

DIGEST OF ENGLISH LAW REPORTS.

to the defence of this suit, and were not privileged from production.—*Paddon v. Winch*, L. R. 9 Eq. 666.

See COVENANT, 1; REVIVOR.

EVIDENCE.

1. The testator appointed as executors of his will "Francis Courtenay Thorpe, of Hampton, gentleman," and two others. Francis Courtenay Thorpe, of Hampton, was a youth twelve years of age; his father's name was Francis Corbet Thorpe. *Held*, that the description applied only to the son, and therefore there was no ambiguity; evidence that the testator intended the father was excluded.—*Goods of Peel*, L. R. 2 P. & D. 46.

2. Upon a petition for divorce for adultery, the only evidence of the respondent's identity was that of the petitioner. The court refused to act upon this evidence without corroboration.—*Harris v. Harris*, L. R. 2 P. & D. 77.

3. Action to recover for work done and materials supplied to certain houses on the order of third persons. It was contended by the plaintiff that the persons giving the order were the defendant's agents, and that the defendant was owner of the houses. *Held*, that evidence was admissible to show that other tradesmen had supplied goods by the defendant's orders for the same houses.—*Woodward v. Buchanan*, L. R. 5 Q. B. 285.

4. Notwithstanding the Statutes 32 & 33 Vict. c. 68, enabling parties to any proceedings instituted in consequence of adultery, and their husbands and wives to be witnesses, the court required other evidence than that of the husband to prove non-access, where the object was to bastardize issue.—*In re Rideout's Trusts*, L. R. 10 Eq. 41.

5. Indictment against a woman for endeavoring to conceal the birth of her child by secretly disposing of the dead body thereof. The prisoner had put the body into a field over a wall four and a half feet high separating a yard from the field. The only entrance to the yard was by a narrow passage from the street, and the only entrance to the field was by a gate from a butcher's yard. No person going into the field in his ordinary occupation would see the body. *Held*, that there was evidence for the jury of a secret disposition of the body.—*Regina v. Brown*, L. R. 1 C. C. 244.

See ADMISSIONS; AMBIGUITY; PRACTICE.

EXECUTOR AND ADMINISTRATOR—See ADMINISTRATOR PENDENTE LITE.

FALSE IMPRISONMENT—See REASONABLE AND PROBABLE CAUSE.

FALSE PRETENCES.

The prisoner obtained the use of a horse for a day by false pretences; he was indicted for obtaining goods by false pretences. *Held*, that to "obtain" means to obtain the property in a chattel, but does not mean to obtain a loan of it.—*Regina v. Kilham*, L. R. 1 C. C. 261.

FIXTURES.

The lessee of a coal mine constructed therein three railways in the following manner: sleepers were laid upon the ground, and the rails were fastened to them by dog-nails; large quantities of ballast were then packed under and about the sleepers. The rent being in arrear, the lessor distrained these railways, and subsequently sold them under the distress. The purchasers removed them, and in doing so it was necessary to wrench off the rails and to loosen the ballast with a pick and raise the sleepers with a lever. *Held*, that the railways were fixtures and were not distrainable.—*Turner v. Cameron*, L. R. 5 Q. B. 306.

FOREIGN JUDGMENT.

An English ship, while on a voyage to an English colony, was mortgaged by her owner in England, and the mortgage was subsequently assigned to the plaintiff. In the port of the colony the ship was supplied with necessaries, the captain paid for them by a bill drawn on the owner, which was never accepted, and at maturity, was dishonored. This bill was indorsed to French subjects, who commenced a suit against the captain and ship upon their arrival at Havre, and obtained judgment against them, which the Civil Tribunal confirmed, and ordered the ship to be sold. The plaintiff afterwards commenced in the Civil Tribunal a suit in the nature of replevin, and gave evidence of the law of England upon the subject, but the court, mistaking that law, decided against him. The ship was then sold under the judgment to the defendants. *Held*, that the judgment of the French Court was *in rem*, and under the French law transferred the ownership of the vessel, and that although the question of English law was wrongly decided, the title of the vendee could not be questioned in the English courts.—*Castrique v. Imrie*, L. R. 4 H. L. 414.

FORFEITURE—See BURDEN OF PROOF.

FORGERY.

The 24 & 25 Vict. c. 98, s. 24, makes it felony to forge "any warrant, order, authority, or request for the payment of money." The prisoner forged a receipt for money, and obtained by means of it money from a society;