

not of pleading. *Commonwealth v. Blanding*, 3 Pick. 304; *Commonwealth v. Varney*, 10 Cush. 402; *State v. Barnes*, 32 Me. 530; *Rex v. Burdett*, 4 Barn. & Ald. 95; *Bailey v. Myrick*, 50 Me. 171. *Sprout v. Pillsbury*, 72 Me

Municipal corporation—Liability for personal injury in city building let for profit.—A city let its city hall, a building erected for municipal purposes, for profit, to an exhibition society. With it the services of the janitor, to light and care for the building, were let. While the building was so let, plaintiff, who was rightfully therein and using due care, was injured by falling through a trap-door negligently left open by the janitor. Held, that the city was liable for such injury. A city or town is not liable to a private citizen for an injury caused by any defect or want of repair in a city or town hall or other public building erected and used solely for municipal purposes, or for negligence of its agents in the management of such buildings. But when a city or town does not devote such building exclusively to municipal uses, but lets it or a part of it for its own advantage or emolument, by receiving rents or otherwise, it is liable while it is so let, in the same manner as a private owner would be. *Oliver v. Worcester*, 102 Mass. 344. The defence of *ultra vires* in the letting held not available as a defence in the case. *French v. Whitney*, 3 Allen, 9. *Worden v. City of New Bedford*. Supreme Judicial Court, Mass., April, 1881. 24 A. L. J. 355.

GENERAL NOTES.

Lord Ellenborough showing some impatience at a barrister's speech, the gentleman paused and said: "Is it the pleasure of the court that I should proceed with my statement?" "Pleasure, sir, has been out of the question for a long time; but you may proceed."

When sitting in the Rolls Court, indignant at the conduct of one of the parties, Lord Kenyon astonished his staid and prosaical audience by exclaiming, "This is the last hair in the tail of procrastination!" Whether he plucked it out or not, observes Mr. Townsend, the reporter has omitted to inform us.

When Plunket was driven to resign the Irish Chancellorship, he was succeeded by Lord Campbell. The day of the latter's arrival was very stormy, and a friend remarked to Plunket how sick of his promotion the passage must have made the new-comer. "Yes," he replied ruefully, "but it won't make him throw up the seals."

Henry Hunt, the famous demagogue, having been brought up to receive sentence upon a conviction for

holding a seditious meeting, began his address in mitigation of punishment by complaining of certain persons who had accused him of "stirring up the people by dangerous eloquence." Lord Ellenborough C. J. (in a very mild tone): "My impartiality as a judge calls upon me to say, sir, that, in accusing you of that, they do you great injustice."

In the case of the *King v. The Warden of the Fleet*, 12 Mod. 340, it was objected to a witness that he had been convicted of common barratry; and a record of his conviction was produced, which showed that he had been fined one hundred pounds. Holt, C.J., said: "If he had had the handling of him, he had not escaped the pillory, and that he remembered Sergeant Maynard used to say it were better for the country to be rid of one barrator than of twenty highwaymen."

"*Nihil habet forum ex scena*" is one of Bacon's maxims; but he there refers to fictitious cases brought into the courts in order to determine points of law. Sergeant Maynard, who died in the reign of William III., is said to have had "the ruling passion strong in death" to such a degree that he left a will purposely worded so as to cause litigation, in order that sundry questions which had been "moot points" in his lifetime might be settled for the benefit of posterity.

Here is an instance of Lord Lyndhurst's good nature. When Cleave, the news-vender, was tried in the Court of Exchequer on a government information, he conducted his own case, and was treated with much indulgence by Lord Lyndhurst, the judge. Cleave began his defence by observing that he was afraid he should, before he sat down, give some rather awkward illustrations of the truth of the adage that "he who acts as his own counsel has a fool for his client." "Ah, Mr. Cleave," said his lordship, with great pleasantry, "ah, Mr. Cleave, don't you mind that adage: it was framed by the lawyers."—From "*Oddities of the Law*," by F. F. Heard.

HUISSIER EN MER.—Le Testamanian avait pris sa cargaison et se préparait à quitter le port, quand arriva un huissier qui saisit le navire. C'était la loi, mieux valait se taire et obéir; c'est ce que le capitaine comprit. On nomma un gardien, et c'est sur lui que le marin, irrité du fâcheux contretemps qu'il subissait, assouvait sa colère. Dimanche matin, il monta sur son navire, sans adresser une parole, assaillit le gardien qu'il chassa du vaisseau. Il donna ensuite des ordres à son équipage, les ancres furent levées, et quelques minutes plus tard le navire prenait sa course vers le bas du fleuve. Les inquiétudes du capitaine se dissipèrent peu à peu à mesure que le vaisseau s'éloignait du port; il commençait à croire à la liberté, peut-être même à rire du moyen audacieux qu'il venait d'employer pour échapper à la justice, lorsque soudain il aperçut un vapeur qui courait dans la direction de son navire. Le coupable ne repose jamais tranquille, et à l'approche de ce vapeur, le marin présuma qu'on le poursuivait; ses prévisions étaient justes. On n'était pas rendu à l'île aux Pommes qu'un signal d'arrêter fut donné au capitaine du navire, et presque aussitôt le vapeur s'en approcha. Alors, un huissier, M. Richard, fils, signifia au capitaine l'ordre de rebrousser chemin. Celui-ci fut obligé de se soumettre à cet ordre et hier soir il occupait l'endroit qu'il avait quitté si effrontément la veille. La cargaison de bois est évaluée à \$25,000. La cause de tout ce trouble est une misérable somme de \$15 que le capitaine refuse de payer.—*L'Événement*.