considered and weighed by the Court. In the words of Starkie, page 240: "It would "be manifestly unjust to receive the testi- "mony of the adversary's witness to prove "the fact, without also admitting the party's "witness to deny it; and assuming the act "to have been done, or expression used, it "would also be unjust to deny to the party, "or to the witness who admits the act or "expression, the best, or, it may be, the "only means of explanation. If the witness "admit the words, declaration, or act, proof "on the other side becomes unnecessary, "and an opportunity is afforded to the wit- "ness of giving such reasons, explanations "or exculpations of his conduct, if any there "be, as the circumstances may furnish; "and thus the whole matter is brought be- "fore the Court at once, which is the most "convenient course." See Taylor on Evidence, Nos. 1445, 1470 and 1477; Phillipps on Evidence, pages 505 and 508: Starkie on Evidence, page 238.

All these authorities refer, however, to statements or declarations made previously, and not subsequently as in the present instance, to the examination of the witness whom it is sought to discredit. This may result from the speedy and continuous mode in which trials are carried on in England; but it seems to me that the reasons which require the examination of the witness with respect to a statement or declaration made before his testimony was given, apply with equal force to a statement or declaration made afterwards. And in Halsted's Law of Evidence I find a holding directly in point, laying down the rule that evidence of a subsequent statement or declaration is inadmissible until the witness whose credit is attacked has been examined respecting it. The passage is in his 2nd volume, at page 514, No. 14, and reads as follows: "The declarations of wit- "nesses whose testimony has been taken "under a commission, made subsequent to "the execution of the commission, contra- "dicting or invalidating their testimony, are "inadmissible in evidence. Such evidence "is always inadmissible until the witnesses "have been examined upon the point, and "an opportunity furnished to them for ex- "planation or exculpation; and the rule "applies as well when the testimony is taken "under a commission as otherwise. *Brown* "v. *Kimball*, 25 Wend. 259." This is, it is true, an American authority, but as the rule on this subject is the same in the United States as in England, it is applicable, and may be taken to guide us.

I must, therefore, maintain the objection and adjourn Mr. Landry's examination, to allow the respondent to recall and further cross-examine Dr. Routhier.

Objection maintained.

J. M. McDongall and *Henry Aylen*, for petitioner.

L. N. Champagne, for respondent.

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*SUPERIOR COURT—MONTREAL.**

Negligence causing nervous shock or fright—Responsibility.

Held, that damage, the result of fright or nervous shock, unaccompanied by impact or any actual physical injury, is too remote to be recovered. And so, where a miscarriage resulted from a fright caused to the plaintiff from the fall of a bundle of laths (which occurred through the defendant's negligence,) near where the plaintiff was standing, it was held that she could not recover damages.—*Rock* v. *Denis*, Davidson, J., May 18, 1888.

Acte des élections de Québec—Substitution de pétitionnaire—Collusion—Procureur ad litem—Admission du défendeur—Effet d'un retrait.

Jugé:—1o. Que pour qu'une substitution de pétitionnaire soit permise, dans le cas où le premier pétitionnaire néglige ou refuse de procéder, il faut: 1o. Qu'il soit démontré à la Cour qu'il y a collusion entre le premier pétitionnaire et le défendeur; 2o. La pétition de substitution doit être signée par la partie elle-même et non par son procureur *ad litem*.

2o. Que le défendeur dans le cours de l'instruction de la cause, à l'enquête, pour éviter des frais, et en vue d'un compromis, ayant fait une admission écrite, admettant que des manœuvres frauduleuses de nature à annuler son élection avaient été commises par ses agents légaux, mais hors de sa

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