

STATUTES OF CANADA, 1874.

J. W. Johnston, Q. C., H. W. Smith, Q. C., A. James, Q. C., and others have also been spoken of in connection with the vacancy. In the mean time the press are discussing the best means of disposing of the arrears, and the lawyers are having a hand in the fight, which has unfortunately assumed something of a personal character.

Our brethren have also, like ourselves, had some differences in regard to the appointment of Queen's Counsel and precedence at the Bar, and a question of precedence has been raised in Court. A large number of Queen's Counsel were appointed by the late Dominion Government in Nova Scotia. The Local Government had not made any such appointments since the Union was effected; but last winter an Act was passed by the Local Legislature to regulate the precedence of the Bar. This was apparently intended to deprive such Q. C.'s as were appointed by the Dominion Government since 1867 of the precedence claimed by them by virtue of their patents, and to give them only that which they would have had in case they had not received "silks." A motion was made to test the question, but the Court intimated that, apart from other considerations, the Act was not sufficiently clear to warrant a positive expression of opinion at the time, and the matter now stands until the first day of next December Term, when it will no doubt be fully discussed.

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The Dominion statute-book for last session has lately made its appearance. It is almost equal in bulk to that of the previous year, although not quite up to the measure of the last volume of the Ontario statutes. While some of the Acts are of importance in a commercial and financial point of view, and while others indicate the rapid progress

and development of the Dominion in its multiform interests and multiplying resources, yet comparatively few of the chapters are of immediate practical consequence to the legal profession in this Province. Some there are, however, to which we think it well to call the attention of our readers.

Chapter 25 provides for the assimilation of the laws in the different provinces with regard to the liabilities and rights of carriers by water. It requires them to receive and convey all goods and passengers offered for conveyance, unless there is sufficient cause for not doing so; it makes them responsible not only for goods received on board vessels, but also for goods delivered to them for conveyance; it exempts them from liability in case any loss arises from fire or dangers of navigation, or from robbery or irresistible force, and also from any defect in the nature of the goods themselves,—provided that such damage happens without their actual fault or privity; special provisions are made for loss of valuables, and the carriers are declared to be liable for the loss of "personal baggage," but not ordinarily to a greater extent than five hundred dollars. The exemptions from liability are similar to those contained in the English statute 26 Geo III. c. 86, which extends to cases of fire and robbery, and the others are such as are usually found in a bill of lading. It would probably be held that none of the words are large enough to cover a loss occasioned by the depredations of rats on the cargo: see *Kay v. Wheeler*, L. R. 2 C. P. 302. The statute will declare the law in the absence of any particular stipulation between the parties, but of course it will not prohibit them from making such special arrangement as to the carriage of goods or passengers as they may agree upon.