

PRACTICE—DISOBEDIENCE OF ORDER OF COURT—ABSENCE OF PERSONAL SERVICE—PARTY IN CONTEMPT LEAVING JURISDICTION—WRIT OF SEQUESTRATION.

*The King v. Wigand* (1913) 2 K.B. 419. In this case habeas corpus proceedings had been instituted in regard to the custody of a child, owing to the disputes between her father and mother, and an order was made by Bailhache, J., ordering the father to deliver the child to her mother, with liberty to him to have access to the child at certain specified times, both parents undertaking not to remove the child out of the jurisdiction. The father having taken the child out for a walk omitted to return her to her mother, whereupon the Divisional Court made an order nisi for his attachment, for contempt of the order of Bailhache, J. It then appeared that the father had gone to Germany, and taken the child with him, and consequently could not be personally served with the order nisi. On behalf of the wife, an application was made to make the order nisi for an attachment absolute, and also for a writ of sequestration; the husband was unrepresented on the application. The Divisional Court (Ridley, and Avory, JJ.) made the order asked, dispensing with personal service of notice of the application.

LARCENY—TAXICAB DRIVER—FAILURE TO ACCOUNT TO CAB OWNER FOR HIS SHARE OF TAKINGS—RECEIPT FOR, OR ON ACCOUNT OF, OWNER—LARCENY ACT, 1901 (1 EDW. 7, c. 10), s. 1 (1) b—(CR. CODE, s. 347).

*The King v. Messer* (1913) 2 K.B. 421. This was a prosecution for larceny, in the following circumstances. The defendant was the driver of a taxicab, which the owner permitted him to use for the purpose of plying with it for hire, upon the terms that he was to hand over to the owner, a certain percentage of the day's takings, retaining the balance for himself. The defendant did not duly account to the owner for his share of the takings. The defendant was convicted of larceny of the amount of the owner's share of takings, which he had not accounted for; and appealed. The Court of Criminal Appeal (Darling, Hamilton, and Bankes, JJ.), affirmed the conviction, holding that the offence charged was larceny within the meaning of the Larceny Act, 1901 (1 Edw. 7, c. 10), s. 1 (1) b—SEE CR. CODE, s. 347.