

to a safe in his premises having been blown open and the contents taken by thieves. The defendant set up that the loss in question was occasioned by the dishonesty of one of the plaintiff's own servants. The only evidence of the alleged dishonesty was that the servant in question had been seen in a public house two days before the robbery in close conversation with three highly skilled safe breakers well known to the police. The plaintiff was unable to offer any evidence to shew by whom the theft was committed; and Lush, J., held that it was incumbent on him to shew that the theft was committed by some person other than a servant in his exclusive employment, and, as he had failed to do this, he could not recover. And even assuming that the burden of proving theft by the plaintiff's servant lay on the defendant, the evidence that had been offered was admissible for the purpose, though it might not be sufficient evidence to convict in a criminal prosecution; but evidence of the servant's bad character was not admissible.

CRIMINAL LAW — BIGAMY — FOREIGN MARRIAGE — EXPERT EVIDENCE—POLYGAMY.

*The King v. Naguib* (1917) 1 K.B. 359. This was a prosecution for bigamy. The accused was an Egyptian, and was accused of marrying a woman in England while his wife, whom he had married in England, was still alive. The accused sought to shew that the first marriage in England was void, because he had been previously married in Egypt to a woman who was still alive, and whom he had divorced, after the first, and before the second marriage in England. The accused was a Mahommedan and claimed that as he had divorced his Egyptian wife he was free to marry again. On appeal by the accused it was held by the Court of Criminal Appeal (Lord Reading, C.J., and Bray, and Atkin, JJ.), that the evidence of an expert was necessary to establish the validity of the Egyptian marriage, and that the accused was not competent to establish that marriage by tendering his own evidence of the performance of a ceremony, and leaving the Court to presume the effect thereof. The question is raised, but not decided, whether an English Court will regard as a marriage, one that is effected in a foreign country according to a law which permits polygamy.

BANKER—CHEQUE—RAISING AMOUNT OF CHEQUE—LIABILITY OF BANK—NEGLIGENCE OF CUSTOMER—FORGERY.

*Macmillan v. London Joint Stock Bank* (1917) 1 K.B. 363. This was an action by a customer of a bank to recover a sum paid