

be recovered either by way of damages for deceit, or as money had and received to the plaintiffs' use, with which Barnes, P.P.D., agreed, but Buckley, L.J., thought that the contract being only voidable at the option of the plaintiff until she had exercised that option, the defendants had incurred liability and she was, therefore, not in a position to say she had received no consideration, and, therefore, could not recover the premiums as money had and received, but that the defendants could not retain a profit derived through the fraud of their agent, and on that ground, were liable to refund the premiums.

HIGHWAY—OBSTRUCTION—NUISANCE.

The King v. Bartholomew (1908) 1 K.B. 554. The defendant was indicted for nuisance in obstructing a public highway. The obstruction consisted of a coffee stall erected in the middle of a public highway. The stall was a permanent character and gas and water were laid on, and it was assessed for taxes. The jury found that the coffee stall was an obstruction, but that it did not appreciably interfere with the traffic of the street. On a case stated, the court (Lord Alverstone, C.J., and Lawrance, Ridley, Darling and Channell, J.J.) held that on that finding the defendant must be acquitted.

WATERWORKS—EXPROPRIATION OF LAND—SPECIAL VALUE OF LAND EXPROPRIATED.

In re Lucas and Chesterfield (1908) 1 K.B. 571. Land had been expropriated by virtue of statutory powers for the purpose of a reservoir, and the question was submitted by arbitrators, whether the special value of the land for the purposes of a reservoir could be taken into account in fixing the compensation to be paid, notwithstanding that the property could not have been used for a reservoir unless statutory power for the compulsory purchase of other land were first obtained. Bray, J., answered this question in the affirmative.

DEFAMATION—LIBEL—ABSOLUTE PRIVILEGE—STATEMENTS OF PROVINCIAL OFFICERS—REPORT OF OFFICIAL RECEIVER UNDER WINDING-UP ACT.

Bottomley v. Brougham (1908) 1 K.B. 584 was an action brought against the defendant who was an official receiver for an alleged libel contained in a report made by him in the course