

Bar, while the latter will be regarded as too aristocratic for this country. The correct line of conduct is between the two extremes. Judges should mingle freely with the people. The more they know of the wants and necessities of the people, the changes that are taking place in the mercantile, and the improvements that are being made in the mechanical world, the better fitted they will be to decide the cases that come before them. They should, however, treat with contempt every attempt that is made by attorney, client, or other person to approach them out of court, to talk about or discuss the law or facts of any case that may come before them. Such talk or discussion can only properly take place in open court after notice to the opposite side. An attorney never feels safe if he hears that his opponent has been talking privately with the Judge who is to decide his case, about the issues involved. We are glad to be able to say that Judges are generally very careful in this respect, but regret to say that there are exceptions."

REPEAL OF THE BANKRUPTCY ACT.—*The Chicago Legal News* remarks: "Ever since it was known that the law would terminate on the first of September, the uncertainty as to who would avail themselves of the protection of the law has had a very depressing effect upon the business of the country. Among the many important questions that will come before the next Legislature of this State, will be what relief, if any, shall be extended to insolvents? Some will be in favour of a stay-law, while others will be in favour of a more liberal exemption of property from liability to execution and forced sale. Others no doubt will be in favour of a State Bankrupt law. Massachusetts has had a State Bankrupt law for many years; in fact the law now just expiring which has become so odious, was for the most part taken from the Massachusetts law. Vermontin, contemplation of the repeal of the United States Bankrupt Law, has recently passed a State Bankrupt Law, which is amongst the longest laws ever passed by that State. We doubt if the Legislature of this State, with the memory of the present Bankrupt law fresh in the minds of the people, will for some time to come pass a State Bankrupt law."

RIDING ON SUNDAY.—*The Albany Law Journal* says: In *Schmidt v. Humphrey*, 12 West. Jur.

475, decided by the Supreme Court of Iowa at its June (1878) term, the action was brought to recover damages for injuries received by plaintiff while travelling in a highway, caused by defendant's dog frightening the horse attached to the buggy in which plaintiff was riding. A defence set up was that plaintiff was at the time violating the statute forbidding riding on Sunday on secular business. The court held that this defence was not sufficient. This decision, while a sensible and just one, is in conflict with the doctrine laid down in numerous cases. In *Smith v. Boston & Maine R. R. Co.*, 120 Mass. 490; 21 Am. Rep. 538, it was held that one who travels on Sunday, to ascertain whether a house which he has hired, and into which he intends to move the next day, has been cleaned, is not travelling from necessity or charity and cannot maintain an action for injuries sustained at a railroad crossing through the negligence of the servants of the railroad company. But in *Welch v. Wesson*, 6 Gray, 505, where plaintiff and defendant were racing in the highway in violation of law, it was decided that one could recover for injuries caused by the negligence of the other; an action, however, would not lie in such case for an injury caused by a defect in the highway. *McCarty v. Portland*, 67 Me. 167. In *Cratty v. City of Bangor*, 57 Me. 423; 1 Am. Rep. 56, it is held that a person travelling on pleasure on Sunday cannot maintain an action against the town for injuries resulting from a defect in the highway. But in *McClary v. Lowell*, 44 Vt. 116; 8 Am. Rep. 366, it was held that where plaintiff, who was travelling to see his children on Sunday, was injured by a defect in the highway, a recovery would not be defeated under a statute forbidding travel on that day, except for attendance at places of moral instruction and from necessity. In *Carroll v. Staten Island R. R. Co.*, 58 N. Y. 126, it is held that one violating the statute prohibiting travel on Sunday is not without the protection of the law. A carrier of passengers who transports him owes him the same duty as if he was lawfully travelling, and is responsible for a violation of that duty. See, however, *Stanton v. Metropolitan R. R. Co.*, 14, Allen 485, where a different view is held. Also *Gregg v. Wyman*, 4 Cush. 322; *Sutton v. Town of Wauwatosa*, 29 Wis. 21; 9 Am. Rep. 534, and notes to cases 3 Am. Rep. 368; 8 id. 366; 9 id. 544, and 21 id. 540.