

His lordship then uses language which shows clearly what such "a general agreement" is not: "The authorities cited have no application, They all relate to cases in which the reference had been actually made to a particular arbitrator."

PROPOSITION II.—A particular submission is revocable when it does not, and irrevocable except by leave of the court when it does, contain a consent that the agreement to refer may be made a rule of court.

*Authorities:* (1) "Revocable when it does not," etc. *Re Rouse and Meier*, L. R. 6 C. P. 212; *Fraser v. Ehrensperger*, 12 Q. B. D. 310; *Thomson v. Anderson*, L. R. 9 Eq. 523. (2) "Irrevocable, except by leave of the court," etc. Statute 3 and 4 William IV. c. 42, s. 39.

PROPOSITION III.—A general submission, as above defined, is irrevocable, and may be made a rule of court and enforced as such on the application of either party thereto, unless the agreement to refer contains words purporting a contrary intention.

*Authorities:* (1) "A general submission is irrevocable." *Piercy v. Young*, 14 Chy. D. 200. (2) "And may be made," etc. Com. Law Proc. Act, 1854, s. 17. (3) "Unless the agreement," etc., *e.g.*, that the decision of the umpire shall be final and without appeal. Cf. *Wadsworth v. Smith*, L. R. 6 Q. B. 332.

PROPOSITION IV.—A general submission to arbitration made under seal between two companies within the meaning of the Companies Acts, or between a company and an individual, is irrevocable except by consent of both parties, and may be enforced (*semble*) without being made a rule of court.

*Authority:* Companies Act, 1862, ss. 72, 73, and Railway Company Arbitration Act, 1859.

The benefit of these provisions might perhaps be taken by insurance companies whose policies are issued under seal, but if the arbitration clause is merely one of "the conditions of assurance," it must be stated (*Stoneham v. The Ocean, etc., Co.'y*, 19 Q. B. D.), or clearly implied (*Virey v. Bignold*, 20 Q. B. D.) to be a condition precedent.

A. WOOD-RENTON, M.A., LL.B.

Outer Temple, London.

#### RAILWAY COMMISSION.

WE have just had the pleasure of perusing the report of the Royal Railway Commission laid before Parliament a short time ago, and as we believe the railway question to be one of the most important questions before the public at present, as it certainly is the most complex, we take the liberty of giving our views shortly on the recommendations of the Commission.

The Commission seem to have dealt very thoroughly and carefully with all the points referred to them, and have also collected a very large amount of useful information, not only from the United States, as to the working of the State and Interstate Commissions, but from English and other sources.