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## And THE BAR

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DEMURRER AS A METHOD OF OBJECTING TO SEPARATE ITEMS OF DAMAGE ALLEGED.—In the recent case of *Ohio-West Virginia Co. v. Chesapeake & Ohio Ry. Co.*,<sup>1</sup> certified to the Supreme Court of appeals of West Virginia on a question of the sufficiency of the declaration, the plaintiff, owner and operator of a service station, alleged that it received from the defendant in a tank car a consignment which was described in the freight bill delivered by the defendant to the plaintiff as gasoline; that, relying upon the defendant's representation as to the contents of the car, the plaintiff emptied the contents into its gasoline tanks, which were already partly filled with gasoline; that the tank car, in fact, was filled not with gasoline, but with kerosene, and the combination resulting from the mixture of the two fluids in the gasoline tanks was valueless. The plaintiff claimed damages (1) for loss of the gasoline and kerosene so mixed; (2) for loss of profits caused by sales of the mixture, before its nature became known to the plaintiff, to customers who became dissatisfied and ceased to deal with the

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<sup>1</sup> 124 S. E. 587 (W. Va. 1924).