

decision of our Court of Appeal; and here it may be noted that Mr. Strong did not sit when the case was before the Supreme Court, which might have made a material difference there.

As to the *Duggan* case, our readers may remember that the Court of Appeal was also unanimous in the same view as the much-criticized Judicial Committee. The Supreme Court certainly reversed the Court of Appeal, but were not unanimous, Taschereau and Patterson, JJ., having dissented; as we pointed out when the decision was given, there were five Canadian judges and eight judges of the Privy Council against Street, J., and three judges of the Supreme Court. It will thus be seen that the weight of judicial opinion, which even our critic will admit stands for something, is largely in favour of the decision ultimately arrived at. We venture to add also that, if common law is common sense, the decision is one which must be considered good law, and can "be supported by legal principles."

RECENT SUPREME COURT DECISIONS.

Beyond the cases dealt with in former numbers of THE LAW JOURNAL, number one of the current volume of Supreme Court Reports does not contain any decisions calling for extended notice. There are one or two cases in the number, however, which should not be passed over without some notice.

The case of *Fleming v. C.P.R.*,* vol. 22, p. 33, would seem to indicate a desire on the part of the court to avoid entertaining appeals when possible. In that case, which was an action against the railway company for injuries caused by negligence in not giving proper warning of the approach of a train into the station at St. John, N.B., the trial of the action had proceeded to the extent of taking the evidence, when the counsel on both sides agreed "that the jury should be discharged without giving a verdict, and the whole case referred to the court, which should have power to draw inferences of fact," and give judgment accordingly,

*We here give the name of the case as it appears in the court below. The stupid system of transposing the names of plaintiff and defendant when the case goes to appeal should be abandoned. There is no sense in thus making confusion worse confounded. By the time a case goes up to a second court of appeal, its identity is, frequently, entirely lost, to say nothing of the trouble of finding out who is intended by the words plaintiff and defendant, or appellant and respondent.—ED. C.L.J.