if a single judge can be trusted to try a man for his life, he may be trusted to try the right to sit for the borough of Great Yarmouth. In criminal trials the fact is within the jury's province, and the judge propounds the law. But the addition of a second judge to Election Courts would not be sufficient. Unless the Court consisted of three, sometimes no decision could be arrived at, and the withdrawal of three judges from the ordinary judicial business of the country would create serious embarrassment. To cause a block in the general legal business of the community for the six months following a general election, or to add a superfluous three judges to the judicial Bench for the exigencies of half a year in every six or seven, is a vexatious dilemma. Indeed, a tribunal of two, or even three, would not solve the difficulty satisfactorily. However strong the Court which first heard the case, a defeated litigant desires the ventilation of his grievance by an entirely fresh tribunal. Nothing but a Court of Appeal will content him, and a Court of Appeal in election disputes implies a second investigation of the facts, with all the consequent unsettlement of a neighborhood and reduplication of legal expenditure. The Chancellor of the Exchequer has pledged the Government to put a Corrupt Practices at Elections Bill in the very front of the business of next Session of Parliament; and Sir John Holker intimates that the Bill will grant a right of appeal to candidates adjudged guilty of bribery. But we do not clearly apprehend, nor perhaps, does the Atttorney-General, whether the appeal is to be a matter of general right or limited to a candidate convicted of bribery. In the majority of cases the justice of the primary decision is obvious. No one ever felt inclined to dispute the judgments in the old decisions against Taunton and Norwich. Cases like that of Launceston raised other issues. More satisfaction would have been felt had either the original verdict proceeded from two or three judges, or had the unseated candidate been entitled to appeal. The problem is how to construct a legal strainer through which only questions of real difficulty shall percolate to the Court of Appeal. A Court of Appeal in some shape there must be, and it must have jurisdiction to investigate questions of fact as well as of law. Perhaps means might be found of settling between court and counsel, at the close of the original hearing, what facts and what heads of evidence were to be subjected to the ordeal of a second scrutiny. It is a delicate question, and not the less delicate that Parliament will have to solve it with a general election staring it in the face."

DAMAGES FOR PROSPECTIVE INJURY.

HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION, MAY 13, 1878.

LAMB v. WALKER.

The plaintiff sued the defendant for injury to the buildings of the plaintiff by mining operations of the defendant on the land of the defendant. A special referee having found that the plaintiff in addition to injury already incurred, would incur injury in the future, and having assessed the prospective damages in respect of such injury at £150: *Held*, by Mellor and Manisty, JJ. (*dissentiente* Cockburn, C.J.), that the prospective damages were recoverable.

This action was brought by the owner of land for damages caused by an excavation by an adjoining mine owner under plaintiff's land which caused his building to settle. The case was tried before a special referee who reported that the damage which had been done to plaintiff by the excavation at the date of the commencement of the action was £400, and that he estimated the future damages that would be incurred to be £150, the total amount being £550, of which £150 had been paid into court. The plaintiff took out a summons to defendant to show cause why plaintiff should not be at liberty to sign judgment for £400. Subsequently a rule was granted calling upon plaintiff to show cause why he should not accept judgment for £250, the balance found to be due him for the damages already accrued, which rule was duly argued.

Cave, *Q.C.*, against the rule.

Gainsford Bruce, for the rule.

MANISTY, J. (after stating the cause of the action as above.) I am of opinion that the plaintiff is entitled to recover the £150 [the amount of future damage], and that consequently the rule to reduce the damages should be discharged, and the plaintiff should be at liberty to sign judgment for £400 and one farthing, and taxed costs. It is noteworthy that the referee finds as a fact that