

## LAW STUDENTS' DEPARTMENT—FLOTSAM AND JETSAM.

4. It is said that powers cannot be engrafted upon a bargain and sale. Explain this.
5. What is the difference between a surrender and a release.
6. How does a court of equity regard a mortgage debt, and why?
7. What was, and what is now, the effect of the words *exchange* and *grant* respectively in a deed?

## BROOM'S COMMON LAW AND O'SULLIVAN'S GOVERNMENT IN CANADA.—HONORS.

1. Give two examples to illustrate: (a) the class of cases in which privity is necessary to support an action *ex delicto*: (b) the class of cases in which privity is not necessary to support such an action.
2. Explain the difference between the rights which a proprietor of land has in reference to *natural* and *artificial* watercourses flowing through his land.
3. Give an example in which damages sustained by one man, through the tort of another, cannot be recovered, because they are *too remote*.
5. Explain and illustrate by examples, the meaning of *contributory negligence*.
5. Explain and illustrate by examples, the difference between *larceny* and *embezzlement*.
6. What effect has the want of *jurisdiction* on the liability of a magistrate for the imprisonment of a person by his warrant or order?
7. Explain briefly and generally what persons are *British subjects* and what are *aliens*?

## FLOTSAM AND JETSAM.

MANY a man who has gone into Court has arrived at the settled conviction that he was an ass. He is not therefore startled at hearing that the Supreme Court of Texas has decided that a jackass is a horse—at least so far as the exemption law is concerned.

THE *Central Law Journal*, with a fine sense of the fitness of things, has opened a new department under the head of "Jetsam and Flotsam." Why the words are tumbled heels over head in this fashion does not appear. Possibly, it might be thought that to reverse the order of the words would infringe our patent in the time-honoured title that appears above.

It has recently been decided by the Supreme Court of the United States in *Chicago, Milwaukee and St. Paul Railway Co. v. Ross*, that the conductor of a railway freight train is not a fellow-servant with the engineer in charge of its engine, within the meaning of the rule which exempts a master from liability for the negligence of his servant, whereby another servant engaged in the same employment is injured—but such conductor is the vice-principal of the company.

A CORRESPONDENT of the *Central Law Journal* thus writes to the editor imploring him if he has any influence with the English Court of Appeal to induce them to appoint one judge to deliver the opinion of the Court. "It is," he very correctly remarks, "an intolerable nuisance, after one judge has exhausted the case, to have another take it up, and go over all the points the first has made, and add a word or two by way of illustration, and agree with the first. It gets worse and worse when a third and fourth go through this same formula. We have to pay for these tautological reports. Our periodicals follow suit in this stupidity. They usually publish the opinions of all the judges, which are generally as much alike as two peas. Life is too short to read all this matter." We have before now called attention to this evil in this Province. Our contemporary uses the occasion to make some jocular remarks. After doubting its ability to do any good in the premises, the editor proceeds thus:—"Those learned judges are very conservative. It took them some two years to find out the whence of a draught of air in the Law Courts building, which brought constant sneezes to the judicial nose. Searches were made again and again, like the annual searches under the Parliament House for Guy Fawkes' barrels of gunpowder; when, lo and behold, it was an open window in the very rear of the judicial seat! After mature deliberation, said window has been (officially) closed. Thus the learned judges of Her Majesty's Courts proceed with deliberation. They hear (and feel) before they decide."