

EDITORIAL NOTES.

Judicature Act is not to encourage these intermediate appeals; and he also said that O. 494 did not apply to the case, inasmuch as the cause was not pending in the sense of that order. What was pending was the proceeding in the Master's office.

Just before going to press we have received the completed series of lectures recently delivered by Mr. Joseph E. McDougall before the law students of Toronto, on the subjects of "Torts and Negligence." The lectures have, as our readers are aware, been appearing, from time to time, in pamphlet form, under the editorship of Mr. J. P. Mabee, a law student, who, we gather from the introduction, took them down in short-hand at the time of delivery, and afterwards submitted them to the revision of the learned lecturer. Mr. Mabee has now, we are glad to see, published the whole series in the form of a small book, adding a good index and a table of cases. It is needless to dwell on the service rendered to the profession by giving them, in a permanent form, lectures on which so much labour has been spent, and which bring under review so many Canadian, English and American cases on the subjects on which they treat; while at the same time students who are preparing these subjects for examination ought to be specially grateful. We may take occasion to refer more at length to these lectures in a future number.

We learn on what we consider good authority that some of the chief and more influential Queen's Counsel in England, after studying with care the judgment of the Columbian Supreme Court Judges in the *Thrasher Case*, have given their opinion "that those Judges have satisfactorily made out that the Supreme Court of B. C. is a Dominion Court, and not a Provincial Court within the B.N.A. Act, 1867, sect. 92, par. 14."

We also hear from Victoria, B.C., of a

judgment of the Chief Justice in a recent suit in the Supreme Court of B.C.,—*Morne v. Morison*—which decided on the illegality of the Local Government tax sales of land for several years. If the hurried note of it which reached us be correct, we are interested in this judgment inasmuch as it contraverts the position, apparently, laid down by the Hon. Edward Blake (and adopted by Mr. Alpheus Todd) when M. J., in his official minute, (Sessional Papers, vol. x., 1876,) to Lord Carnarvon, on the practice of the Privy Council of Canada, of taking approved reports of Committee of Council, held without the Governor-General being present, as having the legal operation of actual orders made by the Governor-General in Council, where His Excellency is present. The note which reaches us is that Reports of Committee of Council approved by His Excellency, but not in Council, and not containing the operative words "it is ordered," cannot convey any authority to appointees thereunder, by virtue of certain Acts, e.g., tax Acts, prescribing such appointments should be made by *order* of a Governor-General (or in Local Acts a Lieutenant-Governor) *in Council*, although for many purposes an approved report of a Committee of Council may be the most appropriate mode of carrying out certain objects. *Morne v. Morison* was partly determined on that ground, and an appointment of an assessor with arbitrary power in the taxation, assessment and sale of land, declared null, and set aside; and his acts avoided in consequence.

Among the latest books sent to the secretary of the Law Society is one the existence of which may not be generally known. It is the Incorporated Law Society Calendar for the year 1882. This is a new publication, and is, in some respects, a rival of the well known Law List published by Stevens & Sons. This, the first calendar, appropriately opens by an account of the origin of the Society,