THE

LEGAL NEWS.

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CURRENT TOPICS AND CASES.

Five colonial judges have participated in the distribution of birthday honours this year, but we note an omission in this province, the Acting Chief Justice of the Superior Court in Montreal having apparently been forgotten, although occupying a higher and more important position in the judicial order than several of the judges on whom knighthoods have been bestowed. We trust that the omission will be supplied before long. The list is as follows:— Sir George A. Parker, who was appointed a judge of the Madras High Court in 1887; Sir Wm. H. L. Cox, appointed Chief Justice of the Straits Settlements in 1893; Sir Henry S. Berkeley, appointed Chief Justice of Fiji in 1889; Sir Wm. J. Anderson, appointed Chief Justice of Honduras; and finally,—the only Canadian on the list—Sir Wm. R. Meredith, appointed Chief Justice of the Common Pleas, Ontario, in 1894.

The members of the Judicial Committee do not appear to relish being set a paper of questions, to which they are expected to give brief and categorical answers. Lord Watson, in delivering the opinion of the Committee on

the prohibition reference, seems to be fully sensible of the embarrassment which might be caused hereafter by replies not fully weighed and considered. The matters involved in the reference have therefore been retained under advisement for an unusual length of time, and the answers assume the form of an essay on the subject, rather than the yes or no which seems to have been expected in some quarters. The task has, naturally, proved to be of much greater difficulty than the decision of an actual cause, and bears more resemblance to the drafting of a statute than the determination of a suit. It is not surprising, therefore, that even the astute deliverance of Lord Watson has hardly been able to satisfy the expectations of those who favoured the reference, and even after the Supreme Court and the Judicial Committee have passed upon the matter something seems yet to be desired. Although the principal points are fairly elucidated, and the opinion of the Judicial Committee is undoubtedly of great value, it is evident that legislation on the subject will not be unattended by difficulty and risk of litigation. The Judicial Committee when an actual case comes before it will be in a fairer position to deal with the subject.

The near approach of the general elections did not encourage the belief that the May term of the court of Appeal at Montreal would be a very active one, and the appearance of the list answered the anticipation, for it contained but 32 cases,—the lowest number, we believe, that has appeared in an Appeal list for the last quarter of a century. Only 14 new cases had been added since the publication of the March list, and of these four were from country districts. Many counsel being actively engaged in their constituencies, there was a tendency to let cases stand over, and only ten were actually heard, the term closing on the 22nd May. The next term will probably witness a re-awakening of activity in preparing cases for argument.

The early closing by-law, with its serious restriction of personal liberty and its monstrous discrimination against those engaged in purveying useful and necessary merchandize to the advantage of those who are doing just the reverse, has had a short and feeble life, the Recorder having already declared it to be illegal and unenforceable. This does not necessarily preclude an attempt at resuscitation, but the by-law passed by the City Council is altogether so anomalous and indefensible that even the friends of early closing and moderate hours will be wise to let it die a natural death.

"Clients," says a writer in the *Southern Magazine*, "love a hard fighter, and the on-lookers are impressed with his zeal." A hard fighter is, however, often a dangerous counsellor, as his judgment is apt to be blinded by his zeal. It is lamentable to note the foolish appeals and prolongations of strife which sometimes spring from misdirected energy. The client's appreciation of hard fighting is, perhaps, not so enthusiastic at the end of a campaign as it is at the beginning. The same writer hints that some lawyers allow themselves to be led by their clients instead of leading them. In his own experience, he says, he has had cases where he advised his clients not to sue because he was sure they had no chance, and although they followed his advice, they refused to pay him a reasonable fee; and he adds, that he has seldom advised a client to compromise or submit to arbitration that he did not displease him, and he comes to the conclusion that the aggressive and partisan spirit, whatever may be said as to its morality or true wisdom, is more conducive to success than profound judgment, for he has seen lawyers succeed chiefly by reason of it in whom the logical faculty was not at all conspicuous. There is a certain amount of truth in this, and it is probably equally true that he has seen a much larger

number of clients ruined by the same spirit of aggressiveness when unrestrained by a prudent and conscientious adviser.

NEW PUBLICATIONS.

BILLS, NOTES AND CHEQUES.—The Bills of Exchange Act, 1890, and Amending Acts, with notes and illustrations. By J. J. Maclaren, Esq., Q.C., D.C.L., LL.D. Second Edition—Publishers, The Carswell Co., Toronto.

The appearance of a second edition of a Canadian legal work is far from common, still less the publication of a second edition within a very few years after the first. But it seems that the first edition of Dr. Maclaren's now well known work was exhausted about a year after its issue, and has since been out of print. This fact of itself is a proof of the appreciation of the profession, more especially when it is remembered that several other treatises on the Bills of Exchange Act of 1890 were published either before or about the same time. Several new features have been introduced in the present edition. The Imperial Act of 1882 having been adopted by most of the Australasian colonies shortly after its enactment in Great Britain, a number of decisions by the courts of these colonies on the Act have been inserted, some of them, it is stated in the preface, on points of interest that have not yet arisen elsewhere. The notes have been revised and some changes made, and about two hundred and fifty citations of new cases have been added, more than half of the new cases having been decided in Canada since the publication of the first edition. These and other additions are considerable enough to make the second edition valuable to those who are in possession of the first, and bring the work up to the date of the present year. Dr. Maclaren deserves the thanks of the profession for the learning and research devoted to the preparation of this edition in the midst of constant demands made upon his time by an active practice.

COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES, by Roger Foster, Esq., of the New York Bar, vol. 1.—Publishers, The Carswell Co., Toronto.

Mr. Foster's work has great interest for the student of American history and American institutions. Judge Story's well known

commentaries were written sixty years ago, and in the interval much new material has accumulated and had to be dealt with. The plan of the work is very elaborate. The author takes up each clause of the Constitution in its order; explains its origin; narrates the proceedings in the Federal convention leading to its adoption; compares it with the provisions upon the same subject in the constitutions of the different States and foreign countries; gives the historical precedents upon its construction; and finally collects all the judicial decisions on the point. The present volume terminates with the subject of impeachments. Although the work is especially interesting to the people of the United States, the subject is so ably and elaborately treated that Canadian lawyers and politicians can hardly afford to dispense with it.

SUPREME COURT OF CANADA.

Quebec.]

OTTAWA, 21 May, 1896.

DUFRESNE v. GUEVREMONT.

Appeal from Court of Review—Appeal to Privy Council—Appealable amount—Addition of interest—C. C. P. arts. 1115, 1178, 1178*a* *R. S. Q. art.* 2311—54-55 *Vic. (D) ch.* 25, *s.* 3, *sub-sec.* 3—54 *Vic. (Q.) ch.* 48.

Under 54-55 Vic. (D.) ch. 25, sec. 3, sub-sec. 3, there is no appeal to the Supreme Court of Canada from a decision of the Court of Review which would not be appealable to the Privy Council.

In determining the right of either party to an appeal to the Privy Council, in cases decided in the Court of Review where the judgment of the Superior Court has been affirmed and no appeal lies to the Court of Queen's Bench for Lower Canada, the provisions of art. 2311 R. S. Q. (making the amount in dispute depend on the amount demanded and not on that recovered, where they are different), will not permit the addition of interest *pendente lite* to the original demand in order to raise the amount in controversy to the appealable amount.

Stanton v. *The Home Insurance Co.* (2 Legal News, 314) followed.

Allan v. *Pratt* (13 App. Cas. 780) and *Monette* v. *Lefebvre* (16 Can. S. C. R. 387) referred to.

Appeal quashed without costs.

Ouimet, Q.C., & Emard, for motion.

Fleming, Q.C., & Germain, contra.

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6 May, 1896.

Quebec.]

MONTREAL GAS CO. v. LAURENT.

Negligence—Obstruction of street—Assessment of damages—Questions of fact—Action of warranty.

Where there is evidence to support it, a judgment assessing actual present damages sustained through injuries will not be interfered with upon an appeal to the Supreme Court.

In cases of *délit* or *quasi-délit* a warrantee may before condemnation take proceedings *en garantie,* and the warrantor cannot object to being called into the principal action as a defendant *en garantie. Archibald* v. *Delisle* (25 Can. S. C. R. 1) followed.

Appeal dismissed with costs.

Bisaillon, Q.C., for appellant, Montreal Gas Company.

Madore for appellant and respondent, City of St. Henri.

Geoffrion, Q.C., and *D'Amour,* for respondent, Laurent.

Nova Scotia.]

18 May, 1896.

FRASER v. FRASER.

Will—Devise to two sons—Devise over of one's share—Condition—Context—Codicil.

A testator devised property equally to his two sons with a provision that "in the event of the death of my said son T. C. unmarried or without leaving issue" his interest should go to the other. By a codicil a third son was given an equal interest with his brothers in the property on a condition which was not complied with, and the devise to him became of no effect.

Held, reversing the decision of the Supreme Court of Nova Scotia, that the codicil did not affect the construction to be put on the devise in the will; that the two sons named in the will

took the property as tenants in common, the one having an absolute, and the other a conditional estate; and that the condition meant the death of T. G. at any time, and not merely during the lifetime of the testator.

Appeal allowed with costs.

Mellish, for the appellant.
Borden, Q.C., for the respondent.

Exchequer Court.]

18 May, 1896.

MURRAY & CLEVELAND v. THE QUEEN.

Contract—Public work—Progress estimates—Action for payment on —Engineer's certificate—Revision by succeeding engineer.

A contract with the Crown for building locks and other work on a Government canal, provided for monthly payments to the contractor of 90 per cent. of the work done at the prices named in a schedule annexed to the contract, such payments to be made on the certificate of the engineer, that the work certified for had been executed to his satisfaction, approved by the Minister of Railways and Canals; the certificate and approval was to be a condition precedent to the right of the contractor to receive payment of the 90 per cent., and the remaining 10 per cent. of the whole work was to be retained until its final completion; the engineer was to be sole judge of work and material and his decision on all questions with regard thereto, or as to the meaning and intention of the contract, was to be final, and he could make any changes or alterations in the work which he should deem expedient.

The work to be done included the construction of a dam, and after it was begun the engineer decided the state of the river bed required such dam to be made much deeper than was first intended. The earth for the dam was all to be brought from a certain place, but owing to the change, that place could not supply enough, and by direction of the engineer the material excavated from the lock pits and entrances thereto was used for the purpose and paid for at the same rate as that first used, and the contractor was also paid the price specified in the schedule for carrying away the excavated material and depositing it in a bay in the vicinity. The engineer who certified to these payments

having resigned, his successor caused a new examination and measurement of the work to be made and decided that the contractors should not have been paid for the excavated material under both classifications as above mentioned, but allowed them a smaller sum than was paid as extra cost of depositing the material, which the contractors refused to accept and a reference was had to the Exchequer Court to determine whether or not they were entitled to the larger amount.

Held, reversing the judgment of the Exchequer Court, that the engineer in charge when the work was done, having decided as to its character and value, his decision was final and could not be re-opened nor reversed by his successor.

Held also, that the necessary certificate having been given and approved by the Minister, the contractors could proceed by action upon the progress estimate and were not obliged to wait until the work was completed and the final certificate given, before suing.

Appeal allowed with costs.

McCarthy, Q.C., & Ferguson, Q.C., for appellant.
Hogg, Q.C., for respondent.

Ontario.] 18 May, 1896.

ROBERTSON v. JUNKIN.

Will—Legacy—Bequest of partnership business—Acceptance by legatee—Right of legatee to an account.

J. and his brother carried on business in partnership for over thirty years and the brother having died, his will contained the following bequest: "I will and bequeath unto my brother J. all my interest in the business of J. & Co., in the said City of St. Catharines, together with all sums of money advanced by me to the said business at any time, for his own use absolutely forever, and I advise my said brother to wind up the said business with as little delay as possible."

Held, affirming the decision of the Court of Appeal, that J., on accepting the legacy, could not be called on to contribute to any deficiency in the assets to pay creditors, and did not lose his right to have the accounts taken in order to make the estate of the testator pay its share of such deficiency.

Appeal dismissed with costs.

Aylesworth, Q.C., for appellant.
McCarthy, Q.C., for respondent.

18 May, 1896.

Ontario.]

CARROLL v. PROVINCIAL NATURAL GAS & FUEL CO. OF ONTARIO.

Contract—Subsequent deed—Inconsistent provision.

C., by agreement of April 6th, 1891, agreed to sell to the Erie County Gas Company, all his gas grants, leases and franchises, the company agreeing among other things to "reserve gas enough to supply the plant now operated or to be operated by them on said property." On April 20th a deed was executed and delivered to the company transferring all the leases and property specified in said agreement, but containing no reservation in favour of C., such as was contained therein. The Erie Company, in 1894, assigned the property transferred by said deed to the Provincial Natural Gas and Fuel Company, who immediately cut off from the works of C., the supply of gas, and an action was brought by C. to prevent such interference.

Held, affirming the decision of the Court of Appeal, that as the agreement was embodied in the deed subsequently executed, the rights of the parties were to be determined by the latter instrument, and as it contained no reservation in favor of C., his action could not be maintained.

Appeal dismissed with costs.

Aylesworth, Q.C., and *Gorman* for appellants.
McCarthy, Q.C., and *Cowper*, for respondents.

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21 March, 1896.

Ontario.]

ADAMSON v. ROGERS.

Lessor and lessee — Water lots—Filling in—"Buildings and erections"—"Improvements."

The lessor of a water lot, who had made crib-work thereon and filled it in with earth to the level of adjoining dry lands, and thereby made the property available for the construction of sheds and warehouses, claimed compensation for the works so done under a proviso in the lease by the lessor to pay for "buildings and erections" upon the leased premises at the end of the term.

Held, affirming the judgment of the Court below (22 Ont. App. R. 416) that the crib-work and earth filling became part of the

ground leased, and were not "buildings and erections" within the meaning of the proviso.

Appeal dismissed with costs.

Laidlaw, Q.C., for appellant.
Robinson, Q.C., & *McDonald, Q.C.*, for respondent.

QUEEN'S BENCH DIVISION.

LONDON, 18 May, 1896.

DICKINS (APPELLANT) v. GILL (RESPONDENT).—31 L. J. 342.

Criminal law—Possession of die for making fictitious stamp—Lawful excuse.

Case stated by the chief metropolitan police magistrate.

An information was exhibited by the appellant (an officer of Inland Revenue) against the respondent under section 7, subsection (*c*), of the Post Office (Protection) Act, 1884, for having in his possession on June 8, 1895, a certain die and instrument for making a fictitious stamp. It was proved that the die was received by the respondent from one Van Hoytema, who had received it from the continent of Europe, and that the respondent had ordered such die to be made for him for use in illustrating the philatelist's supplement of the *Bazaar, the Exchange and Mart* newspaper, and that it had been made and delivered accordingly. With the die a representation of a 2½*d.* Cape of Good Hope stamp could be produced. It was, however, proved to the satisfaction of the magistrate that the only purpose for which he had ordered and had in his possession the said die was for making upon the pages of an illustrated stamp catalogue or newspaper illustrations in black and white, and not in colours, of the Cape of Good Hope stamp in question, and that such illustrations were intended to appear thereon, together with illustrations of other stamps, and that such catalogues were intended for sale only to stamp collectors and others, and as part of a newspaper published for the instruction and amusement of readers of and persons buying such paper. It was contended on behalf of the appellant that the possession of the said die or instrument without license or authority from the Crown was a contravention of the statute, and that the purpose for which the respondent had the die in his possession did not constitute a law-

ful excuse within the meaning of the statute. It was contended on behalf of the respondent that, inasmuch as it had been proved or admitted that the die was used only for the purposes aforesaid, the respondent had shown a lawful excuse for the possession of the said die. The magistrate found (*a*) that the respondent did have in his possession a die or instrument capable of making a fictitious stamp; (*b*) that there were facts which showed absolute *bona fides* in the respondent, and that there was a certainty that the respondent would not use the die for any improper purpose. The magistrate thought that this was evidence of a lawful excuse, and found, as a fact, that there was a lawful excuse, and dismissed the information. The question for the opinion of the Court was—Whether it appeared on the evidence as a matter of law that there was no lawful excuse, and that consequently the magistrate was not entitled to find, as a fact, that there was a lawful excuse.

The Solicitor-General (Sir R. Finlay, Q.C.) and *W. O. Danckwerts*, for the appellants, submitted that the Act absolutely prohibited the possession of a die unless there was a 'lawful excuse.' By 'lawful excuse' was meant such a case as that of a Custom-house officer who seized an imported die, or a magistrate having a die in his possession during a hearing of a case, but the mere fact that there was an absence of a guilty purpose did not constitute a lawful excuse within the meaning of section 7, subsection (*c*).

C. W. Mathews, for the respondent, contended that authority from the Crown, such as that suggested by the Solicitor-General in the case of the Custom-house officer or magistrate, was no necessary in order to constitute 'lawful excuse.' Lawful excuse meant something less than 'authority.'

GRANTHAM, J.: In this case, as the respondent could not get the die made here, he sent abroad and had it made there for the purpose of avoiding the money penalty under the Act. I think after that it would be difficult to make out his innocence within the meaning of the Act. He had in his possession a die which can be used for the purpose of making a fictitious stamp. It has been argued that if the respondent were convicted a stamp collector might be convicted under section 7, subsection (*b*), which says that a person shall not have in his possession, unless he shows a lawful excuse, any fictitious stamp. It would be

very hard that a man who innocently bought a forged stamp should be punished. And I think he would have a 'lawful excuse.' He would be able to say, 'I believed it to be genuine,' and that would be an excuse in law. But here the respondent knew that he must go abroad to have the die made, and I do not think he has shown any lawful excuse.

COLLINS, J., concurred.

Case remitted to the magistrate, with a direction to convict.

CHANCERY DIVISION.

LONDON, 15 May, 1896.

Before ROMER, J.

REES v. DEBERNARDY, (31 L. J. 332).

Champerty—Unconscionable bargain—Rescission of contract.

In 1889 the defendant, who was a next-of-kin agent, having discovered that two elderly women in humble life, and illiterate, were the heiresses-at-law of one Howell, who had died intestate in New Zealand in the year 1863, entitled to property there, entered into negotiations with them stating that he knew of certain property belonging to them which they could get the benefit of only through him. The terms on which he insisted for giving them the information and recovering the property were that he should have half the property recovered, the women not to be liable personally for any costs, which were limited to 40*l.*, and were to come out of the property. Documents to this effect were taken to the women by the defendant ready prepared, and which they saw for the first time on the day they were signed, and as to which they had no competent independent advice. The property was in the hands of the public trustee in New Zealand, and the claim of the women was not in dispute. The defendant had not disclosed the value of the property, which was some thousands of pounds. Both the women died in 1893 without having taken steps to repudiate the agreement, and in 1895 this action was brought by their representatives claiming that the agreement might be set aside, and that the defendant might account for such of the property as he had received.

J. M. Ashbury, Q.C., T. M. Whitehouse, and *Griffith Jones,* for

the plaintiffs, submitted that the agreements were liable to be set aside on the grounds of both champerty and unconscionable bargain.

R. Neville, Q.C., and *H. Terrell*, for the defendant, contended that this was not a case of champerty, because, the title being undisputed, it did not involve litigation. The case was merely one of selling information, on which the Court could not put a price, nor say that the price was unfair. Moreover, the defendant having given the information, the parties could not now be restored to their original position. They relied also upon delay.

ROMER, J., held that the agreement must be set aside, on the ground that the defendant had taken an unfair advantage of the women. As to delay, they had never understood their rights, and the defendant's position had not been altered by the delay. The plaintiffs were entitled to succeed also on the ground that the agreement was in the nature of champerty. It was not necessary in order to hold the agreement void on this ground that it should amount strictly to champerty as a punishable offence. On the evidence his lordship came to the conclusion that the real arrangement was not that the defendant should give information on the terms of getting a share of the property to be recovered by the women themselves, which would not have been void as champerty, but that it was agreed and understood that he should assist in recovering the property for them, and this arrangement was contrary to the policy of the law and void, and not the less so that no hostile proceedings were necessary. The plaintiffs having offered to allow such reasonable sum to the defendant for his services as the Court should think just, there would be an inquiry. The defendant must pay the costs of the action.

COURT OF APPEAL.

LONDON, 19 May, 1896.

Before LINDLEY, L.J., LOPES, L.J., KAY, L.J.

In re THE KINGSTON COTTON MILLS COMPANY (LIM.) (No. 2).

[31 L. J.]

Company—Winding-up—Misfeasance—Dividends paid out of capital—Auditors—Duties of—Manager's certificate as to value of stock—Reliance on.

This was an appeal by the former auditors of the company

from a decision of WILLIAMS, J. (reported 65 Law J. Rep. Chanc. 290; L. R. (1896) 1 Chanc. 331), holding them liable under section 10 of the Companies (Winding-up) Act, 1890, for the amount of dividends improperly paid by the company on the faith of balance-sheets signed by the auditors, on the ground that in signing such balance-sheets the auditors had been guilty of a breach of duty towards the company.

Their Lordships held that, assuming that the auditors had been guilty of breach of duty to the company, the liquidator could enforce his claim against them by summary process under section 10 of the Act of 1890, and on that point they affirmed the decision of Williams, J. On the merits they reversed his decision, considering that the auditors had not been guilty of breach of duty to the company. They were of opinion that, in the absence of anything to excite suspicion, auditors would not be guilty of want of reasonable care in relying on returns made by the trusted manager of the company relating to matters on which information from him was essential, such as the value of the stock in-trade of the company at the end of each year.

APPOINTMENTS.—The *Canada Gazette* of May 30 announces the appointment of Hon. A. W. Atwater, treasurer of the province of Quebec, as Queen's Counsel.

The Hon. W. H. Tuck, a puisne judge of the Supreme Court, N.B., was, on the 13th May, appointed Chief Justice of that Court, in the place of Sir John Campbell Allen, resigned. On the same date, Mr. E. McLeod, Q.C., of St. John was appointed a puisne judge in the place of Mr. Justice Tuck.

PREVIOUS OCCUPATIONS OF FAMOUS LAWYERS.

The fact that Mr. Finlay, Q. C., the newly-appointed solicitor-general, was, before he became a law student, for some years a practising surgeon, will recall the circumstance that some of the most eminent ornaments of the bench and bar have been originally designed for other avocations which in some instances they have actually followed.

Thus Peter King, who was appointed to the lord chancellorship by George I., was son of a grocer in the city of Exeter and spent some years behind his father's counter. "Who," writes

Noble, King's biographer, "who had stept into the shop of Mr. Jerome King and had there seen his son up to the elbows in grocery, would have perceived in him a future chancellor of Great Britain?" So, too, another lord chancellor, Lord Erskine, was, before his call to the bar, a midshipman in the royal navy for four years, and subsequently for seven years a subaltern in an infantry regiment; while a third lord chancellor, Lord Brougham, migrated from the Scotch to the English bar, to which he was called at the mature age of nine and twenty; and a fourth holder of the great seal, Lord Truro, better known as Sir Thomas Wilde, was for thirteen years a practising solicitor, not being called to the bar till he had entered on his thirty-fifth year.

At least one chief justice of England, Sir Charles Abbott, afterward created Lord Tenterden, was on the point, before his call to the bar, of taking holy orders in the Anglican communion; as were, before their call to the Irish bar, the late Right Hon. William Brooke, a master in chancery, and one of the greatest equity lawyers of the past generation—and the Hon. Francis A. Fitzgerald, whose brother was a bishop of Killaloe, who was for twenty-three years one of the barons of the Irish Court of Exchequer, and who retired from the Irish bench in 1882, amid universal regret, almost immediately after he had been offered and had declined the great office of Lord Chief Justice of Ireland. So, too, the late Mr. Justice O'Hagan, the judicial member of the Irish Land Commission, and the Right Hon. The MacDermott, Q.C., who was attorney-general for Ireland in the late administration, were both educated for the Roman Catholic priesthood.

At the Irish bar there were in comparatively recent years two instances of men who attained great eminence, having followed for many years other callings. The Hon. Charles Burton, who was a justice of the Court of Queen's Bench in Ireland from 1820 till his death in 1847, came to Dublin from England and worked for ten years before his call to the bar as clerk in an attorney's office. The late Mr. Gerald Fitzgibbon, an Irish master in chancery, was, till his approach to middle age, the chief clerk in a distillery. Mr. Justice Burton, before whom Mr. Fitzgibbon was examined as a witness in a complicated matter of account, was so much struck by his ability that he recommended him from the bench to get called to the bar, instancing his own case.

The most notable illustration, perhaps, of success attending the abandonment of the bar for another calling is that of the late Right Rev. Cannop Thirlwall, the eminent historian of Greece, who was for many years bishop of St. David's. Dr. Thirlwall was called to the bar, and for several years before his ordination followed assiduously, and with considerable success, the practice of the profession.—*Law Times* (London).

GENERAL NOTES.

THE NEW PHOTOGRAPHY IN COURT.—"An interesting and novel case, in which the 'X' rays practically decided the point, was tried by Mr. Justice Hawkins and a special jury at Nottingham the other day," says *The Hospital*, London. Miss Ffoiliott, a burlesque and comedy actress, while carrying out an engagement at a Nottingham theatre early in September last, was the subject of an accident. After the first act, having to go and change her dress, she fell on the staircase leading to the dressing-room and injured her foot. Miss Ffolliott remained in bed for nearly a month, and at the end of that time was still unable to resume her avocation. Then by the advice of Dr. Frankish, she was sent to University College Hospital, where both her feet were photographed by the 'X' rays. The negatives taken were shown in court, and the difference between the two was convincingly demonstrated to the judge and jury. There was a definite displacement of the cuboid bone of the left foot, which showed at once both the nature and the measure of the injury. No further argument on the point was needed on either side, and the only defence, therefore, was a charge of contributory carelessness against Miss Ffolliott. Those medical men who are accustomed to dealing with 'accident claims'—and such claims are now very numerous—will perceive how great a service the new photography may render to truth and right in difficult and doubtful cases. If the whole osseous system, including the spine, can be portrayed distinctly on the negative, much shameful perjury on the part of a certain class of claimants, and many discreditable contradictions among medical experts will be avoided. The case is a distinct triumph for science, and shows how plain fact is now furnished with a novel and successful means of vindicating itself with unerring certainty against opponents of every class."