

FLOTSAM AND JETSAM.

nopoly would come to an end, and the briefless would become practising barristers." We are told of numbers of lawyers who advise in cases, and at the last moment desert their clients. If this picture is correctly drawn, we sympathise sincerely with the English client and condemn severely the English barrister, although he may be the slave of a most pernicious system of professional ethics and etiquette.—*Albany Law Journal*.

The Supreme Court of Pennsylvania holds that though a municipality cannot prevent the general slipperiness of the streets caused by the ice and snow in the winter, but it can prevent such accumulations thereof in the shape of ridges and hills as render their passage dangerous. (*McLaughlin v. City of Corry* 7 Leg. Gaz., 13.)

In *Pittsburg, etc., R. R. Co. v. Pillow*, 7 Leg. Gazette, 13, the Supreme Court of Pennsylvania decided that where a passenger, on a railroad car, lost an eye through the quarrel of drunken men, the company was liable to the injured passenger. The decision proceeds on the ground that carriers of passengers are just as liable for the misconduct of fellow-passengers, as they are for the mismanagement of the train. It is the duty of the company to maintain order; and if they are negligent in this respect and injury results to a passenger, they are liable. In *Railway v. Hinds*, 53 Penn. St. 512, a passenger's arm was broken in a fight between drunken persons, and the company was held liable because the conductor did not stop the train and endeavor to expel the disorderly persons. In *Godderd v. Railroad Co.*, 57 Me. 202; S. C., 2 Am. Rep. 39, it was said that the carrier "must not only protect the passenger against the violence and insults of strangers and co-passengers; but, *a fortiori*, against the violence and insults of his own servants." In *Flint v. Norwich, etc. Transp. Co.*, 34 Conn. 554, it was held that it is the duty of passenger carriers to repress all disorderly and indecent conduct on their cars, and that persons guilty of rude or profane conduct should at once be expelled. In *Putnam v. Broadway, etc., R. R. Co.*, 55 N. Y. 108, the principle of the foregoing cases seems to have been sustained; but it was held that where there was nothing in the condition, conduct, appearance or manner of the passenger from which it could be reasonably inferred that he was about to make an attack on a fellow-passenger, the company was not liable for a sudden

attack on a passenger. It is not the duty of the conductor to remove a drunken person who is not disorderly or offensive, or who remains quiet after admonition from the conductor.—*Albany Law Journal*.

In Ohio the rights of mortgagees have been recently adjudicated in the case of *Oberlin College v. Goodwin*. This was an action to a judgment on a note, and to foreclose a mortgage executed and delivered to the plaintiff. The defendants, F. W. Barnhart and wife, set up a second mortgage upon the premises, and asked its foreclosure. They also claim that the plaintiff's note and mortgage were given in renewal of a former note and mortgage, which drew seven per cent. interest when the statute authorized only six per cent. The defendants, Wm. E. Goodwin and wife, makers of the note and mortgage, failed to answer. The court held, that a second mortgage had the right to insist that the land mortgaged should not only be held for, or charged with, the payment of the first mortgage debt and legal interest thereon, if the proceeds of the sale of the land were insufficient to pay both mortgages, including the usurious interest on the first mortgage. But if the land sold for an amount sufficient to pay the first and second mortgages, with interest on the first at seven per cent., and the mortgagor was willing to pay such illegal interest, it does not lie with the owner of the second mortgage to object to it.

TO CORRESPONDENTS.—We must remind "B" of our invariable rule that no communication can be published unless it is accompanied by the name of the writer, not necessarily for publication, but as a guarantee of good faith.