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pended, the publication was not susceptible of the alleged innuendo. The presence of the note was held to distinguish the case from *Williams v. Smith*, 22 Q.B.D. 134 (noted *ante* vol. 25, p. 163), where the list of judgments had been published without any such qualifying statement.

CRIMINAL LAW—ATTEMPT TO DISCHARGE LOADED ARMS—EVIDENCE FOR THE JURY—24 & 25 VICT., C. 100, s. 18—(R.S.C., c. 162, s. 13).

The Queen v. Duckworth (1892), 2 Q.B. 83, was a prosecution for attempting to discharge loaded firearms at another person. The indictment was laid under 24 & 25 Vict., c. 100, s. 18 (R.S.C., c. 162, s. 13), which enacts that whosoever shall unlawfully or maliciously, "by drawing a trigger or in any other manner," attempt to discharge any kind of loaded arms at any person with intent to do grievous bodily harm shall be guilty of felony. At the trial it was proved that the prisoner drew from his pocket a loaded revolver and pointed it at his mother. His wrists were seized by bystanders as he was raising the pistol, and, after a struggle, it was taken from him. During the struggle his finger and thumb were seen fumbling about the revolver, which cocked automatically when the trigger was pulled. On a case stated by Lawrance, J., the court (Lord Coleridge, C.J., and Hawkins, Wills, Lawrance, and Wright, JJ.) were unanimously of opinion that the prisoner could, on the evidence, be properly convicted of an attempt to discharge the revolver within the meaning of the Act; and *Regina v. St. George*, 9 C. & P. 483, was overruled.

EMPLOYERS' LIABILITY ACT (43 & 44 VICT., c. 42), s. 1, s-s. 1 (53 VICT., c. 30, s. 3, s-s. 1 (O.))—MASTER AND SERVANT—"WAY," DEFECT IN.

Willets v. Watt (1892), 2 Q.B. 92, is a decision under The Employers' Liability Act (55 Vict., c. 30 (O.)). In the workshop of the defendant, in which the plaintiff was employed, was a catch-pit covered by a lid. This lid was removed for a temporary purpose, and the plaintiff, while it was so removed, fell into the pit and was injured, in passing from one part of the shop to another in the course of business. The judge of the County Court who tried the action held that the defendants were liable. Hawkins and Wills, JJ., reversed his decision on the ground that the place where the plaintiff fell was not "a way" within the meaning of the Act, and the Court of Appeal (Lord Esher, M.R., and Fry and Lopes, L.JJ.), although dissenting from them as to the place being "a way," nevertheless held that the defendants were not liable, on the ground that the temporary removal of the lid did not constitute a defect in the way. Lord Esher's definition of a "way" within the meaning of the Act is "the course which a workman would in ordinary circumstances take in order to go from one part of the shop where business is done to another part where business is done, when the business of his employer requires him to do so." All the judges in appeal were agreed that it is not necessary to constitute a "way" within the meaning of the Act that it should be marked out or defined by any particular boundaries.

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