

accord with the majority of the decisions, as shown by a note in 40 L. R. A. 177. But a statute making it unlawful to build such structures is shewn by such note, and also by the recent case of *Karasek v. Peier* (Wash.) 50 L. R. A. 345, to be within the power of the legislature.

NUISANCE.—The erection of a water tank in a public street a short distance from a church, and also of a passenger railway station nearby, which causes a disturbance to the congregation by smoke, offensive odors, and cinders, as well as by loud and incessant noises is held, in *Chicago Great Western R. Co. v. First Methodist Episcopal Church* (C. C. A. 8th C.) 50 L. R. A. 488, to constitute a private nuisance for which compensation must be made or the nuisance removed.

NEGLIGENCE—COMMON EMPLOYMENT.—The liability of the employer for the death of a workman in a smelting factory, who fell into a pit the cover from which had been removed by other workmen during a recess for lunch, is denied in *Sofield v. Goggenheim Smelting Co.* (N. J.) 59 L. R. A. 417, on the ground that the negligence in failing to replace the covering was the negligence of co-servants in the common employment. With this case is a note of great length on the question: That servants are deemed to be in the same common employment at common law, where no questions arise as to vice-principals.

GROWING CROPS.—A chattel mortgage on crops growing upon mortgaged land is held, in *Jones v. Adams* (Or.) 50 L. R. A. 388, not to constitute a constructive severance which will prevent the crops from passing to a purchaser of the land on foreclosure sale made while the crops are still standing.

Flotsam and Local Items.

THE following letter comes to us from a subscriber who guarantees its authenticity. It is, as will be seen, the report of an attorney living in one of the Western States to a firm of solicitors who had sent him some accounts to collect. It has a fine flavor of the prairies about it.

Plainville, Dec. 24th, 1900.

GENTLEMEN.—Yours containing account against E. S. G. received. Mr. G. is slower than Baalam's ass. It is worth more to collect an account from him at any time than it is worth. Nevertheless I will camp on his trail and if anybody can get it I think I can. As to the Rev. Mr. — he is also a good one, I have some of his paper in my safe. It is keeping well; he don't bother me to make any credits on it or compute the interests. He is owing more than a year's salary to my knowledge. His present address is Jacksonville—a letter addressed to the general delivery will reach him. He is not worth more than the law allows him. You don't need any advice