

given another cheque for \$180. The \$200 cheque was not destroyed but was duly presented at the bank and paid. On a prosecution for the larceny of that cheque it was held that while the defendant might have been guilty of the larceny of the \$180 cheque as having obtained it by the false pretense of destroying the \$200 cheque, he could not be guilty of the larceny of the cheque first given, as that was his own property.

LEAVING MOTOR TRUCK WITH POWER SHUT OFF AS NEGLIGENCE.—In *Vincent v. Crandell & Gadley Co.*, 115 N.Y. Supp. 600, the N.Y. Appellate Division Court of the Second Department holds that it is not negligence to leave an electric motor truck in a street, unattended, with the power shut off. The truck in question was in charge of a licensed chauffeur, who was engaged in the delivery of goods. He stopped the truck on a street in the city of Brooklyn in front of a store where he was delivering goods, and after disconnecting the power by throwing back the controller, and disconnecting the batteries, he left the machine, set the brakes, and went into the store to deliver the goods. He remained in the store ten or fifteen minutes, and while in there the machine was started by the wilful act of some mischievous boys who got upon the truck, and by moving the switch and controller caused it to run into the plaintiff's drug store, inflicting the damage for which recovery was sought. It appeared that the power was shut off in the usual way and that nothing more could have been done to render the machine inert short of dismantling it. It was held that the act of the boys, and not leaving the truck unattended on the street, was the proximate cause of the damage, and that the owner of the truck was not liable.

Bench and Bar.

JUDICIAL APPOINTMENTS.

John McKay, of the town of Sault Ste. Marie, Ontario, Barrister-at-law, to be Junior Judge of the District Court of the Provisional Judicial District of Thunder Bay. (June 12.)