

revenue thereof, and that subject to such conditions and restrictions, all as my trustees in their sole and absolute discretion think fit." The trustees had become involved in litigation as to the testator's estate, and during five years, had only paid the brother £24 5s. The brother assigned his interest to the plaintiff who claimed to be paid the whole of the income of the £5,000, but the House of Lords agreed with the court below, that the plaintiff had no higher rights than his assignor, and that he had no right to the total income, its disposal being left to the absolute discretion of the trustees.

NEGLIGENCE—RAILWAY COMPANY—FAILURE TO CLOSE DOOR OF CARRIAGE.

*Toal v. North British Ry.* (1908) A.C. 352 was an action to recover damages against a railway company for alleged negligence. The plaintiff was standing on the railway platform, where he had alighted from a train, and had been struck and injured by the door of one of the compartments of a car which had been left open, when the train again started. The defendant set up that the plaintiff was injured through his own negligence in not leaving the platform immediately after he alighted, and the Scotch Court of Session thought this contention well founded and refused the plaintiff a jury trial, but the House of Lords (Lord Loreburn, L.C., and Lords Halsbury, Ashbourne, Robertson and Collins) considered that the leaving the door open was some evidence of negligence on the part of the defendants which the plaintiff was entitled to have submitted to a jury.

INNKEEPER—LIMITATION OF LIABILITY—GOODS DEPOSITED WITH INNKEEPER "EXPRESSLY FOR SAFE KEEPING"—EVIDENCE—INNKEEPERS' LIABILITY ACT, 1863 (26-27 VICT. c. 41) s. 1—(R.S.O. c. 187, s. 3).

*Whitehouse v. Pickett* (1908) A.C. 357. This was an action against an innkeeper to recover damages for loss of goods placed in his keeping by the plaintiffs' traveller, a guest. The plaintiffs' traveller carried with him a bag of samples worth £1,800, which, on arrival at defendant's inn, he handed to the "boots" who took it without anything being said to the defendant's office and placed it in the same place it had been placed on previous occasions. Later in the day the traveller asked for the