

The Canada Law Journal.

VOL. XXVII.

MAY 16, 1891.

No. 9.

A CORRESPONDENT, in dealing with the question discussed recently in these pages, as to the abolition of Grand Juries, makes some valuable suggestions on the subject. We shall look with interest to see if any action is taken this session by the Dominion Government. We notice that several of the judges advocate the retention of the venerable institution. There have always been those who have opposed reforms which have eventually proved their usefulness.

WE fancy none but an Irish lawyer would ever have conceived the idea of bringing an action such as *Walke v. Great Northern Railway Co.*, 28 L.R. Ir. 69. It has such a delightful air of audacity that no one of any other nationality would imagine, much less put into action, so extraordinary a claim as was there preferred. The plaintiff was an infant, and, while *en ventre sa mère*, her mother was a passenger on the defendants' railway. Owing to some negligence on the part of the defendants' servants an accident occurred and the mother was injured, for which she made a claim against the company, which was settled. Subsequently the plaintiff was born, and the action we refer to was brought by her, claiming £1000 damages for permanent injury received by her in the accident before she was born. It is almost needless to say the action failed. Mr. Justice O'Brien was of opinion that "In law, in reason, in the common language of mankind, in the dispensations of Nature, in the bond of physical union, and the instinct of duty and solicitude, on which the continuance of the world depends, a woman is the common carrier of her unborn child, and not a railway company."

IT is rumored that the Law Society, from motives of economy, are going to dispense with the flower beds in Osgoode Hall grounds during the coming summer. We hope the rumor will prove to be unfounded. The beauty of the grounds during the past few years has been very much enhanced by the flower beds, the freedom of which from any danger of theft or spoliation has been amply demonstrated. Of course a few flowers in the grounds may be made a somewhat expensive luxury. A special gardener may be appointed at a high salary to look after them, etc.; but while such extravagance is not to be desired, it is no reason why the Society should forego its garden. The comparatively few flowers which have heretofore been planted ought to be got for about \$20 or \$30. The planting and taking care of them should not cost more than another \$20 or \$30 at the outside, and if the Society is reduced to such an extremity that it