ing aside their good sense, and talking and acting upon sentimentalities which they would be as unanimously ashamed to acknowledge upon any other occasion. From the opening of the counsel for the plaintiff to the final verdict, it is always assumed that the woman is an injured innocent, the man a sneaking coward, and heavy *damages* are awarded to the plaintiff, for what?—for having escaped from a bad husband and a life of misery.

We were surprised to see our usually sensible and sober-minded cotemporary, the *Daily News*, yielding to the sentimental mood, and commending this action as an alternative for the personal chastisement which irate fathers and brothers would otherwise inflict upon the offender. In putting forward this argument, the *News* falls into the fallacy that lurks at the bottom of all the arguments that are urged by the supporters of this action—that it is a protection to good and honest women. Now that is precisely what it is *not*. The really injured woman never seeks damages for wounded affections. The very fact that a woman will go into a court and permit her heart's secrets to be exposed to public gaze, and her love passages made the jest of counsel and the provocation to "shouts of laughter," is of itself proof that she is not a woman whom any man ought to be compelled to marry. The action, in fact, answers itself. It should be said, "Your presence here is proof positive that you had no true womanly feelings to be outraged, and therefore you have incurred no damage."

There is, of course, one shape which this action may assume that would entitle the plaintiff to compensation: where advantage has been taken of the engagement for the purpose of seduction. But even in such cases the wrong is the seduction, and that is the proper form of the action, the engagement being an aggravation of the damages.

As a matter of fact, nine-tenths of the actions for breach of promise of marriage are purely mercenary. The woman has first deliberately set a trap for the man, and caught him, as designing mothers and clever daughters know so well how; and it is a matter of calculation that the victim must be bled somehow. If he marries, his whole fortune is captured; if he recovers his senses and escapes, then a good slice of it; this latter is the event most desired, and not infrequently the woman would herself have broken it off, if the man had proved more faithful than she had hoped.

How juries having a knowledge of the world can award the outrageous damages they so often give in cases where forty shillings would exceed the plaintiff's deserts, is one of those mysteries of the jury-box which the lawyers, who are excluded from that sage tribunal, are wholly unable to explain. Perhaps if the hint we published recently from one of the briefless, that he and his brethren might do useful duty as special jurymen, should be hereafter adopted, we may hope to learn something of the manner in which jurymen argue and form their judgments and arrive at verdicts. As it is, we can only urge upon the counsel for the defence in these cases, to substitute for feeble jests an earnest appeal to the common sense of the jury, and upon the Judge to give it effect after the manner of Baron Bramwell, and perhaps some of us may yet live to see a rational view of this action accepted and offered.—*English Exchange.*

SIMPLE CONTRACTS & AFFAIRS OF EVERY DAY LIFE.

NOTES OF NEW DECISIONS AND LEADING CASES.

Sunday Public Entertainment.—Action for penalties. Case stated without pleadings for the opinion of the Court whether, under the following circumstances, St. Martin's Hall had been opened or used on Sunday for public entertainment or amusement, or for publicly debating, and was to be deemed a disorderly house, within 21 Geo. III. c. 49. Defendant, as president of an association, duly registered the hall under 18 & 19 Vict. c. 18, as a place of meeting for religious worship by the association, under the title 'Recreative Religionists.' On several Sunday evenings meetings were held, when sacred music was played and sung by singers, some of whom were paid, and addresses delivered, some of a religious tendency, some neutral rather than religious, but never irreligious or profane; no debating or discussion, nothing dramatic or comic, or tending to the corruption of morals, or to the encouragement of irreligion or profanity. Admission was partly free, partly by tickets sold for money. Pecuniary gain was not the object of the promoters, who in fact suffered a pecuniary loss.

The Court held that a place duly and honestly registered as a place of public worship (though that worship be not according to any established or usual form), in which no music but sacred music is performed or sung, where nothing dramatic is introduced, where the discourses are intended to be instructive, and contain nothing hostile to religion, and where the objects of the promoters may be either to advance their own views of religion, or, as they allege, 'to make science the handmaid of religion,' is not 'used for public entertainment or amusement' within the statute; and as to the proviso in section 8, that the promoters were not deprived of the benefit of the Toleration Act, 1 W. & M. c. 18.—*Baxter* v. *Langley*, English Rep., Nov. 19, 1868.

Transfer of Mortgage—No Notice to Mortgagor.—In July 1858 the trustees of a school