

The Railway Act has developed by accretion and has in form a lack of logic which appertains to such a method of development. It is a code setting out the conditions which, in the absence of express legislation, are to be read with the terms of the Special Act. It sets out the powers of the railway not only as to the fundamental matter of compulsory taking of land, but also as to the powers in connection with construction and operation. Then, in addition, there is super-imposed an extensive regulative jurisdiction extending from the approval of a route map to the sections dealing with tolls.

The regulative portions, so far as tolls are concerned, deal primarily with railway tolls. There has not, however, been a development on any rigid logical method. By successive enactments, regulative jurisdiction has been conferred in regard to Express Telegraph and Telephone tolls. While, in respect of railway services, there is jurisdiction not only over facilities but also over tolls, the jurisdiction in respect of services set out in the preceding section is a toll jurisdiction alone.

The same lack of thorough-going logical organization is apparent when the terms of particular sections are considered. Section 375, subsection 12, dealing with Telephones provides that "The jurisdiction and powers of the Board and in so far as reasonably applicable and not inconsistent with this section or the Special Act, the provisions of this Act respecting such jurisdiction and powers . . . shall extend and apply to all companies as in this section defined." Such a delegation of law-making power to a tribunal with mingled judicial and administrative functions would give pause to a United States' commentator. In dealing with this situation, Parliament has shown that the same laws do not apply to it as to nature. *Natura non facit saltum*.

Not only those who desire to deal with the Railway Law of Canada from a technical standpoint but also those who desire from an informational standpoint to obtain an acquaintance with the evolution of Canadian law in regard to railways will find in the text a clear and compendious treatment applying wherever possible the scientific canons of the comparative method. In sum, it is an excellent and convenient work of reference.

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