

LAW SOCIETY OF ONTARIO—COURTS OF APPEAL.

aminer) except after at least one week's notice by the Secretary of the intention to appoint, given by circular to each Bench; provided that it shall nevertheless be competent for the Treasurer to temporarily fill any vacancies which the exigencies of the case may require to be filled.

The Rules on the subject of Legal Education were read a first, second and third time, and carried.

Resolved, That it be referred to the committee on Legal Education to report next Term on the subject of a Law School, and the system to be adopted under the statute of the last session respecting the Law Society.

Ordered, that the sum of fifty dollars be paid to Mr. Evans for his services as examiner this Term.

Ordered, that Mr. Evans be appointed examiner for next Term.

Resolved, That the Standing Committees shall meet on the rising of Convocation to elect chairmen.

Friday, June 7th.—The petition of Albert E. M. Loscombe was presented, but no action was taken on it.

The petition of Donald Greenfield Macdonald was presented, and the prayer of it was granted.

The letter of C. Robinson, Esq., Q. C., accepting the Editorship-in-chief of the Reports, both Law and Equity, was received.

Resolved, That the service of John Fisher Wood, under articles dated 18th of April, 1871, be allowed from that date, notwithstanding that the said articles were not filed in the office of the Clerk of the Crown and Pleas until 18th May, 1872.

Memorial of Salter J. Vankoughnet, Esq., received and read.

Resolved, That convocation accord to Salter J. Vankoughnet, Esq., the option of accepting or declining the offer of the Reportership of the Common Pleas till the first Tuesday of next Term, his performance of the duties under the new system, and at the reduced salary in the interval, not to be considered as prejudicing his position.

J. HILLYARD CAMERON,
Treasurer.

COURTS OF APPEAL.

The subject of appellate jurisdiction is one which is now attracting much attention, not only in England, but in the most important of her colonies. We print in another place the report of the Commissioners of Victoria, concerning the establishment of a Court of Appeal for Australasia. As to the Dominion,

we gave our readers some time ago the draft of the Supreme Court Bill; but difficulties have arisen in the establishment of the Court from the fact that Quebec pursues a system of law different from that of the other Provinces. This is precisely the same difficulty in kind, though less in degree, which has long prevented the establishment in the mother country of a more satisfactory Court for colonial and other appeals than the Privy Council.

The Judicial Committee of the Privy Council as a Court of ultimate appeal has long occupied a very anomalous position. Its decisions, final and of supreme authority as regards the colonies, are yet not considered binding upon the superior courts of Great Britain and Ireland. Unlike the decisions of the House of Lords, as a Court of Appeal, which are authoritative declarations of the law to be followed in all Courts, not to be over-ruled by the House itself in subsequent appeals, not to be gotten rid of save by legislative interference; those of the Privy Council, while no doubt determining the particular case under appeal, are not necessarily to be followed in other cases involving the same point for adjudication.

That these observations may not seem exaggerated, let a few cases be noted as confirmatory of what has been advanced. Upon the construction of an Imperial Act of Parliament passed in 1861, giving the Admiralty jurisdiction in case of damage done to a ship, it was held by the Privy Council that the term "damage" in the Act extended to a case of personal injury: *The Beta*, L. R. 2, P. C. 447. The Court of Queen's Bench declined to follow this decision, and have held upon demurrer to a declaration in prohibition that the term did not include injury of such a character: *Smith v. Brown*, L. R. 6 Q. B. 729. So, on an earlier occasion, in *The General Steam Navigation Company v. The British and Colonial Navigation Company*, L. R. 3, *Exch.* 330, the majority of the Barons thought themselves not bound to follow a prior decision of the Privy Council on a question of pilotage as reported in *The Stettin*: *Brow and Lush*, 199, 203; 31 L. J., P. D., and Ad. 208; From this view Kelly, C. B., dissented, on the ground that he did not feel himself at liberty to depart from the law laid down "by the overruling authority of the Judicial Committee