

supplied the brougham with a knowledge that it would be, as in fact it was, used by her as part of her display to attract men:—*Held*, that the plaintiffs could not recover. *Pearce v. Brooks*, Law Rep. 1 Ex. 213.

**Negligence—Dangerous Instrument.**—The defendant exposed in a public place for sale, unfenced, and without superintendence, a machine which might be set in motion by any passer-by, and which was dangerous when in motion. The plaintiff, a boy four years old, by the direction of his brother, seven years old, placed his fingers within the machine, whilst another boy was turning the handle which moved it, and his fingers were crushed: *Held*, that the plaintiff could not maintain any action for the injury, the accident being directly caused by his own act. *Mangan v. Atterton*, Law Rep. 1 Ex. 239.

**Covenant—Nullity of Marriage.**—To an action on a covenant made by the defendant in consideration of his daughter's marriage, the defendant pleaded that the marriage was null and void by reason of the impotence of the husband, without stating that it had been avoided by the sentence of any Court, or that either of the parties had elected to treat it as void:—*Held*, a bad plea, on the ground that whether, as between the parties to it, such marriage could or could not be treated as absolutely null and void, it was certainly not open to a third person to make the objection, when neither of the parties concerned had done any act to raise the question. *Cavell v. Prince*, Law Rep. 1 Ex. 246.

**Contract—Illegality—Wager.**—The plaintiff and defendant agreed to ride a race, each on his own horse, both the horses ridden to become the property of the winner:—*Held*, that the contract was void under the statute, as being "by way of gaming or wagering." *Coombes v. Dibble*, Law Rep. 1 Ex. 248.

**Family Bible.**—Entries of pedigree in a family bible or testament, which is produced from the proper custody, are admissible as evidence, without proof of their handwriting or authorship. Baron Martin observed:—"To require evidence of the handwriting or authorship of the entries, is to mistake the

distinctive character of the evidence, for it derives its weight, not from the fact that the entries are made by any particular person, but that, being in that place, they are to be taken as assented to by those in whose custody the book has been." *Hubbard v. Lees & Purden*, Law Rep. 1 Ex. 255.

#### CROWN CASES RESERVED.

**Receiving—Joint Indictment.**—The 24 & 25 Vic. c. 96, s. 94, which enacts that, "If, upon the trial of any two or more persons indicted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part or parts of such property, it shall be lawful for the jury to convict, upon such indictment, such of the said persons as shall be proved to have received any part or parts of the said property," extends to cases where, upon an indictment for a joint receipt, it is proved that the prisoners separately received the whole of the stolen property. *The Queen v. Reardon and Bloor*, Law Rep. 1 C. C. 31.

**Witness—Incompetency.**—The evidence of an incompetent witness may be withdrawn from the jury upon the incompetency appearing during his examination-in-chief, although he has been examined previously on the *voir dire* and pronounced to be competent. The prisoner was tried upon an indictment charging him with an assault upon a deaf and dumb girl, with intent to ravish her. The girl had never been instructed in the deaf and dumb alphabet, but an expert in regard to communicating with deaf and dumb persons believed, after testing her, that he was able to understand her signs and gestures, and to make himself understood by her. He was then sworn to interpret, but in the course of the examination he informed the Court that he was satisfied he had been mistaken, as it appeared that the girl answered "yes" to every question, without distinction. The Court then ordered the witness to be removed from the box, and the trial proceeded. The jury having convicted the prisoner on the other evidence, the judge reserved the point as to the propriety of withdrawing the evidence of the girl when she was found to be incompetent. It was held that he had a perfect