

the woman, I do promise that I will marry thee, but the woman makes no promise to the man; or, contrariwise, the woman doth promise, but not the man; this is a *lame* contract, and not of any force in law; neither is the silent party in this case (being present and hearing the same) taken for a consent and approbation; but it is otherwise, if any other person than the parents promise for the child."—Swinb. Matr. Cont., p. 5.

Page 31: "If a promise of marriage be made without any limitation of time, then (if there appear not any weighty cause of stay) if both the parties are resident in one province, the woman may, after two years, marry to whom she pleases; but if the man does not reside in the same province, it is said she must tarry three years."

Page 39: "By our law, marriage being once lawfully solemnized, and without impediment, by one of the Holy Orders, all the world cannot dissolve it, let it be at what time and place it will."—Sid. Rep., 64.

FIRE CAUSED BY SPARKS FROM LOCOMOTIVE:—The case of *Powell v. Fall*, in which judgment was given by the Court of Queen's Bench Division on Wednesday, raised an important point as to the liability of a party for an injury caused to another by doing something authorized and in the way prescribed by an act of Parliament. It was an action brought by a farmer to recover a sum of £53 in respect of injury done to a rick of hay upon a farm of the plaintiff adjoining a public highway, and which was caused by sparks escaping from the fire of a traction engine of the defendant's as it was being propelled by steam power along the highway. The engine was constructed according to the provisions of the acts regulating the use of locomotives on turnpike and other roads, and at the time it caused the injury was not travelling beyond the maximum speed prescribed by the acts, nor was the injury caused by any negligence on the part of the defendant's servants managing it. By section 13 of 24 & 25 Vict., chap. 70, it is provided that "nothing shall authorize any person to use upon a highway a locomotive engine which shall be so constructed or used as to cause a public or private nuisance," and by section 12 of 28 & 29 Vict., chap. 83, that "nothing shall affect the right of any person to recover damages in

respect of any injury he may have sustained in consequence of the use of a locomotive." The defendants contended that the effect of the statutes being to authorize the use of locomotives on public highways, if constructed and managed according to the provision of the statutes, was to exempt the owners from liability unless some improper construction of the engine was shown or some negligence in the use of it. The court, however, held a contrary view, deciding in favor of the plaintiff, and holding the case to be governed by the principle established by the case of *Fletcher v. Rylands*, viz., that when A brings or uses a thing of a dangerous character on his own land, he must keep it in at his own peril, and is liable for the consequences if it escapes and does injury to his neighbor. "The authority conferred by the statute," the court said, "to use locomotives on highways, is not an unqualified authority, but is qualified and does not extend to protect the defendant from liability to damages in respect of any injury he may have occasioned in consequence of the use by him of a locomotive engine on the highway. The recent case of *Jones v. The Festiniog Railway Co.*, L. R., 3 Q. B. 734, is to this effect, and appears to govern the present; and, indeed, in this case the right to recover damages is expressly reserved by the statutes, and so it is a stronger case than that cited." This decision is certainly in accordance with reason and common sense as well as with strict law.—*Law Times*.

THE BABYLONIANS.—Of law in Babylon the *Irish Law Times* says: With all their superstition, the Babylonians were a shrewd and practical people. Law and commerce flourished among them, and an Acadian code of laws, the oldest known code in the world, is remarkable for the mildness and justice of some of its regulations. Even the slave is protected against his master, and there are probably some at the present time who would wish to revive the clause that "whatever a married woman incloses shall be her own." Precedents seem to have been as much honored as in our own law, and fine or imprisonment awaited contempt of court. We learn from an old table of moral precepts addressed to Kings at the time when Sepharvaim, Nipur, and Babylon were under one government, that royal judges existed throughout the kingdom and prisons were erected in all the towns.