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CURRENT TOPICS AND CASES.

The roll of the Court of Review, at Montreal, is still very much crowded, notwithstanding the active effort made by the Bench to clear off all arrears, some 250 to 300 cases having been heard and disposed of within the last year. The tribunal of review was intended to provide an inexpensive and speedy mode of rehearing cases before three judges, and the object of the law is defeated in part when the roll becomes so encumbered that nearly a year necessarily intervenes between the inscription and the judgment. The question may arise, whether it has not been made too easy to go to review. To take an appeal to the Queen's Bench the party must give substantial security for costs, but to go to review he has merely to deposit a small sum of money, which was intended to be sufficient to cover the opposite party's costs if the review were unsuccessful. But, as a matter of fact, it does not at present cover these costs. This is not what was contemplated when the Court of Review was constituted. Either sufficient security should be given, or the deposit should be increased to an amount that would cover the costs of the successful party. The original judgment is confirmed in such a large proportion

of the cases taken to Review, that it is difficult to assume that the party inscribing has always a well grounded hope of success, and we are at a loss to discover any good reason why an inscription, which may be made solely for the sake of delay, should be permitted, without protecting the other side against the costs occasioned by his opponent's resort to the Court of Review.

The painful circumstances under which the life of a member of the Montreal bar came to an end on Sunday, the 1st instant, suggest the inquiry whether the profession of the law is not in danger of becoming overcrowded. The coroner's jury found that the deceased terminated his life by poison, while suffering under temporary discouragement. There is reason to fear that, at the present time, too many young lawyers of fair ability and education do not find the prospects of the profession very encouraging. The facilities provided by the universities and law schools have been useful in the spread of knowledge; but, on the other hand, this smoothing of the path to callings in which a certain amount of preliminary knowledge is requisite, tends to attract a large number of young men to the professions which seem to offer the most ready, or perhaps the only avenue to advancement. The danger is that the number within the legal profession may become so great that a living wage will be beyond the reach of the majority. A similar complaint has recently been the subject of discussion in England, where solicitors often find it hard to obtain the means of existence.

The Larceny Act passed by the Imperial Parliament during the present year (chapter 52 of 1896) contains a provision of general interest. The Act of 1861, section 114, made receipt in England of goods stolen in Scotland or Ireland subject to the same penalties as if the theft had been committed in England. By the Act of 1896 this provision is extended to cases where the theft took

place outside the United Kingdom of Great Britain and Ireland, that is to say either in a British possession or a foreign country. The statute of this year applies to receipt or possession of property stolen, taken, extorted, obtained, embezzled, converted, or disposed of under circumstances such that, if the act had been committed in the United Kingdom, the person committing it would have been guilty of an indictable offence according to the law for the time being of the United Kingdom.

LIABILITY OF A LUNATIC FOR NEGLIGENCE.

The case of *Williams* v. *Hays*, which has been appearing in various New York Courts at irregular intervals during the last two years, and which probably has not even yet been finally decided, is remarkable for the human as well as legal interest that attaches to it. The facts of the case are refreshingly unusual. The defendant, who was one of several joint owners in a vessel, contracted with his co-owners to sail her under certain conditions, not necessary to be here detailed, but which, the court decided, made him not an agent but a charterer, or owner *pro hac vice*. On a voyage south the vessel met with severe storms, and her captain, the defendant, for more than two days was almost constantly on duty. Finally, becoming exhausted, he went to his cabin. The mate who had been left in charge, having found that the rudde was broken, went down for the captain and brought him on deck. The latter refused to recognize that the vessel was in danger, and declined the aid of two tug-boats, the masters of both of which offered to tow him to safety. In consequence, the vessel drifted on shore in broad daylight, and became a total wreck. The assignee of the rights of the company that insured the vessel brought suit. The defendant captain's sole defence was that from the time he entered his cabin till he found himself in the life-saving station he was totally unconscious and insane.

In November, 1894, the case came before the Court of Appeals squarely on the question: Is one, insane by act of God, liable for torts of negligence? By a bare majority, the court decided in the affirmative, but added: "If the defendant had become insane

solely in consequence of his efforts to save the vessel during the storm, we would have had a different case to deal with. He was not responsible for the storm, and while it was raging his efforts to save the vessel were tireless and unceasing, and if he thus became mentally and physically incompetent to give the vessel any further care, it might be claimed that his want of care ought not to be attributed to him *as a fault*. In reference to such a case, we do not now express any opinion." *Williams* v. *Hays*, 143 N. Y. 442. After a new trial, this reserved question came before the Supreme Court, which held that, applying the principle stated by the Court of Appeals, it could make no possible difference how the defendant became insane, or "what caused the disease or mental condition that prevented him from exercising the care or skill that he was bound to exercise." *Williams* v. *Hays*, 37 N. Y. Supp. 708.

The position of the Supreme Court is undoubtedly logical and necessary. If the general rule holds liable one rendered insane by act of God, it would require an unwholesome exercise of ingenuity to make an exception in favor of one rendered insane by extra and commendable effort. The proposition laid down by the Court of Appeals, on the other hand, seems hardly defensible. It is a subject on which there is a wide disagreement of the authorities (see 10 *Harvard Law Review*, 65), and which therefore may well be settled in the pure light of reason. The Court of Appeals rested its decision on two grounds. First, that public policy required that a lunatic should be liable, which view appears to be largely fanciful; and second and chiefly, that "where one of two innocent persons must bear a loss, he must bear it whose act caused it." This last proposition clearly belongs to the doctrine of absolute liability, which was never to be defended with adequate reason, and which is now generally discredited. Even the Court of Appeals, in the principal case, while laying down a rule of absolute liability showed an unwillingness to stand squarely on such a doctrine by reserving opinion on a possible phase of the case before them. A theory, the advocates of which are forced to striking inconsistencies, does not commend itself to reason. The modern and enlightened view is thus stated by Beven, Vol. 1, p. 52, 2d ed.: "Liability for trespass is not absolute and in any event, but dependent on the existence of fault." (Also *Brown* v. *Kendall*, 6 Cush. 292.

Holmes on the Common Law, 77 *et seq.*) If blame or fault is indeed the basis of liability in tort, how can one blamelessly and totally insane be liable for the consequence of his negligence? To hold that he is, certainly is a step in the wrong direction.—*Harvard Law Review.*

WORDS AND PHRASES—'SEAWORTHY.'

Whether a ship or vessel is 'seaworthy' or not is a question which chiefly arises as regards charterparties, bills of lading, and marine insurances. The meaning of the term is the same in each of these transactions; but as the question probably arises more frequently in reference to a policy of marine insurance than any other transaction, we propose to consider the meaning of 'seaworthy' from that point of view.

'By being "seaworthy" is meant that the ship shall be in a *fit* state as to repairs, equipment, and crew, and in all other respects, to encounter the ordinary perils of the voyage insured, at the time of sailing upon it. If the assurance attaches before the voyage commences, it is enough that the state of the ship be commensurate to the then risk; and if the voyage be such as to require a different complement of men, or state of equipment in different parts of it—as if it were a voyage down a canal or river and thence across to the open sea—it would be enough if the vessel were, at the commencement of each stage of the navigation, properly manned and equipped for it. But the assured makes no warranty to the underwriters that the vessel shall *continue* seaworthy, or that the master or crew shall do their duty during the voyage; and their negligence or misconduct is no defence to an action on the policy where the loss had been immediately occasioned by the perils insured against..... The great principle, established by the more recent cases, is that if the vessel, crew, and equipments be originally sufficient, the assured has done all he contracted to do, and is not responsible for the subsequent deficiency occasioned by any neglect or misconduct of the master or crew' (per Mr. Baron Parke, in delivering the judgment of the Court in *Dixon* v. *Sadler*, 5 M. & W. 414, confirmed in error, 8 *ib.* 895; 9 Law J. Rep. Exch. 48, cited and approved in *Biccard* v. *Shepherd*, 14 Moore P. C. 494; *Bouillon* v. *Lupton*, 33 Law J. Rep. C. P. 37; 15 Com. B. Rep. (N.S.) 113;

Davidson v. *Burnand*, L. R. 4 C. P. 117; and *The Quebec Marine Insurance* v. *The Commercial Bank of Canada*, 39 Law J. Rep. P.C. 53; L. R. 3 P. C. 234).

It will be observed that the word at the commencement, and which is the key-note of Mr. Baron Parke's definition in *Dixon* v. *Sadler*, is "fit." Seaworthiness, then, in brief, is *fitness for the work which a particular ship has to do*; and we suggest for our readers' consideration and (if they please) discussion as to whether the words we have italicised do not almost comprehend the net result of the cases on this important word.

This word 'fit' was pointed out by Mr. Justice Blackburn as the keynote of Mr. Baron Parke's definition. In the important case of *Burges* v. *Wickham* (33 Law J. Rep. Q. B. 17; 3 B. & S. 669), Mr. Justice Blackburn cited the definition of seaworthiness as given in *Dixon* v. *Sadler*, and said: 'This definition has always been considered correct; but the question we have to determine is, what are the proper elements to be taken into consideration in determining whether the state of the vessel is *fit*? That was a question which did not arise in *Dixon* v. *Sadler*.'

The learned judge thereupon noticed the contention that there was a certain fixed standard of *fitness* which if a ship fell short of she was unseaworthy; but he speedily set that notion aside, and in doing so remarked, somewhat quaintly, that the counsel supporting the contention 'did not furnish us with any certain guide as to what was the standard of fitness.'

Looking, then, for some other criterion, Mr. Justice Blackburn proceeded to enunciate the broad principle:—

'The question whether a vessel is seaworthy is, from its nature, one that in practice must almost always be determined by a jury on the evidence, with only a general direction from the presiding judge.'

Then he proceeded to elucidate what that general direction should be, by referring chiefly to the opinions given by Mr. Baron Parke and Mr. Justice Maule and Mr. Justice Erle in the great case of *Gibson* v. *Small* (L. R. 4 H. L. Cas. 353), and from these we extract the following proposition of Mr. Justice Erle:

'A ship is seaworthy if it is *fit*, in the degree which a prudent owner, uninsured, would require to meet the perils of the service it is then engaged in, and would continue so during the voyage, unless it met with extraordinary damage.'

Burges v. *Wickham* also shows that the fitness of a ship so as to constitute its seaworthiness is a question that will vary, and its requirement will become more exigent, as knowledge and experience advance and the power is increased of reaching a state of fitness.

But in all ages and at all times there are conditions of a ship in which it is plain that she is not fit—not seaworthy. We cannot usefully do more than give one or two instances which, other than gross and obvious unfitness, have been held to show unseaworthiness. Thus if a ship have a rotton topmast she is unseaworthy (*Wedderburn* v. *Bell*, 1 Camp. 1); so if she be overloaded (*Weir* v. *Aberdeen*, 2 B. & Ald. 320), or, in a cold climate, if she have no stove on board, or if she have lost an anchor, or is deficient in medical stores (*Woolf* v. *Claggett*, 3 Esp. 257).—*Law Journal* (*London*).

THE TEACHING OF ENGLISH LAW AT UNIVERSITIES.

We, in America, have carried legal education much farther than it has gone in England. There the systematic teaching of law in schools is but faintly developed. Here it is elaborate, widely favoured, rapidly extending. Why is this? Not because we originated this method. We transplanted an English root, and nurtured and developed it, while at home it was suffered to languish and die down. It was the great experiment in the university teaching of our law at Oxford, in the third quarter of the eighteenth century, and the publication, a little before the American Revolution, of the results of that experiment, which furnished the stimulus and the exemplar for our own early attempts at systematic legal education. The opportunities and the material here for any thorough work of this sort in the offices of lawyers were slight. 'I never dreamed,' said Chancellor Kent, in speaking of the state of things in New York, even so late as the period when he was appointed to the bench of the Supreme Court of that State in 1798, 'of volumes of reports and written opinions. Such things were not then thought of..... There were no reports or State precedents. I first introduced a thorough examination of cases, and written opinions.' But wisdom, skill, experience, and an acquaintance with English

books were not wanting in the legal profession here; and Blackstone's great achievement awakened the utmost interest and enthusiasm on both sides of the water—his success in the really Herculean task of reducing to orderly statement and to an approximately scientific form the disordered bulk of our common law. 'I retired to a country village,' Chancellor Kent tells us, in speaking of the breaking up of Yale College by the war, where he was a student in 1779, 'and, finding Blackstone's Commentaries, I read the four volumes.....The work inspired me at the age of fifteen with awe, and I fondly determined to be a lawyer.' As a student in the office of the Attorney-General of New York, in 1781, and later, he says that he read Blackstone 'again and again.' Blackstone's lectures were begun in 1753, when the author, then only thirty years old, a discouraged barrister of seven years' standing, had retired from Westminster, and settled down to academic work at Oxford. On the death of Viner he was made, in 1758, the first professor of English law at any English university; and he published his first volume of lectures in 1765. 'There is abundant evidence,' if we may rely upon the authority of Dr. Hammond, whose language I quote, 'of the immediate absorption of nearly twenty-five hundred copies of the commentaries in the thirteen colonies before the Declaration of Independence.....Upon all questions of private law, at least, this work stood for the law itself throughout the country, and.....exercised an influence upon the jurisprudence of the new nation which no other work has since enjoyed.' This great result, it should be observed, was the work of a young enthusiast in legal education, a scholar and a university man, who had the genius to see that English law was worthy to be taught on a footing with other sciences, and as other systems of law had been taught in the universities of other countries.

Effect of Blackstone's Work.

Blackstone's example was immediately followed here, and was soon further developed in the form which he had urged upon the authorities at Oxford, but urged in vain—that of a separate college or school of law. In 1779—the year after Blackstone had published the eighth and final edition of his lectures, and only a year before his death—a chair of law was founded in Virginia, at William and Mary College, by the efforts of Jefferson, then a

visitor of the institution; and in the same year Isaac Royall, of Massachusetts, then a resident in London, made his will, giving property to Harvard College for establishing there that professorship of law which still bears his name. In 1790 Wilson gave law lectures at the University of Pennsylvania. The Litchfield Law School, established about 1784, was not a university school; yet if it be true, as is not improbable, that it was the natural outgrowth of an office overcrowded with students it may well be conjectured that Blackstone's undertaking chiefly shaped and sustained it. At any rate, his lectures appear to have been the chief references of the instructors at Litchfield. Hammond, in referring to a collection of verbatim notes of lectures at the Litchfield school in 1817, representing, as he conceives, 'the exact teaching' of the professors of that time, says 'that the references to Blackstone not only outnumber those of any other book, but may be said to outnumber all the rest together.

Failure of Blackstone's Plan in England.

In England little progress was made for a century. Blackstone's plan for a law college at Oxford was not carried out, and he resigned, disappointed, in 1766. The conservatism of a powerful profession, absorbed in the mere business of its calling, itself untrained in the learned or scientific study of law, and unconscious of the need of such training, did not yield to or much consider the suggestions of what had already been done at Oxford. The old method of office apprenticeship was not broken up. The profession was contented with Blackstone's Commentaries, as if these had done all that could be done, and had made the full and final restatement of the law. The student simply added to his ordinary work the reading of these volumes.

Sir Richard Bethel's Views.

But the more enlightened members of our profession in England have keenly felt the backward state of things there. One of the greatest of them, Sir Richard Bethel, afterwards Lord Chancellor Westbury, on taking his seat as president of the Juridical Society forty years ago, lamented the neglect of legal science in England, and the strange indifference of the profession to the pursuit of it. Lawyers, he says, 'are members of a profession who, from the beginning to the end of their lives, ought to regard themselves as students of the most exalted branch of

knowledge, moral philosophy, embodied and applied in the laws and institutions of a great people. There is no other class or order in the community,' he adds, 'on whom so much of human happiness depends, or whose pursuits and studies are so intimately connected with the progress and well-being of mankind.' In enumerating the causes of this failure to appreciate the dignity of their calling, he names as one of the chief of them 'the want of a systematic and well-arranged course of legal education..... It belongs, he adds, 'to the universities of England and to the Inns of Court to fill the void; but for centuries the duty has remained unperformed. It still remains very imperfectly performed. But England is moving in the direction that Blackstone pointed, and in its own way will yet solve the problem. Admirable work is going forward there now; and how full a sympathy the leaders in it entertain for our own efforts is shown by the coming of Sir Frederick Pollock this summer to take part in the exercises at Harvard on the occasion of the celebration of Dean Langdell's twenty-fifth anniversary. He crossed the ocean for that mere purpose, and returned as soon as it was accomplished.

On this side of the water, while the training of our profession continued for a long time to be the old one of office apprenticeship and reading, the new conception—new as regards English law—of systematic study at the universities, has had continuous life, and has borne abundant fruit. If it has sometimes languished, and here and there been intermittent, it has always lived and thriven somewhere; and at last it has so commended itself that there is no longer much occasion to argue its merits. Few now come openly forward to deny or doubt them.

This, then, is our American distinction, to have accepted and carried for a century into practice the doctrine that English law should be taught systematically at schools and at the universities. President Rogers, the chairman of this section last year, told us that there were then seventy-two schools of law in this country, of which sixty-five were associated with universities. I am informed upon good authority that the number is now not under seventy-five or seventy-six, and that the proportion of university schools is about the same as that just indicated.

It behoves us now to look squarely at the meaning of these facts, and at the responsibilities that they lay upon us. The

most accomplished teachers of law in England have seen with admiration and with something like envy the vantage-ground that has been reached here. We must not be wanting to the position in which we find ourselves. Especially we must not be content with a mere lip service, with merely tagging our law schools with the name of a university, while they lack entirely the university spirit and character. What, then, does our undertaking involve, and that conception of the study of our English system of law, which, in Blackstone's phrase, 'extends the pomœria of university learning and adopts this new tribe of citizens within these philosophical walls?' It means this, that our law must be studied and taught as other great sciences are studied and taught at the universities, as deeply, by like methods, and with as thorough a concentration and lifelong devotion of all the powers of a learned and studious faculty. If our law be not a science worthy and requiring to be thus studied and thus taught, then, as a distinguished lawyer has remarked, 'A university will best consult its own dignity in declining to teach it.' This is the plough to which our ancestors here in America set their hand, and to which we have set ours; and we must see to it that the furrow is handsomely turned.

But who is there, I may be asked, to study law in this way? Who is to have the time for it and the opportunity? Let me ask a question in return, and answer it. Who is it that studies the natural or physical sciences, engineering, philology, history, theology, or medical science in this way? First of all, those who for any reason propose to master these subjects, to make true and exact statements of them, and to carry forward in these regions the limits of human knowledge; and especially the teachers of these things. Second, not in so great a degree, but each as far as he may, the leaders in the practical application of these branches of knowledge to human affairs. Third, in a still less degree, yet in some degree, all practitioners of these subjects, if I may use that phrase, who wish to understand their business, and to do it thoroughly well.

Precisely the same thing is true in law as in these or any other of the great parts of human knowledge. In all it is alike beneficial and alike necessary for the vigorous and fruitful development of the subject, for the best performance of the everyday work of the calling to which they relate, and for the best carry-

ing out of the plain practical duties of each man's place, that somewhere and by some persons these subjects should be investigated with the deepest research and the most searching critical study.

The time has gone by when it was necessary to vindicate the utility of deep and lifelong investigations into the nature of electricity and the mode of its operation, into the nature of light and heat and sound and the laws that govern their action, into the minute niceties of the chemical and physiological laboratory, the speculations and experiments of geology, or the absorbing calculations of the mathematician and the astronomer. Men do not now need to be told what it is that has given them the steam-engine, the telegraph, the telephone, the electric railway and the electric light, the telescope, the improved lighthouse, the lucifer match, antiseptic surgery, the prophylactics against small-pox and diphtheria, aluminium the new metal, and the triumphs of modern engineering. These things are mainly the outcome of what seemed to a majority of mankind useless and unpractical study and experiment.

Uses of the Theoretic Study of Law.

But as regards our law, those who press the importance of thorough and scientific study are not yet exempt from the duty of pointing out the use of it and its necessity. To say nothing of the widespread scepticism among a certain class of practical men, in and out of our profession, as to the advantages of anything of the sort, there is also among many of those who nominally admit it and even advocate it, a remarkable failure to appreciate what this admission means. It is the simple truth that you cannot have thorough and first-rate training in law, any more than in physical science, unless you have a body of learned teachers; and you cannot have a learned faculty of law unless, like other faculties, they give their lives to their work. The main secret of teaching law, as of all teaching, is what Socrates declared to be the secret of eloquence—understanding your subject; and that requires, as regards any one of the great heads of our law, in the present stage of our science, an enormous and absorbing amount of labour.

Consider how vast the material of our law is, and what the subject-matter is which is to be explored, studied, understood, classified, and taught in our schools of law. It lies chiefly in an

immense mass of judicial decisions. These, during several centuries, have spelled out in particular instances, and applied to a vast and perpetually shifting variety of situations, certain inherited principles, formulas, and customs, and certain rules and maxims of good sense and of an ever-developing sense of justice. It lies partly also in a quantity of legislation.

What does it mean to ascertain and to master, upon any particular topic, the common law? It means to ascertain and master, in that particular part of it, the true outcome of this body of material. In an old subject, like the law of real property, such an inquiry goes far back. In a new one, like constitutional law, not so far; but still, even in that we must search for more than a century, and if we would have a just understanding of some fundamental matters it means much remoter and collateral investigation. As regards a great part of our law it is not comprehensible, in the sense in which a legal scholar must comprehend his subject, unless something be known, nay, much, of the great volume of English decisions that run back six hundred years to the days of Edward I., when English legal reporting begins. This is the period which is fixed, in the two noble volumes of 'The History of the English Law,' just published by the English professors, Sir Frederick Pollock, of Oxford, and Mr. Maitland, of Cambridge, as the end of their labours—viz. the time when legal reporting begins. In giving the reasons for dealing with this as a separate period, they say 'so continuous has been our English legal life during the last six centuries that the law of the later Middle Ages has never been forgotten among us. It has never passed utterly outside the cognisance of our Courts and our practising lawyers.' Such is the long tradition that finds expression in the law of this very day, and of this place in which we sit. The volumes just mentioned, ending thus six centuries ago, themselves throw light on much which concerns our own daily practice in the Courts; and they indicate the value and importance of much remoter investigation. You remember, perhaps, that the judicial records of England carry us back to the reign of Richard I. in 1194, seven centuries ago, and that there are scattered memorials of earlier judicial proceedings for another century, gathered for the first time by one of the most learned of our brethren in this association, Professor Melville M. Bigelow.

Much of this vast mass of matter is unprinted, and much is in a foreign tongue. The old records are in Latin. As to the reports, for the first two hundred and fifty years after reporting begins it is all in the Anglo-French of the Year-books, and mostly in an ill-edited and often inaccurate form. To all these sources of difficulty must be added the generally brief and often very uninstructive shape of the report itself. A few of the earlier Year-books have been edited in thorough and scholarly fashion, accompanied by a translation and illustrations from the manuscript records. But most of them are in a condition which makes research very difficult. The learned historians just quoted have said that 'the first and indispensable preliminary to a better legal history than we have of the later Middle Ages is a new, a complete, a tolerable edition of the Year-books. They should be our glory, for no other country has anything like them; they are our disgrace, for no other country would have so neglected them.' The glory and disgrace are ours also, for English law is ours. Efforts on both sides of the water to accomplish this result have as yet failed; but they should succeed, and they will succeed. I wish that my voice might reach someone that would help in securing that important result. It would bring down the blessing of legal scholars now and hereafter. After the Year-books come three centuries and a half of reported cases in England; and one of these centuries, more or less, includes the multitudinous reports of our own country and of the English colonies, which continue to pour in upon us daily in so copious and ever-increasing a flood.

Now, will it be said, perhaps, that in bringing forward for study all this mass of material, past, present, and daily increasing at so vast a rate, I am recommending an impossibility and an absurdity? No, I am not; I speak as one who has seen it tried. It is not only practicable, but a necessary preliminary for first-rate work. One or two things must be observed here. Of course no one man can thus explore all our law. But some single thing or several connected things he may; and every man who proposes really to understand any topic, to put himself in a position to explain it to others, or to restate it with exactness, must search out that one topic through all its development. Such an investigation calls for much time, patience, and labour, but it brings an abundant harvest in the illumination of every

corner of the subject. Another thing is to be noticed. Not all our law runs back through all this period. This great living trunk of the common law sends out shoots all along its length. Some subjects, like the law of real property, crimes, pleading, and the jury, go very far back; others, like the learning of perpetuities or the Statute of Frauds, not so very far; and others still, like our American constitutional law, the learning of the Factors Acts, of injuries to fellow-servants, and other parts of the law of torts, are modern, and perhaps very recent. But be the subject old or new, or much or little, every man in his own field of study must explore this mass of material—viz. all the decided cases relating to it—if he would thoroughly understand his subject.

[To be concluded in next issue.]

GENERAL NOTES.

TRANSFERABILITY OF SLEEPING-CAR TICKETS.—Judge Ritchie, of the Supreme Court of Maryland, has rendered a decision that the purchaser of a sleeping-car ticket can sell it for the latter part of the journey if he gets out of the car before reaching the destination of the ticket. The railroad company admitted the right to transfer before entering upon a journey, but held that after starting upon a trip the holder of a section forfeited his rights if he abandoned the train before arriving at his destination. The Court holds that there is no analogy between the contract entered into on a regular trip ticket and that implied by the sale of a sleeping section. In the former case a break in a continuous trip and a resumption of the journey at the passenger's pleasure would be a hardship on the company, which had provided accommodations based on ticket sales, and which would be forced to transfer a passenger's baggage from one train to another, besides suffering delay and hindrance not contemplated.—*Legal Adviser.*

IMPRISONMENT AND SEPARATE CONFINEMENT.—Mr. Tallack, of the Howard Association, in a letter to the *Times* on the subject of long imprisonment and its effect on the mental and bodily health of prisoners, says: "In revisiting the Belgian prisons two years ago I was impressed, as a result of my inquiries in various quarters, with an apprehension that the prolongation of separate confinement in that country is so excessive as to injure the bodily

and mental health of a certain proportion of the prisoners. Separation from evil companionship is most valuable and indeed essential for short terms, both as a reformatory and deterrent influence; but for long periods constant cellular confinement is mischievous. In Belgium, however, the authorities have lately arrived at the conclusion that some further precautions are necessary, and they have therefore appointed three medical specialists (including Dr. Jules Morel, an eminent physician of Ghent) with adequate powers to order any requisite change of treatment in the case of prisoners whose health may appear to be giving way under the discipline."

QUEEN'S COUNSEL AND SERJEANTS AT-LAW.—When the first 'Law List' was published, nearly a century and a quarter ago, there were fourteen King's Counsel and fourteen serjeants in the land. Now the country enjoys the services of over two hundred Q. C.'s, while the number of serjeants-at-law has been reduced to eight. Before many years are over, the old order, perhaps the most ancient in the country, will have become a thing of the past. Every few months an arrest is made among the survivors of the ancient race by the 'great fell Serjeant,' whose latest victim was Sir William Grove. Of the eight survivors, four are acting judges, two are retired judges, and the remaining two are advocates who have long ceased to practise. The four occupants of the Bench who wear the coif are Lord Penzance, Lord Esher, Lord Justice Lindley, and Baron Pollock; the two retired judges are Lord Field and the Right Hon. George Denman;[1] and the two members of the Bar are Sir John Simon and Mr. Spinks. The eldest of these veterans is the judge of the Court of Arches, who was created a serjeant thirty-six years ago; while the youngest is Lord Justice Lindley, who assumed the coif in 1875, and to whom belongs the distinction of being the last appointed of the race.—*Law Journal* (*London*).

A BAD RECORD.—The opinion of the court in 34 Ind. 423 opens as follows: "This record is another blundering and worthless one from Wayne county, in comparison with which the darkness of Erebus and Egypt were brilliant lights, and the chaos that existed before the creation was perfect order."

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[1] The death of Mr. Denman has recently been recorded.