

LIABILITY OF CITY FOR NEGLIGENT FIREMAN.—The recent case of *Gillaspie v. Lincoln*, 52 N.W. Rep. 811, decided by the Supreme Court of Nebraska, should be read in connection with that of *Dodge v. Granger* (R.I.), 35 Cent. L.J. 49. In the Nebraska case it was held that a city is not liable at common law for the negligent acts of the members of its fire department. In that case, plaintiff's intestate was struck and killed by a ladder wagon or truck belonging to the fire department of the defendant city, through the negligence of the driver thereof, a member of said department, while driving along one of the streets of the city for the purpose of exercising a team of horses belonging to the department.

After a review of the authorities, it was held that the city was not liable. Upon the general subject of the liability of cities for injuries by a fire department, see note to above case in 35 Cent. L.J. 50.

CRITICIZING JUDGES.—Mr. Thomas Beven, a junior barrister, thus discusses the judgments of the House of Lords in *Smith v. Baker* in a recent number of the *Law Quarterly Review*. The judgments in that case in the Lords, he says, contain "a wealth of unnecessary dicta." "Lord Herschell's suggestions about *Thomas v. Quartermaine* appear to be altogether apart from any point raised in the case." "There runs through all the opinions, excepting Lord Bramwell's and Lord Morris', a generality of expression applicable possibly to any case, or may be to no case." "A proposition" (of Lord Herschell) "of enormous extent is advanced, and without the faintest attempt to define its application." "The Lord Chancellor, in his judgment, has—perhaps unfortunately—introduced a new ambiguous expression . . . consented to take the risk upon himself." "In either view, the Lord Chancellor's principle is unnecessary." "Lord Bramwell . . . the paradoxical expression in which he indulged." Finally, "What an immense and irreparable loss the House of Lords suffered when Lord Cairns ceased to attend and mould its judicial deliberations."

JUDICIAL SENTENCES.—It is very difficult to comprehend the reasons which guide some judges in the infliction of penalties. Some time ago a ruffian named Baker was indicted before Mr. Justice Hawkins for felonious killing. The prisoner was driving his horse and cart at a rapid pace along a road where a number of people were standing. Instead of slackening his pace he drove through the crowd, and the shaft of his cart knocked down a bystander, from which injury he, the bystander, died in a few hours. The prisoner, when told that he killed the man, said: "And a good job, too. What business had he to be there?" The learned judge, in summing up, stated (as of course everybody knew) that people had a right to walk over the road, and were not to be driven over recklessly merely because they happened to be there. The question left to the jury was whether the prisoner was driving recklessly and without reasonable care. The jury having found the prisoner guilty of manslaughter, the learned judge