

LEGAL NOTES.—QUEEN'S COUNSEL.

was really of inappreciable consequence one way or the other.

It has lately been held in the English Court of Admiralty, that under Lord Campbell's Act, corresponding to Con. Stat. Can., c. 78, sec. 2, it is competent for the Court or jury to award compensation in the case of an unborn infant whose father has been killed by accident. *The George & Richard* 20 W. R. 245.

A Mr. Bass has introduced a Bill into the British House of Commons to abolish the power to recover debts under 40s. Some of the best of the County Court Judges, however, have taken the would-be benefactor of the poorer classes to task, and say that the effect would be most disastrous to the persons whom it is desired to benefit—we think so too.

QUEEN'S COUNSEL.

The names of seven gentlemen have recently appeared as Queen's Counsel in the *Ontario Gazette*. They are all of unquestionable standing in the profession, and are entitled—some of them eminently so—to the position to which the Lieutenant-Governor has assumed to call them.

Two points, however, arise in connection herewith: firstly, has the Lieutenant-Governor any jurisdiction whatever in this matter, and does not the power rest solely, as heretofore, with the Governor-General? And secondly, have not names been omitted, which the profession would have expected to have seen on the list—we will not say instead of some of those gazetted, but, in addition to their number?

As to the first point, there are grave doubts whether the Lieutenant-Governor, who is appointed, not by the Crown, but by the Dominion authorities, has the power to make Queen's Counsel and such doubts have been expressed, even by political supporters of the present administration, and, it is also said, by some of the recipients of the honour. This part of the subject we must, however, reserve for future consideration.

As to the second point, it cannot be denied that there is a feeling of surprise on the part of the profession, that the claims of two or perhaps more Barristers to whom we shall refer have been overlooked. The selection has ap-

parently been made with reference the respective claims of the Common Law and Chancery Bars. We have heard complaints that the Country Bar has not been sufficiently represented, but we do not hold to the doctrine that either the Common Law and Chancery Bar, or the Toronto and Country Bar must be equally represented, and in these respects we see no cause of complaint. But, undoubtedly, those whom the Crown ought to select as its counsel ought to be those whom their brethren at the Bar would delight to honor. We admit the great difficulty, not to say impossibility of pleasing every one, and we say now, as we said before, that at least three of those (Dr. McMichael, Mr. Christopher Patterson, and Mr. Anderson) recently nominated, should have been appointed long ago on the nomination of the Ottawa Government. But upon what principle of selection Mr. Leith has now been overlooked we do not understand. He was called to the Bar in 1849, and is senior to all the others; and not only is he a man of good general attainments, but in his own important and abstruse speciality, he enjoys the confidence of his brethren in the highest degree. In addition to this Mr. Leith has done immense service to the profession in the treatises he has published on real property subjects, and that "for love and not for money." If a precedent were wanted we might refer to the analogous case of Mr. Joshua Williams, Q.C. We think also that Mr. James MacLennan and two or three we could name are entitled to this distinction equally with some of those who have been appointed, and Mr. MacLennan's name has been mentioned freely as one which should have been found along with those in the *Gazette*.

We thoroughly understand the difficulty of making a selection in these matters, and we desire to give to the learned and eloquent President of the Council, who has obtained such a high position so early in life, both at the bar and in public affairs, as well as to the Attorney General, full credit for an intention to make their selection without "fear, favor, or affection," and we hope that whosoever may prove to have the keeping of the fountain of honor in this Province will not fail to ascertain and carry out the wishes and expectations of so intelligent and independent a body as we believe the Bar of this Province to be, at least so long as they retain that enviable reputation.