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We have frequent discussions and disputes in these days with reference to the sites chosen for hospitals and asylums. In this connection the recent case of *Bendelow* v. *Guardians of Wortley Union*, 57 L. T. Rep. (N. S.) 849, Chan. Div., may be cited. Stirling, J., granting an interim injunction to restrain a sanitary authority from continuing a small-pox hospital, on the ground that there was an appreciable injury to the plaintiff's property, said: "This case certainly comes close to the line. The first question is, what is the law applicable, and that, after the discussion which it has undergone in recent cases, is tolerably clear. The plaintiffs complain of a building at no great distance from their property as a nuisance, being used as a small-pox hospital. The burden of proof is upon them. They must make out not merely that patients suffering from infectious disease are gathered together there, but that there is also some injury to the rights of the plaintiffs as owners of the property where they live. Then comes the question, what is the amount of injury which will induce the court to treat this as a nuisance? That is well illustrated by *Fleet* v. *Metropolitan Asylums Board*, 2 L. T. Rep. 361. The expression there used is that there must be provable injury to the plaintiffs' property. The plaintiffs must make that out. Has that been made out here? The plaintiffs' property is between 132 feet and 147 feet from the place in question. The house abuts on a road made by the plaintiffs going to and from their houses. There is between the building occupied as a hospital and the plaintiffs' house a wall thirteen feet high. Upon the evidence adduced by the plaintiffs I felt considerable doubt, and I suggested that some medical man should go down and report accordingly. Dr. Murphy, nominated by Dr. Buchanan of the local government board, was sent down accordingly, and reported. . . . What meaning am I to attach to that report? I think it shows that there is a real appreciable danger to persons susceptible to small-pox, though not very great On the other hand, the nature of the disease is such that if once a person suffers from it, it is irreparable in the sense in which that word is used in reference to an injunction. I think the plaintiffs have made out a case of real appreciable injury, though not a great one, and are entitled to an interlocutory injunction to restrain the user of the place so as to be a nuisance to the plaintiffs."

The March Appeal List at Montreal shows the smallest number of cases since the special terms were held. There are only 80 cases set down, being a decrease of 13 compared with the term in January, and a decrease of 16 compared with the March term of 1887. If it had not been for the time consumed in re-hearings, the list would probably have been reduced to about 65. If this Court is to be left with only four judges available for the appeal terms, the law should be altered so that in case of an equal division the judgment of the lower Court shall stand.

JUDICIAL WIT.

We feel bound to chronicle every attempt at wit by the judiciary, especially by those dignified personages, the English judges. The unwonted appearance of an article of feminine apparel as the subject of a lawsuit, seems to inspire them with wanton quips. A recent "bustle" case gave their lordships an excellent opportunity. Counsel argued that although braided wire had been used for cushions, its use for "dress improvers" was a novelty capable of being protected by a patent. Thereupon Lord Justice Bowen, at the very moment, perhaps, when we were writing a tremendous puff of his lordship's exquisite and refined translation of Virgil, remarked: "Then you say that there is a difference between a pillow on which you put your head and a 'dress improver' on which you put another part of your body." And then the lord chief justice shyly suggested: "Surely a dress improver is in the nature of a cushion. If one may so, it is in the nature of padding." This is too dreadful. We hope the English are not so irreverent as to name