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## *STATUS OF CANADIAN QUEEN'S COUNSEL.*

The position to which Colonial Queen's Counsel are entitled, when associated with English Queen's Counsel before the Judicial Committee of the Privy Council, has been open to some question. Mr. Mowat, the Attorney General for Ontario, having offered the junior brief in the Boundary Case to Mr. Scoble, Q. C., the latter was in some doubt whether his acceptance would be considered a breach of etiquette. The matter being referred to Sir Henry James, Attorney General, the following opinion was expressed:—

"It appears to me that the Privy Council is common ground to the bars of this country and all our colonies and dependencies. I see no reason why we should not accord equal rank to Her Majesty's Counsel in the Colonies when pleading in Colonial causes. As the Canadian Queen's Counsel is the Attorney-General of Ontario, I think there is an additional reason why, in this particular case, you should not object to allow him to act as your leader."

## *HOMICIDE BY NECESSITY.*

The case of the starving sailors on the yacht Mignonette, who killed and ate one of their number, has attracted attention to the law applicable to homicide under certain extraordinary circumstances. The *Law Journal* says:—"Hunger is no defence to a charge of larceny, still less is it a defence to a charge of murder. There is authority in the books for saying that if two drowning men grasp a plank which will only support one, it is not homicide for one to push the other off. This is looked upon as a sort of act of self-defence, and is as far as the law goes in admitting the plea of necessity." The case cited certainly goes pretty far. That of two shipwrecked sailors who are reduced to their last loaf of bread, and one pushes the other off the boat or raft in order that he may keep the whole loaf to himself, would not differ very greatly. The killing of a comrade, in order that the others may prolong their existence by eating his body, is going a step further, but the act seems to exceed those mentioned above more in its repulsiveness than in actual guilt. In all these cases, it may be remarked, the homicide is committed for a mere chance of rescue, and not for a certainty.

## *LIMITATION OF APPEALS.*

Lord Bramwell, in a letter to the *Times*, adopts the contrary view to that so well stated by W. B., in the letter quoted *ante*, p. 289. As this is a subject of general interest, and the controversy is in such able hands, we reproduce his lordship's letter in full:—

"Sir,—No one can speak with greater authority than 'W. B.' on the subjects on which he has addressed you. But on one of them I venture to differ—viz. the desirability of limiting the number of appeals. I gave my reasons in the Lords in support of the Chancellor's bill. Your reporter did not report them. This is an appeal from him to you.

"My objection is not that difficult questions do not arise when the dispute is for a small amount. They do as much as when it is for a large one. Nor do I say that such appeals are vexatious, except in so far as the amount is so small as to make them so. My objection is that such appeals 'do not pay,' that prudent litigants should agree to do without them, and that as litigants will not be wise for themselves the State should be for them. Suppose one man honestly believes that another owes him 20*l*., and suppose the other as honestly believes he does not. What is to be done? They will not toss up to settle, for each would feel that that would be giving up the advantage of being in the right. They must get it settled for them by a Court of law or an arbitrator. Would they not show good sense and good temper by agreeing that the first should be the final decision? This must be arranged before any decision is pronounced. For the one against whom it is pronounced, if he gave up his right to appeal, would do so without any return, besides which costs would have been incurred, in-