To me it seemed a most interesting case of canine intelligence that two scamps of dogs, one we know having sheep within a few yards of him, should not attempt any sport on their own ground; but should deliberately meet some miles off, and then, when interrupted, tear off to their homes, and, like a human criminal, endeavor to prove an *alibi* by being found asleep in bed about the time when the murder was committed."

NEGLIGENCE OF VALUERS.—Valuers who are negligent with the business of their clients will find little to comfort them in the decision of the Court of Appeal in *Scholes* v. *Brook* (noted in 91 L.T. 77), upon which we commented in a recent article upon "The Liability of Valuers." The decision of Mr. Justice Romer in the court of first instance (63 L.T. Rep. N.S. 837) has been affirmed, and our summary of the law concerning valuations remains correct. A mortgagee may be either (*a*) a stranger to, or (*b*) a client of, the valuer. If (*a*) he is a stranger, his action against the valuer can only succeed as an ordinary action of deceit, in which he is now, thanks to *Derry* v. *Peek* in the House of Lords (61 L.T. Rep. N.S. 265; 14 App. Cas. 337), compelled to allege and prove fraud, fraud being the essence of the action. If, on the other hand, (*b*) the mortgagee is a client of the valuer's—albeit the valuer is to be paid by the mortgagor out of the money advanced or otherwise—if there is a "contractual relation" between the valuer and the proposed mortgagee, and the valuer knows that he is valuing the property in the interest of the proposed mortgagee, then all that the mortgagee has to prove as plaintiff is that the valuer did not use reasonable skill and care in preparing the valuation. This proved, the valuer is liable in damages; this non-proven or disproved, he escapes. But Mr. Justice Romer and the Court of Appeal have now held that in *Scholes* v. *Brook* there was a contractual relation between the plaintiff and the valuers, that the valuers were guilty of negligence, and were legally responsible for the damages caused by that negligence. Mortgagees can no longer rely upon the decision of Mr. Justice Chitty in *Cann* v. *Wilson* (59 L.T. Rep. N.S. 723; 39 Ch. Div. 39), the first case in which negligent valuers were hit, for that decision was anterior to *Derry* v. *Peek*. But if they can show a contractual relation between themselves and the valuers, they can lean without distrust upon *Scholes* v. *Brook*, unless—which is very unlikely—that case should go to the House of Lords and be decided differently there.—*Law Times*.

ABOUT WITNESSES.—The strange statements, extraordinary admissions, prompt retorts, funny mistakes, crooked answers, and odd distortions of the Queen's English, heard in the courts, would make a plethoric volume of amusing reading. From an old English magazine we gather the following anecdotes of witnesses, some of which, we trust, will prove new to the readers of the *Green Bag*.

The subjects of legal vivisection do not find the process so agreeable to themselves as it is interesting to uninterested listeners. The old fellow who had