

RECENT ENGLISH DECISIONS—THE EDITOR OF THE LAW REPORTS.

justified by the statute, and a mandatory injunction for its removal was granted; and it was held that for such an injury the plaintiff was not bound to seek compensation, under a clause in the Act providing for making compensation to persons who should sustain any damage by reason of the exercise of any of the powers of the Act. Denman, J., says, at p. 934: "It was also contended that s. 308 applied, and that the remedy was by compensation and not by action. This would be so if the Act contained any powers for the board to erect urinals upon private ground, but there are none. Nor do I think it can be contended, after the decision in *Vernon v. St. James, Westminster* (16 Ch. D. 449), though decided upon somewhat different language, that the power given by s. 39 of the Act of 1875, to erect urinals 'in proper and convenient places,' carries with it a right to create a nuisance without being liable to an action."

In the Probate Division the only case we think worth noting is on

COSTS—DISCRETION OF COURT.

The case is that of *The Friedeberg* (10 P. D. 112), in which the Court of Appeal held that under Ord. 65, r. 1 (Ont. R. 428) the costs of all proceedings are now in the discretion of the Court, and therefore the general rule of practice which had previously prevailed in the Admiralty Court as to the costs of references, viz., that when more than one-fourth is struck off a claim each party pays his own costs, and when more than a third the claimant pays the other party's costs, is no longer in force, and that the Court must now exercise its discretion according to the circumstances of each particular case. The case is noteworthy for the fact that Brett, M.R., declared that the rule in question was not only not in force, but was originally wrong, because the judge who laid it down attempted thereby to fetter his own discretion and that of his successors, which he had no legal power to do.

THE EDITOR OF THE LAW REPORTS.

It was doubtless with extreme regret that the Benchers of the Law Society received the resignation of the first Editor-in-chief of the Ontario Law Reports.

Mr. Christopher Robinson began his experience as a legal reporter in 1852, though he was not actually appointed reporter to the Court of Queen's Bench until between four and five years afterwards, then taking the position of his brother, Mr. James Lukin Robinson.

When the system was introduced in 1872 of having an increased staff of editors, with an editor-in-chief to oversee their work and be responsible to Convocation that the work was efficiently and promptly done, Mr. Robinson was naturally chosen to fill that responsible office.

As a reporter, and more recently as editor-in-chief of the reports, as in everything else he has undertaken, Mr. Robinson has done his work with a skill, an accuracy, a conscientious faithfulness and a courteous kindness that has won him a reputation of which any man might be proud. Few except those who have worked under him know how true this is.

His resignation is a serious loss to the profession, and his successor, no matter how good he may prove to be, will find it difficult to fill the place of one so competent, so conscientious, and of such great experience as Mr. Robinson. We refer particularly to the conscientious discharge of the duties of this office, for we know of no position where the work could be slurred over with so little chance of detection, and where there is so little to show for the time and thought expended.

We believe that in Mr. James F. Smith the Benchers have secured the services of one who may be thoroughly relied upon in this regard, and we have reason to think that he is in other respects well qualified for the duties of the office.