

earned the confidence and respect of the Bar for his patience to hear and his intelligent appreciation of argument, for his industry in the investigation of truth and for his scrupulous care in preparing his opinions. On their face they indicate his close companionship with books, a deep knowledge of the fundamental principles of the law and a keen pursuit of the authorities. It may well and truly be said that a more conscientious and upright judge the country never had. And we, who have been his fellow-workers, have repeatedly noticed that his desire to do exact justice, coupled with his modest opinion of his own ability, caused him in many cases more than the usual anxiety inseparable from the performance of judicial duties."

AUTHORITY OF PARLIAMENT.

In the *Montreal Legal Review* (1902, pp. 346 to 366) Hon. Charles Fitzpatrick, K.C., Minister of Justice, considers the much discussed decision of the Judicial Committee in *Key v. Canadian Pacific R.W. Co.* (1902) A.C. 220, and examines its bearing on the law of the Province of Quebec. The article is an able and lucid exposition on the subject matter of the judgment.

The judgment in question proceeds upon the well-known doctrine that there is no liability for acts done under statutory authority where there is no negligence in the execution of the power conferred by statute, or as stated by the Lord Chancellor (Halsbury): "The ground upon which the immunity of a railway company for injury caused by the normal use of their line is based, is that the Legislature, which is supreme, has authorized the particular thing done in the place and by the means contemplated by the Legislature."

Thus the decision is based upon the assumed absolute and indisputable authority of Parliament. Parliament, the learned writer shews, is of English origin and is the union of both the executive and legislative authorities.

In France, on the other hand, the tendency, more marked in modern times, is to keep separate and distinct the legislative from the executive and other branches of authority, and to deny to the legislative authority any right to interfere with the other powers.

Thus Napoleon, the author of the Civil Code, held that the legislature should legislate, i.e., construct grand laws on scientific