

which provides for the place of trial of any action, matter or other proceeding shall, subject to the provisions hereinafter set out, be of any force or effect."

It was suggested in the course of argument that as the statute makes all agreements as to venue void the agreement to waive its provisions would not make good an agreement which the statute made void, but the answer to that proposition seems to be, that as it is only by virtue of the statute that the agreement is made void, if the provisions of the statute are waived, then they do not affect the particular agreement, and consequently it must be of the same validity as if there were no such statute. Furthermore, it may be remarked that the words of the statute in question are no more emphatic than those to be found in Statutes of Limitation or the Statute of Frauds, viz.: "No action shall be brought, etc.," and yet actions may not only be brought, but may succeed, if the defendant chooses to refrain from setting up the statute. And, notwithstanding the emphatic words of the statute in question in *Shupe v. Young*, it would have been possible for the defendant to have waived the benefit of the statute, by refraining from setting up the question of venue. That being so, the question naturally arises if he could waive it negatively by not claiming the benefit of its provisions, on what sound principle can it be said that he could not waive it affirmatively by express agreement? Are agreements as to venue of such a public nature that statutory provisions relating thereto cannot be waived? But for this provision we should have thought not. On the other hand, railway employees may possibly be regarded as exposed to peculiar risk as such to be protected by statutes whose provisions they cannot waive.

ASSIGNMENT OF DEBTS.

A learned correspondent for whose opinion we entertain the greatest respect thinks that our note in reference to *Mills v. Small* (ante p. 436) is wrong. He says that in the English case there referred to "the assignee was to collect the accounts, and,