

the payee, and negotiated it with the defendant, who gave value for it in good faith. The cheque having been duly honored, and paid by the plaintiff's banker, the present action was brought to recover the money, as having been paid under a mistake of fact. But the Court of Appeal (Lord Esher, M.R., and Lopes and Kay, L.JJ.) agreed with Wills, J., that the payee was none the less a fictitious and non-existing person within the meaning of the Bills of Exchange Act, sec. 7, subsec. 3, because the plaintiff supposed when he signed the cheque that it was in favor of an existing person, and consequently that the cheque was, in effect, payable to bearer, and the defendants, as bona fide holders, were entitled to the money they had received in respect of it, and that the action must therefore fail.

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The January numbers of the Law Reports comprise (1896) 1 Q.B. pp. 1-99; (1896) P. pp. 1-34, and (1896) 1 Ch. pp. 1-107.

CRIMINAL LAW—PROCURING COMMISSION OF ACT OF GROSS INDECENCY—"ANOTHER MALE PERSON"—CRIMINAL LAW AMENDMENT ACT, 1885 (48 & 49 VICT., C. 69) S. 11—(CR. CODE, S. 178).

In the *Queen v. Jones*, (1896) 1 Q.B. 4, a case was stated by Wills, J., on the point whether under the English Act above referred to, which is in similar terms to the Cr. Code, sec. 178, a prisoner indicted for procuring the commission by another of an act of gross indecency with "another male person," could be convicted where the act in question was proved to have been procured to be committed with the prisoner himself. The Court (Lord Russell, C.J., and Mathew, Williams, Wright and Bruce, JJ.) unanimously answered the question affirmatively. Another point was whether the fact that one of the prisoners who was charged with having committed the offence had been acquitted, prevented the other prisoner, who was charged with procuring an indecent offence to be committed, from being convicted; but, inasmuch as it did not necessarily appear that the offence of which one of the prisoners had been acquitted was the same offence with that which the other was charged to have procured the commission of, this point was also decided against the prisoner.