

Division as long ago as May, 1887 (see *ante* vol. xxiii., p. 181), and we there referred to the doubt existing whether the legislation which had then taken place had been effectual to vest the general criminal jurisdiction of the former courts of Common Law in the Chancery Division. The reasons which we then advanced are, it is true, not identical with those by which Ferguson and Robertson, JJ., have arrived at their conclusion; but there is this agreement, viz., that it is doubtful whether the proper and necessary legislation for vesting in the Chancery Division the like general criminal jurisdiction which was vested in the former courts of common law has yet taken place. The difficulty, no doubt, arises to some extent from the fact of the divided jurisdiction of the legislatures of the Dominion and the Province in reference to the matters in question; for while the Province may constitute the court of criminal jurisdiction, yet in the Dominion is vested the regulation of procedure in criminal matters. The learned Chancellor thought that the recognition of the High Court of Justice as a court of criminal jurisdiction by the R.S.C., c. 174, s. 270, coupled with the Judicature Act, sufficiently conferred a criminal jurisdiction on the High Court and all its Divisional Courts (see *The Queen v. Birchall*, 19 O.R. 696, at p. 700); but when that section comes to be examined critically, it seems rather to leave things as they were before the Judicature Act. It reads: "The practice and procedure in all criminal cases and matters whatsoever in the said High Court of Justice shall be the same as the practice and procedure in similar cases and matters before the establishment of the said High Court." But before the establishment of the said High Court, the practice and procedure was to confine all criminal cases to the Courts of Queen's Bench and Common Pleas; it cannot, therefore, be said that this section, which is the only Dominion legislation which is referred to as giving the sanction of that legislature to the Chancery Division exercising a general criminal jurisdiction, is unequivocal—indeed, it seems capable of a construction which is opposed to that view.

Under the circumstances, it is to be hoped that the law officers of the Crown, both for the Dominion and the Province, may apply themselves to the task of providing a legislative solution of the doubts which have arisen on this subject ere any further mischief arises.

#### COMMENTS ON CURRENT ENGLISH DECISIONS.

The Law Reports for November comprise (1892) 2 Q.B., pp. 585-613; (1892) P., pp. 321-378; (1892) 3 Ch., pp. 1-179; and (1892) A.C. 297-497.

RAILWAY—ACTION TO RECOVER FARE—PENALTY—TICKET USED FOR STATION OTHER THAN THAT FOR WHICH IT WAS ISSUED.

*Great Northern Ry. Co. v. Winder* (1892), 2 Q.B. 595, was an action against a passenger to recover a railway fare. The facts were that the plaintiffs had issued a ticket to the defendant for a trip from Leeds to Skegness for 8s., which was subject to a condition that if used for any intermediate station it would be forfeited, and the full fare charged. He alighted at Frisby, an intermediate