

no match for £50, and the race being consequently illegal, all bets thereon were void.

"2. If the bet in question constituted the match, then it was void, because the parties did not own the horses, and it was in direct contravention of the 13th Geo. II.

"3. If not the match, but a wager upon a match, it would seem void, as exceeding £10, under 9 Anne, ch. 14, although at Common Law all wagers were legal."

It may be interesting to the owners of trotting horses to know that trotting matches, even though taking place on ice instead of the orthodox "turf," and in harness, are legal "horse races" within the statute, a horse race having been defined to be matching the speed of one horse against another. *Macaulay, C. J.*, "could not find," however startling such a sight would have appeared to an English jockey of the old school, "that a race between two horses driven in sleighs on the ice is not a horse race just as much as it would be if the two riders had ridden upon the horses, either in saddles or bareback over the same course:" (*Fulton v. James*, 5 U. C. C. P. 182.)

Law reports, generally so dry, at all events to the uninitiated, occasionally afford amusement as well as instruction; and the case of *Wilson v. Cutten*, 7 U. C. C. P. 476, was a "smart thing," even in horse-racing, although the ingenuity of the perpetrator was very properly unsuccessful. A match was made by the owners of two horses, on the following terms, namely, that "Butcher" was to distance "Warrior" three times out of five, in mile heats. Two heats were run, in the first of which Butcher did distance Warrior, but in the second Warrior distanced Butcher. Upon this, his owner contended that he had won the race, as, according to the rules of racing, a distanced horse could not run again. It was held, however, that this rule did not apply in such a case, and that the race was not won; and that, as there had been in fact no race, the plaintiff was only entitled to recover the amount he had deposited with the stakeholder.

The question whether or not cock-fights are illegal, appears to be still undecided (*Martin v. Hewson*, 10 Ex. 737; 1 Jur. N. S. 214; 24 L. J. Ex. 147). A foot-race has been held to be "a lawful game, sport or pastime," under the proviso to sec. 18 of 8 & 9 Vic. cap. 109

(*Batty v. Marriatt*, 5 C. B. 818). But where a number of persons assembled together on a public highway, to enjoy a diversion called a "stag hunt," which consisted in one of the number representing a stag, and the others chasing him, this was held to be gaming under the meaning of section 72 of the English statute 5 & 6 Wm. IV. cap. 50, against gaming (*Pappin v. Maynard*, 9 L. T. N. S. 327). Half-pence used for pitch-and-toss are held not to be instruments of gaming within the 5 Geo. IV. cap. 83, sec. 4 (*Watson v. Martin*, 11 L. T. N. S. 372). The game of dominos is not in itself illegal, and playing at dominos does not necessarily amount to gaming, within the meaning of the statute (*Reg. v. Ashton*, 1 El. & B. 286).

EXEMPTION ACT—BEES.

We notice that an act was passed last session entitled "An act to define the right of property in swarms of bees, and to exempt them from seizure in certain cases" (cap. 8). Our object is to draw the attention of bailiffs, and others to the fact that by section 2 bees reared and kept in hives are to be considered private property, and as such shall, to the extent of fifteen hives, be exempt from seizure for debt, or for the discharge of any liability whatsoever, save and except the amount of their purchase money. This enactment should be noted in connection with section 151 of the Division Courts Act, and section 4 of 23 Vic., cap. 25.

MUNICIPAL CORPORATIONS.

There was an important decision last term as to the amount of interest on money which Municipal Corporations may receive and take. The case was *Moore v. Corporation of the Township of North Gwillimbury*, which came up on an appeal from the County Court of York and Peel. The effect of the decision was that municipal corporations not being corporations created for the purpose of lending money, are not restricted as to the rate of interest which they may receive and take. In fact they can like individuals loan money at any rate of interest agreed upon. The case referred to, will be read with interest upon this point, and we shall probably be able to give a report of it in our next number.