

SUNDAY TRADING—29 CAR. 2, c. 7, s. 1.—A farmer working on his own land on a Sunday is not liable to conviction under this section. The words, "or other person whatsoever" are to be construed *ejusdem generis*, and a farmer is not *ejusdem generis* with a tradesman, who is the only employer named; nor with a labourer, who is a person employed. *The Queen v. Silvester*, 33 L. J., N. S., Mag. Cas. 79.

HABEAS CORPUS—EXTRADITION TREATY WITH AMERICA—6 & 7 VICT. c. 76—FORGERY BY THE LAW OF THE STATE OF NEW YORK.—The 6 & 7 Vict. c. 76, s. 1, which was passed to give effect to an extradition treaty between England and the United States, provides that, in pursuance of that treaty, any person charged with the crimes of "murder, &c., forgery committed within the jurisdiction of the United States," who shall be found within the territories of her Majesty, shall, upon requisition being made by the United States' authorities, be delivered up to their custody.

Held, that an offence, which had no common element with forgery by the law of England, but with respect to which the local Legislature of New York had enacted, previously to the conclusion of the extradition treaty, that any person charged therewith should, after conviction thereof, be deemed guilty of forgery, was not within the purview of 6 & 7 Vict. c. 76, s. 1. *Reg. v. Windsor*, 13 W. R. 655.

MANSLAUGHTER—TURNING OUT A VICIOUS HORSE ON A COMMON—CULPABLE NEGLIGENCE—NUISANCE.—It is culpable negligence for one who has a right to turn out horses on a common, intersected by public paths, which he knows are unenclosed, to turn out a vicious horse, knowing the propensities of the animal to kick, so that it may kick persons passing along or close to the paths on the common; and where a child, standing upon a common close to a public path, was kicked by a vicious horse so turned out, and death ensued, the prisoner, who turned him out, was held guilty of manslaughter.

Semble, that if the child, at the time she was kicked, had been upon a part of the common more remote from the path, the prisoner's offence would have been the same; but *quære* as to this. *Reg. v. Dant*, 13 W. R. 663.

CORONER'S INQUISITION—IMPUTATIONS—REFUSED TO QUASH—ENTITLING AFFIDAVITS.—A coroner's jury found the cause of a death into which they were inquiring to have been disease, adding that it was accelerated by an overdose of certain drugs taken in excess, and improperly

compounded, prescribed and administered by one F. as a cholera preventative, and that F. was deserving of severe censure for the gross carelessness displayed by him in such compounding and prescribing.

This inquisition having been brought up by certiorari, granted on the application of F., the court refused to quash it, holding that the imputation which it contained, not amounting to any indicatable offence, gave him no right to have it quashed, and that, under the circumstances, public justice did not require their interference.

Quære, whether the affidavits were properly entitled *The Queen, plaintiff, v. Robert Farley*, defendant: *The Queen v. Farley*, 24 U. C. Q. B.

MAGISTRATES—JURISDICTION.—In a prosecution before justices, their jurisdiction is ousted by the accused setting up a claim of right, yet that claim must be *bona fide*, and the mere belief of the accused unsupported by any ground for the claim will not be sufficient. *Reg. v. Cridland*, 7 E. D. B. 353; *Reg. v. Stimpson*, 10 Jur. N. S. 41. (See page 55, *ante*.)

MUNICIPAL COUNCILLOR—DISQUALIFICATION.—A surety by bond to a municipal corporation for their treasurer, and to the treasurer for the collection of taxes, is disqualified for a seat in such corporation; as is also a party who is acting as their solicitor in the defence of suits.

A shareholder in a company in which the Council holds stock, and which has borrowed money from the Council, and secured the repayment by mortgage, is also disqualified: *Reg. ex rel. Coleman v. O'Hare*, 2 U. C. Prac. R. 18.

A person holding the office of local superintendent of schools, entitled to a salary to be paid by the County Treasurer, is not disqualified by 12 Vic. cap. 81, sec. 132: *Reg. ex rel. Arnold et al. v. Marchant*, 2 U. C. Cham. R.

A lessee of a Municipal Council is disqualified from sitting in such Council; so a person who has contracted for a lease though the contract be executed only by himself, and not by the corporation: *Reg. ex rel. Stock v. Davis*, 8 U. C. L. J. 128.

SIMPLE CONTRACTS & AFFAIRS. OF EVERY DAY LIFE.

NOTES OF NEW DECISIONS AND LEADING CASES.

SALE OF GOODS—ACCEPTANCE—DELIVERY.—The defendant, a corn merchant at C., sold by sample to J. W., on the 3rd of November, 1864, goods above-