

admission to Her Majesty's Privy Council of the Chief Justice of Canada, who is now entitled to be addressed as the Right Honorable Sir Henry Strong, P.C. It is understood that this is prefatory to his appointment as a member of the Judicial Committee. Before, however, the Chief Justice can take his seat in the Court of last resort of the Colonies of the Empire, he must be sworn in as a Privy Councillor. For this purpose we understand that the Chief contemplates a visit to England this summer.

It is natural here to recall the three Sir Johns, the previous Canadian recipients of this honor: first, Sir John Rose, next Sir John Macdonald, and lastly Sir John Thompson, whose untimely death followed almost immediately upon his installation as adviser of the Queen. It being a matter in which we have now more interest than formerly, we may better appreciate the prayer to "endue the Lords of the Council with grace, wisdom and understanding."

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#### NOTICE OF ACTION.

*Sinden v. Brown*, 17 A.R. 173, was once more invoked before the Court of Appeal recently, and it is stated in the head note to the report of *McGinness v. Dafee*, 23 A.R. 704, that it was approved and followed. On a previous occasion we believe the Court declined to follow it at all, (see ante vol. 31, p. 624), and it is curious to note how Burton, J.A., seems to think the case is to be applied.

In the case before the Court, which was an action against a magistrate for false imprisonment, the magistrate had without any sworn information issued the warrant for the plaintiff's arrest on a charge of arson, and Burton, J.A., says although *Sinden v. Brown* is a binding decision, it did not apply because the magistrate was aware of the necessity of a sworn information to justify the issue of a warrant, and therefore he was not entitled to notice of action. In *Sinden v. Brown* it was held that if a magistrate acted in the honest belief that he was acting in the execution of his duty as such, even though he was acting in fact without jurisdiction, he was