

On motion for judgment, McCOLL, C.J., dismissed the action holding that there was not a want of reasonable and probable cause.

Held, by the Full Court, reversing McCOLL, C.J., that on the findings the plaintiff was entitled to judgment. *Shrosbery v. Osmaston*, (1877) 37 L.T.N.S. 792, followed.

Marion, Q.C., for appellant. *Yarwood*, for respondent.

Book Reviews.

A Preliminary Treatise on Evidence at the Common Law, by J. B. Thayer. Weld Professor of Law at Harvard University. Boston: Little, Brown & Co., 1898.

The well-known Digest of the Law of Evidence by the late Sir James Stephen has systematized very satisfactorily that department of our jurisprudence by summing up in clear and succinct propositions the actual effect of the decisions. But the plan of that work necessarily excluded any adequate elucidation of the subject from a historical standpoint. To those who are desirous of examining under this aspect a topic of such deep interest to the profession we can cordially recommend an attentive perusal of the above-mentioned treatise. The author is a distinguished member of that body of scientific jurists who have within recent years so worthily co-operated on this side of the Atlantic in the investigations by which such writers as Sir Frederick Pollock and Professor Maitland have thrown light upon the growth of the common law. The objects of Professor Thayer, as stated in his preface are these: "By tracing the development of trial by jury, to throw light on the beginnings and true character of our rules of evidence; by a more accurate analysis and a fuller illustration than is common, of the distinction between law and fact, to make plainer the respective functions of the jury and the court; and by an investigation of certain important topics, ordinarily, but, as he believes, improperly treated as belonging to the law of evidence, to discriminate from that part of the law, and to set them in their proper place." In the dissertations outlined by these titles the learned author has accumulated a great quantity of useful information which he has worked up in a clear and readable style. Not the least valuable feature of the book is the running commentary of acute and pregnant criticism which accompanies his account of the evolution of the various doctrines discussed. We feel confident that few lawyers, however much attention they may have devoted to the scientific aspects of our law, will refuse to admit that they have added very appreciably to their stock of ideas, when they have finished the perusal of the chapters on "Law and