place (if there be one) is effectual over the entire extent of the holding. What the effect would be if there were no such principal place, and a seizure were made in some one field in the name of the whole, is another question; it may probably be inferred from the language used by the Court, and from the reason of the thing, that it would be sufficient in a race for priorities; but in such a case it would certainly be prudent to extend the manual possession as far as possible. And in every case an undersheriff who understands his business will take care to follow up his act of seizure as quickly as possible by the usual steps for indicating and retaining his possession; in the present case the fact that he did so was relied on as indicating the character and intention of his act.

A more difficult question might arise if the premises which constituted the single holding were separated by a considerable distance, and the seizure took place at only one of them; and although there seems reason to say that even this would be effectual, if the intention were that the seizure should extend to the whole, and the intention were in due course followed out, the point cannot be considered as clear, and was certainly not decided in the present case.—*Solicitors' Journal.*

An interesting case affecting the rights of unprofessional advocates to appear in court was heard in Easter Term by the Queen's Bench in Ontario. The application to the court was for a prohibition to restrain certain unprofessional persons from conducting suits in the Division Courts, which are tribunals analogous to our County Courts. Looking at the Canadian Statutes the court came to the conclusion that it was manifest that the Legislature intended that only barristers and attorneys should be authorised to conduct or carry on in any court, any kind of litigation, and that consequently unprofessional persons were not entitled to have audience in the prosecution or defending suits in the Division Courts. It was observed by Mr. Justice Wilson that "It can only be a case of great necessity which will warrant a departure from the general, approved, and settled practice of the courts. The policy of the Legislature on this subject has plainly been to exclude all unqualified and non-professional practitioners, and Judges should give effect to that legislation." Although it was held in *Collier* v. *Hicks* (2 B. & Ad. 662), that "any person, whether he be a professional man or not, may attend as a friend of either party, may take notes and quietly make suggestions and give advice," the Judges in *Tribe* v. *Wingfield* said that "they could never lend their authority to support the position that a person who was neither a barrister nor an attorney, might go and play the part of both; and in such a case there was none of that control which was so useful where counsel or attorneys were employed."—*Law Times.*

CANADA REPORTS.

NOVA SCOTIA.

SUPREME COURT.

DODSON v. GRAND TRUNK RAILWAY COMPANY.

Common carriers—Responsibility at common law—Special contract.

As the (English) Carrier's Act of 1830 and the Railway and Canal Traffic Act of 1854, have not been adopted in Canada, the responsibility of a common carrier here rests wholly upon the principles of the common law, and may be so limited by special contract that he shall not be liable, even in cases of gross negligence, misconduct, or fraud on the part of his servants.

[Halifax, August 7, 1871.]

In February, 1868, the plaintiff imported from Montreal, *via* Portland, by the defendants' railway, one hundred dressed hogs, under the usual shipping papers signed by his agent and by the Managing Director of this Company, and forming a special contract which is set out in the amended writ. By the second condition, fresh fish, fruit, meat, dressed hogs and poultry or other perishable articles, were declared to be carried only at the owners' risk; while by the 16th condition in respect to live stock, the owner undertook all risk of loss, injury, damage and other contingencies in loading, unloading, transportation, conveyance and otherwise, no matter how caused.

On arrival the hogs were found to be damaged to the extent of $488, and the jury found upon the trial that the injury was caused by the negligence of the defendant's servants, and gave a verdict for the plaintiff subject to the opinion of the court on all legal objections.

Hon. J. McDonald, Q. C., for the plaintiff.

Hon. H. Blanchard, Q. C., for defendants.

SIR WM. YOUNG, C. J.—There was no imputation, as we read the amended counts, nor was there any evidence, of wilful wrong, destruction, or wanton abuse of the property, but only of mismanagement, carelessness, and neglect which, in the opinion of the jury, rendered the defendants liable; and the court would undoubtedly confirm that finding, unless it should appear that the defendants are protected by the terms of the special contract.

Upon the pleadings and the evidence that is the sole question before us. It is to be decided according to the principles of the common law, neither the English Carriers Act of 11 Geo. 4, & 1 Wm. 4, nor the Railway and Canal Traffic Act of 1854, being in force in this Province.

The numerous cases cited upon the argument have, therefore, only a partial application, and will aid us chiefly by way of illustration and analogy. They are reviewed at much length and with singular ability in the case of *Peek* v. *North Staffordshire Railway Company*, 10 H. L. Cas. 473, decided in 1863. Several of the Common Law Judges were called in to assist the Lords in that case, and Mr. Justice Blackburn delivered an elaborate opinion, which was endorsed by Lord Wensleydale (better known as Baron Parke), both of them, as we all know, very eminent lawyers. Of the opinions in this leading case we will, of course, avail ourselves, as afford-