are, therefore disposed to give credit to the suggestion that the notes were intended to form materials for the guidance of the plaintiff and his counsel in the prosecution of the present action."

JUSTICE OF PEACE—DISQUALIFICATION FROM BIAS.

The case of *Reg.* v. *The Justices of Great Yarmouth*, p. 525, arose on a rule for a *certiorari* to bring up and quash certain orders made by certain Justices. It appeared that at a special session for appeals against a poor rate, the chairman of the municipalities, who was himself appellant in one of the cases for hearing, took part in the decision of all the cases except his own. When his own case was called on he left the bench and went to the body of the Court and conducted the case himself. In quashing the orders thus made on these appeals, by which a reduction was made in the valuation, Field, J., makes the following remarks: "The administration of Justice ought not only to be pure in itself, and capable of being demonstrated to be so, but nothing should be done by those who are administering it to throw on it a substantial doubt. It is not enough that the conclusion arrived at was right, and that it has been arrived at on right principles, for every person having a personal interest in any litigation, or having a direct or indirect motive for desiring a particular decision to be come to, should abstain from putting himself in such a position as that, unconsciously to himself, a bias adverse to the due administration of justice might take possession of his mind. This principle is acted on in a case of less importance than that of the administration of justice, namely, the relation of principal and agent. Nothing is clearer than that where an agent takes a reward from the other side, or puts himself in a position of having a personal benefit out of the matter in which he is acting for his employer, it is not necessary to show any damage resulting, nor any bias in point of fact, it is enough to show that he has put himself in a position that is inconsistent with the fair and unbiased discharge of his duties. The reason for this is plain, for it is impossible to measure the effect, great or little, that such a bias may produce. In the case of *Harrington* v. *Victoria Dock Co.*, 3 Q.B.D., 549, (where under such circumstances, the Court held that the plaintiff, an agent, could not maintain an action for his commission, on the ground that the consideration for the contract was corrupt), this was established conclusively."

PRIZE FIGHT—AIDING AND ABETTING.

Of *Reg.* v. *Coney*, p. 434 a case reserved by the chairman of quarter sessions it seems only necessary to say that, whereas the whole Court held that a prize fight is illegal, and that all persons aiding and abetting therein are guilty of assault, and that the consent of the persons actually engaged in fighting to the interchange of blows does not afford any answer to the criminal charge of assault, yet the majority of the Judges held mere voluntary presence at a fight does not as a matter of law necessarily render persons so present guilty of an assault as aiding and abetting in such fight.

WILL—"ISSUE AND THEIR HEIRS."

Proceeding to *Morgan* v. *Thomas*, p. 575, this case involved the construction of the following will: "I give, devise and bequeath to my eldest son L. all my freehold property whatsoever and wheresoever situate, during his natural life, and after his decease to his lawful issue and their heirs for ever if any; if he should die without leaving any children born in wedlock, I give the said freehold property to my son E. and his heirs for ever." The question in dispute was whether the eldest son L. took an estate for life or an estate tale. Cave, J., held that the eldest son took an estate for life, followed by a remainder in fee to his issue as purchasers, if he had children born in wedlock, and a remainder in fee to his brother E. if he had no such children. He cited "the very important case" of *Montgomery* v. *Montgomery*, 3 Jones & Lat.