

obligation imposed by the Statute. The 42 Vict., Cap. 9, Sec. 27, enacts that "All suits for indemnity for any damage or injury sustained by reason of the railway, shall be instituted *within six months*." This is precisely the same language as used in the original Act, 14 & 15 Vict., Cap. 51, Sec. 20.

The meaning of the words "*by reason of the Railway*" is clearly set forth in the Act 8 Vict., Cap. 25, Sec. 49.

This prescription was maintained in 1857 in the case of *Boucherville v. Grand Trunk Railway Company*, reported in 1 Vol. L. C. J. p. 179, and the same jurisprudence obtained in the Province of Ontario:—See 20 Upper Canada Q. B. R., p. 202; 9 Upper Canada C. P. R., p. 164.

H. B. Brown, for the plaintiff, urged that the damages complained of did not arise "*by reason of the Railway*." That the language of a Statute establishing a prescription must be construed in a limited sense, and could not be enlarged by inference. He relied on two cases reported:—One in 1855, 1 L. C. J., p. 6; the other in 1856, 6 L. C. R., p. 172.

PER CURIAM.—The prescription pleaded applies to the damages alleged. The action is dismissed with costs.

H. B. Brown, for plaintiff.

Hall, White & Panneton, for defendants.

THE SINS OF LEGISLATORS.

Herbert Spencer, in the *Popular Science Monthly* for May, has the following upon "the sins of legislators." It may be useful reading for some of our ambitious law-makers:

In a paper read to the Statistical Society in May, 1873, by Mr. Janson, Vice-President of the Law Society, it was stated that from the statute of Merton (20 Henry III.) to the end of 1872, there had been passed 18,110 public acts, of which he estimated that four-fifths had been wholly or partially repealed. He also stated that the number of public acts repealed wholly or partly, or amended, during the three years 1870-'72 had been 3,532, of which 2,769 had been totally repealed. To see whether this rate of repeal has continued, I have referred to the annually-issued volume

of "The Public General Statutes" for the last three sessions. Leaving out amended acts and enumerating only acts entirely repealed, the result is that in the last three sessions there have been repealed separately, or in groups, 650 acts *belonging to the present reign*. This, of course, is greatly above the average rate; for there has of late been an active clearance of the statute-book going on. But, making every allowance, we must infer that within our own times repeals have mounted some distance into the thousands. Doubtless a number of them have been of laws that were obsolete; others have been demanded by changes of circumstances (though seeing how many of them are of quite recent acts this has not been a large cause); others simply because they were inoperative; and others have been consequent on the consolidations of numerous acts into single acts. But unquestionably, in multitudinous cases, repeals came because the acts had proved injurious. We talk glibly of such changes—we think of cancelled legislation with indifference. We forget that before laws are abolished they have generally been inflicting evils more or less serious, some for a few years, some for tens of years, some for centuries. Change your vague idea of a bad law into a definite idea of it as an agency operating on people's lives, and you see that it means so much of pain, so much of illness, so much of mortality. A vicious form of legal procedure, for example, either enacted or tolerated, entails on suitors costs, or delay, or defeat. What do these imply? Loss of money, often ill-spared; great and prolonged anxiety; frequently consequent illness; unhappiness of family and dependents; children stunted in food and clothing—all of them miseries which bring after them multitudinous remoter miseries. Added to which there are the far more numerous cases of those who, lacking the means or the courage to enter on lawsuits, and submitting to frauds, are impoverished, and have similarly to bear the pains of body and mind which ensue. Seeing, then, that bad legislation means injury to men's lives, judge what must be the total amount of mental distress, physical pain, and raised mortality which these thousands of repealed acts of Parliament represent!