

v. Hunt. We also think the decision should stand, and we refer our readers to the case of *The Oriental Laundry Co. v. Carroll*, reported in this number of *The Barrister*, where a similar principle is laid down.

Owing to the large number of cases, both English and Canadian, to be reported this month, and other matter, a number of short articles on important legal subjects have been crowded out of this month's issue, but will be published in our June issue.

The biblical requirement of "an eye for an eye and a tooth for a tooth" is seemingly successfully evaded by those of homicidal tendencies across the line; for Judge Parker, of Fort Worth, Ark., has made a table which shows that 44,000 human beings have been murdered in

the American Republic in five years, and there have been only 725 legal executions, though there have been 1,118 lynchings during the same period. Judge Parker thinks the cause is largely the immunity extended by the Courts to murderers, and the obstruction of justice in many cases by appellate Courts. The denseness of population in the American Republic, and the fact that sudden changes of residence from one city or state to another is never regarded as unusual—all this must make escape easier than in thinly populated countries. We think that an inquiry of the proportion in Canada would show that in three-fourths of the cases where murder occurs there are hangings following in due course. Not having any lynchings, we do not count any in this calculation.

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## REPORTS OF CASES.

### Recent Decisions Not Previously Reported.

#### Ontario Cases.

*Spence v. G. T. R. Co.*—The Divisional Court.—Before Falconbridge and Street, JJ.—The 22nd April.—Law Courts Act, 1895—Law Courts Act, 1896—Application for leave to appeal.—Judgment on application by plaintiff for leave to appeal to the Court of Appeal from order of Divisional Court of 16th March, 1896,

dismissing plaintiff's appeal from judgment of Meredith, C.J., dismissing action, but upon different grounds. The plaintiff had the option of appealing either to the Court of Appeal or a Divisional Court, and chose the latter. As the law stood on 16th March, 1896, there was no further appeal: *Jud. Act, 1895, sec. 73, sub-sec. 2.* But by the *Law Courts Act, 1896*, assented