

*READ v. ANDERSON.*

The decision of Mr. Justice Hawkins in *Read v. Anderson*, 52 Law J. Rep. Q. B. 214, which was unfavourably criticised in these columns on April 7, last year, has been affirmed in the Court of Appeal, the Master of the Rolls dissenting. The question was whether a commission agent, having lost a bet made according to agreement with his principal in the agent's own name, and having paid it contrary to the directions of his principal, can recover it from the principal. The Master of the Rolls is unable to accept Mr. Justice Hawkins' ingenious 'finding of fact,' that the authority to pay was not revoked—a finding based on the notion that, although the plaintiff declined to allow the payment of this bet, he did allow the payment of other bets. The Master of the Rolls is further unable to imply any contract to indemnify the plaintiff against the discredit which would fall on him on the turf by reason of his not paying his bets. The majority of the Court, consisting of Lords Justices Bowen and Fry, are of opinion that such indemnity is implied. Betting on commission is one of the most important industries of the racecourse at the present day, and this decision will be considered highly satisfactory by commission agents, because practically it makes their debts recoverable at law. In 1845, when 8 & 9 Vict. c. 109 was passed, this form of speculation on the turf was probably almost unknown. If the principle of that statute is to be maintained, it ought to be amended, and it is not impossible that the question may arise whether the recovery of debts paid by authority ought to be allowed in a Court of law. It is, however, to be hoped that the present case will be taken to the House of Lords, when it will be open to that tribunal, besides passing judgment on this new implied indemnity, to say whether a greater effect ought not to be given to the words 'null and void' in the statute than has hitherto been attributed to them in the Courts below.—*Law Journal.*

*GENERAL NOTES.*

The London (Eng.) Chamber of Commerce has passed a resolution favouring the passage of a bankruptcy act in Canada.

It is stated that Lord Petre, who, at the autumn session of Parliament will take the seat vacated by his

father, who recently died, will be the first Catholic priest who has sat in the House of Lords since the reformation.

The *Law Journal* (London) says: "There is little probability of the details of what would form a romantic biography being supplied from Mr. Benjamin's papers, as Mr. Benjamin made it a habit to destroy all private documents immediately they ceased to be of practical value. Half the misery of life, he used to say, was caused by treasuring old papers."

The rapidity with which the old order of sergeants is dying out of memory is evidenced by the fact that a correspondent last week wrote to ask whether sergeants or Queen's Counsel had precedence. We must refer him to Mr. Serjeant Pulling's book if he wishes to know how it all came about; but the answer is, that Queen's Counsel rank first in England, but the sergeants in Ireland. Before Queen's Counsel became a recognized institution the leader of the bar ranking before the Attorney and Solicitor-General was the Queen's ancient serjeant, over whom Mr. Serjeant Pulling so eloquently cries 'Ichabod.'—*Law Journal*, (London.)

On one of the many official excursions made by boat to Fortress Monroe and Chesapeake bay, Chief Justice Waite of the Supreme Court, Judge Hall of North Carolina, and other dignitaries of the bench were participants. When the government steamer had got fairly out of the Potomac and into the Atlantic, the sea was very rough, and the vessel pitched fearfully. Judge Hall was attacked violently with sea-sickness. As he was retching over the side of the vessel and moaning aloud in his agony, the chief justice stepped gently to his side and laying a soothing hand on his shoulder said: 'My dear Hall! can I do anything for you? just suggest what you wish.' 'I wish,' said the sea-sick judge, 'your honor would overrule this motion!'

In Paris, in May last, the dismembered portions of a human body were found in the Seine near the Pont Neuf; but, though an inquest on these remains proved that murder had been committed, no success followed the endeavors to find the murderer. It chanced, however, some time afterwards, that a dog was remarked whining about the river banks near the Pont Neuf, and it was ascertained that the animal belonged to a shopkeeper who had been missing from his home since the end of April. The clew was followed up. It shortly transpired that on a certain day the tradesman, with his favourite dog, had gone to the lodgings of a café waiter, named Mielle. The latter's neighbours deposed to hearing screams and cries for help issuing from the rooms, and it was found that the waiter had disappeared, after causing a couple of boxes containing something heavy to be removed from his lodgings to a hotel near the river. It is conjectured that the dog witnessed the ghastly dismemberment of his master's body, and followed the murderer when he went to throw it into the Seine. Enough was learned, in fact, to induce the police to issue a warrant for the arrest of the waiter, which was effected last week at Bar-sur-Aube, Mielle confessing the crime.