

principles of jurisprudence, but it must respect the independence of the executive as it desires its own independence to be respected : Ilbert on legislative methods and forms, p. 208.

In the Quebec Courts it was strongly contended that the case must be decided according to the French jurisprudence and text writers, because the civil law of Quebec was derived from France, but this statement, the author of the article points out, can only be accepted subject to the reservation that any institution analogous to the English Parliament, to which our legislature is the counterpart, is unknown to the French jurisprudence and text writers.

The key to the solution of the difficulty in reconciling the decisions of the courts of Quebec with the opinion of the Judicial Committee is found in the absence of any such supreme authority in France and consequently their decisions are not applicable. In the judgments appealed from, both Mr. Justice Bossé and Mr. Justice Hall quote the passage : "The State has not granted nor can it grant to railway companies the right of setting fire to adjoining properties without indemnity :" and Mr. Justice Hall adds : "The French authors carry this principle so far as to contend that even the legislature has not power to violate it." The word *l'état* or legislature there used, is clearly not our Parliament, which is supreme. A number of other citations are given to the same effect from text writers and judgments of the French courts, for example from the judgment of the 1st Chamber of the Imperial Court of Bordeaux, where the passage first cited is found.

We quote the conclusions of this valuable contribution towards harmonizing the jurisprudence of Quebec with that of the other Provinces of the Dominion :

"(1) Both the English and French law equally recognize the maxim, *Sic utere tuo ut alienum non loedas*, and under ordinary circumstances hold railway and other companies and individuals liable for damage caused by their fault to another.

(2) By English law when a railway or other company or an individual is expressly authorized by the supreme power in the State to do a particular act there can be no responsibility for the consequences of doing such act in a proper manner.

(3) It is probable that this would also be good law in France even though there is not in that country so recognized and indisputable a Supreme Authority as our Parliament.