

RECENT ENGLISH DECISIONS.

corruptly and with intent to deceive, in the event of such description being untrue."

GAMING—BETTING—PRINCIPAL AND AGENT.

In the next case, *Read v. Anderson*, p. 100, the point decided may be concisely expressed in the words of the Judge (Hawkins, J.), himself:—"If a person employs another to bet for him in the agent's own name, an authority to pay the bets, if lost, is coupled with the employment; and although before the bet is made, the employment and authority are both revocable, the moment the employment is fulfilled by the making of the bet, the authority to pay it if lost becomes irrevocable." Hawkins, J., first points out that wagering contracts are not illegal either by common law or statute, they are simply rendered by the latter null and void, and not enforceable by any process of law. He then arrives at the above result by the following process of reasoning:—"Although the law will not compel the loser of a bet to pay it, he may lawfully do so if he please; and what he may lawfully do himself, he may lawfully authorize anybody else to do for him; and if by his request or authority, another person pays his lost bets, the amount so paid can be recovered from him as so much money paid to his use. . . . As a general rule, a principal is no doubt at liberty to revoke the authority of his agent at his mere pleasure. But there are exceptions to this rule, one of which is that when the authority conferred by the principal is coupled with an interest based on good consideration, it is in contemplation of law irrevocable, that is, though it may be revoked in fact, that is to say, by express words, such revocation is of no avail

. . . In the present case, the authority to pay bets, if lost, was coupled with an interest, it was the plaintiff's (the betting agent) security against any loss by reason of the obligation he had personally incurred on the faith of that authority to pay the bets if lost, the consideration for that authority was the taking upon himself that responsibility at the defendant's request. Previous to the making

of the bets, the authority to bet might beyond all doubt have been revoked; but the instant the bets were made, and the obligation to pay them if lost incurred, the authority to pay became, in my judgment, irrevocable in law. In other words, the case may be stated thus: if a principal employs an agent to do a legal act, the doing of which may in the ordinary course of things put the agent under an absolute or contingent obligation to pay money to another, and at the same time gives him an authority, if the obligation is incurred to discharge it at the principal's expense, the moment the agent on the faith of that authority does the act, and so incurs the liability, the authority ceases to be revocable. . . .

The opinion I have expressed as to the irrevocability of the authority to pay lost bets, applies only to cases where the agent by the principal's authority, makes the bets in his own name so as to be personally responsible for them."

PRIVILEGE—CRIMINATING QUESTIONS

The next case, *Lamb v. Munster*, p. 110, is an interesting one. The defendant in an action for libel, was asked whether he had, in fact, published the libel. He refused to answer on the ground that the answer "*might tend to criminate*" him. The Divisional Court held this was sufficient, where, as in this case, from the nature and the circumstances such a tendency seemed likely or probable. Field, J., says:—"The principle of our law, right or wrong, is that a man shall not be compelled to say anything which criminales himself. Such is the language in which the maxim is expressed. The words "*criminate himself*" may have several meanings, but my interpretation of them is "*may tend to bring him into the peril and possibility of being convicted as a criminal.*" And Stephen, J., lays the law down thus:—"In every case the principle itself has to be considered, and it would not be well to lay down any kind of strict rule as to the particular form of words in which persons are to be compelled to express their opinion as to