

against the prisoner (see Cr. Code, s. 698) may be made by any one who is not an expert in handwriting, and the court was agreed that it was not necessary to call an expert for that purpose. We see, by the way, that, in the Criminal Code, the Queen's Printer, instead of adhering to the Queen's English, has adopted President Cleveland's American, and spells pretence "pretense." For our part, we prefer Her Majesty's English to His Excellency's American. Moreover, Her Majesty's printer is not consistent, for, while he spells pretence with an "s," he still adheres to Her Majesty's English in spelling "offence." This case is also reported in 10 R. Nov. 432.

TREES OVERHANGING NEIGHBOUR'S GROUND—NUISANCE—RIGHT TO ABATE NUISANCE—NOTICE—COSTS.

*Lemmon v. Webb*, (1894) 3 Ch. 1; 7 R. July 111, turns upon a question of common law which one would have supposed had been long since settled; perhaps it is an argument in favour of the English people's neighbourly conduct that it has not sooner been considered in a court of law. The point was a very simple one. The plaintiff and defendant were owners of adjoining lands. On the plaintiff's lands were several large old trees, some of whose boughs overhung the defendant's land. The defendant, without notice to the plaintiff, or going on his premises, cut off a large number of branches to the boundary line. It was argued for the plaintiff that the defendant was not entitled to cut the overhanging branches at all, because they had been growing over his land for over twenty years; and at any rate he could not lawfully do so without first giving the plaintiff notice to abate the nuisance. Kekewich, J., was of opinion that no right could be acquired in adjoining property by the overhanging trees; but he considered the trees were a nuisance, and that the defendant was entitled to abate it by cutting the branches, but that he could not do so without first giving notice to the plaintiff. The Court of Appeal (Lindley, Lopes, and Kay, L.JJ.) were of opinion that no notice was necessary, and that the defendant had acted within his rights in cutting them as he did, but they considered that in doing so he had acted in an unneighbourly manner, and, though they dismissed the action, they refused to give the defendant any costs. It may be well to note that the case does not proceed on the principle that the defendant had acquired