ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

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EMPLOYER AND WORKMAN—ACCIDENT TO WORKMAN "ARISING OUT OF AND IN COURSE OF THE EMPLOYMENT."

Lowe v. *Pearson* (1899) 1 Q.B. 261, was an action brought under the English Workmen's Compensation Act, 1897, in which the sole question was whether the accident, in respect of which the action was brought, arose "out of, or in the course of the plaintiff's employment." The plaintiff was a boy employed in a pottery, and his duty was to make clay balls and hand them to a workman working at a machine, and he was forbidden to interfere in any way with the machinery. While the workman was temporarily absent, he, contrary to the orders of his employer, attempted to clean the machine and was injured. The Court of Appeal (Smith, Rigby, and Collins, L.JJ.) reversed the decision of the judge of a County Court who had held that the accident had arisen out of the plaintiff's employment, and held that the employer was not liable for the injury sustained by the plaintiff while transgressing his orders in meddling with the machine.

PRACTICE—NOTICE OF TRIAL—TERMS, IMPOSITION OF.

Baxter v. *Holdsworth* (1899) 1 Q.B. 266, turns on a rule of practice of which in Ontario we have no duplicate, namely, that relating to the summons for directions, and yet the point involved may be, incidentally, useful to remember. The defendant not being in any way in default, or liable to be put on terms, was, on a summons for directions, ordered to take notice of trial at a period less than ten days before the commission day of the assizes, subject to a proviso that the trial should not come on for trial until ten days should elapse from the giving of the notice. The defendant contended that he could not be required to accept notice of trial for less than ten days before the commission day of the assizes, but the Court of Appeal (Smith, Rigby, and Collins, L.JJ.) though of opinion that the defendant, being in no default, could not be required to accept less than ten days' notice of trial, yet held that there was nothing in the Rules to prevent a judge upon a summons for direc-