

## DIGEST OF ENGLISH LAW REPORTS.

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FOR MAY, JUNE AND JULY, 1868.

(Continued from page 267.)

GARNISHÉE.—See ATTACHMENT.

GAMING.

Surrounding the inclosure of the grand stand for the Doncaster races was a strip of land, itself inclosed by a paling. Within this strip were placed temporary wooden structures with desks, at which were clerks. A man outside conducted the business of betting, and the clerks recorded the bets. *Held*, that such a structure was an "office" and a "place," within 16 & 17 Vic. cap. 119, sec. 3, making penal the keeping of such.—*Shaw v. Morley*, Law Rep. 3 Exch. 137.

HIGHWAY.—See WAY.

ILLIGITIMATE CHILDREN.

A testator, who had none but illegitimate children, left his property in trust, to divide the residue into four parts, and to hold one share each, on certain trusts, for each of his four children; and if the trusts should fail as to the share of either child, then the same was to be held for such persons as would be the next of kin of said child at his decease, under the Statute of Distributions. There were further trusts as to moneys to which a child should become entitled, "by virtue of the provisions hereinbefore contained, as next of kin of the others, or other, of them." The trusts failed as to one child. *Held*, that there was an intestacy as to that share. The words "next of kin" could not be read as designating the surviving illegitimate children of the testator.—*In re Standley's Estate*, Law Rep. 5 Eq. 303.

INCOME.—See VESTED INTEREST.

INDEMNITY.—See SPECIFIC PERFORMANCE, 1.

INDORSEMENT.—See BILLS AND NOTES.

INFANT.—See CONTRIBUTORY, 2.

INJUNCTION.—See COMPANY, 2, 3; PATENT, 1; TRIAL BY JURY; VENDOR AND PURCHASER OF REAL ESTATE.

INSANITY.—See LUNATIC.

INSURANCE.

A ship then at Calcutta was insured for three months from and after thirty days after her arrival there, and valued at £8,000. At the time the policy was made, but unknown to the parties, the ship had been injured in a storm, so that the expense of the repairs would have exceeded its value when repaired. During the

continuance of the risk, the ship was totally lost. *Held*, that the policy attached, notwithstanding the previous injury to the ship, and that, there being no fraud, the valuation of the ship in the policy was conclusive between the parties.—*Barker v. Janson*, Law Rep. 3 C.P. 303.

INTEREST.—See ACCOUNT; VESTED INTEREST.

JUDGE.

Plea to a declaration for slander, that the defendant was a county court judge, and the words complained of were spoken by him in his capacity as such judge, while sitting in his court, and trying a cause in which the present plaintiff was defendant. Replication, that the said words were spoken falsely and maliciously, and without any reasonable, probable or justifiable cause, and without any foundation whatever, and not *bona fide* in the discharge of the defendant's duty as judge, and were wholly irrelevant in reference to the matter before him. *Held*, that the action could not be maintained.—*Scott v. Stansfield*, Law Rep. 3 Exch. 220.

JURISDICTION.—See ADMIRALTY; VENDOR AND PURCHASER OF REAL ESTATE.

LACHES.—See SPECIFIC PERFORMANCE, 4.

LARCENY.

1. The prisoner, having paid a florin to the prosecutrix for purchases, asked her afterwards to give him a shilling for change, which he put upon the counter. She put a shilling down, when the prisoner said to her, "You may as well give me the two-shilling piece and take it all." She then put down the florin, and the prisoner took it up. She took up her shilling, and the change for it put down by the prisoner, and was putting them into the drawer, when she saw she had but one shilling of the prisoner's money. But as she was about to speak, the prisoner's confederate drew her attention, and both left the shop. *Held*, that the prisoner was guilty of larceny.—*The Queen v. McKale*, Law Rep. 1 C. C. 125.

2. The prisoner found a sovereign on a highway; believing it to have been accidentally lost, and with a knowledge that he was doing wrong, he at once determined to keep it, notwithstanding the owner should afterwards become known to him, but not expecting that the owner would. *Held*, on the authority of *Reg. v. Thurborn* (1 Den. C. C. 337; 18 L. J. M.C. 140), that the prisoner was not guilty of larceny.—*The Queen v. Glyde*, Law Rep. 1 C. C. 739.

LEASE.—See WINDING UP, 1.

LEGACY.

Bequest of personal estate to unborn issue for life, with an ultimate limitation to the exe-