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THE case of *Roe* v. *Village of Lucknow*, decided by the Junior Judge of the County Court of the County of Huron, will be read with interest. Whether or not the decision will be upheld should it be appealed, it is hard to say; but the learned judge advances substantial reasons for his opinion, and has gone into the matter very carefully, citing a number of cases. We note, however, that he does not refer to *Rosenberger* v. *G.T.R. Co.*, 8 A.R. 482, a decision which was afterwards affirmed by the Supreme Court in 9 S.C.R. 311. See also *Hill* v. *Portland R.W. Co.*, 55 Maine 438, and the recent case of *Connell* v. *Town of Prescott*, 20 A.R. 49.

VOLENTI NON FIT INJURIA.

In the *Law Quarterly Review*, vol. 8, p. 202, Mr. Thomas Beven, the learned author of "Beven on Negligence," discusses at some length the decision of the House of Lords in the case of *Smith* v. *Baker*, (1891) A.C. 325. The case, it may be remembered, arose under the Employers' Liability Act, from which our Workmen's Compensation for Injuries Act, 1892, is to some extent derived; the ground of the action being that the plaintiff, a workman engaged in a quarry, was injured by a stone falling on him while in process of being swung over his head. The defendants sought to escape from liability on the ground that the plaintiff, after having knowledge of the danger to which he was exposed, continued in the defendants' employment, and they claimed that he thereby accepted the risk.

It is somewhat curious to note the different opinions expressed by Mr. Beven and Sir F. Pollock, the learned editor of the *Review*, as to the effect of the decision. For example, Mr. Beven says: "The sole point actually decided in *Smith* v. *Baker* is that, where a workman is engaged in work not in its nature dangerous, he is not precluded from recovering for an injury