do so and continues to entrust business to the agent, the sureties are not liable for any money collected by the agent after the discovery. The sureties are discharged, however, only from the time such discovery is made by the employer, and not from the time he might with due diligence have discovered the shortage. The employer is not bound to use diligence to make the discovery, but must report it as soon as made.—*Connecticut Mutual Life Ins. Co.* v. *Scott et al.;* (Supreme Court of Kentucky, January, 1884).

Letters— Mailing— Presumptions.—The fact of mailing a letter properly addressed, with postage prepaid, creates no legal presumption that it was duly received, but it is merely a fact, which is to be weighed, along with other evidence, in determining the question, and to which no more presumption attaches than to any other fact.—*Sullivan* v. *Kuykendall;* Kentucky Court of Appeals.—17 Chicago Leg. News, 218.

Telegraph Company—Conditions.—The printed blank forms in common use by a telegraph company contained the following condition: "No claim for damages shall be valid unless presented in writing within thirty days after sending the message": and beneath the blank space for message and place of signature was printed in large type: "Read the notice and agreement at the top." *Held*, that one who filled up, and signed, a message upon such blank form was presumed to have had notice of such condition, and was bound by it as a part of the contract with the company. *Held* also, that the same was a reasonable stipulation, and not contrary to public policy.—(*Cole* v. *West. Union Tel. Co.*) Sup. Ct., Minn.; N. W. Rep., Feb. 28.

GENERAL NOTES.

"George Eliot" relates the following characteristic anecdote of Carlyle:—"Carlyle was very angry with Emerson for not believing in a devil, and to convert him took him amongst all the horrors of London—the gin-shops, etc.—and finally *to the House of Commons*, plying him at every turn with the question, 'Do you believe in a devil noo?'"

The Paris correspondent of the *Daily News* says that at the Bourges Assizes, a youth, aged 13, named Wentzeis, apprentice to a confectioner, was tried for murdering his master. The prisoner cynically admitted that the idea of the murder had suggested itself to his mind while reading Emile Richebourg's novel, "La Belle Julie," from which he gathered that nothing more could be done to an assassin under 14 than to confine him in a House of Correction till 21. His calculation was correct. On a verdict of guilty being rendered, the judges were bound by the Code to make an order to that effect.

The Supreme Court of Michigan in the case of *Bacon* v. *R. R. Co.* (21 N. W. Rep. 324) decided that an action can be maintained against a corporation for libel; and that where a corporation, by its superintendent, prepares and sends a "discharge list," assigning a criminal act as a reason for the discharge of an employee, to its agents, and it reaches its destination and is read by such agents, this is sufficient publication to support an action for libel. The question whether such a communication should be considered as privileged was not raised in the trial court, and was, therefore, not passed upon in the decision.

In *Swinburn* v. *Ainslie*, in the Chancery Division of the English Court (33 Weekly Reporter, 195) severance of trees from land by the wind was under consideration. Testator made his will in October, 1873, devising his real property. In December and January following, violent storms blew down a large number of trees on the property, and in February testator died without having taken any steps in regard to them. Held, that those which were substantially blown down had become personalty. In applying the test as to what should be deemed severed, Pearson, J., said: "A tree is substantially blown down if the tree is so far blown down that the tree cannot grow as a tree any longer in the ordinary sense in which a tree grows. A tree which is blown down within three feet of the ground cannot grow as a tree ordinarily grows, because a great number of the roots must be out of the ground. A tree that is simply lifted, and is no longer in the perpendicular, can grow as a tree."

In connection with the recent decision of our Supreme Court holding Franklin Pierce to be guilty of manslaughter in causing the death of a patient by gross and wilful negligence although there was no evil intent, a recent German case is of interest. A physician was held liable for negligence under these circumstances: A servant, who received a wound in the chest in April last, died from *septicæmia* under the care of this doctor, who, despising antiseptic dressings, treated his patient according to ancient usages. The Court held that every medical practitioner should keep himself informed on the accomplished progress of science, and have an exact knowledge of modern systems of treatment. If these had been employed the patient's life might have been saved. Hence the liability for negligence. The Court of Appeals sustained the judgment.—*Boston Law Record.*

"George Eliot" went to the Tichborne trial, and gives her impressions in a letter to a friend:—"We have been to hear Coleridge addressing the jury on the Tichborne trial—a very interesting occasion to me. He is a marvellous speaker among Englishmen; has an exquisitely melodious voice, perfect gesture, and a power of keeping the thread of his syntax to the end of his sentence, which makes him delightful to follow. The digest of the evidence which Coleridge gives is one of the best illustrations of the value or valuelessness of testimony that could be given."