

in my ears as long as life lasted." It is unnecessary in a legal journal to enlarge on such an exhibition of judicial imbecility, cowardice, and disregard of duty. For the sake of his country it is to be hoped that there are none others occupying such a position who would act in such a dastardly manner.

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The *Law Magazine and Review* for May contains an article on the law relating to commissions and tips. The writer sums up his conclusions as follows:—

(1) Commissions and tips, if open and unconcealed, and given to the agent with the principal's knowledge, are legal.

(2) Commissions and tips, given to the agent without the principal's knowledge and for the purpose of influencing him in relation to his principal's affairs, even if the principal did not suffer any injury, are illegal. The principal has (a) a civil remedy, and may recover the amount of the bribe from the agent. He had also (b) a criminal remedy both at common law and under the Prevention of Corruption Act, 1906, and may prosecute the agent.

In conclusion, it may be stated that the law relating to tips, came under consideration in 1908 in the case of *Penn v. Spiers and Pond*, L.R. [1908] 1 K.B. 766. In that case the question arose as to whether the "tips" given to a waiter on a restaurant car running on the London and South Western Railway were part of his "earnings" under the Workmen's Compensation Act, 1906. The Court of Appeal held that they were. The Master of the Rolls, in giving judgment, said: "We desire to state that nothing in this judgment extends to "tips" or "gratuities" (a) which are illicit; (b) which involve or encourage a neglect or breach of duty on the part of the recipient to his employer; or (c) which are casual and sporadic and trivial in amount. But where the employment is of such nature that the habitual giving and receiving of "tips" is open and notorious, and sanctioned by the employer, so that he could not complain of the retention by the servant of the money thus received, we think the money thus received with his knowledge and approval ought to be brought into account in estimating the average weekly earnings."