

CHANGING GRADE OF STREET.—It has been held by the Ohio Supreme Court, in the case of *Columbus Gas Light & Coke Co. v. City of Columbus*, that a gas company laying its pipes in the streets of a city, under a grant from the city, in conformity with an established grade, does so subject to the right of the city to change the grade of the street whenever the necessities of the public require it; and in the absence of wantonness or negligence on the part of the city, the company cannot maintain an action for damages occasioned by the necessity of taking up and relaying its pipes in order to accommodate them to the new grade.—*Albany Law Journal*.

AFFIDAVITS BY TELEPHONE.—The *Michigan Law Journal* asks: "Can an affidavit be legally sworn to over a telephone? We do not know that any court has yet been called upon to answer this question. But it is only a question of time when the point may be raised. To our certain knowledge, the practice prevails to some extent. It is, to say the least, questionable whether the subscribing notary can legally say the affiant 'personally appeared,' in the real meaning of the jurat. It is extremely doubtful whether an affidavit or verification so made would be held sufficient if put to a legal test." We think the *Journal* is quite correct in its doubts. The rule is that the officer and affiant must be face to face. This is substantially held in *Case v. People*, 76 N.Y. 242. Case was president of a life insurance company, and was accustomed to sign reports required by law to be verified, and send them by a messenger to a neighbouring notary, who, without seeing him or swearing him, affixed his signature to the certificate. This was held not to be a valid affidavit of which perjury could be predicated. Of course in the case supposed there is the form of administering the oath, which did not exist in the case cited; but how can an oath be intelligently administered unless the affiant is personally present? No one would contend that the transaction could be made binding by letter through the mail, and yet that would be as authoritative as a telephonic communication. How can a legal officer get jurisdiction of a person who is not present before him? There are many things done in this "hustling" age which will not "hold water," and this thing is one of them.—*Albany Law Journal*.