class of cases makes it not easy to attach the circumstances of each to the name of the case, so that they may well have an explanatory addition to their respective titles. Thus, as *Langridge* v. *Levy*, 7 Law J. Rep. Exch. 387, has been called the "gun" case; *Winterbottom* v. *Wright*, 11 Law J. Rep. Exch. 415, the "coach" case; *George* v. *Skivington*, 39 Law J. Rep. Exch. 8, the "hair-wash" case; *Elliott* v. *Hall* may be called the "railway truck" case. In all these cases the plaintiff was successful, except the coachman who brought an action against the coach builder for injuries due to the breakdown of the wheel. Whether this case, which was so decided in consideration of the necessity of "drawing the line" to prevent an indefinite liability on the part of the maker of an article, will be upheld at the present day, may be open to doubt, and it is contrary to the tendency of the judicial opinon of the day.

In *Elliott* v. *Hall* the plaintiff, a workman in the employ of a coal company, had in the course of his duty to unload a truck of coals supplied by the defendant. The truck was hired by the defendant of the Midland Waggon Company, which undertook to do substantial repairs, leaving small matters to be repaired by the defendant. In the bottom of the truck was a trap-door kept in place by a pin, which was itself secured by a catch. The catch was lost, the pin was jerked out of place, and the plaintiff fell through the trap-door with the coals upon him. The jury negatived contributory negligence, and gave the plaintiff £200. In the argument of the case, *Heaven* v. *Pender* was relied upon as a conclusive authority. Mr. Justice Grove lays it down that "there was a clear duty on the defendant to supply an efficient truck, and the plaintiff was the servant of the person to whom the coals were supplied and the person whom the defendant might reasonably have supposed would unload the truck." This is the whole reason given by Mr. Justice Grove for his decision, except to comment on *Heaven* v. *Pender* in a way to show that the facts of it were not present to his mind. He says that the only question in that case was whether the dockmaster was liable to the plaintiff as well as the person who put up the staging, when in fact the dockmaster was the person who put up the staging. Mr. Justice Smith is equally brief. He says "the plaintiff was not one of the public, not a bare licensee, not a stranger, but a person whose duty it was to unload the truck." So in *Winterbottom* v. *Wright* the plaintiff was not a stranger, but the coachman whose duty it was to drive the coach, and yet he was nonsuited. In regard to the contention on the part of the defendant that the duty is limited to occupiers of property, Mr. Justice Smith says, "In the case of *Foulks* v. *The Metropolitan Railway Company*, 44 Law J. Rep. C. P. 361, it was held that there was a duty to the plaintiff, although he had no ticket, since by providing the carriages the company held out an invitation to passengers to use them." But in that case the plaintiff had a ticket, and the Lords Justices were of opinion that a contractual relation existed between the plaintiff and the defendants, although, in the alternative, they considered that the "defendants had invited and received" the plaintiff so as to make them liable independently of contract.

Judgments so slenderly supported by reasoning from the previous decisions must have been based on the adoption of the broad principle laid down by the Master of the Rolls in *Heaven* v. *Pender* —namely that "wherever one person is by circumstances placed in such a position with regard to another that everyone of ordinary sense who did think would at once recognise that if he did not use ordinary care and skill in his own conduct in regard to those circumstances he would cause danger or injury to the person or property of the other, a duty arises to use ordinary care and skill in regard to such danger." We have already (November 17, 1883) given reasons for not accepting this vague test, either as a sufficient rule or useful in itself or as reflecting the cases; and it was not concurred in by Lord Justice Cotton or Lord Justice Bowen, who decided the same case. It may very well be that the decision in *Elliott* v. *Hall* is right—the probabilities are that it is, because the circumstances of the case do not seem to carry the liability to an unreasonably wide extent —but at present we are sadly in want of a rule which will give us the legal test of the extent of liability in tort, while reconciling *Winterbottom* v. *Wright* or overruling it once for all, and with sufficient authority.—*Law Journal.*