Notes and Selections.

EMPLOYERS' LIABILITY ACT—"WAY"—The word "way" in s. 1., s-s. 1 (R.S.O., c. 141, s. 3, s-s. 1), means not a mere right of way, but a path defined and marked out in some way for the use of the work people. *Willetts* v. *Watt*, 4 L.G. 190.

RECOMMENDATION TO MERCY.—A French jury has seen its way to adding to a verdict of guilty against the anarchist Ravachol the words "under extenuating circumstances," with the legal result that the court has been bound to gi e effect to the qualification and to sentence him to penal servitude for life instead of to death. This qualified French verdict is, of course, the counterpart of the "recommendation to mercy" over here; but it is worth while to point out that the recommendation to mercy is entirely outside the law, and that, though it is customary to "forward the recommendation to the proper quarter," the judge is under no obligation to do so or pay any attention whatever to the recommendation. And, as a matter of fact, prisoners capitally convicted have been more than once hanged in quite recent times in spite of the recommendation.—*Law Journal.*

INTEREST ON TRADESMEN'S ACCOUNTS.—In the days of cash versus credit it is not uncommon for tradesmen to append to an account rendered a note to the effect that interest will be charged after twelve months' credit. A notice of this kind came before the court in *Re Lloyd Edwards* (61 L.J., c. 23), and it was argued on the authority of *Bruce* v. *Hunter* (15 East 223) that "not objecting to a charge of interest amounts to a promise to pay"—an alarming proposition whether the silence which gives consent relates to a tradesman charging interest or an alleged promise to marry (*Wiedemann* v. *Walpole*, '91, 2 Q.B. (C.A.) 534), or a railway company's warning that it is going to transfer your stock (*Barton* v. *London & N.W. Ry. Co.*, 24 Q.B.D. 77). Adopted as a legal maxim it would, as Lord Esher said, "make life unbearable." Even Lord Justice Bowen's limitation of the proposition to circumstances rendering it more reasonably probable than not that a man would answer seems a somewhat dangerous dictum; for the true inference to be drawn from silence depends on a variety of special circumstances too complex to admit of any rule. The reasonableness of a proposed term like that of paying interest is an element, but only an element, of evidence. —*Law Quarterly Review.*

SLANDER OF MUNICIPAL COUNCILLOR.—The Court of Appeal has just refused to extend the scope of the law of slander in an important particular. In *Alexander* v. *Jenkins* (4 L.G. 271), the plaintiff was a member of the Salisbury Town Council and a teetotaller. Shortly after his election the defendant stated, as the plaintiff alleged, that the latter was never sober and was an unfit man to be upon the council.