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In *Leduc* v. *Graham*, the Court of Appeal (Montreal, June 26, 1889), formally decided, 3 to 2, that in an action of libel the truth of the alleged libel may be pleaded by the defendant, in justification; or, at least, in mitigation of damages. The Chief Justice who, with Mr. Justice Bossé, dissented, announced this to be the decision of the majority of the Court, by which His Honor will consider himself bound in the future. Such a plea therefore, will be unassailable by demurrer. Mr. Justice Cross, in delivering the opinion of the majority, referred to the law of Scotland which is similar, and intimated that in his opinion such a course was fairer to the plaintiff himself, as it gave him notice of what would be advanced by the defence, and opportunity to disprove it, if untrue.

Two recent cases arising from accidents by elevators are reported. In *Tousey* v. *Roberts*, N. Y. Court of Appeals, May 3, 1889, the defendant owned a house, one apartment of which, on an upper floor, was leased to plaintiff's husband. An elevator was operated by defendant for the convenience of the occupants, the shaft of which extended below the ground floor. Plaintiff went to the door, intending to go up, when it was opened from the outside by a boy, the brother of the man in charge, and ignorant that the elevator was already above, she stepped through the door, fell and was injured. She and others testified that the boy had managed the elevator many times before, of which the manager was aware, while others stated that he had never done so. There was no artificial light at the time, and the proof as to its necessity was conflicting. The Court held (1) that the evidence as to whether defendant was negligent, was sufficient to require the submission of the question to the jury, it being his duty to exercise due care for the safety of his tenants. (2) The evidence warranted the finding that plaintiff had the right to suppose the door was opened by one in charge of the elevator, and that it was safe to go through it. (3) It cannot be said as a matter of law that plaintiff was guilty of contributory negligence, by passing through the door without looking or listening. (4) An instruction, that although the boy was not a servant of defendant, it was for the jury to determine whether the latter should not have exercised such supervision over the building as to make it impossible for the boy to do acts from which the tenants might infer that he was such servant, is correct. (5) A general exception to the refusal of the Court to give each and every instruction asked, when the record does not show which instructions were refused, is too indefinite to be availing.

In *Oberfelder* v. *Doran*, Nebraska Supreme Court, March 27, 1889, it was held that the lessee of a building was responsible to his servant for an injury by the fall of an unsafe elevator, caused by dry-rot of its beams, where by the terms of the lease the tenant was to keep the elevator in repair. The Court said: "Freight and passenger elevators, and like mechanical contrivances for merchandise, factories and hotels are of modern use. Probably less than thirty years ago they were nearly unknown in this country. This is the first instance, under my observation, in which the question of the liability of the occupant or tenants of buildings employing an elevator to any class of persons suffering injury by the use of it has been mooted. The lives and safety of guests at hotels, or the customers and employees of a mercantile store or factory where an elevator is now in common use, must in the very nature of things, constantly depend for safety upon the strength of the machinery, its fastenings and support, and the proper condition in which all parts are preserved, as well as upon the skill and fidelity of those intrusted with their management. A great degree of responsibility thus necessarily rests upon the builders and owners of houses, in constructing and leasing them with this improvement, but more especially is the responsibility upon tenants to whose business operations it is made an important accessory. Many of the cases cited by counsel for plaintiffs in error seem to have been brought forward to estab-