incurable disease ought to be "discharged." It was at one time thought that the impossibility of ascertaining the degree of infirmity under which a member labored and of pronouncing him incurable was a sufficient reason for not removing him, although to all appearances he might never be able to attend again; and it was also suggested that such a practice would enable members under that pretense to vacate their seats. By a reference, however, to *Mr. Alcock's case*, in the year 1811 (Hatsel's Precedents, Vol. 2, p. 35), we find that the uniform practice of Parliament is to enquire into the nature of the alleged malady and to grant or refuse a new writ according as the appointed committee (the Committee of Privileges) found the incapacity to be permanent or temporary (see also Jour. House of Com., Vol. 1., Feb. 14, 1609; 16 Com.'s Jour. 226, 265; Appendix 687, 1811; Cushing, p. 26). In Canada this question first came up in *Mr. Crooks' case*, where, in the absence of precedents of our own, reference was had to the English practice, in that in the absence of any statutory enactment the common political law governs as well in Canada as in England, and it was stated that insane persons are incapable of executing the trust of members. In the case last mentioned the case was referred to the Standing Committee on Privileges and Elections to report whether or not the disease was curable (Assembly Jour. Ont. Leg., Feb. 12 and 14, 1884), and this practice appears to be now established.

A. H. O'B.

Notes and Selections.

INJURIES FROM FRIGHT—NEGLIGENCE.—In *Ewing* v. *Pittsburg, etc., Ry. Co.*, 34 Central L.J. 236, it was held that where the claim alleged fright, without any allegation of bodily injury, there was no cause of action stated, the court refusing to enlarge the scope of accident cases.

BANK—DEPOSIT.—When a bank receives from a depositor a cheque drawn on itself by another person and gives the depositor credit therefor, it thereby pays the cheque and cannot afterwards deduct the amount from the depositor's account: *American, etc., Bank* v. *Gregg*, 28 N.E. Rep. 839.

CITATION OF AMERICAN DECISIONS.—"Although the decisions of the American Courts," said Lord Chief Justice Cockburn in *Scaramanga* v. *Stamp* (1880), 49 Law J. Rep. C.P. 674; L.R. 5 C.P. Div. at p. 303, "are, of course, not binding on us, yet the sound and enlightened views of American lawyers in the administration and development of the law—a law, except so far as altered by statutory enactment, derived from a common source with our own—entitle their decisions to the utmost respect and confidence on our part." This well-deserved compliment to the American judicature has been eclipsed by the Judicial Com-