right to use the watercourse for refuse, a verdict was entered for the plaintiffs, with leave to move to enter it for the defendant, on the ground that on the finding of the jury and on the construction of the leases he was entitled to it.

The court held that the reservation did not include such matter as the defendant had thrown down the watercourse, but only matter incident to the convenient habitation of the contiguous land.—*Chadwick and Another* v. *Marsden*, 25 W. N. 194.

MANSLAUGHTER—AUTREFOIS ACQUIT—24 & 25 VIC. C. 100, S. 45.—The prisoner was convicted of the manslaughter of Timothy Liner. He had previously been convicted in Petty Sessions, at the instance of Timothy Liner, of the assault from which Timothy Liner's death afterwards ensued, and had undergone the punishment awarded for that offence.

G. Browne, for the prisoner, contended that the conviction for the assault was a bar to the indictment for the manslaughter; and he cited 24 & 25 Vict. c. 100, s. 45, which provides that, if any person is convicted of an assault and suffers the imprisonment awarded, "he shall be released from all further or other proceedings, civil or criminal, for the same cause."

No counsel appeared for the Crown.

The Court (KELLY, C. B., *dissentiente*) held that the conviction and punishment for the assault were no bar to the indictment for manslaughter. *The Queen* v. *Morris*, 15 W. N. 176.

CONVICTION—SALE OF BREAD BY WEIGHT—WHAT IS—6 & 7 WILL. 4, C. 37, S. 4.—The appellant, a baker beyond the limits of the metropolitan district, whose practice it was to weigh the dough of each loaf previous to putting it into the oven, making allowance for loss in the process of baking, and not otherwise to weigh the loaves, sold a loaf to a cnstomer as being a quartern loaf, the customary weight of which is four pounds. The customer did not ask that the loaf should be weighed, nor except as aforesaid was it weighed. The loaf was subsequently found to be less than four pounds in weight. Upon these facts the appellant was convicted of selling bread otherwise than by weight, contrary to the provisions of section 4 of 6 & 7 Will. 4, c. 37.—*Jones* v. *Huxtable*, 15 W. R. 900.

RAILWAY COMPANY, LIABILITY OF—CHILD ABOVE THREE YEARS OLD—NO FARE PAID—ABSENCE OF FRAUD.—A., an infant above three years of age, and who ought, therefore, under 7 & 8 Vict., s. 6, to have been paid for as a passenger on the Great Western Railway, travelled in company with his mother on the said railway without any fare having been paid for him. The non-payment of fare did not arise from any fraud on the part of the mother. During the journey an accident occurred owing to the negligence of the servants of the company, whereby the infant was injured. For this injury the infant, by his next friend, brought an action against the railway company.

Held, that the railway company were liable for the injury done to the infant.—*Austin* v. *Great Western Railway Company*, 15 W. R. 863.

AGREEMENT BY PARTIES TO WAIVE STAMP OBJECTIONS.—This was a special case, in which the question for the opinion of the court was, whether the plaintiffs were entitled to recover, under the circumstances detailed in the case, a certain sum of money "upon the contract of insurance alleged by the plaintiffs to have been entered into by the defendants."

It appeared that no stamped policy of insurance was in existence; but the case stated that it was to be taken that the defendants had executed a valid policy to the plaintiffs in their ordinary form, in accordance with the "covering note," which had been given by the defendants to the plaintiffs. The covering note was also unstamped.

The court declined to hear the case, on the ground that the Stamp laws had not been complied with. The terms agreed on by the parties could not cure that omission. The court were bound, in spite of any agreement, to protect the revenue.—*Nixon and Others* v. *Marine Insurance Co.*, 25 W. N. 196.

MISDEMEANOR—SOLICITING TO COMMIT A FELONY, WHERE NO FELONY COMMITTED—COUNSELLING AND PROCURING—24 & 25 VIC. CAP. 94, SEC. 2.—To solicit and incite a servant to steal his master's goods, where no other act is done except the soliciting and inciting, is a misdemeanor.

The statute 24 & 25 Vic. cap. 94, sec. 2, by which it is enacted that whoever shall counsel or procure any other person to commit a felony shall be guilty of felony, applies only where a substantive felony is committed.—*Reg.* v. *Gregory*, C. C. R., May 11, 1867.—15 W. R. 831.

ANIMALS—NEGLIGENCE.—It is not necessary, in order to sustain an action against a person for negligently keeping a ferocious dog, to show that the animal had actually bitten another person before it bit the plaintiff: it is enough to show that it has, to the knowledge of its owner, evinced a savage disposition by attempting to bite.—*Worth* v. *Gilling and Another*, C. P. M. T. 1866.
