THE CANADIAN BAR REVIEW

THE CANADIAN BAR REVIEW is the organ of the Canadian Bar Association, and it is felt that its pages should be open to free and fair discussion of all matters of interest to the legal profession in Canada. The Editor, however, wishes it to be understood that opinions expressed in signed articles are those of the individual writers only, and that the REVIEW does not assume any responsibility for them.

It is hoped that members of the profession will favour the Editor from time to time with notes of important cases determined by the Courts in which they practise.

☞Contributors' manuscripts must be typed before being sent to the Editor at the Exchequer Court Building, Ottawa.

TOPICS OF THE MONTH.

CANADIAN BAR ASSOCIATION.—Our readers are reminded that the Eleventh Annual Meeting of the Canadian Bar Association takes place at St. John, N.B. on the first, second and third days of September next. A statement of the principal events of the meeting will be found in the present number of the REVIEW; but a formal programme will be prepared as usual by the Secretary of the Association. It gives us great pleasure to announce that the Right Honourable Lord Darling of Langham will attend and deliver an address. His presence alone affords a guarantee of the success of the meeting. It will be recalled that in his charming *Scintillae Juris* Lord Darling says: "Anyone who will may satisfy himself, by taking down a volume of reports, old or new, that any given Judge will run in a particular direction if he fairly can." We all know that the 'particular direction' Lord Darling chooses to run in is always to the edification as well as to the entertainment of the Bar. In his judgments he never fails to "suit the action to the word, the word to the action." And the nimble quality of his mind is always manifest in his speeches.

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GEORGIAN LITERATURE OF SORTS.—Regard for our readers forbids us to publish matter which falls below reasonable standards of rhetoric and good taste, so we find it impossible to reprint what Mr. Charles E. George, the incomparable editor of the *Lawyer and*

Banker, has to say in the current issue of his periodical concerning the opinion we expressed in the April number of the REVIEW as to his threatened adventure upon Canadian territory. We regret in a way the inexorableness of our embargo upon such matter because, beneath all his *mauvais goût,* his disarrayed thought and painful wrestling with the art of letters, we descry a recognition of the superior place in legal literature that must be accorded to the CANADIAN BAR REVIEW when compared with the amorphous publication over which he presides. However, if it be true, as he avers, that the *Lawyer and Banker* has a very large circulation in this country, then such of our Canadian subscribers as are interested in cross-word puzzles will not be without an opportunity of applying their skill to interpret the import of these dark Georgian sayings in our regard.

Mr. George's idea of the law is a peculiar one, indeed it is much like that entertained by the interesting Mr. Bumble, who declared that "the law is a ass." Consequently, the *Lawyer and Banker* provides a suitable grazing field for it. One word more and we shall forget Mr. George. He boasts that "the circulation of the *Lawyer and Banker* in Russia . . . is double that of the CANADIAN BAR REVIEW in all of the United States." Bearing in mind the curious conceptions of law and order prevailing in Russia at the present moment, would Mr. George be disposed to attribute the popularity of his journal there to its advocacy of lynch law?

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THE BRITISH PRESS AND THE GREAT STRIKE.—It is not usual in this department of the REVIEW to quote largely from other periodicals, but during and shortly after the General Strike in Britain last month there was so much contained in the leading periodicals of interest to thinking men the world over that we feel more or less under an obligation to let some of them speak through us to such of our readers as they may not have reached.

The *Spectator* of May 8th, published in mimeographed form, was the first of them to be received by us, and we treasure the copy as a memento of this outstanding event in history as it is now being made. In explaining its unusual dress, it will be noticed that the *Spectator* employs a phrase of one of the great masters of the law to point its remarks: "Just as the situation is unprecedented so also is the curious form in which the *Spectator* appears this week. We need not apologize, our readers know only too well from their own inconvenience what our difficulties are. The General Council of the Trades and Union Congress placed the printing industry high on the list of those called

upon to strike in sympathy with the miners. In these circumstances it is impossible for the *Spectator* to be printed, and we have decided to produce what the late Lord Halsbury might have called 'a sort of a paper,' in order to preserve our continuity, to keep in touch with our readers and to offer them some thoughts upon the present distress." Then, in discussing the legal aspects of the strike, it says:—"When the General Council of the Trades Union Congress forbids men to work it challenges the existence of the Government. . . . The fact remains that if Labour, in order to win, were able to make government impossible, the Trades Union Congress would be the only alternative to the Government. . . . It is not even certain that the General Council of the Trades Union Congress has not done violence to its own constitution in ordering a general strike at this stage." Later on it quotes, with great cogency and point the opinion once expressed by Mr. Ramsay McDonald on the 'sympathetic' strike:—"All my life I have been opposed to the sympathetic strike. It has no practical value; it has one certain result, a bitter and blinding reaction. Liberty is far more easily destroyed by those who abuse it than by those who oppose it."

How the announcement of the withdrawal of the General Strike on May 12th was received in the Law Courts appears in the following exerpt from the special organ of the Government during the crisis, the *British Gazette,* issued on the 13th May:—

"The news that the strike was off was received with much gratification at the Law Courts. In the Divorce Division Lord Merrivale, the President, upon the news being circulated remarked that it was a matter for great congratulation. Mr. Justice Bateson said he was sure everybody would be glad of the news.

"Mr. Justice Horridge, in the King's Bench Division, interrupted a case that he was hearing and said, 'I have just had a notice handed to me by the Press Association announcing that the strike has been declared off.'

"There was much applause in Court upon the announcement being made. The message reached the Court of Appeal and other Courts just before the adjournment for lunch.

"In the Court of Appeal Lord Justice Bankes, who presided, said, 'I am very glad to hear it,, and handed the message down to the barristers engaged in arguing the great stamp case. He added 'We might adjourn on that. We shall have a five minutes' strike.'

"When Mr. Justice Hill in the Divorce Division announced the news there was loud applause in Court.

"Loud applause greeted the announcement in Mr. Justice McCardie's Court. His Lordship was handed the agency message which he read aloud."

The *Saturday Review* of May 15th, true to the old British love of fair play, was glad to learn that there would be no reprisals by employers of labour. It observed:—"To pursue a policy of wage reductions would have been to turn the knife in the wound. The men have been sadly victimized by their leaders, who led them blindly into a futile strike, and to have returned to work to find themselves victimized by their employers would have been fatal to their self-respect. The country has no quarrel with the workers as individuals, and it would not stand for this action on the part of the employers." How the editor refreshes his spirit with the contemplation of the excellent proof afforded by the strike of the ineluctable respect for order in the British character and its lesson for the world appears from the following observations:—

"Even the strike has had its bright side. As soon as it broke out special correspondents of most of the important European newspapers hurried to London to follow the course of the revolution in Great Britain, for the more sensational and widely circulated English newspapers have printed so much from time to time about the Red Peril here that other countries held grossly distorted views of our industrial situation. All these correspondents have, of course, gone away immensely impressed by the fundamental sanity of the British public. The Parisians realize that, had they remained at home, they would have seen more arrests in their native city in one day, owing to the troubles during the Jeanne d'Arc celebrations, than they have seen in this country during the whole of the strike. However disastrous the economic consequences of the strike may be, it is some consolation to realize the influence British political tolerance and democracy may have in a world which was once more growing to believe that salvation may only be found in militarism and dictatorship."

That a general or sympathetic strike is a foolish instrument for Labour to employ in its struggle for a place in the sun of English Industrialism is the opinion of the *New Statesman*—a journal which our readers know has been inclined to favour Labour in its ambition to obtain hegemony among the social classes in the modern State. In its issue of May 22nd it moralises on the subject in this wise:—

"The general result of the strike is not unsatisfactory. It has shown that an enormous industrial upheaval can take place, in this

country at any rate, without the loss of a single life. But what is far more important, it has shown that the weapon of the General Strike is practically worthless in the hands of those who are not prepared to go to all lengths of revolutionary violence. . . . For a General Strike without violence cannot succeed; it is almost a contradiction in terms. With violence, on the other hand, it amounts to a revolution—which the Trade Union world does not want nor seems ever likely to want. Everybody understands this now, and that is why the strike was perhaps worth while. We have bought experience at a pretty high price, but we have got it; and no section of the community, we suppose, is more satisfied with the bargain than the 'constitutional' leaders of the Labour movement. The irrepressible left-wingers are silenced; their dreams are dissolved; they must set about the Sisyphean task of converting the Trade Unions of Great Britain to revolutionary ideas, or admit failure."

The same journal, while blaming Mr. Baldwin for precipitating the General Strike in a moment of panic caused by the Natsopas (a new word coined to designate the National Society of Operative Printers and Assistants) declining to allow the *Daily Mail* to appear with a leading article entitled "For King and Country," gives him unstinted praise for accepting the overtures of the General Council of the Trades Union Congress for calling off the strike. It says that when the strike ended "Mr. Baldwin had regained control of his Cabinet and had acquired so enormous a personal popularity in the country that he could afford to let all his colleagues resign if they wanted to. He took charge of affairs without consulting anybody, and without any Cabinet authorisation—which would certainly not have been forthcoming from the fight-to-a-finish section—he declared peace and insisted upon peace. . . . Some of his colleagues and many of his supporters railed at him for his 'weakness'; but this time he stood firm—and gave us peace. . . . He blundered on that Sunday night in agreeing to war, but ever since then he has fought for peace, and fought with an extraordinary measure of success."

* * Renan somewhere says that all history is a sound Aristocrat—meaning that the chief liberties enjoyed by civilisation to-day were won by the labours of individual men having a native gift for political leadership. That is particularly true of England in the past; and now in the days of class struggles which naturally emerge from the fact that democracy is still in a state of fermentation it is an "aristocrat"—such as Stanley Baldwin—who must ride the whirlwind and direct the storm. Indeed it would appear from the

opinion of M. Emile Faguet that there is no prospect ahead of us for good government if democracy be not always tempered with a blend of aristocracy. This is how he expresses himself in "Le Culte de l'Incompétence":—

C'est ce mélange de démocratie et d'aristocratie qui fait une bonne constitution. Mais il ne faut pas que cette constitution mixte soit une simple juxtaposition, ce qui ne ferait que mettre en contact des éléments hostiles. J'ai dit 'mélange' et j'aurais dû dire 'combinaison.' Il faut que, dans le maniement des affaires, aristocratie et démocratie soient combinées."

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LEGAL ASPECT OF THE GENERAL STRIKE.—Both Sir John Simon, in the course of a speech in Parliament, and Mr. Justice Astbury in *National Sailors' and Firemen's Union in Great Britain and Ireland* v. *Reed et al.*,[1] have given an opinion that the General Strike in Great Britain last month was absolutely illegal. Sir John Simon argued that, on fundamental constitutional grounds, a general, or sympathetic, strike was not a strike against employers so much as a strike against the public, Parliament and the Government to compel them to do something. He reminded the House that when Parliament gave immunity to trade unions under the Trades Disputes Act, 1906, it had lawful strikes in view, and not strikes that overthrew the organic law of the country. In connection with Sir John's opinion it might be mentioned that the *Law Journal* of May 22nd[2] expresses the view that a General Strike is not only an indictable offense under the statute Edw. III., *De Conspiratoribus* (1399), but that it constituted a tortious trespass on the case, as not being an act done in contemplation or furtherance of a trade dispute within the meaning of sec. 3 of the Trades Disputes Act. In the case before Astbury, J., above referred to, a motion was made by the National Sailors' and Firemen's Union for an interim injunction to restrain the defendant Reed, who was the secretary of a branch of the union, and certain other officials of the branch, from calling on members of the branch to leave their employments without the authority of the executive council, or contrary to the rules of the union. The injunction was granted. Being asked by counsel for the union, and also by the defendants, who were not represented by counsel, to state the general law on the matter before him, the learned Judge said:—

"The so-called general strike was illegal, and those inciting to it or taking part in it were not protected by the Trade Disputes Act,

[1] 161 L.T. 391; 61 L.J. (N.S.) 442.
[2] P. 428,

1906, There was no trade dispute alleged to exist except in the case of the miners. No trade dispute existed or could exist between the Trades Union Congress on the one hand and the Government and nation on the other. The orders of the General Council were therefore illegal and the defendants were acting illegally. No member refusing to strike in obedience to illegal orders could lose his Trade Union benefits on that account. Members striking by illegal orders would not be entitled during the continuance of their strike to receive strike pay. Trade Union funds were held in a fiduciary capacity, and could not legally be used for, or depleted by, paying strike pay to those strikers who obeyed illegal orders. The defendants were defying the law, as well as breaking the rules of their Union."

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THE "NINE DAYS" IN LONDON.—The following extract from a letter received in Canada from a citizen of London engaged in business there throws an interesting light upon life in the city during the "Nine Days" of the Great Strike:—"I see that a Sydney paper the other day described London just now as a 'City of Dreadful Night.' That is one of the most consummate lies even yellow journalism has achieved. . . . After all I am going about my business—an affected business—all the time. I have three or four times walked all the way, yet I have not once got into a crowd. I have seen nothing resembling a disturbance. I go through a restricted office routine every day with all my usual associates, and from to-morrow, if our information is right, we may even in the office be practically normal. Out on the streets of course, or if one has to travel anywhere, things are topsy-turvy. A marvellous regiment of cars, packed to the gunwales with all sorts and conditions of people; amazing crowds of cheerful people walking for all they are worth; cars of all shapes and sizes with signs 'Stop me for a lift' or 'Going to Walham Green!'—almost pestering you to give you a free lift. Charabancs, lorries and wagons packed with amused pople; omnibuses with a high policeman by the driver, and a 'special' sitting on the bonnet—an occasional 'busful of soldiers with steel helmets—a still more occasional armoured car cruising with a vicious quick-firer mounted with a couple of phlegmatic soldiers beside it. That is the strike as the ordinary city worker sees and lives it. He gets very tired before he gets home. But as for the hardships he grins, or by now yawns, except the girls, who are loving it. And if you told the average Londoner that he was living in a 'City of Dreadful Night' he'd laugh, and probably show you his theatre tickets."

THE ADVANCED SCHOOL OF LAW AGAIN.—Our readers will remember that in the May number we reprinted Professor Herbert A. Smith's letter to the London *Times* concerning the proposed establishment in London of an Advanced School of Law for the Empire. They will be interested in learning what *Law Notes,* which speaks more or less authoritatively for the Law Society, thinks of the proposition. We quote from the May number of that periodical:—

"Professor H. A. Smith, of McGill University, Montreal, advocated last month in the *Times* the desirability of establishing an Empire School of Law. The main reasons, the Professor contended, were, first, the need for conserving the legislative energy of the Empire, and, secondly, the need in London of a real library of Imperial Law. Professor H. C. Gutteridge, Dean of the Faculty of Laws in the University of London, approves the scheme. It is stated that there is a steady and growing demand from the Dominions for advanced tuition and guidance in legal subjects. The establishment of an Imperial School of Law has been the ideal for many years of Professors and University Lecturers. It is a worthy ideal, but to put it into practical working operation is a difficult matter. How will such a School conserve the legislative energy of the Empire? How will the School give practical effect to this object? As to the second object, the establishment of an Imperial Library, practitioners do not experience much difficulty in getting access to the laws of the different Dominions through existing libraries, and students are generally admitted."

Now as much as we admire the breadth of view and practical good sense that usually attend the utterances of our contemporary we cannot let the above pass without cautioning it to "take a thought and mend" in its relation to the interests of the Empire. Its voice at the moment is the voice of the Little Englander, which to-day has little wisdom and less charm. The proposed school is an Imperial gesture of even more importance than the Rhodes Scholarships at Oxford. Let Britons overseas approve of the principle and the scheme will take care of itself in practice.

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THE RUSSO-GERMAN TREATY.—Much loose talk has taken place in the Continental press over the treaty recently negotiated between the governments of Germany and Russia. It is being bruited that Germany is seeking the aid of Russia to dictate to the League of Nations just how far it can go in the appeasement of

Europe. But Germany has declared that there is nothing in the new treaty which would modify her purpose in applying for entrance into the League, and without sufficient evidence to contradict it Germany's word must be taken as true. She shows herself willing that the world should know the terms of the treaty by publishing it. M. Benes's bad taste and fussiness in circulating a *questionnaire* to all the "Locarno Powers" (except Germany) inviting opinion as to the effect of the new treaty upon the Locarno Pact has excited ridicule in many quarters at the expense of Czechoslovakia. The little ones of the earth are doing their best to aggravate the growing-pains of the League, and to misguggle its chances for the early attainment of its aims.

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BRAZIL AND THE LEAGUE.—We were amused to read in a recent number of *The Nation and Athenaeum* Peter Ibbetson's parody on Alice in Wonderland at the expense of the abortive meeting of the Assembly of the League of Nations held for the purpose of admitting Germany into the League. Brazil is there referred to as the "Green Parrot," and its part in the show very cleverly revealed. It seems now that there will be no G. P. at the adjourned meeting of the Assembly in September. Brazil is reported not only to have abandoned its opposition to Germany as a member of the Council, but intends to resign from membership in the League. This ought not to rock the world on its foundations.

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INSTITUTE BELGE DE DROIT COMPARÉ.—In addition to the meeting of the "Congrès international de droit pénal," mentioned in our last issue, there will be held, at Brussels, on July 10th and 11th, an important meeting of the Belgian Institute of Comparative Law (Institut Belge de Droit Comparé). One of the questions to be discussed, which is of general interest, is a proposition to form an International Federation of Advocates. The meeting will define the conditions of admission of the different Bars of the world into such federation.

Many prominent lawyers from outside have expressed their intention of taking part in the discussion. Mr. Justice Surveyer, of Montreal, who is a member of the "Institut Belge de Droit Comparé," cannot attend the meeting, but will be glad to give a letter of introduction to any member of the Canadian Bench or Bar who may wish to be present thereat.

INTERNATIONAL INSTITUTE OF PRIVATE LAW.—We learn from the press that the Italian Cabinet has approved of the foundation of an International Institute of Private Law in Rome. The institute is for the purpose of studying a means to co-ordinate and harmonize the private law codes of various nations. It is intended that the work will be carried out through the League of Nations which already has approved it.

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TORTS AS BETWEEN HUSBAND AND WIFE.—We confess to a sense of shock when we turned over the pages of the last number of the *New Jersey Law Journal,* and our eyes lighted on the case of *Bushnell* v. *Bushnell* as noted therein. The case was ultimately decided by the Connecticut Supreme Court of Errors, and approaching it with a memory of the common law rule applicable to the facts we were inclined to say that the court of last resort was most aptly named. As noted by our contemporary the case is authority for the proposition that a wife (during coverture) who has sustained injury arising from an accident due to the negligence of her husband in driving at automobile in which she was riding at the time of the accident, can recover damages in tort against him. This was naturally startling to one who remembers the old saw *vir et uxor sunt quasi unita persona,* or who has read the recent English case of *Webster* v. *Webster,*[1] holding that under the Married Women's Property Act neither husband nor wife could sue each other in tort. This, of course, was the rule at common law. But on reference to the American case as reported in the Atlantic Reporter,[2] we found that the decision was founded on Connecticut statute law which gives a right of action against her husband to a married woman for a tort committed by him during her coverture. And so we calmed our perturbed sensibilities with the reflection that the law of England is not the basis of the American juristic system to the same extent to-day as it used to be.

[1] [1916] 1 K.B. 714.

[2] Vol. 131, p. 432.

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SIR THOMAS ERSKINE HOLLAND.—One of the most distinguished English writers on Jurisprudence, Sir Thomas Erskine Holland, died at Oxford on the 25th of last month at the ripe age of ninety years. His "Elements of Jurisprudence," which went through thirteen editions at the author's hands, is well known to the Bar and to the law schools in Canada. The distinguished jurist was called to the Bar

by Lincoln's Inn in 1863. Never enjoying a large practice at the Bar, in 1874 he betook himself to the academic life for which he was so eminently fitted. In that year he was appointed to the Vinerian Readership in English Law at Oxford. Shortly afterwards the Chichele Chair of International Law and Diplomacy fell vacant and Holland was appointed thereto. Besides his academic activities, Sir Thomas served his generation in many practical ways. He drafted the British Naval Prize Act, and published a Manual of Admiralty Prize Law. He was also employed by the War Office to draft instructions for troops in the field. These instructions were expanded into a volume known as the "Laws of War on Land." He was one of the plenipotentiaries who attended the Geneva Conference in 1906. He also acted as Assessor in the Chancellor's Court at Oxford. In 1903-5 he was a member of the Royal Commission on the Supply of Food in time of War. He was a member of many learned societies. His knowledge of international law was frequently drawn upon by the Government during the Great War. In 1917 he received the honour of knighthood.

ARMS AND THE MAN.—A singular and amusing case, *In re Berens-Dowdeswell,* with moments of acute anxiety to the chief actor, appears in numbers 13 and 15 volumes 42 of the *Times Law Reports.*

A blameless clergyman, the Reverend George Berens, became in 1915, much to his joy, tenant for life of a fine property, known as Pull Court, under the will of Wm. Dowdeswell. This estate he was to get if he assumed the name and arms of Dowdeswell. Under stress of this provision he obtained by patent dated May 29, 1916, a grant to himself and his issue of the right to use the surname of Dowdeswell in addition to and after his original surname of Berens, and to bear the same arms as had been granted by patent dated July 20, 1906, to his predecessor as tenant for life of the Pull Court estate under William Dowdeswell's will. He therefore became known as and called himself George Berens-Dowdeswell, the two words being joined together by a hyphen.

It is said that misfortunes never come singly. But the reverse is most uncommon. And that a clergyman should suffer from an embarrassment of riches, and that fortune, and not misfortune should arrive in double harness is rather singular. But so it was, although agonizing uncertainty supervened before he settled down to full enjoyment.

In 1924 a relative, with benevolent intent, spiced perhaps with irony, left him the Sidcup Estate on these terms: namely that if he had not within two years assumed the name and arms of Berens the estate should pass to others.

Mr. Berens-Dowdeswell, having equipped himself with a surname and a coat of arms for his enjoyment of the Pull Court estate, felt embarrassed at being called upon again to equip himself with a surname and coat of arms for his enjoyment of the Sidcup estate. He wished to retain both estates.

In consequence he applied to Mr. Justice Russell for advice in this strange dilemma. Eleven counsel appeared on the application, so it was evident that he had stirred up a hornet's nest of expectant beneficiaries. Mr. Justice Russell, a son of the great Lord Russell of Killowen, has evidently a fine sense of humour and he deals with each thread of anxiety with becoming gravity. He discusses the difficulty in which the reverend gentleman was placed through his having adopted the composite name of Berens-Dowdeswell, of which the word "Berens" formed only part, and that his surname was now Berens-Dowdeswell and nothing else.

He adds that the testator's will "shows, if any thing, that he desired that as a surname Berens should not be contaminated by any associate."

Next he comes to the question of the Berens Arms "Argent, on a mount of vert, a bear passant sable," which "in more commonplace language" is a shield of white or silver with a green mount or base upon which a black bear is walking. But while he decides that no member of the Berens family in England ever had a personal right to bear arms, yet he explains that the reverend gentleman might succeed in persuading the College of Arms to grant that right to him as a descendant of one Behrens of Hamburg.

The learned Judge then deals with the perturbing question propounded by the parson, namely, whether if he ceased to use the Dowdeswell arms, which he had assumed, he would lose the Pull Court estate in his endeavour to acquire that of Sidcup. It appears that the Dowdeswell arms assumed were the same as those used by Wm. Dowdeswell, whose right to them was not established. But the right might be, the learned Judge thought, acquired by establishing that the applicant was descended from a Gloucestershire family of that ilk whose proper arms had been granted to them in 1623, some 300 years ago. To do this, the Judge observes, might be a matter of difficulty or expense, but not an impossibility, so far as it then appeared to him.

With this judgment the reverend gentlemen was left suspended, like Mahomet's coffin, for the Court held him bound by the Berens will, and that he could comply with it by getting a Royal License to bear the surname and arms of Berens alone, and yet that if he did so and ceased to use the Dowdeswell name and arms, he would lose the estate which went with them.

However, nothing daunted, the Rev. George Berens-Dowdeswell applied again, showing that he could not get a grant of the Dowdeswell arms of 1623 because he could not prove a direct descent from some person to whom they had been properly allowed.

The learned Judge on this second application opined that the applicant would have scant attention if in 1916 he had "invoked Parliament to divert its attention from the conduct of the war" to the Dowdeswell arms. And having been thus convinced that impossibility had been established, he adjudged the condition void as requiring the performance of the impossible and sent the applicant on his way, rejoicing in his original name of plain Berens, and also with the two estates firmly attached to it. Truly, all's well that ends well.

[F. E. H.]

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THE RAIN OF LAW.—Not long ago Senator Beveridge described the American nation as "smothered by a multitude of laws and dominated by innumerable inhibitions"; and, according to Professor Young of Columbia University, "The flood of legislation has become so great that it is impracticable for even the lawyer to keep abreast of the statutes which are annually enacted."

How great the flood has become may be seen in the fact that on the opening day of Congress, in December last, 590 bills were introduced in the Senate, while 4,425 bills were presented within the first two days to the House of Representatives. If but a small fraction of this vast number should reach the statute book, there would still be a 'rain of law' sufficient to render *ignorantia juris* excusable.

The activities of social reformers are credited by Professor Young with much of the evil. "Having decided," he says, "that particular habits or practises of people should be stopped, he (the social reformer) has seized upon the device of law as a means of accomplishing his purpose."

In Canada we have the British system of cabinet responsibility; the ministers have seats in the House and introduce necessary legislation. Very seldom is a bill, brought forward by a private member, enacted and placed upon the statute book. Hence, we are protected

from that excessive multiplication of laws which is the ground of so much complaint among our neighbours; and we are also saved from those legislative eccentricities of which we occasionally hear.

There is, however, a tendency on the part of the public, or of organized groups, to demand legislation upon an ever increasing variety of subjects which were formerly left to private initiative and control; the purpose frequently manifested being to relieve individuals from responsibility for their own lives and actions. This tendency is apparent in the local and provincial spheres as well as in the national.

According to Sydney Smith, "the object of all government is roast mutton, potatoes, claret, a stout constable and honest justice, a clear highway and a free chapel," but we have departed widely from that conception in the semi-socialized State of to-day. Rural credits, minimum wages, old age pensions, mothers' allowances, the care and supervision of illegitimate children,—these and similar topics are the subjects of consideration and action by our legislators. The three R's were once the staple of primary education. What would have been thought a generation ago of an educational system under which the community is taxed to furnish training for motor mechanics, stenographers and milliners?

There are some respects, at all events, in which we should not suffer much if we returned to the simplicity of an earlier day.

[R. W. S.]