

and investigating the decisions of the tribunals upon them,—discovers, one by one, the laws which always existed, though, it may be, never before understood, pertaining to the government of men in communities. The exigencies of practice constantly compel him to this, if he is a practitioner; the duties of office compel him, if he is a judge. Thus, while the law does not in any proper sense grow, the knowledge of it is a constant growth of beauty and usefulness. And so men are taught governmental things; the minds of those who administer the government are kept in training for their work; and the superior prosperity of the common-law nations is maintained and perpetuated.

But let us not be unjust in comparing the common-law nations with the others. Since the Justinian folly plunged the world into night, there appears to have been no attempt at its exact repetition, though more or less has been done resembling it. And to-day those nations which are governed by the civil law take it rather from the reason which preceded Justinian than from his attempted abolition of reason. And they have their jurists, while we have not ours except in imperfect semblances. So that, should we abolish our common law of reason by merging it in codification, as many among us seek to do, we should not be brought where continental Europe now is, but rather to that bath of night which Justinian prepared for her.

[To be continued.]

DISALLOWANCE.

To the Editor of the LEGAL NEWS:

SIR,—In a communication which appears in a contemporary journal, F. W. C., dating from Winnipeg, says that I was wrong in the conviction I expressed in my communication (10 Leg. News, p. 409), that the Dominion Government were bound to use every legal means in their power to give effect to their contract with the C. P. R. Company, confirmed by the Act 44 Vict., c. 1, declaring that it should "have effect as an Act of the Parliament of Canada." But I can find in his paper no reason for changing the opinion I then expressed, or the statement with which I concluded, that "there is

no doubt that Parliament by the said Act grants and intended to grant the twenty-year monopoly, and that it was part of the consideration for which the company undertook to make the railway, and made it":—and if the line of the C. P. R., as defined in the Act 37 Vict., c. 14, passes, as I believe it does, through old Manitoba, it is clear that the monopoly clause applies to it.

I will not take up your space in arguing the question as to the right of a Province, under the B. N. A. Act, to authorize the construction of a railway to the national boundary line. I expressed my doubt modestly, and gave my reasons for it. Though I respect the judgment of the Chief Justice and Supreme Court of New Brunswick, in the case before them, I think they would not have given the same judgment in the case of a railway constructed in avowed contravention of the expressed will and intention of Parliament, and of the contract it had approved and confirmed as its Act. If I am wrong in so thinking, my error does not affect my position that the promise and pledged faith of the Government and Parliament of Canada must be kept. Parliament would *authorize* the construction of a railway, if it permitted Ministers to allow it. I earnestly wish that the monopoly complained of should cease, with the consent of the company on fair compensation to them, if thereby they sustain loss; and I have always thought that every possible facility should be given to Manitoba and the North-West Territories in consideration of the disadvantage at which they are placed by their very great distance from the sea-board, and have wished that the Finance Minister could see his way to some abatement in the duties on goods imported by sea for, and conveyed directly to them, from the port of entry, in consideration of the heavy expense of their transport. I thank F. W. C. for giving me the opportunity of saying this.

G. W. W.

PAYMENT OF CHEQUE ON FALSE ENDORSEMENT.

That is a very interesting, and so far as we know, a novel question put by a correspondent in another column, concerning the pay-