

gratuitously. It was held, that that rule is not applicable to the modern conditions of business, and that a professional man can no longer be presumed to give professional services gratuitously.—*Law Magazine*.

TURF CUTTING—IRISH CASE:—The case of *Cronin v. O'Connor*, [1913] 2 Ir. R. 119, presents a curious state of facts, apparently uncovered by any previous direct authority. The owner of lands had a right of cutting and saving turf on a plot of an adjoining bog. This plot was not fenced or divided off from the rest of the bog. The man who owned the soil and freehold of the bog depastured cattle upon it; they did harm to the turf which was cut and spread upon the plot in question; the bog owner had made no provision for preventing such damage by his cattle to the turf. The person entitled to the right of turf cutting sued the bog owner for trespass, and it was held that the action would lie. The wrong consisted in an unreasonable use of one's own property, having regard to the dominant tenant's profit. There are, said the court, two rights in the one subject-matter: the natural right of the owner of the bog to the soil and freehold, and the incorporeal right in the nature of a profit vested in the plaintiff, in respect of the same bog; which is to give way? Evidently, if a profit à prendre is founded on an implied grant, and if a man may not derogate from his own grant, the general rights of the servient owner must give way so far as is necessary for the due enjoyment of the particular right of the dominant owner.—*Law Magazine*.

JOINT TORT FEASORS—DIFFERENT DAMAGES.—An interesting point was decided in a recent English case of *Greenlands Limited v. Wilmshurst* on which the court was unanimous. A practice had arisen of allowing juries to give different damages against different defendants when sued in one action as joint tortfeasors, and the Court of Appeal has now declared this to be unjustifiable. Thus, where there is a joint publication of one libel, there can be only one joint judgment against all defendants, for in the case of a joint tort each tortfeasor is liable for the whole injury sustained. The effect of this where privilege is set up is well illustrated by a case recently tried by Mr. Justice Bankes of *Smith v. Streetfield*. In that case privilege was admitted; but the jury found express malice against one defendant but not against the other, and the learned judge then entered judgment against both defendants.