dite succession, et qu'il est démontré qu'il est incapable de les administrer ;

" La Cour destitue le dit défendeur de ses dites fonctions d'exécuteur testamentaire et fidéi-commissaire de la succession de feu Wm. Yule, et ordonne qu'il soit nommé un séquestre pour prendre soin des biens de la dite succession, jusqu'à ce qu'un autre administrateur fidéi-commissaire soit nommé à la place du dit défendeur," etc.

*Bethune & Bethune*, for plaintiffs.

*Ritchie & Ritchie*, for defendant.

## *RECENT ENGLISH DECISIONS.*

*Master and Servant—Assault—Submission.*—*Held*, by the Court of Appeal, (affirming the judgment of the Court of Common Pleas, noted at p. 111) that the verdict was right. Bramwell, L.J., said: " I dare say the woman thought that her master and mistress had a right to have her examined. But what she did was to submit under the influence of other considerations. The truth is that it is impossible to say the jury was wrong in finding that she submitted, not in consideration of violence, but for some other reason. It is not like the case of a boy holding out his hand to be struck, for the boy knows that if he does not submit he will be compelled to submit to something worse." Baggallay, L.J., said: " I think the verdict was right. It appears that the girl voluntarily led the way up-stairs. She went into the room, and following out her statement, her objection was not so much to be examined as to strip off her clothes one by one. The doctor was in the performance of his ordinary duty. She might have resisted if she had pleased, but she did not resist." Brent, L.J., said: " I think there was no case to go to the jury against the doctor. think he did not act in any way so as to make the girl think force would be used to her. she had so supposed, but without any such reason as would make a reasonable person think so, he would not be liable. It must be shown that he did use actual force, or that she acted under conduct of his which would make her think he was going to use violence. If there was no threat, and she submitted, there was no assault."—*Latter* v. *Braddell.*

*Negligence, Evidence of—Railway Crossing.*—The defendant's railway crossed a level crossing which was some 20 yards distant from a footbridge. Both the crossing and the bridge were private crossings. About 30 yards from the crossing a railway servant was stationed, who was sometimes shouted to by persons wishing to pass the level crossing with carts, and answered, "all right." The plaintiff, a boy of 11 years of age, having occasion to go over the line, was waiting at the level crossing until one train had passed, but was knocked down and severely injured when in the act of crossing it another train which he had not observed, and which was passing in the opposite direction. At the trial there was evidence that the bridge was dirty, and not lighted at the time of the accident; that the train did not whistle; that the plaintiff knew the bridge, having crossed it several times; and that the railway man used to bring out a stick to stop him from going over the bridge, but that when the accident happened he was not present. There was no evidence to show what the man's special duties were, or whether, he had any duties in respect to foot passengers. *Held*, that there was evidence of negligence to go to the jury, and that the conduct of the railway man was a distinct breach of duty which amounted to negligence and contributed to the accident. *Clarke* v. *Midland Railway Co.* (Exchequer Division) 43 L. T. Rep. (N.S.) 381.

## *GENERAL NOTES.*

If there is one thing more than another that we have given our English friends credit for understanding thoroughly, it is the law of costs, yet now we find the *Solicitor's Journal*, of January 29, saying: " The law as to costs under the Judicature Act appears to be, with respect to certain questions, in a most lamentable state of doubt and confusion."

Under the present law in Illinois, the Appellate Courts are required to write opinions only in cases where the judgments of the Courts below are reversed. A bill is now pending in the House of Representatives which proposes to require the judges to write opinions in all cases. It is stated that, in fact, the judges have written opinions in all affirmed cases involving important legal questions.

EXPERTS AT FAULT.—In Dr. Taylor's Manual of Medical Jurisprudence (of which an eighth American edition has just appeared), a case is referred to which occurred in April, 1843. At a town meeting in Salisbury, Conn., when the election was very close, a person proposing to vote was challenged by a physician, on the ground that he was a woman. Another physician stated to the meeting that he had examined the person, and found him a man. The individual then ptired with the two physicians to a separate room, and both came to the conclusion that he was a man, and, upon their report, he was permitted to vote. And yet, a few days later, circumstances occurred which indicated pretty plainly that, after all, he was a woman.