The Legal News.

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The Hon. Mr. Power has introduced a bill in the Senate, to amend the law of evidence. The first clause provides for the case of a witness objecting to be sworn, as follows:—"If any person, called as a witness in any court of criminal jurisdiction or in any civil proceeding, in respect of which the Parliament of Canada has jurisdiction in this behalf, or required or desiring to make an affidavit or deposition in the course of any such proceeding, refuses or is unwilling from alleged conscientious motives, to be sworn, it shall be lawful for the court or judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn declaration in the words following, that is to say: 'I, A.B., do solemnly, 'sincerely, and truly affirm and declare, that 'the taking of an oath is, according to my 'religious belief unlawful, and I do also 'solemnly, sincerely and truly affirm and 'declare that the evidence to be given by me 'shall be the truth, the whole truth and 'nothing but the truth.'" No objection can be made to the above clause. The bill also provides that judicial notice shall be taken of any provincial statute of which a copy is produced, printed by the authorized printer.

A novel railway question came up recently in England in the case of *Laurie* v. *London & Southwestern Railway Co.* The question was whether a railway company has a right to suspend the ordinary service of trains on occasions of great and exceptional pressure, such as race meetings, and run, for a part, at least, of the day, only special trains at exceptionally high fares. The occasion out of which the case arose was the Ascot race meeting, when the defendants suspended their usual train service between London and Ascot until 2 p. m., and in their place ran special trains at about double the ordinary fares. The plaintiff, who was not going to Ascot races, paid the special fare under protest and brought her action to recover the difference between it and the ordinary fare. The questions on which the opinion of the court was taken were (1) whether the fare charged was not in excess of the maximum allowed by the Companies Acts; and (2) whether the suspension of the regular service was an infringement of the reasonable facilities clause of the Railway and Canal Traffic Act, 1852. "The first point," says the *Law Times*, "has already been decided in favor of railway companies, in an unreported case, apparently on the very intelligible ground that for special trains the companies are empowered to charge special rates. On the second point the difficulty in the way of the plaintiff was, that the provisions of the Cheap Trains Act had been fully complied with by the resumption of the usual traffic after 2 p.m., and that it was found as a fact that the temporary suspension of the ordinary service was necessary for the safety of the public, as it undoubtedly was for the convenience of the 5,000 additional passengers whom the company had to convey to Ascot on the day in question. Strict justice, therefore, as well as law, seems to be on the side of the defendants in this case. It is no doubt a hardship upon the ordinary passengers on any line of railway, to find the usual arrangements for their accommodation set aside on occasions such as we have been alluding to. The responsibility for this, however, rests not with the railway companies, but with the majority of the public who have to be accommodated. For the benefit of this majority the companies have to make special arrangements, in return for which they are entitled to special remuneration; and if a small minority suffers by this, it is because it is utterly impossible to discriminate at such times between ordinary and extraordinary passengers."

## CIRCUIT COURT.

PORTAGE DU FORT (DISTRICT OF OTTAWA), 1886.

*Before* PAPINEAU, J.

PATTISON v. THE CORPORATION OF BRYSON.

*Council—Special Session.*

A special meeting of the Municipal council of Bryson was duly called for the purpose of