

Court of Appeal thought the defendants were not under any absolute obligation to provide efficient apparatus, and that they discharged their duty if they supplied such apparatus as their expert manager deemed sufficient, and therefore that they were not liable. The House of Lords (Lord Haldane, L.C., and Lords Halsbury, Macnaghten and Atkinson) held this view to be erroneous and that the statutory duty was absolute and had not been discharged, and therefore the defendants were liable.

PRACTICE — DISCOVERY — AFFIDAVIT OF DOCUMENTS — FURTHER AFFIDAVIT.

*British Association of Glass Bottle Manufacturers v. Nettlefold* (1912) A.C. 709. It is somewhat surprising to find a case getting into the House of Lords on a simple point of practice, yet such is the case. The Court of Appeal had ordered the appellants to file a better affidavit of documents, on the ground that it appeared that the defendants were under a mistake as to the relevancy of documents and that their affidavit of documents was consequently discredited. The appellants claimed that their affidavit was conclusive. Their Lordships (Lord Haldane, L.C., and Lords Ashbourne, Macnaghten and Atkinson), however, agreed with the Court of Appeal (1912) 1 K.B. 369 (noted ante vol. 48, p. 217) that although as a general rule the affidavit of documents is conclusive in the absence of the admission that there are other documents than those produced which are material; yet where the affidavit is based upon a misconception as to the materiality of documents in the deponent's possession, and the Court is certain that he has in his possession or power other relevant documents which ought to have been disclosed and which would have been disclosed if the deponent had rightly conceived his case, then it is right and proper to order a better affidavit to be made.

PRINCIPAL AND AGENT—AUTHORITY OF AGENT—LIABILITY OF PRINCIPAL FOR FRAUD OF AGENT.

*Lloyd v. Grace* (1912) A.C. 716. It is not very surprising to find that in this case the House of Lords (Lords Loreburn, Halsbury, Macnaghten, Atkinson and Shaw) have reversed the decision of the Court of Appeal (1911) 2 K.B. 489 (noted ante vol. 48, p. 614). The plaintiff, a widow, who owned two cottages, and a sum of money secured on mortgage, being dissatisfied with the income, went to the office of a firm of solicitors, the defendants, with a view to improving her income. She saw