The Legal News.

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The *Chicago Law Times*, for April, contains a portrait and biographical sketch of Chief Justice Marshall. The articles take a wider range than the majority of legal periodicals. The Hon. Wm. Brackett contributes an essay on "A Prescription for Poverty," Hon. C. B. Waite writes upon "European Politics," etc.

The members of the Moral Reform Union have made the following representations in a memorial addressed to the Home Secretary:—"It is not desirable that any public acts or utterances should by law be cut down to the level of the mental and moral capacity of children and the immature; their protection in this, as in other matters, must be left to the care of their respective guardians. All adult citizens, whether men or women, must bear their share of the suffering which results from the wrong which may exist in their midst. That they have no right to protect themselves from the knowledge of it by an interference with the general rights of the people; and that it is not desirable that they should remain in ignorance of it, as only by knowing of it can they be roused and fitted to help in its removal. The publication of useless and offensive details can be best prevented by appeals to the conductors of papers, and by such expression of public opinion as will support such appeal. The right of judges to clear their Courts ought to be strictly limited to the exclusion of minors. The rights of all adult citizens are equal, and women must not be treated as minors. Your memorialists pray that no prohibitory law be framed to restrict the liberty of the press in the reports of trials of matters concerning the relations of men and women."

The Queen's Bench Division, in *Hawkins* v. *Shearer*, had, at the end of last sittings, before it, an interesting question of rural law, as to which there was an unexpected bareness of authority. The plaintiff was the occupier of the surface of land under which the defendant was entitled to quarry. The defendant did not fence, and the plaintiff's ox fell into the pit. The County Court judge nonsuited the plaintiff, but Mr. Justice Mathew and Mr. Justice Cave entered judgment for him. "The decision goes somewhat further," says the *Law Journal*, "than *Groucott* v. *Williams*, 32 Law J. Rep. Q. B. 237, which appears to be the only other authority on the subject. The danger in that case was an old shaft, the occupier of which had left it, not open, but insufficiently covered, and the horse of the occupier of the surface fell in. Chief Justice Cockburn said that 'there was an obligation on the person who sank the shaft to render it harmless to the horses and cattle feeding on the surface,' or, as Mr. Justice Blackburn expressed it, he must 'prevent injury.' In the case of the shaft there could have been no negligence or acquiescence on the part of the surface owner, but in the present case there might have been. The expressions used by the Chief Justice and Mr. Blackburn seem, however, to show that the obligation is that of an insurer, and the Chief Justice points out that the owner of the soil does not know when, or in what way, or to what extent, the shaft will be sunk and kept open."

SUPERIOR COURT.

AYLMER (dist. of Ottawa), April 26, 1887.

Before WÜRTELE, J.

LEDUC v. GOURDINE.

Obligation for the payment of money—Damages for inexecution—C. C. 1077.

HELD:—*That in the case of an obligation for the payment of money, the damages resulting from the debtor's default are restricted by article* 1077, *C. C., to interest on the sum, either at the rate stipulated, or, in the absence of an agreement, at the rate fixed by law; and that the stipulation of a fixed sum in addition to the interest for costs of collection, is illegal.*

PER CURIAM. On the 14th May, 1883, the defendant signed, before a notary, an obligation in favor of the plaintiff for $200, payable in two years and bearing interest at the rate of 8 per cent.