUIT COURT.

Sherbrooke, March 14, 1889.

Before Brooks, J.

Morin v. Atlantic & North-West Ry. Co.

Railway — Action of damages for cow killed by