

Tuesday, July 17.

SECOND DIVISION.

[Lord Low, Ordinary.]

THE GLASGOW AND SOUTH-WESTERN AND THE CALEDONIAN RAILWAY COMPANIES (GLASGOW AND PAISLEY JOINT RAILWAY) v. MAGISTRATES OF GLASGOW.

Road—Bridge—Waterworks Clauses Act 1847 (10 and 11 Vict. c. 17)—Public Water-Pipe Laid on Railway Company's Bridge which Carried a Public Road.

The Waterworks Clauses Act 1847, sec. 28, provides that the undertakers "may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, . . . and lay down and place within the same limits pipes, . . . and for the purposes aforesaid remove and use all earth and material in and under such streets and bridges, and do all other acts which the undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district." The 29th section provides "That nothing herein contained shall authorise or empower the undertakers to lay down or place any pipe . . . or other work in any land not dedicated to public use without the consent of the owners and occupier thereof."

A public road within the limits of the Glasgow Waterworks Acts was carried over a railway line by means of a bridge. This bridge, the property of the railway company, was formed by longitudinal girders supported on abutments on either side of the railway. The spaces between the girders were covered by iron plates, on which the roadway was made up, of a depth of several inches.

The Corporation of Glasgow as Water Commissioners pierced the abutments of the bridge, broke up the iron plates, and carried a public water-pipe through the abutments and over the bridge, slinging it from the underside of the transverse girders by iron bars.

In an action of interdict against the Commissioners by the railway company, held that the operations of the respondents were not within the powers conferred by the Waterworks Clauses Act, and that they were bound to obtain the consent of and enter into agreement with the complainers respecting the laying of the pipe.

The Waterworks Clauses Act 1847, sec. 28, provides—"The undertakers, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the Special Act, and may open and break up any sewers, drains, or tunnels within or under such streets and

bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits, doing as little damage as can be in the execution of the powers hereby or by the Special Act granted, and making compensation for any damage which may be done in the execution of such powers." Sec. 29—"Provided always that nothing herein contained shall authorise or empower the undertakers to lay down or place any pipe, conduit, service-pipe or other work in any land not dedicated to public use without the consent of the owners and occupiers thereof," &c.

In 1885 Helen Street was a public street under the control of the Glasgow burgh authorities. The road was carried over the Paisley Joint Railway line by means of two bridges—one over the main line, and one over a branch line. The bridge over the main line was constructed of longitudinal girders supported at either end on stone abutments, and joined by transverse girders, upon which iron plates were rivetted to form the floor of the bridge. On and above these the roadway was laid to the depth of from 12 to 18 inches. The bridge over the fork line was also constructed of longitudinal girders, but without transverse girders, and between these longitudinal girders are plates were placed to form the floor with a roadway as above. These bridges had been built by the two companies, who owned the joint line, and were still maintained and kept up by them, although the Govan Police Commissioners maintained the public roadways.

The Lord Provost, Magistrates, and Town Council of the City and Royal Burgh of Glasgow, as Commissioners under the Glasgow Waterworks Act, were engaged in laying an 18-inch water-pipe along Helen Street, and desired to carry it over these bridges. On 18th January 1893 the engineer of the Commissioners submitted to the engineers of the railway plans of the mode in which he proposed to carry the pipe over the bridges.

After correspondence the Commissioners conceded (1) that the pipe over the main bridge should be slung from all the cross girders, instead of from every alternate one as at first proposed; (2) that two shut-off valves should be affixed, one to the south and the other to the north of the bridges; but they declined to conclude an agreement upon certain other matters, and proceeded to carry out the work. They pierced the abutments of the bridge, broke up the iron plates, and carried the pipe through the abutments and along the bridge, slinging it from the under side of the transverse girders by iron bars. They did not, however, diminish the head-room of the bridge.

The railway company brought a note of suspension and interdict to have the Magistrates and Town Council as Water Commissioners interdicted "from interfering in any way with the structure of the bridges (or either of them) . . . and from laying on or beneath said bridges, or either of them, water-pipes, and that until the respondents shall have obtained the complainers' consent to the laying of said pipes, or otherwise, until the complainers and respondents shall have agreed on plans in accordance with which such water-pipes shall be laid, and failing agreement between the complainers and respondents, until their respective rights in the premises have been determined, in conformity with the provisions of the Waterworks Clauses Act 1847, and to grant interim interdict."

The complainers averred that the bridges were built over old mineral workings, and that great care was necessary in dealing with them. They also averred—"The respondents have, without any plans or agreement being adjusted between them and the complainers, begun to break up the roadway and remove the plates over the girders on the said two bridges. From the bridge over the said fork line they have actually suspended waterpipes, and from the bridge over the main line they have removed the rivets from the plates for about half the length of the bridge. This they have done in a way quite regardless of the safety of the complainers' railway and those upon it. The rivets have been thrown on to the complainers' line, and the loosened plates may at any time become displaced and also fall on the line, thereby endangering life and the complainers' property. The respondents have further cut into the abutments of the bridge over the main line. The place where the respondents are laying or suspending or proposing to lay or suspend the said pipe, is in the space between the under surface of the said bridge and the lines of railway, and is not land dedicated to public use within the meaning of the said Waterworks Clauses Act 1847, but is the property of the complainers. Further, the said bridges are within the control and management of the complainers, nevertheless the said respondents are opening or breaking up the said bridges, and laying or suspending pipes underneath the same, without having obtained the consent of the complainers. The complainers, however, are willing to adjust plans, and allow the respondents to execute the works as proposed by them, on the condition that they enter into an agreement with the complainers for their protection in the premises. The complainers tendered to the respondents a draft agreement for their approval, but they declined to agree thereto."

The respondents averred—"Admitted that the respondents have commenced to break up the roadway, and to remove the plates; and that they have, from the bridge over the fork line, suspended the pipes. All the pipes referred to in this action have now been laid, and are carrying water to the people of Govan. The whole work was

performed in accordance with plans which were submitted to and approved of by two Justices, in terms of section 31 of the Waterworks Clauses Act 1847."

The complainers pleaded—"(1) The respondents not being within their statutory powers, interdict should be granted as craved. (2) The operations of the respondents being an encroachment on the complainers' property, without the complainers' consent, interdict should be granted as craved. (3) The respondents' operations being carried on without the consent of the complainers on land not dedicated to public use, of which the complainers are the owners, interdict should be granted as craved. (4) The respondents' operations being dangerous to the public, interdict should be granted as craved. (5) The respondents' operations being dangerous to the complainers' railway, interdict should be granted as craved."

The respondents pleaded—"(2) The respondents' operations being within their statutory power, the note should be refused with expenses. (3) The said street called Helen Street, and the bridges carrying the same over the complainers' railways having been dedicated to public use, the respondents are not bound to obtain the consent of the complainers before laying their mains or pipes in or over the same, or to enter into any agreement with the complainers before proceeding to lay these mains or pipes. (4) The pipes of the respondents having been laid across the said bridges in accordance with a plan approved of by the Justices in terms of section 31 of the Waterworks Clauses Act 1847, the present action should be dismissed, with expenses. (5) The surface of the roadway over said bridges, and the girder work of these bridges being land dedicated to public use in the sense of the Waterworks Clauses Act 1847, the note should be refused."

Upon 27th April 1894 the Lord Ordinary (Low) pronounced this interlocutor:—"Sustains the respondents' pleas-in-law, refuses the prayer of the note, and decerns.

"*Opinion.*—The question raised in this case is as to the right of the respondents, as Commissioners under the Glasgow Waterworks Acts, to carry a water-pipe over two bridges by which Helen Street crosses the complainers' lines of railway.

"The bridges are constructed of iron, and the roadway is laid upon metal plates, which are supported by iron girders. The respondents have carried the pipe across the bridges by fastening it to the girders underneath the plates. The work was done in accordance with plans approved of by two Justices, in terms of section 31 of the Waterworks Clauses Act 1847, and it seems to be clear that if the respondents are entitled to carry the pipe across the bridges they have adopted an appropriate method of doing so. Indeed, I understand that the pipe could not be carried across the bridge in any other manner, because the roadway, which, as I have said, is laid upon metal plates, is not of sufficient depth to render it possible to lay an 18-inch pipe

under the surface of the road and above the floor of the bridge.

"The respondents maintain that they are entitled to lay the pipe across the bridges by virtue of the powers conferred upon them by the 28th and 29th sections of the Waterworks Clauses Act. The complainers, on the other hand, contend that although these sections authorise Water Commissioners to break up the soil and pavement of streets and bridges, and to lay pipes underneath the surface of the roadway, they do not entitle them to suspend a pipe from the girders underneath the bridge.

"The 28th section provides that the undertakers 'may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, . . . and lay down and place within the same limit pipes . . . and for the purposes foresaid remove and use all earth and material in and under such streets and bridges, and do all other acts which the undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district.

"The 29th section provides 'that nothing herein contained shall authorise or empower the undertakers to lay down or place any pipe . . . or other work in any land not dedicated to public use without the consent of the owners and occupier thereof.'

"Helen Street is now a public street and dedicated to public use, and the bridges in question are part of Helen Street, because by means of them that street is carried across the railway lines. The respondents, therefore, were entitled to lay a pipe in Helen Street, and I did not understand the complainers to dispute that they would also have been entitled to lay the pipe over the bridges if it had been possible for them to lay the pipes under the surface of the roadway and above the floor of the bridge. But the complainers attempted to draw a distinction between the roadway of the bridge and the girders underneath and supporting the roadway. They argued, that although the roadway might be land dedicated to public use, the girders underneath were private property which the respondents could not interfere with or use.

"In my judgment the complainers' contention is not well founded.

"The sections of the Act which I have quoted appear to me in effect to provide that Water Commissioners may lay down pipes in streets and bridges within their district, and may perform such operations in the way of opening and breaking up the streets and bridges as are necessary to effect that object. I do not think that it is possible to construe the sections as excluding from the operations a public bridge which is constructed in such a way that there is not room for a pipe between the surface of the roadway and the floor of the bridge. In such a case I think that it is quite competent for the Commissioners to attach the pipe to the girders which support the roadway. Where, as here, a bridge has been built for the purpose of

carrying a street over a line of railway, I think that it is impossible to say that the under surface is private property, and that only the upper surface is dedicated to public use. They are both parts of the same bridge, which forms a public way over the railway line.

"I am therefore of opinion that the respondents were entitled to lay the pipe across the bridge in question, and the pipe having been laid in accordance with plans approved of by two justices in terms of the 31st section of the Act, the note falls to be refused."

The complainers reclaimed.

The argument was entirely directed to the operations upon the bridge over the main line.

They argued--The Water Commissioners were not within their statutory rights, and they must come to an agreement with the complainers. (1) It was admitted that the bridges over the railway were dedicated to public use, but that only applied to the roadway, and to the necessary support given to the roadway by the girders. The bridges themselves remained the property of the railway companies, and had to be maintained by them. The public had only a right of passage. The air space below the plates of the bridge and above the railway companies' line had never been dedicated to public use, but the Water Commissioners had slung their pipe from the girders of the bridge, and had even pierced the abutment, so that the railway companies could not alter that form of support to the ends of the bridge if they saw fit to do so, but the abutment had never been dedicated to public use except as a means of support to the road. The Railway Clauses Act 1845, section 39, provided that no one should be upon the property of the railway company without their permission, so that except for their right of passage the Commissioners had no right to be upon the bridge—*Lancashire and Yorkshire Railway Company v. Mayor, &c., of Borough of Bury*, July 25, 1889, L.R., 14 App. Cas. 417. (2) Assuming that the bridge was dedicated to public use, the Water Commissioners were not within their statutory powers in doing what they had done. The 28th section of the Waterworks Clauses Act 1847 was the only authority they had, but that section allowed them only to "break up the soil and pavement" of the bridges within the limits of their special Act, and these words must be strictly construed, but in this case the Commissioners had not only broken up the soil and pavement of the roadway, but had interfered with the structure of the bridge, and had broken up the plates of which it was composed. In 1847, when the Waterworks Clauses Act was passed, probably no girder bridge existed, but applying the analogy of stone bridges, which the framers of the Act had probably in view, the respondents' operations were equivalent to cutting a groove in the arches of a stone bridge. If the Act was inapplicable to such bridges as the present, the respondents must get powers from the Legisla-

ture, but the terms of the statute could not be extended to such bridges as the present. But even under this section it was possible for the Commissioners to do what they really wanted and carry the pipe over the bridge, because they could either increase the amount of earth upon the roadway to the necessary depth, and carry the pipe under the pathway, which would necessitate a very slight addition to the height already existing. All Acts of Parliament giving power to public bodies to break up private property, even for the public benefit, are construed *strictissimi juris*—*Morris v. Tottenham and Forrest Gate Railway Company*, January 29, 1892, L.R., 2 Ch. 47; *Simpson v. South Staffordshire Waterworks Company*, May 6, 1865, 4 De Gex, Jones, & Smith, 679; *Lamb v. North London Railway Company*, May 3, 1869, L.R., 4 Ch. App. 522. Justices, under section 31 of the general Act, had not the authority which the Lord Ordinary supposed. All that the justices could do was to pass as reasonable, on the representations made to them, the mode of carrying out the work, but they could not give authority to do anything beyond the power of the Water Commissioners.

The respondents argued—These sections of the Waterworks Clauses Act enabled local authorities, for the purpose of water supply, to carry their pipes across any bridges which intervened. In 1847 the only bridges contemplated were stone bridges, with an ample amount of soil upon the top of the arches, and the language of the Act was more strictly applicable to such a case, but when a new style of bridge arose the local authority were entitled to use whatever means seemed best to carry out their purpose so long as they used the materials of the bridge only—*Fareham Local Board and Fareham Electric Light Company v. Smith*, April 16, 1891, Weekly Notes, 76; *Wandsworth Board of Works v. The United Telephone Company, Limited*, June 13, 1884, L.R., 13 Q.B.D. 904. It was impossible to lay their pipes in the roadway or under the footpaths; they therefore took the only other course, of slinging their pipe beneath the bridge. The case of *East London Water Company v. The Vestry of St Matthew*, August 4, 1886, L.R., 17 Q.B.D. 475, showed that under the sanction of the 28th section certain projections above the pavement of a bridge might be allowed, much more the slinging of a pipe below a bridge, which could inconvenience no one, because the dangers averred by the appellants were baseless, and the Commissioners had done all that the appellants asked towards keeping their railway safe. Even assuming that the words of the Act were to be read *strictissimi juris*, the respondents were within the statute, because the Act authorised the undertakers, “for the purposes aforesaid, to remove, &c., in and under such bridges, and do all other acts which the undertakers shall from time to time deem necessary for supplying water,” &c. There were four purposes immediately preceding this direction; these were—laying down, repairing,

altering, or removing pipes. It was admitted that the power given by the general words in the clause could only be *ejusdem generis* as the particular power given before, but in this case the Water Commissioners could use their general powers in support of the particular purpose of laying pipes. Under the 31st section the justices were satisfied with the manner of work proposed.

At advising—

LORD JUSTICE-CLERK—The complainers are the owners of a bridge which crosses their joint railway line, and which joins two sections of Helen Street in Govan parish. The surface of this bridge is a public roadway. The Water Commissioners of Glasgow desire to carry a pipe for public water supply by this bridge. Their powers to use bridges for such a purpose are contained in the 28th section of the Waterworks Clauses Act, by which power is given to “break up the soil or pavement” of bridges within the limits of any special Act, and to “open and break up any sewers, drains, or tunnels within or under streets or bridges, and lay down and place within the same pipes, conduits, service-pipes,” &c., and “to remove and use all earth and materials in or under such street and bridges.”

The bridge in question was an iron bridge of modern construction consisting of several flat girders with spaces between them. Small transverse girders are placed across these main girders, and support plates which form a floor on which the material for the roadway is placed. This arrangement gives the bridge a very thin skin, within which there is not sufficient space to lay the water mains. Accordingly the respondents, for the purpose of carrying the mains across the railway cutting spanned by the bridge, maintain that they are entitled to remove the iron sole-plates, and thus obtain access to the space between the main girders, and to hang their water-pipes by iron bars attached to the cross girders. This, of course, renders it necessary that at each side of the cutting the pipes should pierce the stone abutments which form the solid ends of the bridge on either side of the cutting.

The complainers maintain that the respondents have no right thus to support their pipes below the level of the upper sides of the main girders. They admit that the respondents have the control of that part of the bridge which forms the roadway, to the effect that they may open it up, remove pavement, earth, or other material, and lay their pipes in the space which constitutes the filling up of the bridge, as distinguished from the weight bearing part of the structure. But they maintain that without agreement with them as to how it is to be done, they are not required by the statute to submit to have works carried on within the bridge, as distinguished from the roadway supported by the bridge. I think that if their objection is a sound one in law it cannot be said to be unreasonable. For the maintaining of the supporting struc-

ture in a safe condition is a duty imposed upon them, and the safe conduct of the traffic along the lines below the bridge is an important interest which they are entitled to protect.

The question therefore is, whether it is within the powers conferred upon the respondents by the section of the Waterworks Act referred to, that they should open up the structure and suspend their water-pipe from the main girders as they shall see fit, for the working of their water supply? I confess that I was at first inclined to think that as the statute was evidently intended to confer very general powers in aid of so important a public service as water supply, that although the words of the Act were suitable only to the class of bridges in use to be constructed at its date, it might reasonably be held to apply, as the Lord Ordinary has held it to do, to bridges such as these in question, as entitling the respondents to break into the bridge and place their pipes, as long as they did not interfere with the headway, and, of course, executed their works in a safe and sufficient manner. My inclination was to read the words of the Act as descriptive of the kind of operation then known to be necessary, and that such operations as such change of the character of bridges as might be introduced by the progress of engineering invention, might be reasonably held to be included, although not in exact accordance with the words used in the statute. But after further consultation with your Lordships I am convinced that this view cannot be taken. I think that if the change in the structure of bridges had only been the substitution of a material different from soil, or of a different material at the surface from what is ordinarily called pavement, it might still be held that the powers of the respondents might be applied to such substituted materials. But this is not a case of that kind. It is a proposed affiliation of a power, which does not relate to the weight-bearing part of the structure, to that part. The contention is that the respondents have power to cut through the cross girders, and lower their pipes into the space occupied by the weight-bearing structure, and to pierce the abutments which support the ends of the bridge, and uphold the embankment on each side of the railway line, so as to introduce their pipes. This, I have come to be of opinion, is not within their powers; it is a case not contemplated by the Act.

It would of course be against public interests if the improved construction of bridges should stop the economical and convenient pipage of water supply along public streets. If it is found to have this effect the Legislature would probably provide a remedy. But I gather from the prayer of the petition that the complainers have no such desire, but properly recognising the public interest, only desire to be protected as regards their own interests in the matter of the safety of the public line. If the Lord Ordinary's interlocutor is recalled, as I propose it should be, the course thereafter to be fol-

lowed will depend upon what is proposed by the parties.

LORD YOUNG—My impression on this case was rather in accordance with the Lord Ordinary's judgment, but I have not such a clear opinion that I would be justified in dissenting from what I know to be the unanimous opinion of your Lordships, including Lord Trayner, and therefore I may be taken as concurring.

I wish, however, to say that it appeared to me that the requirements of the railway company, that all reasonable precautions should be taken by the town authorities, that the presence of this pipe should not have a prejudicial effect upon the railway, seemed to me so reasonable that I was surprised the town should have hesitated to agree to them, because taking the view most favourable to them, this use of the bridge for supporting their water-pipe could only be reasonable if proper precautions were taken, and I should have thought that the town would have been willing to take every proper precaution that neither the railway nor any person using the railway should receive injury.

LORD RUTHERFURD CLARK—A street or road called Helen Street in or in the neighbourhood of Glasgow is carried over the complainers' railway by an iron bridge. The bridge is formed by longitudinal girders which rest on abutments on either side of the railway. The spaces between these girders are covered by iron plates, on which the roadway is made up.

The respondents have carried a pipe through the abutments and between the longitudinal girders. It is supported partly by the abutments and partly by being slung from the cross girders, by which the longitudinal girders are tied. Its lowest point is higher than the lowest point of the longitudinal girders. The pipe therefore does not diminish the headway of the bridge.

The pipe has been constructed on the authority of the 28th section of the Waterworks Act of 1847. It is apparent enough that the Legislature had not under their consideration bridges of the class which I have described. But it may not the less be true that the operations of the respondents are authorised by the Act. We cannot, however, extend it by any analogy. Nothing is authorised which cannot be brought within the words of the Act according to a fair and liberal construction. For having regard to the purpose of the Act, I am of opinion that it ought to be liberally construed.

The leading words of the 28th section are that "the undertakers may open and break up the soil and pavements of the several streets and bridges within the limits of the Act." They enable the undertakers to form a trench on the roadway of the bridge, in order to lay the pipe therein. They do nothing more.

The section further empowers the undertakers "to open and break up any sewers, drains, or tunnels within or under such

streets or bridges." It is plain and indeed admitted that the respondents can take no benefit from these words. They have not broken up any sewer, drain, or tunnel in or under the bridge. The section then proceeds—"and lay down and place within the same limits, pipes, &c., and from time to time alter or remove the same." I read these words as meaning that the undertakers may lay their pipes in the places which they have made for them under the authority of the Act. It is not a power to lay down pipes anywhere within the limits of the special Act, and if it be not, the only legitimate construction is that these pipes are to be laid in the trenches which the undertakers are empowered to make, and in no other place.

The statute then goes on to say—"And for the purposes aforesaid, to remove and use all earth and materials in and under such streets and bridges, and do all other acts which the undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits."

The argument of the respondents was mainly founded on the power given to use the materials on and under the bridge. They said that the pipe in question was hung from the bridge, and that this was a use of the materials of the bridge within the meaning of the Act.

To my mind, the argument leaves out of account the earlier words of the section. The power is given "for the purposes aforesaid," and for no other purpose. The words which give this power do not enlarge the enactment, except in the sense of giving facilities for doing what the statute has already permitted to be done. If the purposes aforesaid are, as the respondents contend, limited to the laying down of pipes, &c., they must be limited to pipes which are laid down in the site permitted by the Act. Before they can take any benefit from the words on which they found, the respondents must show that the Act enables them to lay a pipe elsewhere than on the roadway of the bridge. If it is not a purpose of the Act to lay the pipes within the structure of the bridges, and for that purpose to pierce the abutments on either side, the right to use the materials in and under the bridge cannot give that power.

The respondents did not found on the general words at the close of the section, and it is plain that they can take no benefit by them.

I am therefore of opinion that the complainers are entitled to the interdict which they ask. I have been willing, as I have said, to adopt the most liberal construction, but I cannot bring the act done by the respondents within the authority of the statute.

The Court recalled the Lord Ordinary's interlocutor.

LORD TRAYNER was present at the hearing, but absent at the judgment.

Counsel for Complainers—Salvesen—F.

T. Cooper. Agents—Hope, Todd, & Kirk, W.S.

Counsel for Respondents—Lees—Ure. Agents—Campbell & Smith, S.S.C.

Tuesday, July 17.

SECOND DIVISION.

[Lord Kyllachy, Ordinary.]

LAW AND OTHERS v. GEORGE NEWNES, LIMITED.

Insurance — Contract — Condition — Precedent — Next-of-Kin.

The proprietors of a newspaper advertised that £100 would be paid by a certain insurance company to the person whom the proprietors decided to be the next-of-kin of anyone killed in a railway accident, who was proved to have been a constant subscriber to the paper. A subscriber having been killed in a railway accident, the proprietors decided to pay, and paid, the insurance money to his widow, but his children by a former marriage challenged the payment as illegal and wrongful, and sued the proprietors for payment to them as the true next-of-kin.

Held that the statements of the purchasers were irrelevant, as they were unable to produce the decision of the defenders that they were the next-of-kin of the deceased, which was a condition-precedent to recovery.

The weekly periodical entitled *Tit-Bits* advertised as follows:—"£100 will be paid by the Ocean Accident and Guarantee Corporation, Limited, 40, 42, and 44 Moorgate Street, London, E.C., to the person whom the proprietors of *Tit-Bits* may decide to be the next-of-kin of anyone who is killed in a railway accident in the United Kingdom, provided a copy of the current issue of *Tit-Bits* is found upon the deceased at the time of the catastrophe, or if it is proved that he or she is a subscriber through a news-agent or through the publishers. This sum will not be paid in the event of an accident to a railway servant when on duty, nor of a suicide. No claim will be paid in the case of the death of a child under ten years of age."

On 28th July 1893 Robert Law, painter, Causewayside, Edinburgh, was injured by a railway accident at the Tay Bridge Station, Dundee, and died from the effects of his injuries upon 4th August 1893.

It appeared that Law had been a subscriber to *Tit-Bits* for many years, and had obtained his copies regularly from a news-agent in Edinburgh. His widow therefore upon 12th August made a formal claim upon the editor of *Tit-Bits* for the sum in the advertisement, in consequence of the death of her husband through a railway accident. Upon 19th August 1893 a letter was sent to her in these terms:—"Dear Madam,—I desire to inform you that, after full inquiries have been made into the circumstances