

sympathy, but they are as light to darkness compared to the sad forebodings of one of the greatest masters of the English tongue. Capt. C. F. Winter's paper on "Our Empire's Land Defences," is carefully thought out, and well written, and is to be continued; "Canada's Place in Literature," by Mr. De Mille; "Technical Education," by Mr. Klotz; Mr. Lewis's criticism of the poetry of Mr. Lampman; and Mr. J. W. Patterson's paper on the "Economics of Trades Unions," are all papers of high class, valuable in themselves, and shewing the desire of the publishers of *The Commonwealth* to produce a magazine superior to those ephemeral publications of which the amusement of the hour is the sole and only object. We have not in the above list exhausted the contents of the magazine, but have mentioned them as shewing the standard at which it aims. Mr. Charles Morse, D.C.L., one of the contributors to this journal, has been secured as literary editor of the new review.

NOTES OF UNITED STATES DECISIONS.

RAILWAY—NEGLIGENCE.—The duty of a railroad company to inspect its trains is held, in *Proud v. Philadelphia & R. Ry.* (N.J.) 50 L.R.A. 468, not to necessitate a continuous inspection or to know at each moment the condition of every part of a train, and therefore it is held that the carrier is not liable for the slipping of a passenger on steps upon which filth was frozen, where this condition was not known to the company and the car had been inspected and found to be in proper condition only a short time before.

CONTRACT — WRONGFUL USE OF ARTICLE MANUFACTURED.—An engraver who takes separate contracts, makes dies from photographs and prints pamphlets containing cuts from them is, in *Levy v. Clements* (Mass.) 50 L. R. A. 397, held to have no right to use them in pamphlets for advertising his own business, and, where he does so and the pamphlets are delivered to the employer by mistake, the engraver is denied the right to compel their return or any payment for them. With this case there is an annotation on the question of the use of negatives or engraved plates without the consent of the party who has paid for making them.

SOLICITOR AND CLIENT.—A communication made by a client to his attorney in the presence of the opposite party to the transaction in question is held, in *Stone v. Minter* (Ga.) 50 L. R. A. 356, not to constitute a confidential or privileged communication which the attorney will be incompetent to disclose.

LIGHT AND AIR—MALICE.—An unsightly board fence maliciously erected on one's own property in such a way as to obstruct the light, air, and view of a neighbor is held, in *Metzger v. Hochrein* (Wis.) 50 L. R. A. 305, to be a lawful structure, notwithstanding the malice, and this is in