

of the insurance being a floating dock. The policy contained the words "seaworthiness admitted" and the question to be decided was whether or not the policy was void for non-disclosure by the insured of a "material fact," the fact being that the dock had not been specially strengthened for a voyage. It was not in fact so strengthened, the insurers honestly believing that such strengthening was unnecessary and that it might be safely towed to its destination without it. But as the event proved, the dock did require strengthening and for want of it, was lost on the voyage. Scrutton, J., who tried the case, held that, inasmuch as the Marine Insurance Act, s. 18(3) provides, "In the absence of inquiry, the following circumstances need not be disclosed . . .

(d) any circumstance which it is superfluous to disclose by reason of any express or implied warranty," that as the fact of seaworthiness was admitted by the insurers, it was unnecessary for the insured to volunteer any information as to whether or not the dock had been strengthened, but that the insurers, on being asked for that warranty were put upon inquiry as to the actual construction of the subject-matter of the proposed insurance, and with this the Court of Appeal (Williams, Moulton, and Buckley, L.JJ.), agreed.

CRIMINAL LAW—OBTAINING MONEY BY FALSE PRETENCES—THREE CARD TRICK—GAMING ACT, 1845 (8-9 VICT. c. 109), s. 17—(CR. CODE, SS. 404, 405, 442).

*The King v. Governor of Brixton Prison* (1912) 3 K.B. 568. In this case the prisoners, two confederates engaged in what is known as the three card trick, a game in which a player having shewn three cards places them face downwards on a table, in such a way as to confuse the eye of the opposite party as to their relative positions, and the opposite player has then to indicate the position of a particular card. The prisoners pretended to be strangers and one of them was to point out the particular card and win with the view of inducing the prosecutor to join in the game. The Divisional Court (Lord Alverstone, C.J., and Channell, and Avory, JJ.), held that this was not "a fraud or unlawful device or ill practice in playing at or with cards" within the meaning of the Gaming Act (8-9 Vict. c. 109), s. 17, (see Cr. Code, s. 442), and therefore would not warrant the conviction of the prisoners for obtaining money by false pretences. The words of the Code, it may be noticed, are more general and include all cheating at any game, and see Cr. Code, ss. 404, 405.