

SUMMARY PROCEEDINGS BEFORE JUSTICES—SELECTIONS.

in force by proclamation, or by order in Council. This often causes difficulty in proof, and the formal technical evidence is often not easily available. The result is that a defendant is sometimes unable to take advantage of this difficulty, and so defeat the ends of justice. Section 9 provides a remedy by enacting that when a statute is in force by virtue of a proclamation or order in Council, and an objection is taken that such proclamation or order was not given, the Court or a judge shall allow evidence of the issue of such proclamation, or making of such order, to be supplied by affidavit.

The last three clauses of the Act (sections 11, 12 and 13) were inserted last year at the instance of the then Minister of Justice. They merely enlarge the time for appealing. In remote localities it is not always possible to take proper steps for appealing within the time heretofore limited, and these sections prevent a failure of justice and make the law in this respect uniform, as nearly as may be. There are several other provisions of minor importance on matters of detail, which complete the intent of the framer of the Act in reference to the matters of the Legislative Department, to which we cannot refer at length.

Some of our best known and most respected judges throughout the Dominion have expressed themselves as highly avourable to this legislation; agreeing with its provisions and with the desirability of the changes which have been made. The measure received the entire approval of the Minister of Justice, who is entitled to much credit for aiding in placing a very practical and valuable measure on the statute book.

SELECTIONS.

INJURY CAUSED BY STATUTORY
WATER-PLUG IN HIGHWAY.

ALTHOUGH County Court decisions lack efficacy as binding authorities, they not infrequently eminently deserve the publicity derived from permanent reports. When well considered, the judgments delivered by highly capable and experienced professors of the law are not, indeed, wholly lacking in authoritative force, while, at all events, entitled to the allegiance of co-ordinate tribunals; but, moreover, what can better serve the purposes of practitioners than the painstaking collection of governing decisions, the acute discrimination of their points, and lucid discussion of principles that may be found in many County Court judgments, both in this country and in England, also, as evidenced in the pages not merely of this Journal but of the *Law Journal* and *Law Times*. Nay, even when not itself laying down a decisive opinion upon some abstract question incidentally arising, but unnecessary to determine with precision, a well-weighed judgment may serve at least to put the matter in a clearer light so as to guide subsequent enquirers. And in illustration of this, reference might be made to *M'Ginnity v. The Town Commissioners of Newry*, reported at the close of last year (19 Ir. L. T. Rep. 69). On the same general subject there discussed, however, we have now before us an adjudication of the English Court of Appeal, and to it alone, not to compare great things with small, attention will here be confined.

We refer to *Moore v. The Lambeth Waterworks Co.*, a good report of which will be found in the June issue of the *Law Journal*. The facts out of which the question arose were few and simple, but the question was both difficult and extensive in its bearings, involving in particular a critical consideration of the decision in *Kent v. The Worthing Local Board* (10 Q.