

LEGISLATION OF LAST SESSION.

given to much unsatisfactory legislation by the Act of a former session, which required the submission of a certain class of bills for the approval of the judges, and the practice adopted by the Government of opposing all bills upon which the judges have reported unfavorably. We perceive another check to this pocket-legislation in the Act respecting Benevolent, Provident and other societies. It is not our business to deal with politics, nor to discuss the circumstances with regard to the Orange incorporation bills, out of which the comprehensive Statute in question grew; all we have to say is, that the outcome of the contention, as manifested in this Act, will effect good results in lessening private legislation.

It will be a source of great relief to the County Judges, who came to such contradictory conclusions as to the assessment of Bank Stock, to find that the law has now been made plain by the interposition of a parliamentary *Deus ex machina*. The Act to amend the Assessment Law will bring tranquility to many anxious stockholders, but as for ourselves—

"The empty traveller may whistle,
Before the robber and his pistol."

We have no space to comment upon the Act which consolidates the Liquor Laws, beyond an expression of satisfaction that the law has been again brought into manageable shape and the confusion of manifold Statutes reduced to order.

The next great Act of the session is that relating to the Administration of Justice, which it would be out of the question to attempt to deal with now at any length. We have, however, noticed most pertinacious objections, made both on the floor of the House, and afterwards by newspaper critics, with regard to the constitution of the Court of Appeal. It is said, for instance, that as the Court consists of four judges, when the Court is equally divided the judgment appealed against will stand. This, it is observed,

will lead to curious results, and one is instanced thus:—it sometimes happens that on hearing a question more ably argued, the judge whose decision is questioned sees reason to change his opinion and to reverse his former judgment. In such an event, the writer we have in view says: "when the Court of Appeal is equally divided, the anomalous result will be that two judges will prevail against three." But the difficulty suggested can never occur. It is provided that causes heard before a single judge are to be re-heard before the full bench of three, before the case goes to appeal. When in appeal it will be disposed of by four independent judges, who have not sat on the case before. If there is a dissentient judge in the Court below, with his two brethren against him, and the judges in appeal are equally divided, then the decision below will be affirmed, as it should, because then there would really be the opinion of four judges against three, and the views of the majority should prevail. It is better, in our view, instead of an odd to have an even number of appellate judges, as is the case with the Lords Justices in England. We think, however, that in some other respects the constitution of the court is objectionable, and that a more simple and more effective scheme might have been devised for giving us what the country really wants, namely, a strong and independent Court of Appeal. The judges of this court should only have their appellate work to do, but should have in that respect more thrown upon them than is now done by the present court, and thereby relieve the judges of the three lower courts, whilst still having themselves plenty of time to devote to their important duties as the court of highest resort in this Province.

The Act with respect to compensation to trustees is a consequence and a legislative over-ruling of the decision in *Deedes v. Graham*, 20 Gr. 258, which was upheld