

**QUEEN'S COUNSEL**—R.S.O. 1877, c. 139,—**VALIDITY OF**—B.N.A. ACT, s. 92,  
SUB-SECS. 1, 4, 14.

In *Attorney-General of Canada v. Attorney-General of Ontario* (1898), A.C. 247, the Judicial Committee of the Privy Council (the Lord Chancellor and Lords Watson, Macnaghten, Morris, Davy, Sir Henry DeVilliers and Sir Henry Strong) have affirmed the validity of R.S.O. (1877) c. 139, enabling the Lieutenant-Governor of Ontario to appoint Queen's Counsel and to confer patents of precedence on members of the Ontario Bar. Lord Watson, who delivered the judgment, defines the position of a duly appointed Queen's Counsel as follows: "It is in the nature of an office under the Crown, although any duties which it entails are almost as unsubstantial as its emoluments, and it is also in the nature of an honour or dignity to this extent, that it is a mark and recognition by the Sovereign of the professional eminence of the counsel upon whom it is conferred. But it does not necessarily follow that, as in the case of a proper honour or dignity, the elevation of a member of the Bar to the rank of the Queen's Counsel cannot be delegated by the Crown, and can only be effected by the direct personal act of the Sovereign." In thus defining the principle on which the honour is conferred, Lord Watson, in view of the past practice of Her Majesty's advisers in Canada, must be presumed to be speaking from an ideal rather than an actual point of view. Having now, however, such an authoritative statement of the principles which ought to guide the selection of Queen's Counsel, we may, perhaps, hope that in the making of future appointments to this office in Canada there will be an honest effort to act up to them. The power of the Provincial Legislature to deal with the matter was held to be derived from the B.N.A. Act, s. 92. sub-secs. 1, 4, 14.

A correspondent has obligingly drawn our attention to a slight inaccuracy in the note of *Paget v. Paget* (1898), 1 Ch. 47, ante p. 153. It is there stated that we have in Ontario no counterpart of the English Act enabling the Court to relieve a wife's property from restraint against anticipation. Our correspondent points out that in R.S.O. (1897) c. 163, s. 9, the section in question is enacted.