

Watson Ltd., in the House of Lords⁴ (which was not specifically mentioned by your commentator nor referred to in the *Penman* case), Lord Shaw used this language (at p. 314): "But in England, in Scotland, and in Ireland alike, the authority of *Victorian Railway Commissioners v. Goultas* has been questioned and, to speak quite frankly, has been denied. I am humbly of the opinion that the case can no longer be treated as a decision of guiding authority." His Lordship then goes on to review with approval, cases in which it had been held that damages could be assessed for nervous shock without physical impact.

We therefore find ourselves in this anomalous position, that while the Courts of Canada have accepted as binding upon them the law as laid down by an English tribunal (the Privy Council) in the *Victorian Railway* case, as is evidenced in Manitoba by the *Penman* case, supra, and in British Columbia by *Taylor v. B.C. Electric Co.*,⁵ yet the English Courts themselves, from the Courts of first instance to the House of Lords, expressly refuse to follow the *Victorian Railway* case, and in fact expressly state that it can no longer be treated as a decision of guiding authority. It would thus appear that, in this instance, instead of coordinating the decisions of the Courts throughout the Empire, the Privy Council has accomplished the very reverse.

Yours truly,

Nanaimo.

F. S. CUNLIFFE.

CURRENT EVENTS.

LAW REPORTER OF SUPREME COURT.—Among the advertisements printed in this number will be found one by the Board of Civil Service Commissioners for Canada requesting applications to be sent in to the Board for the position of Law Reporter of the Supreme Court of Canada, an office from which Mr. C. H. Masters, K.C., recently retired. Mr. Masters filled the office with distinction for a long period—we think some thirty-eight years. During his incumbency he published a manual of the practice of the Court, which has passed into four editions. In 1896 he assisted in founding the *Canadian Annual Digest*. He has been a valued contributor to the contents of the CANADIAN BAR REVIEW.

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HOW LORD BUCKMASTER REGARDS THE FLAG.—"To me the British Empire does not merely mean a record of the heroism of our soldiers, or even the undefeated dominion of our fleet; these are on record on the imperishable pages of history. But the flag, to me, represents something more than that. My feeling is that wherever the flag shall fly, in the far corners of the farthest land, beyond the sunset, it is a symbol of justice and equal rights for all men, of all classes, and all creeds, without regard to wealth or birth." In these terms, Lord Buckmaster at Montreal, on the 21st ultimo, summed up his impression of the function of the flag as typical of the enthusiasm for justice that should animate the British mind. Lord Buckmaster was addressing the local Bench and Bar, concluding his visit to Canada.

⁴ 83 L.J.P.C. 307.

⁵ 16 B.C.R. 109.

Lord Buckmaster outlined to his hearers some of the cases that had been presented to the Privy Council, and the support they gave to the world-wide faith in the righteousness of British justice. He paid tribute to the Quebec Bar, and recorded his warm interest in appreciating the antiquity of the legal code that operates in this province. He exalted the functions of the lawyer. No other career, he said, could produce the same emotions that come to the lawyer when he realizes that a man's reputation, a man's fortune or a woman's honour are in his care.

Mr. N. K. Laflamme, K.C., Batonnier-General of the Province, expressed the thanks of the law fraternity:

"In bidding you farewell and wishing you a happy return to England," he said, "will you allow us to think that what you admired in this country was not so much its magnitude, the beauties of Banff or the Rockies, the fertile plains of the West, the shores of the Great Lakes and the banks of the St. Lawrence, but what you admired more was a people of different origin, religion, traditions, language, and laws, gradually welding itself into united community by a bond of common loyalty to the Crown, and laying here the foundations upon which we know a future generation will complete the structure of Canadian nationhood, respected by a powerful neighbour, protected by the British flag, and remaining part of the British Commonwealth."

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ACADEMIC HONOURS CONFERRED.—On the 17th of last month the degree of Doctor of Laws was conferred upon the Right Honourable Lord Buckmaster and Maître Fourcade, Batonnier of the Paris Bar, by the University of Toronto.

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RETURN TO PRACTICE.—Mr. H. A. Robson, K.C., formerly General Counsel of the Union Bank, Winnipeg, has returned to private practice, joining the Winnipeg firm of Wilson, Robson, Hamilton & Campbell. Mr. Robson was formerly a Judge of the Court of King's Bench for the Province of Manitoba.

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DIVORCE GOING STRONG.—The English law courts re-opened their doors to judges, counsel, litigants, witnesses, and to hundreds of mere idle lookers-on on October 12. There were 714 divorce cases on the lists for trial, 593 of these being undefended. Only a short time ago the divorce cases averaged 1,000 at a court session. The peak load, however, was during the period immediately following the war, when there were as many as 2,000 divorce cases on for trial. Simple divorce cases now are heard at 20 centres outside of London, and this relieves the London courts considerably.

It appears that the husbands and wives as petitioners or respondents are almost evenly balanced now, although just after the law was altered so as to enable a wife to bring a petition for divorce on the simple plea of her husband's misconduct, without also alleging cruelty on his part, as she had to do not long ago, the divorce petitions by wives largely predominated.