

ARTICLES OF INTEREST IN CONTEMPORARY JOURNALS.

illustrating the author's style, as well as touching upon a very interesting subject, we will quote a single paragraph from the work:—

"*The Jurists and Indirect Legislation.*—To appreciate still further the great influence exercised by the Roman lawyers in the days of the Empire, we must keep in mind the fact that the privileged class of jurists were not merely scientific expounders of the law. They were, in fact, a body of men who exercised a kind of legislative authority. The possession of the *jus respondendi* gave to them a position entirely unique in the history of jurisprudence. It is evident that their interpretation of the law partook of the character of indirect legislation; and, consequently, the rational principles which they advocated became actually incorporated into the body of the positive law. Let us look for a moment at the peculiarity of this kind of legislation, and the reforming influence which it exerted upon the substance of the law. The indirect method of legislation employed by those jurists who possessed the *jus respondendi* may be simply compared to what has been called in modern times 'judicial legislation.' The function of the judge is theoretically confined to declaring and applying the law to a given case. But in the very process of construing the law to meet the case in hand, the law may become specialized or even modified. Supplementary provisions thus grow up through judicial administration, which, by being enforced in the given case and by being used as precedents in similar cases, acquire the character of new laws. In certain respects this bears an analogy to the way in which the Roman law became modified by passing through the hand of the jurists. But the jurists were not judicial magistrates; and their opinions of the law were not restricted to cases actually presented for adjudication. Any legal question whatever might be made the subject of their discussion, and their opinion upon such a question obtained the same authority as though it had been declared as law by a legislative body."

ARTICLES OF INTEREST IN CONTEMPORARY JOURNALS:

Common words and phrases—

Wholesale Liquor Dealer—Mechanic—Needless torture or mutilation—Heirs—Merchant—Bridge—Wait—*Albany L. J.*, July 26th, 1884.

Lodger—Soil—Rubbish—Filth—Debt—Ferry—Literary or Scientific—Voucher—Game—Settle—Beer—Standing by—*Ib.*, Sept. 20th

Family—Clause—Gaming—Production of labour—Rates of taxes—Lodger—Lottery—Commit or make an assault—Saw Mill—*Ib.*, Oct. 25.

The presumption of payment—*Ib.*, Aug. 2, 9, 16.

Railroad accumulating surface-water—*Ib.*, Aug. 16.
 Presumptions from alterations of instruments—*Ib.*, Sept. 27.
 Compensation of husband who acts as wife's agent—*Ib.*, Dec. 6.
 Selling liquor to a drunken person—*Irish L. T.*, Sept. 6.
 Administration granted on concealment of will—*Ib.*, Oct. 11.
 Equitable estoppel as affecting title to land—*Central L. J.*, Aug. 1.
 Liability of employer for negligence of independent contractors and their servants—*Ib.*, Aug. 8.
 Restrictive covenants in a conveyance of real estate—*Ib.*, Aug. 15.
 Escrows—*Ib.*
 Exhibition of personal injuries to the jury—*Ib.*, Aug. 22.
 The transportation of live stock—*Ib.*, Aug. 29.
 Liability of agents upon unsealed non-negotiable instruments—*Ib.*, Sept. 5.
 Partial restrictions on business freedom—*Ib.*, Sept. 12.
 Donatio mortis causa—*Ib.*, Sept. 19.
 Waiver of mechanics' liens—*Ib.*, Oct. 3.
 Liquidated damages—*Ib.*, Oct. 10, 17.
 Directors of corporations (Authorities—Powers—Duties—Liabilities)—*Ib.*, Oct. 17, 24.
 Contracts of carriers limiting liabilities for negligence to a specified suit—*Ib.*, Oct. 24.
 Damages for employees breach of contract for services for specified period—*Ib.*, Oct. 31.
 Implied condition on the lottery of a furnished house—*Ib.*

The following notice is posted up on the Court door of the Queen's Bench Division:—

HILARY SITTINGS, 48th VICTORIA (1885).

It is ordered that there shall be a peremptory list of at least four cases on the first and every subsequent day of these sittings.

In case no counsel is present to support the motion or order *nisi*, the same shall be dismissed or discharged with costs.

In case no counsel is present to oppose the motion or order *nisi*, the same will be argued *ex parte*.

These rules will be strictly enforced.

By the Court.

JAMES S CARTWRIGHT.

Registrar.

Dated this 24th day of January, 1885.