

LEGISLATION OF LAST SESSION.

chose to abandon the just line of defence, for that of unscrupulous attack upon all who had any, and many who had no connection with the prosecution, his conduct has been animadverted upon, but in no intemperate terms, by the press, to whom the character of the English Bar is very dear. Had any enterprising scoundrel been on his trial in the United States for a fraud of similar magnitude, and been defended in a similarly reckless style, we make no doubt he and his counsel would have held a much more honourable place in public opinion than Orton and Dr. Kenealy do in England.

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The Statute-Book of Ontario for 1874 promises to be varied in character and voluminous in contents. It will bulk nearly as large as the volume for the previous year, and in measures of importance the legislation is in many respects deserving of commendation. The consolidation of the School Law is as great a boon to the profession and the public as the consolidation of the Municipal Law, and the Administration of Justice Act of 1873 has its fellow in the Administration of Justice Act of 1874. Most of the Statutes of consequence are already printed in supplements of the *Ontario Gazette*, and we propose in the present paper to call attention to some changes in the law effected by these Acts.

The Act respecting Escheats and Forfeitures does away with the ancient but needless ceremony of an inquisition being formally held in cases where property escheats to the Crown. Objection has been taken to the clause in the Act providing that the Lieutenant-Governor in Council may assign any portion of the escheated personal property to any one having a legal or moral claim upon the person to whom the same had belonged. But this is in truth only expressing what

was customarily done with the property when the Crown, after escheat, of its own motion disposed of it for the benefit of the relatives or connections of the original owner. If we mistake not there is a provision to the like effect in the Scotch law. The Act may perhaps be more open to question on Constitutional grounds, as between the Province and the Dominion.

The next Act printed in the *Gazette* is that of Mr. Bethune for the apportionment of rent between the landlord and tenant. The principle of the Act is, to assimilate all periodical payments in the nature of income, so that, as in the case of interest, they shall be deemed in law to accrue *de die in diem*. It is an extension of the principle of apportionment already recognised in the law of Ontario, to a limited extent, in the case of rent pure and simple, by the adoption of the Statute of 11 Geo. II., c. 19, and is almost a transcript from the Imperial Statute 33 and 34 Vict. c. 35. Upon the construction of the English Act it may be useful to refer to the cases of *Capron v. Capron*, 22 W. R., 347; *Jones v. Ogle*, L. R., 8 Ch. 192, and *Clive v. Clive*, L. R. 7 Ch. 433.

So far as we have been able to examine the Act respecting the incorporation of Joint Stock Companies, it seems to make a very considerable advance in point of comprehensiveness and completeness over any of its numerous predecessors. It is necessary, in view of the vast development of corporate enterprise in the way of mining and manufactures, to have the law more efficient and satisfactory in regard to the formation and winding up of Joint Stock Companies, and the Act in question seems to go a long way in the right direction.

One great evil of local legislation hitherto has been the facilities which it offered and afforded to the passage of private Acts. One considerable check has been