your Lordships' bar of *Sword* v. *Cameron*, 1 Ct. Sess. Cas., 2nd series, 493, and the *Bartonshill Coal Co. v. McGuire*, 3 Macq. 300, established conclusively the point for which they were cited, that the negligent system, or a negligent mode of using perfectly sound machinery, may make the employer liable, quite apart from any of the provisions of the The Employers' Liability Act." Lords Watson and Herschell adopt the same view. Lord Watson says: "Accordingly, the first answer of the jury appears to me to affirm that the system of using the crane was not reasonably fit for the purpose, inasmuch as it exposed workmen in another department to unnecessary danger." Not, it will be observed, that the crane itself was unfit, but that *the system of using it* was so. And he says further on: "As I understand the law, it was also held by this House, long before the passing of the Employers' Liability Act (43 & 44 Vict., c. 42), that a master is no less responsible to his workmen for personal injuries occasioned by a defective system of using machinery than for injuries caused by a defect in the machinery itself." But it must be admitted that these observations are mainly directed to showing that the verdict of the jury, finding negligence on the part of the defendants, was justified by the facts; and at the same time Lords Watson, Herschell, and Morris all treat the question of whether the maxim of *volenti non fit injuria* was applicable as really the only question for decision by them.

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## *CURRENT ENGLISH CASES.*

The Law Reports for February comprise (1893) 1 Q.B., pp. 209-375; (1893) P., pp. 37-58; (1893) 1 Ch., pp. 213-402; and (1893) A.C., pp. 1-126.

ELECTION PETITION—PLACE OF TRIAL—CHANGE OF VENUE—SPECIAL CIRCUMSTANCES—31 & 32 VICT., C. 125, S. 11, S-S. 11—(R.S.O., C. 10, S. 39).

In *Lawson* v. *Chester*, (1893) 1 Q.B. 245, an application was made to change the venue for the trial of an election petition to some place outside of the electoral district on the ground that it would be more convenient, and a saving of expense; but it was held by a Divisional Court (Lord Coleridge, C.J., and Cave, J.) that these facts were not "special circumstances" within the meaning of the statute 31 & 32 Vict., c. 125, s. 11, s-s. 11 (see R.S.O., c. 10, s. 39), and the application was therefore refused.