

was based on the ground that Lord Coleridge, C.J., having refused to entertain jurisdiction on the question of costs, was *functus officio*, and had thereafter no jurisdiction to make the order when the cause was remitted to him by the Court of Appeal. That his refusal to entertain jurisdiction was in fact an order on the question of costs; and also that the grounds assigned by Lord Coleridge did not amount to "good cause" within the Rule. But the Lords were against the appellant on both grounds, holding that by his refusal to entertain jurisdiction on the first application Lord Coleridge was not thereby *functus officio*; and also that the grounds assigned constituted "good cause." With reference to *Jones v. Curling*, Lord Bramwell remarked that he shared Lord Coleridge's astonishment at the decision which so perturbed him. But Lord Fitzgerald said, "The principle on which that case is supposed to rest seems to be, that if there are no facts before the judge which would constitute 'good cause,' then the judge has no jurisdiction to interfere, and his order would be erroneous. So far I can see no reason to dissent; I concur so far;" but whether in that particular case there was, or was not, "good cause," he declined to express an opinion. With the principle thus enunciated Lord Watson seems also to agree. In his opinion, without attempting a complete definition, "good cause" embraces, at all events, "everything for which the party is responsible, connected with the institution or conduct of the suit, and calculated to occasion unnecessary litigation and expense." After judgment had been delivered, a letter was handed to the Lord Chancellor from the plaintiff, asking permission to address their Lordships; but they refused to hear him, on the ground that his case had been fully argued as to the law, and it would not be regular to permit him to make an additional statement as to facts which could not be proved.

COLLISION—EXCEPTIONAL CURRENT—NEGLIGENCE.

*City of Peking v. The Compagnie Des Messageries*, 14 App. Cas. 40, was a case of collision. The appellant's vessel had in broad daylight run down the respondent's vessel at her moorings, and had been found by the Admiralty Court solely liable for the collision. Notwithstanding the fact that the accident was attributable to the effect of an exceptional current, known to be a possible though improbable contingency, yet inasmuch as it was shown that the anchors were not in readiness it was held that the appellants had neglected ordinary precautions and could not be absolved from blame.

B.N.A. ACT, S. 109—INDIAN RESERVATION—RELATIVE RIGHTS OF DOMINION AND PROVINCE.

The celebrated case of *St. Catharines v. The Queen*, 14 App. Cas. 46, was brought to determine the relative rights of the Dominion and the Province of Ontario in certain lands in Ontario, which at the time of Confederation formed an Indian Reservation, but in which the Indian title had subsequently been ceded to the Dominion Government by a treaty with the Indians, made in 1873. The judgment of the Judicial Committee of the Privy Council was delivered by Lord Watson, and the ground of the decision may be gathered from two extracts. "The Crown has all along had a present proprietary estate in the land upon