

may also be robbed with impunity, so far as the company is concerned. We trust, however, that, should the point ever arise in our own courts, some way may be found for adopting the American view as to the responsibility of railway companies for the protection of those they invite to travel on their lines.

CRIMINAL LAW AND THE B.N.A. ACT.

[COMMUNICATED.]

"*Tempora mutantur et nos mutamur in illis,*" so wrote Virgil; and yet his truism does not affect the decisions of the Privy Council, the last court to which a British subject can appeal when he thinks that inferior courts have done him a wrong, and the decisions of that court are final. True, times do change, and we change with them; but the decision of the last court of ultimate resort does not change, although the times have changed, because the enactment of the legislature applicable to the date on which it was passed has not been changed by succeeding legislatures. This is a well-founded principle of law, and it is the duty of the legislature to reform defects which exist on the statute book when it is found that time should bring about its changes, for in doing right and justice "all seasons are summer, and every place a temple."

In what state do we stand at present with regard to our criminal law in Canada? The British North America Act was framed with care, and with a desire that there should be no warring between the Dominion and Provincial legislatures; but, notwithstanding that care, case upon case has gone to the Privy Council for their interpretation of the intention of the Imperial legislature in enacting certain sections of our Canadian Magna Charta.

The following sections and subsections of the British North America Act have to be reconciled one with the other:

Sec. 91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make laws for the peace, order, and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the fore-