

LEGAL LEGISLATION.

tion of the Dominion Parliament and for good reason, any such ferry (and *a fortiori* any such railway as that in question) requiring attention and regulation by the Dominion Customs department. At any rate if there be doubt, the unquestionable duty of the Dominion Government was to use its power of disallowance, as well as any others it might possess, to give effect to the contract between Parliament and the C.P.R. Company, and to keep the faith and honour of Canada intact. And this duty will devolve also on any other Government succeeding that in power when the contract was made, or Canadian bonds will become of small account on the world's exchanges. Whether the contract was good and wise or not, does not affect this point. The contract must not be broken without the consent of the C.P.R. Company or its failure to perform the conditions it undertook. What any member or minister may have said in the House or out of it matters not; there is no doubt that Parliament by the said Act, grants and must have intended to grant the twenty year monopoly, and it was part of the consideration for which the company undertook to make the railway, and made it.

W.

LEGAL LEGISLATION.

THE report of the Committee on Legislation from the County Law Association to the Benchers of the Law Society has just been published and is a very important and valuable document. It recites that subsequent to the formation of the Joint Committee on Legislation from the Law Associations of the counties of York and Wentworth, it was deemed desirable to enlarge the committee by inviting representatives to be present at its meetings, from all the law associations of Ontario as well as from Local Bars of counties wherein no law associations had been formed.

The committee formed from these various representatives met from time to time, and gave the proposed rules of practice and procedure careful consideration, having been assisted by various suggestions which have from time to time been forwarded for consideration by law associations not represented at the meetings of the committee.

The Report goes on to say that at an early meeting of the committee it was decided to prepare a proposed code of civil procedure, and with this object a scheme for such a code was prepared for consideration and was laid before the Attorney General, who, while giving it a general approval, expressed his opinion that the proposed code contained more than the Judges could properly adopt, and still more, in view of their other engagements, than they would have time to consider. The Committee therefore confined their consideration to such additions and alterations to be now made in the existing rules and practice as they deemed substantially material, and as might give to the Statute Commission the minimum of work in considering and adopting them.

The prominent features of the revision as set out in the report are:—

1. The abolition of all written Rules of Practice not contained in the rules now under revision, with a provision that decisions in matters not provided for by the rules, shall be by analogy thereto and not to the former practice, and the provision that no rule hereafter made shall be of any force until it is promulgated by publication in the *Gazette*.
2. The creation of a permanent circuit list for the trial of all actions in the High Court, and the necessary re-arrangement of the sittings of the Divisional Courts. It has been found impossible to provide for four sittings of the High Court in every county town, but a rule has been drawn providing for three sittings a year in the principal county towns with power to direct special sittings when required. The rule provides for the present number of sittings in Toronto, Hamilton and London. A short experience of the system will be necessary to perfect its working.
3. Provision that one Judge shall sit in each week for the disposal of all business of the High Court, to be done in court and in chambers, with-