hurt a painter in the plaintiffs' employment. The painter brought an action against the plaintiffs for injuries sustained, under the Employers Liability Act, 1880, from which the Act above referred to is taken, which action the plaintiffs compromised by the payment of £125. The present action was then brought against the defendant for breach of contract, and it was held by Denman, J., that though the defendant was liable under the contract, yet that the plaintiffs having employed a competent person to put up the platform, there was on the facts no evidence of negligence by the plaintiffs, and therefore, they were not liable to their servant for the injury he had sustained, and that the money paid by him to settle his action was therefore not recoverable against the defendant as damages for his breach of contract, and the learned judge therefore gave judgment against the defendant for nominal damages only, without costs.

Action for waste by reversioner—Measure of damages.

Witham v. *Kershaw*, 16 Q. B. D. 613, is another decision on the question of the measure of damages. In this action the plaintiff claimed as a reversioner to recover damages against his tenant for waste committed on the demised premises. The waste complained of consisted in the removal of soil from the demised premises. Matthew, J., before whom the action was tried, held that the proper measure of damages was the sum which it would cost the plaintiff to replace the soil which the defendant had taken, less a discount in respect of the time which would elapse before the reversion would fall into possession; but the Court of Appeal held, that this was an erroneous mode of computing the damages, and that the measure of damages, for breach of a covenant not to commit waste, is not necessarily the same as it is for breach of a covenant to deliver up the property at the end of the term, in the same state as that in which the tenant received it. For while in the latter case, the method of arriving at the damages adopted by Matthew, J., would be correct; the proper mode of estimating the damages in the former case, is to ascertain the actual injury occasioned to the reversion by the wrongful act complained of. In this case it was left to the Court of Appeal to fix the damages, and it appearing that the land in question was worth about £30 per acre, and that the soil which had been removed would have covered about a quarter of an acre, the damages were fixed at £10.

Larceny—Innocent receipt of chattel.

In *The Queen* v. *Flowers*, 16 Q. B. D. 643, it was necessary to explain *Reg.* v. *Ashwell*, 16 Q. B. D. 190, noted *ante*, p. 99. The latter case was supposed by the learned recorder of Leicester, to have abrogated the well-established rule of law, "that an innocent receipt of a chattel and its subsequent fradulent appropriation do not constitute larceny"; but the Court composed of Coleridge, C.J., Manisty, Hawkins, Day, and Grantham, JJ., were unanimous that it had no such effect.

Particulars — Names of persons to whom slander uttered.

The case of *Roselle* v. *Buchanan*, 16 Q. B. D. 656, was an action of slander, in which the defendant before delivering his defence, applied for an order for the plaintiff to deliver particulars of the names of the persons to whom the alleged slander was uttered. Field, J., had granted the application, and Grove and Stephen, JJ., now affirm his order.

Appointment of new trustees—Senile imbecility.

In re Phelps' trusts, 31 Chy. D. 351, was an application under the Trustee Act, 1850, to appoint a new trustee in place of one who was 85 years of age, and sworn to be and for the past twelve months, to have been, from advanced age and failing memory, mentally incapable of transacting any trusteeship business. Kay, J., thought the evidence showed that the trustee was "a person of unsound mind," and that the petition should therefore have been entitled in lunacy and he dismissed it; but upon appeal, the Court held the trustee was not a person of unsound mind, and that only persons can be said to be "of unsound mind," who would be found insane upon inquisition and they granted the application as being within sec. 32 of the Act.

Injunction—Restraining unauthorized use of name.

In *London and Blackwall Ry. Co.* v. *Cross*, 31 Chy. D. 354, an application was made to Chitty, J., for an injunction to restrain the de-