

## EDITORIAL ITEMS—GARNISHING SURPLUS MONIES, &amp;c.

change in that direction. There are weighty arguments against the change, but there is undoubtedly a growing feeling that criminals should not be debarred from making explanations under oath of facts which, very generally, are known only to themselves.

Part XIV of "Robinson and Joseph's Digest" brings the cases down to "Roads and Road Companies." This number includes the important titles of Principal and Agent, Principal and Surety, Public Schools, Railway Companies, Registry Laws, Replevin, &c. We need only add that it continues to show great lucidity of arrangement and careful scrutiny on the part of the compilers. The plan has been adopted of inserting all the recent cases in their proper places in each of the headings up to the time of publication. Any confusion which might result from this will be set right by an appendix at the conclusion of the work.

A story somewhat similar to that related of Mr. Justice Hawkins in our last number, respecting the official costume of the Sheriff of Derby, is told of the late Baron Alderson. The sheriff in one of the university towns, for the sake of economy, did not provide trumpeters to attend the judges as had been the custom. The Judge, on asking the sheriff where the trumpeters were, was told by the sheriff that he considered these officials so very useless that he determined to discontinue them. "Mr. Sheriff," said the Judge very angrily, "fifty years ago I was a student of this university; when I heard the trumpeters usher the judges into this town, their notes sounded so sweetly in my ears that I determined I would one day be a judge. I have respected trumpeters ever since, and I determined *not* to discontinue them. If

two of them are not here to-morrow morning I shall fine you £100."

The *Albany Law Journal* notes some cases of interest to our readers in country places, and to municipal corporations. The most recent is that of a man driving on a public highway, who was thrown out of his waggon and injured in consequence of his horses taking fright at some machinery which had been left on the road by the defendant, who was hauling it for the use of the city water-works. The Supreme Court of Rhode Island held that while defendant had the right to transport the articles mentioned along the public highway, even though they might be such as to frighten horses, he must exercise such right in such a way as not to endanger the lives and property of others who had equal rights on the highway. In this case it was shown that while some horses passed the load without trouble, other horses had been badly frightened, and the court said that one leaving such an object as this in the highway could not be said to be using the care demanded by the law of him.

Town corporations have been held liable for damages similarly caused by other obstructions on highways—obstructions in this sense meaning any object liable to cause fright—*e.g.* burning hay, piles of lumber, &c.: *Morse v. Richmond*, 41 Vt. 435; *Winship v. Enfield*, 42 N. H. 199; *Chamberlin v. Enfield*, 43 id. 358; *Littleton v. Richardson*, 32 id. 59. In *Bartlett v. Hooksett*, 48 N. H. 18, the town was held to be liable in the case of a pig sty which projected into the highway, horses being frightened by the noise of the pigs therein. See, to the same effect, *Foshay v. Glen Haven*, 25 Wis. 288; *Stone v. Hubbardston*, 100 Mass. 49; also, *Conkton v. Thompson*, 29 Barb. 218.