

cheque until further inquiry can be made. But I am not satisfied that the bank is bound, as a matter of law, to accept an unauthenticated telegram as sufficient authority for the serious step of refusing to pay a cheque."

SHIP—CONTRACT OF CARRIAGE—CONSTRUCTION—UNSEAWORTHINESS—EXCEPTION.

*Nelson v. Nelson* (1908) A.C. 16. In this case the House of Lords (Lord Loreburn, L.C., and Lords Halsbury, Macnaghten, and Atkinson) have affirmed the judgment of the Court of Appeal (1907) 1 K.B. 769 (noted ante, vol. 43, p. 774) on the ground that the agreement being ill-expressed, and self-contradictory, it could not displace the prima facie liability of the ship-owners to provide a seaworthy ship, and to take reasonable care; and the damage in question having resulted from the unseaworthiness of the ship, the defendants were liable therefore, there being no clear and express exemption from such liability.

DAMAGE—SUBSIDENCE—MEASURE OF DAMAGES—RISK OF FUTURE SUBSIDENCE—REMOTENESS.

In *West Leigh Colliery Co. v. Tunncliffe* (1907) A.C. 27, it may be remembered that the Court of Appeal (reversing Eady, J.), held, that in assessing damages recoverable by a surface owner for subsidence owing to the working of minerals under or adjoining his property, it was proper to allow for the depreciation of the market value of the property owing to the risk of future subsidence (1906) 2 Ch. 22, (noted ante, vol. 42, p. 598). The House of Lords (Lord Loreburn, L.C., and Lords Macnaghten, Ashbourne, Hensford and Atkinson) have now reversed the decision of the Court of Appeal and restored that of Eady, J., (1905) 2 Ch. 390 (noted ante, vol. 42, p. 101). Their Lordships were of the opinion that the case was governed by the decisions of the House of Lords in *Backhouse v. Bonomi*, 9 H.L.C. 503, and *Darby Main Colliery Co. v. Mitchell*, 11 App. Cas. 127.

SALE OF GOODS—SHIP—PASSING OF PROPERTY IN GOODS—SALE OF GOODS ACT, 1893 (56-67 VICT. C. 71) ss. 16, 18, 62.

*Laing v. Barclay* (1908) A.C. 35, although an appeal from a Scotch Court deserves attention, because it deals with a point