

COUR DE CASSATION, FRANCE.

PARIS, avril 1885.

MOUINEAU V. DEMOURY.

Responsabilité — Etablissements insalubres — Nuisance — Dommages.

JUGE :—*Que le propriétaire d'un établissement insalubre et nuisible est responsable des dommages qu'ils causent aux propriétés voisines, alors même qu'il est régulièrement autorisé de maintenir cet établissement.*

La cour d'appel avait condamné Demoury à raison du préjudice causé à la propriété du sieur Mouineau, par une briquerie voisine, non seulement à des dommages-intérêts, mais encore, pour faire cesser le préjudice constaté, avait prescrit d'autres travaux que ceux déterminés par l'arrêté d'autorisation du Conseil de préfecture de Seine-et-Oise.

Le sieur Demoury se pourvut en cassation. Par application de l'article 1382 du Code Civil, la Cour de cassation, chambre des requêtes, a rejeté le pourvoi du sieur Demoury contre un arrêt de la cour de Paris rendu au profit de Mouineau.

Il est de principe que les établissements insalubres et incommodes, alors même qu'ils sont régulièrement autorisés, n'en sont pas moins responsables des dommages qu'ils causent aux propriétés voisines. Il s'en suit que les tribunaux judiciaires sont compétents soit pour fixer les indemnités dues aux tiers lésés, soit pour prescrire les mesures propres à faire cesser le préjudice, pourvu qu'elles ne soient pas en opposition avec celles prescrites par l'autorité administrative dans un intérêt général. (*Rapport de M^{re} Louis Albert.— Journal de Paris.*)

LAWYERS' LIBRARIES.

Charles O'Connor's library was lately sold at auction by the Messrs. Leavitt, of New York. They issued a sumptuous catalogue of one hundred pages. It affords a curious study, and we suppose that it illustrates the growth and decline of the law library of every practicing lawyer who attempts to accumulate a large number of books. There is a period of prosperity in the history of every such practitioner, when money comes in rapidly; when he feels every day an eager love for his profession and a desire to know more and more of its literature. During this period, book-buying goes on in a lavish manner. Then

comes a period of satiety, he begins to tire of the mere accumulation of books. In fact he tires of reading books. He has learned by thorough experience, that new books do not necessarily embody new ideas, and that while some new things come along with new books, such books are, for the most part, mere compilations, mere repetitions of old things, the mere ringing of new changes upon old and worn out ideas. He even finds that this is true to some extent with judicial reports. His experienced eye will run over the head notes of a whole volume of reports without detecting one thing that is really new. And then the reflection really takes hold of him, "What is the good of this unending repetition? In what manner is learning increased by this piling of instance upon instance and dictum upon dictum?" Once in a while a grain of gold is discovered in this mass of drifting sand—a kernel of wheat in the bin of chaff. And he clings to the idea that he will keep up his sets of reports, because these furnish the original evidences of the law; and besides, the money will not be thrown away, because reports in full sets are always valuable property. And so he goes on for a while keeping up his sets of reports, even after their contents have ceased to have much interest for him. Finally he retires from practice. His professional income has ceased, and he finds himself obliged to live upon his investments. At this stage of his career he seriously inquires whether he can afford the strain necessary to keep up his sets of reports, and he is apt to conclude that he cannot. The *dénouement* often is, that, after he finds himself pressed for the means of living, his whole accumulation of books goes to sale during his lifetime. Although they have become useless to him, he clings to them with an affectionate tenacity; and so they go by piece-meal into the hands of the second-hand dealer to meet particular financial exigencies. If, however, he retires on a good income, as Mr. O'Connor did, he clings to them to the last, and they go to sale in the hands of his executor.

These reflections are singularly verified by this catalogue of Mr. O'Connor's library. It contains very few recent works or recent editions. The Alabama Reports, for instance, end with volume 13. Of the American Reports