

benefit of creditors, which had been executed by the debtor and delivered to the trustee, was revocable before the same had been communicated to any creditor. The question arose on an interpleader issue between an execution creditor and the assignee, and was determined by a County Court Judge in favour of the creditor, on the ground that his execution had been placed in the sheriff's hands prior to the assignment having been communicated to any creditor and while it was, therefore, revocable, and the decision was affirmed by the Divisional Court (Bailhache and Shearman, JJ.).

**TRIAL WITH JURY—RETIREMENT OF JURY TO CONSIDER VERDICT—
STRANGER IN ROOM WITH JURY FOR A SUBSTANTIAL TIME—
INVALIDITY OF VERDICT.**

Goby v. Wetherill (1915) 2 K.B. 574. This was a county court action which had been tried with a jury. It appeared that, after the jury had retired to consider their verdict, the town sergeant, under a mistaken sense of duty, remained in the room with them while they considered their verdict. The County Court Judge, being satisfied by affidavit of the foreman of the jury that the sergeant had in no wise interfered with the deliberation of the jury, upheld the verdict, but the Divisional Court (Bailhache and Shearman, JJ.) held that the verdict, in the circumstances, was absolutely null and void, and a new trial was ordered.

**TRAMWAY—PASSENGER EJECTED UNDER ERRONEOUS BELIEF THAT
HE HAD NOT PAID HIS FARE—LIABILITY OF CORPORATION FOR
ACT OF CONDUCTOR.**

Whittaker v. London County Council (1915) 2 K.B. 676. This was an action for damages against the defendants for wrongful ejection from one of its tram cars by a conductor. The plaintiff was lawfully travelling on the car and had duly paid his fare, but the conductor of the car, acting on the mistaken belief that the plaintiff was travelling beyond the limit for which he had paid, ejected him. The County Court Judge who tried the action dismissed it on the ground that the conductor, in ejecting the plaintiff, was not acting within the scope of his authority, but his decision was reversed by the Divisional Court (Bailhache and Shearman, JJ.), that Court holding that the right of the corporation was not limited to that given by s. 52 of the Tramways Act 1870 (33 & 34 Vict. c. 78), namely, the right to seize and detain a passenger who refuses to pay his fare until he can be taken before a justice of the peace, but it is entitled to treat