

doctrine might be extended so as to hold a tenant responsible for the dry-rot which from time to time makes its appearance in old wood. Nor would it be legitimate to apply the principle laid down in the celebrated case *Smith v. Marrable*, 11 M. & W. 5, where it was held that on the letting of a furnished house there is an implied condition that it is in a fit state for habitation at the commencement of the tenancy. It was there held that a tenant who had taken a furnished house was entitled to repudiate the contract because the place was full of vermin. This principle has never been extended to unfurnished premises.

TRIAL IN CAMERA.

At the Liverpool Assizes, recently, Mr. Justice McCardie made a protest from the Bench against being compelled to try cases of incest *in camera*. For some unaccountable reason the following clause was inserted in the Act which first made incest a crime: "All proceedings under this Act are to be held *in camera*." A trial for incest is the only judicial proceeding, whether civil or criminal, which *must* be held behind closed doors, and, as Sir Herbert Stephen has recently pointed out in the columns of the *Times*, it is much to be deplored that the Legislature, beset by a fit of squeamishness, created this very dangerous precedent.

If the object had merely been to secure the due of administration of justice, the rule was unnecessary, because every judge has inherent jurisdiction to clear his court if justice cannot be done in public. Again, it has long been the practice at criminal assizes for the judge to order women and children out of court when a certain class of offence is being tried. If the object of the Mrs. Grundys who secured the passing of this Act had been to protect the morals of those who, in morbid curiosity attend in the gallery at assize courts, it is sufficient to say that there are many other crimes in the calendar which are more horrible and far more frequent.

ADVANTAGES OF TRIAL IN OPEN COURT.

Wholly apart from the fact that the adoption of trial *in camera* is a violation of the common law rights of the individual, there are