had the result of largely nullifying that authority. In *Lucy* v. *Bawden* (1914, 2 K.B. 318), Atkin, J., limited the extent of the landlord's liability by holding that the defendant's knowledge of the defect was an essential element. The landlord was liable, indeed, for defects in the common staircase, but only when he was aware, or should have been aware, of them and the defendant was not—when, that is, the defect was in the nature of a trap. This, of course, deprives the doctrine of much of its utility. Premises have to be used, even though a defect is patent, and a landlord should not be able to escape liability by saying that the person injured was aware of the defect. In other words, the duty of the landlord should be, as in effect was held in *Miller* v. *Hancock* (*supra*), an absolute duty to keep the staircase in repair.

The attack on *Miller* v. *Hancock* was carried further in *Dobson* v. *Horsley* (1915, 1 K.B. 634), where a child of a tenant of a room had been injured through falling from a staircase, one of the rails of which was missing. It appeared that the railing was missing at the time of the letting of the room, and the fact that it was missing was obvious on inspection—at least to adults, if not to three-years-old playing with his toys. Hence Buckley, L.J., pointed out that there was no trap, and accordingly the child and his father, who were suing as co-plaintiffs, had no remedy. Here, as in other cases subsequent to *Miller* v. *Hancock*, it was observed that that was a decision upon the facts of the particular case—a remark which applies just as much, perhaps, to all decisions. It is a maxim of case-law that each decision is concerned only with particular facts, and when it purports to establish a principle wider than the facts require, the excess is liable to be treated as *obiter dictum*. In fact, the idea of *Miller* v. *Hancock* being based on the "trap doctrine" seems to have been invented by subsequent judges who did not care to place the landlord's liability as high as seemed proper to the Court of Appeal in that case, and *Dobson* v. *Horsley* and *Miller* v. *Hancock* must be regarded as being in conflict.

In *Hart* v. *Rogers* (1916, 1 K.B. 646), Scrutton, J., had to choose whether the duty of the landlord was an absolute duty to repair or only a duty not to set a trap. In that case the