

L.J.J.) came to the conclusion that the driver's leaving the cart was the effective cause of the damage; and that the defendant was liable—but in arriving at this conclusion they had virtually to overrule another decision of the Court of Appeal (Lord Esher, M.R., Bowen and Kay, L.J.J.) in *Mann v. Ward*, 8 Times L.R. 699. Formerly when the Courts pronounced bad law the judicious reporter not unfrequently consigned it to the limbo where all things are forgotten, but unfortunately in modern times cases which might well be buried are kept in remembrance by the assiduous efforts of reporters to report all cases, whether the law be good or bad. It is curious to notice how learned judges meet these obnoxious shades of their former mistakes. They doubt whether the case is "fully reported," but they do not apparently take any trouble to search the record of the proceedings in order to point out any facts omitted. Lopes, L.J., says: "It is impossible to reconcile the various decisions with regard to negligence; and the reason is that fact and law are so mixed up in them that they are frequently decisions on the facts rather than on the law, and the variety of facts involved is infinite." The attempt to make out that the decision in *Mann v. Ward* was a decision on a question of fact, seems lame. The facts as they appear by the report were that a driver of a cab got drunk and was asleep inside his cab, another drunken man got on the cab and drove it and caused damage to the plaintiff, and the question appears to have been was there such negligence on the part of the driver as to make the owner of the cab liable, and in that case the Court of Appeal held in the negative.

PRACTICE—SERVICE OF WRIT—FOREIGN CORPORATION—AGENT, SERVICE ON—CLERK, SERVICE ON—ORD. IX. R. 8—(ONT. RULE 267).

*The Princesse Clementine*, (1897) P. 18, was an admiralty action, in which a point of practice was involved, touching the service of a writ of summons. The defendants were a foreign corporation, and had their name on the door of the office of their agents in London, and issued cards and advertisements directing inquiries to be made to them there.