

damages were attributable to the defendant's act, which, according to the first part of the finding, was inappreciable as regards the hastening of the death of his mother.

TRUSTEE—STATUTORY POWERS OF INVESTMENT.

Perpetual Executors v. Swan (1898) A.C. 763, is a case which serves to show the strictness with which a trustee's powers of investment are limited. By the Victoria Companies Act, 1890, s. 384, trustee companies are empowered to employ bankers, and the question was whether that amounted to a power to invest trust moneys on deposit at interest with banks. The Judicial Committee of the Privy Council (Lords Macnaghten, Morris and James, and Sir H. Strong) agreed with the Colonial Court in holding that it did not authorize such investments.

MASTER AND SERVANT—SERVANT OF ONE PERSON HIRED BY ANOTHER TO DRIVE HIS CARRIAGE—NEGLIGENCE.

Jones v. Scullard (1898) 2 Q.B. 565, may be regarded as a case qualifying the rule laid down in the well-known cases of *Quarman v. Burnett*, 6 M. & W. 499, and *Laugher v. Pointer*, 5 B. & C. 547. In this case the defendant kept his own carriage and horse at a livery stable, and the keeper of the stable from time to time, as required, supplied the defendant with a servant to drive the carriage, who wore a livery supplied by the defendant; and through the negligence of this servant the horse dashed through the window of the plaintiff's shop and did damage, for which cause the action was brought. Lord Russell, C.J., who tried the case, gave judgment for the plaintiff, distinguishing the case from *Quarman v. Burnett*, on the ground that here the defendant was the owner of both the horse and carriage, and the servant became the defendant's servant *pro tem*, whereas in *Quarman v. Burnett* the whole equipage as well as the servant was hired, and the servant never became the servant of the person driven.

EMPLOYERS' LIABILITY ACT (43 AND 44 VICT., c. 42, s. 8—"WORKMAN"—PERSON EMPLOYED IN COAL MINE BY CONTRACTOR—LIABILITY OF MINE OWNER—WORKMEN'S COMPENSATION FOR INJURIES ACT (R.S.O., c. 160), s. 2(3).

In *Marrow v. Flimby & B. M. Co.* (1898) 2 Q.B. 588, the plaintiff's action was brought under The Employers' Liability Act (43 & 44 Vict., c. 42) from which The Workmen's Compensation for Injuries Act (R.S.O., c. 160) is mainly derived, and the sole question discussed was whether the deceased, in respect of whose