

Corporations, however competent in other matters, are not equal to the task of preparing complicated bye-laws, that require not only an acquaintance with the provisions of the Statutes, but a familiarity with the general principles of Law and the decisions of the Courts. [1]

It can be no matter of surprise, therefore, if County as well as Township Municipalities, will occasionally transgress their powers or omit some necessary matter of form, and the bye-laws they pass turn out to be illegal and inoperative. A prominent feature in the *Law Journal* from the first has been to place before Municipal bodies reliable information, and not only have we presented them with an annotated digest of all the early Municipal and leading cases, but have continued to publish in full all the Reports of the Courts of Common Law relating to Municipal and School matters.

Something additional is said to be required. One friend has suggested to us that a professional man in each County should be appointed to advise the Municipal authorities therein, and to prepare bye-laws as required, or one for the whole of U. C., and that "by union the services of a competent person may be secured without the expense bearing hardly on any quarter."

Another friend has submitted a plan that seems feasible enough, and one which might be attended with considerable benefit. It is that "from every Municipality for which a Bye-Law was prepared by a competent professional man, a copy should be sent for publication to the *Law Journal*, accompanied with a note of the circumstances, or at least the name of the lawyer by whom it was drawn." This, however, so far as we are concerned, could only be carried out by issuing a monthly or quarterly extra, in which those Bye-Laws would appear. Such a plan we would have no objection to adopt if the undertaking met with proper encouragement; a very trifling sum from, say one half of the Municipalities in U. C., would be sufficient to cover the expense. As requested, we submit the matter to those of our readers whom it may concern.

The other proposition, the appointment of a local or Provincial Counsel for Municipalities, we will probably examine at length hereafter.

#### GUARDS ABOUT MACHINERY.—PENNIES SAVED, LIVES LOST.

We constantly read in the public journals of accidents to individuals by their coming in contact with mill and other machinery, and neither the number nor dreadful nature of these accidents seems to make people one whit more cautious in going through places where machinery is erected. The Act of 1 Vic., cap. 18, was passed expressly to prevent accidents from this cause, and if its provisions were properly carried out the number of casualties would be greatly diminished. The owner of buildings in which machinery is erected, if possessed of right feeling, will, of his own accord, erect proper guards; if he does not, and loss of life or limb is occasioned by his neglect, even coupled with want of caution by another, his conscience must be left ill at ease.

But responsibility lies with the Magistracy also, and if from indolence or wilful neglect, Magistrates in the neighborhood omit to visit a building in which dangerous machinery is employed, and to direct proper and sufficient guards to be erected about it, they fail to comply with the directions of the law, (sec. 3, same Act) and exhibit an unpardonable indifference to the benevolent objects the Statute aims at.

Owners, should they fail to comply with the directions of a Magistrate, are liable to be fined, and failing to pay the fine and costs, to be imprisoned in the common gaol.

We would earnestly urge upon the Magistracy attention to the duty pointed out. Every case of injury by machinery, unless shown not to have arisen for want of guards, is a dark reflection not only on the owner, but on the surrounding Magistracy.

To owners of machinery, without entering on a discussion as to their legal liability, we would just mention a case that was decided in the Court of Queen's Bench, in England, in the month of January last. There is a Statute in force there similar in principle to our own, which requires that mill gearing shall be securely fenced. A shaft in a mill was so placed as not to be where persons were likely to pass, or be employed—in fact, it was such a height above the nearest floor as to present no appearance of liability to accident while the shaft

[1] Any reader of the *Law Journal* will be able to judge for himself by a reference to the number of bye-laws quashed by the Courts.