cumstances really existing. A wager by a student that he would not pass the examination of persons applying to be admitted as attorney, was held to be insufficient as a foundation for an action in *Fisher* v. *Waltham*, 7 Jur. 625.

Lord Ellenborough laid down the principle in this class of cases in a manner more consonant to common sense than in some of the other cases above cited. In *Squire* v. *Whisken*, 3 Camp. 140, he refused to proceed with a case of money had and received for a wager on a cock-fight. "This must be considered," he said, "a barbarous diversion which ought not to encouraged or sanctioned in a court of justice. There is likewise another principle on which I think such an action on such wagers cannot be maintained. They tend to the degradation of courts of justice. It is impossible to be engaged in ludicrous inquiries of this sort consistently with that dignity which it is essential to the public welfare that a court of justice should always preserve. I will not try the plaintiff's right to recover the four guineas." So Lord Tenterden, on the same principle, refused to try a case involving an inquiry as to the powers of a once celebrated dog named Billy. Sir Vicary Gibbs also, when Chief of the Pleas, stopped a case in course of trial before him, on a wager that Joanna Southcote would be delivered of a male child before a certain day. "So! I am to try the extent of a woman's chastity and delicacy in an action on a wager. Call the next case:" *Ditchtown* v. *Goldsmith*, Annual Register, vol. 57 (1815) p. 289. This case, moreover, trenched upon the objections that prevailed in *Da Costa* v. *Jones*, Cowp. 729. There the Court held that an action could not lie upon a wager as to the sex of the Chevalier D'Eon, on the ground that an inquiry therein would involve the reception of indecent evidence, and on the further ground that such an inquiry would tend to disturb the peace of the individual and of society. But, the Court went on to say, the indecency of the evidence is no objection to its being received, where it is necessary to the decision of a civil or criminal right: *Anon.* 29 U.C.Q.B., 456.

There are again other classes of cases at law, in regard to which the sum claimed determines the jurisdiction. The general rule, well established at law, is that it is beneath the dignity of the superior courts to hold conusance of pleas under forty shillings. There is indeed an express statute prohibiting jurisdiction in trespass for goods below this amount: 6 Edward I., cap. 8. In Chancery, as we shall presently more fully consider, the limit of the jurisdiction was declared to be ten pounds. The course is to move to stay the proceedings upon affidavit, if the objection does not appear on the face of the record. But if there is any dispute as to the facts, the Court is slow to interfere summarily: *Oulton* v. *Perry*, 3 Burr 1592; *Branker* v. *Massey*, 2 Pri. 8; *Lowe* v. *Lowe*, 1 Bing. 270, where the Court gave no relief in an action of trover.

The exceptions from this class of cases may be ranked under two heads: 1. The Court will not stay the proceedings if it appears that the debt is not recoverable in any inferior court. This is for the obvious consideration that the smallness of the sum is no reason why the plaintiff should lose his claim: *Eames* v. *Williams* 1 D. & R. 359; *Tubb* v. *Woodward*, 6 T. R. 675; *Harwood* v. *Lester*, 3 B. & P. 617. 2. In matters relating to injuries to realty the Court holds that the maxim *de minimis* does not apply. In *Clifford* v. *Hoare*, 22 W. R., 831, Brett J. says, "I desire to guard myself from lending authority to the contention that this maxim can be held to apply to land