

And now as to the person who undertakes to enlighten the readers of the *Legal News*. On 31st March, 1882, the following letter was addressed and appeared in the columns of the *Montreal Herald*:—

"An article headed 'Proposed Legislation,' and signed 'R.', in the last number of the *Legal News*, abusing Mr. McCarthy and the whole House of Commons, is evidently from the same pen and from the same diseased mind as those which appear periodically in the same paper, under the same signature, against the Supreme Court of Canada. Now, it is currently reported that these articles have been written by one of the Judges of the Court of Appeal. Such, I hope, is not the case. The members of the House of Commons and the Judges of the Supreme Court can, of course, well afford to despise such inoffensive, though vituperative scribbler, and treat them with contempt, but the public of this Province has the greatest interest to ask a contradiction of the rumour which assigns the authorship of them to one of our judges, and I hope that the editor of the *Legal News* will be able to give such a contradiction in its next number."

We understand that no such contradiction was ever given, and it is said that R. in the above letter, and R. in the *Legal News*, of the 10th Feb., are one and the same person, and that such person is one of the Judges of the Court of Queen's Bench for Quebec. This may be entirely incorrect, and we shall be glad to know through the columns of the *Legal News*, that it is so. If it be true it would seem to throw a little daylight on the true inwardness of the remarks of Mr. R. Some judges are apt to be sore when they are over-ruled, and some apparently have a very "extra judicial and unwarranted" way of showing their feelings. We trust, however, for the credit of the Canadian Bench that it may be shown that the remarks to which we take exception were not those of any one in such a responsible position as that of a judge.

HUMOROUS PHASES OF THE LAW.

(Continued.)

Negligence is an extensive theme. Here we have the case of the boy in the apple-tree, who was shot by a volunteer firing at a mark, and we are told that the court in considering it a case of manslaughter did not consider the question whether the apples would not have killed the boy even if the rifle had not: (*Regina v. Salmon*, 62 Q. B. D. 79). A humorous gentleman in Iowa undertook to frighten a lady neighbour with a revolver; the weapon somehow went off, and the lady died of the fright. The court thought this was manslaughter, and sent the joker to prison for a year to give him an opportunity for reflection: (*State v. Hardie*, 47 Iowa, 647). If one in setting off Roman candles, even from his own house, injures another, he must pay for it: (*Fisk v. Wait*, 104 Mass. 71). The owner of a horse knew that his animal had a good ear for music and did not like street organs; nevertheless, he drove where one was grinding out doleful tunes; the horse ran over and smashed the organ and the organist; the court gave the grinder £25, and told the owner of the steed to pay. Icy sidewalks are a fruitful source of litigation. Coke, we are told, had no trouble with such cases, nor with many another class which now puzzles judge and jury.

While all good Boston people were honoring the Grand Duke Alexis, and the audience in the hall where the reception took place were singing the "Old Hundred," the bust of Benjamin Franklin fell from aloft, and hit Mrs. Kendall, injuring her. But the law would not give her any pecuniary consideration. She had to bear her woes unmitigated by the touch of money, like many another who has been hit by "Poor Richard": (*Kendall v. Boston*, 118 Mass. 234). In Montreal it was held that if a servant girl let a shutter fall upon a passer by, the master is liable.

Apròpos of the question, Is it negligence not to call a physician for a sick child? we