it had not convinced him." We are surprised to see that Lord Coleridge repeated that he did not think *Sander's* case covered by *Thomas'* case, as, in our judgment, it most certainly is. The pressure of *Thomas'* case seems to have been felt by the Court of Appeal in the case of *Yarmouth* v. *France*, a case in which Lord Justice Lopes dissented from Lord Esher and Lord Justice Lindley. It was then what is called "distinguished," although the plaintiff was a workman injured by a vicious horse of his master, which horse he knew to be vicious. Lord Esher then took occasion to say that his position with regard to *Thomas'* case was an extremely delicate one, as he had dissented from the rest of the court, and thought the decision utterly wrong, and he said, "Does the judgment of Lord Justice Bowen mean to say that the mere knowledge of the workman and his continuing in the employ is fatal to him?" and he intimated his view that that would be wrong. Lord Justice Lindley did not consider that *Thomas'* case went so far as to protect masters who knowingly provide defective plant for their workmen, and who seek to throw the risk of using it on them by putting them in the unpleasant position of having to leave their situations or submit to use what is known to be unfit for use. This, however, is not the general opinion of County Court judges and the profession. After what has fallen from the court in *Sanders'* case, and having regard to the weight of Lord Esher's authority and the view of Lord Justice Lindley, we would suggest that *Thomas* v. *Quartermaine* should be considered as no authority for the larger proposition, and should not be allowed to stand in the way of a workman injured by defective machinery known to be defective both to himself and to his master.—*Law Times.*

THE RULE OF THE ROAD.—It is a general, but not always a binding, rule that one vehicle in passing another in a highway should take the left side of the driver. This is called in the reports the law or rule of the road, and was, according to Lord Kenyon, "introduced for general convenience." Where carriages are driving on a narrow road, or where accidents might happen, the rule ought to be adhered to; and in driving at night the rule ought to be strictly adhered to, and never departed from, as it is "the only mode by which accidents can be avoided." But where, Lord Kenyon continued, the road was sufficiently broad for all persons and carriages to pass, though a carriage might be driving on the wrong side of the road, if there was sufficient room for other carriages and horses to pass on the other side, a person was not justified in crossing out of the way in order to assert what he termed the right of the road. It was putting himself in the way of danger, and the injury was of his own seeking. In a note by Mr. Epinasse to the report of the case, *Cruden* v. *Fentham*, 2 Esp., 684, from which these observations are taken (the case does not appear to have been reported elsewhere), we find that on a motion for a new trial Lord Kenyon expressed himself in nearly the same terms. The mere fact, however, of the defendant being on the wrong side of the road does not constitute sufficient evidence of negligence to render him liable, nor the mere fact of the plaintiff being on his wrong side afford any justification for the defendant to