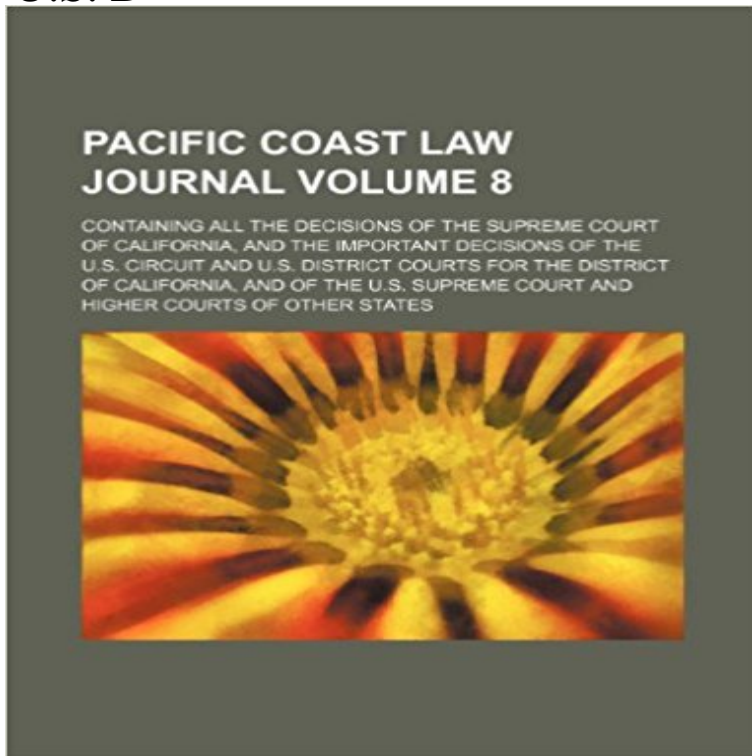


Pacific Coast Law Journal; Containing All the Decisions of the Supreme Court of California, and the Important Decisions of the U.S. Circuit and U.S. D



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1882 edition. Excerpt: ...intended by that Act to do away with the effect of the decision in Crawshay vs. Thornton. The other Judges all concur in this, and comment upon the harshness and injustice of the rule in that case. Now, the amendment to Section 386 of the Code of Civil Procedure embodies the very words of the English Common Law Procedure Act of 1860, and does so because it seeks to take them with the great additional advantage of the known judicial construction adopted by the highest Court of England. It would be strange indeed if in our own more liberal country we should be adhering to the principles of a case which the English Legislature and Courts have expressly repudiated. Such was the argument presented at the last session of the Legislature, and which resulted in the adoption of the amendment to Section 386. The amendment is broader even than the English statute. The latter provided that interpleader would lie, though the titles have not a common origin/ Our amendment says it shall lie, although the titles or claims have not a common origin, or are not identical. Our Courts are therefore warranted, by the express terms of the statute, in going even further in sustaining the jurisdiction in interpleader than was the English Court of Appeal. Supreme Court of California, In Bank. Filed November 2, 1881. No. 6881. GOWER vs. ANDREW. Employee And Employee--Lease. It is the duty of fin employee to devote his entire acts, so far as his acts may affect the business of his employer, to the interest and service of the employer. He can engage in no business detrimental to the business of the employer; and he should in no case be permitted to do for his own

benefit that which would have the effect of destroying the business to sustain and carry on which his...

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