

The Canada Law Journal.

VOL. XXV.

NOVEMBER 16, 1889.

No. 18

MR. JUSTICE FALCONBRIDGE at the recent sittings of the Assize Court at Toronto made some forcible remarks on the delay of Justice in that Court. It appears that of the 75 jury cases entered for trial at these sittings 28 only were disposed of, and four of these were settled by the litigants themselves. Of the 117 non-jury cases, not one, we believe, was tried, and only 12 appear to have been disposed of by settlement or reference. Of the cases undisposed of, some have been standing for over a year, as remanets from Court to Court. A number of cases on the list are from outside counties, being placed on the Toronto list for convenience of counsel or for similar reasons. One of the cases, which was tried at the last sittings, here occupied twelve days, though it should have been tried at Hamilton, where the parties and nearly all the witnesses reside. It is an injustice to the taxpayers of the County of York that they should be burdened with the expense of trying outside cases, especially while litigation arising within the County is thereby delayed. Some means, either by appointment of new Judges, or re-arrangement of the Assize and Chancery Circuits, or change in the rules as to venue, should be devised to prevent the scandal and failure of justice shown by the present state of the civil docket at Toronto.

FOOT BALL LAW.

Foot ball is with us again, and schools and colleges are made up of two mighty hordes, the kickers and the kicked. It is an old game, known in England before 1175, but the law has never smiled upon it. The *Albany Law Journal* editorially condemns it; the learned editor says: "Base ball is a game of skill and judgment, and is comparatively gentlemanly; foot ball is only a little less rough and not half so entertaining as a prize fight. We almost wish old Noll (the Lord Protector of England) were alive to kick these ruffian kickers out." This, we think, is the latest legal blast against the game.

The first law against it was passed in the 39th year of the reign of the Third Edward, 1365, and it was then forbidden in consequence of its tendency to impede the progress of archery. A similar law was enacted in 12 Richard II., chap. 6, 1388. In the kingdom of Scotland in "the first parliament of King James the First, holden at Perth the XXVI day of May, the Yeir of God, ane thousand foure hundreth twentie foure yeires: and of his reigne the nineteene