

Full Court.]

[March 6.

WEST KOOTENAY POWER AND LIGHT CO. v. CITY OF NELSON.

*Water Clauses Con. Act—Grant to municipality for power purposes.*

Appeal from judgment of IRVING J. See 41 C.L.J. p. 726.

*Hela*, having regard to Lord Blackburn's examination of *Rickett v. Morris*, L.R. 1 H.L. (Sc.) 47, in *Orr-Ewing v. Colquhoun* (1877) 2 App. Cas. at p. 852 et seq., and the remarks of Fitzgibbon and Barry, L.JJ., in *The Belfast Ropeworks Co. v. Boyd*, 21 L.R. Ir. 560, the law is not that any sensible interference is per se actionable, but that there must be either actual damage or a reasonable possibility of damages to give a good cause of action, and that in determining whether the defendant has discharged the onus regard must be had to the circumstances of the case.

*Held*, further, that in this particular case the defendants had discharged the onus, having regard to the evidence taken since the trial by leave of the Full Court.

*MacNeill*, K.C., and *Lennie*, for plaintiffs, respondents.  
*Bodwell*, K.C., and *W. A. Macdonald* K.C., for defendants, appellants.

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### Bench and Bar.

At a recent meeting of the County of Hastings Law Association a resolution was passed expressing a deep sense of the loss sustained by the members of the Bar of the above County through the death of His Honour Judge Lazier, who had held office for over thirty years. The resolution spoke of the courtesy, integrity, impartiality and devotion to duty which characterized him in his judicial career; and expressed the assurance that his example would be deemed the standard for, and his life's work and memory held dear by the members of the legal profession in the County in which he had lived for nearly four score years.

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The appointment of Mr. Hugh McMillan, of Guelph, as junior judge of the County of Victoria has been well received in the County that knows him best. It is refreshing to record that the organ of the political party to which he does not belong applauds the appointment, saying: "His long experience in and knowledge of the law, his mature judgment, his fairness and his practical common sense, well fit him for the discharge of the duties which he has been called upon to perform." We concur.