

COLONIAL JUDGE—POWER OF GOVERNOR OF COLONY TO APPOINT JUDGE—STATUTORY LIMITATION OF POWER TO APPOINT JUDGES—SALARY.

*Buckley v. Edwards* (1892), A.C. 387, is an appeal from the Supreme Court of New Zealand, and although it turns on the construction of colonial statutes may nevertheless be noted here as, to a certain extent, establishing a principle of general application. By an Act of New Zealand, the governor of New Zealand is empowered to appoint judges of the Supreme Court; but the Privy Council hold that this power is subject to an implied limitation, that no appointment can be made until an ascertained salary is payable to the appointee at the time of his appointment, and, where the legislature has not provided a salary, there is no power to appoint a judge.

27 ELIZ. C. 4—VOLUNTARY GIFT TO CHARITY—SUBSEQUENT CONVEYANCE FOR VALUE.

*Ramsay v. Gilchrist* (1892), A.C. 412, in which the Privy Council affirmed the judgment of the Supreme Court of New South Wales, has already been referred to (see *ante* p. 418). Suffice it to say here that the case decides that a voluntary gift to a charity is not fraudulent under 27 Eliz., c. 4, and cannot be avoided by a subsequent conveyance by the grantor for value.

PRACTICE—CRIMINAL CASES—LEAVE TO APPEAL TO PRIVY COUNCIL.

In *Ex parte Deeming* (1892), A.C. 422, the Privy Council lay down the rule that they will not advise Her Majesty to grant leave to appeal to the Judicial Committee in criminal cases where it is not even suggested or surmised that substantial or grave injustice has been done either through a disregard of forms of legal process, or by some violation of the principles of natural justice. We may note that this was a murder case, in which the prisoner had been found guilty and sentenced to death.

HUSBAND AND WIFE—CUSTODY OF CHILDREN—DRUNKENNESS OF HUSBAND—FALSE ACCUSATIONS BY HUSBAND AGAINST WIFE'S MORAL CHARACTER.

*Smart v. Smart* (1892), A.C. 425, is an appeal from the Ontario Court of Appeal affirming a judgment of Ferguson, J., as to the sufficiency of a return to a writ of *habeas corpus*, and also upon an application for the custody of children made by a husband against his wife. It appeared that the wife had twice left him on account of his drunken habits, and that in the course of the proceedings he had made very gross and (as Ferguson, J., found) unfounded charges against his wife, affecting her moral character, in answer to questions put to him on his cross-examination by his wife's counsel, and which charges were of such an injurious nature that she could not be expected to live with him again; that the wife had ample means, and that the husband had only a narrow income. The Privy Council therefore held that the courts below had exercised a sound discretion in discharging the writ of *habeas corpus*, and remanding the children to the custody of their mother.