as against a rightful owner from whom they had been stolen.

CRUELTY TO ANIMALS—OPERATION FOR PURPOSE OF IMPROVING ANIMAL—12 & 13 VICT. c. 92, s. 2 (R.S.C. c. 172, s. 2).

In *Lewis* v. *Fermor*, 18 Q. B. D. 532, the defendant was prosecuted for alleged cruelty to animals. The alleged offence consisted in his having performed the operation of "spaying" on five sows. This operation consists in cutting out the uterus and ovaries, and removing them through an incision made in the flank of the sow for the purpose. It is performed on sows because it is believed to increase their weight and development. It is attended with considerable pain to the animal. The justices before whom the charge was brought having stated a case for the opinion of the court, it was held by Day and Wills, JJ., that the defendant had not been guilty of any offence within the Statute. (See R.S.C. c. 172, s. 2.)

CRIMINAL LAW—TRIAL—MISRECEPTION OF EVIDENCE

The Queen v. *Gibson*, 18 Q. B. D. 537, is a decision upon a Crown case reserved by a chairman of quarter sessions. The court (Lord Coleridge, C.J., Pollock, B., and Stephen, Mathew, and Wills, JJ.,) holding that when evidence not legally admissible against a prisoner is left to the jury, and they find him guilty, the conviction is bad, and this, notwithstanding that there was other evidence before them properly admitted, sufficient to warrant a conviction. The inadmissible evidence in this case consisted in a statement alleged to have been made to the prosecutor by a passer-by who was not called as a witness, and it was not shown that the statement had been made in the presence of the prisoner. The prisoner's counsel had not objected at the time the evidence was given to its reception, but, on the chairman charging the jury, he insisted that this statement should be withdrawn from their consideration, which the chairman refused to do, on the ground that the objection came too late. It was held, however, by the Judge that the conduct of counsel for the prisoner did not affect the question; that it is the duty of the Judge to take care that a prisoner is not convicted upon any but legal evidence.

ELECTION PETITION—TRIAL—CHANGE OF VENUE.

In *Arch* v. *Bentinck*, 18 Q. B. D. 548, an application was made to change the venue for the trial of an election petition. It was admitted that the only witness required to be called would be the respondent, and that the question in controversy was a question of law, and it was held that "special circumstances" existed within the meaning of the 31 & 32 Vict. c. 125, which warranted ordering the petition to be tried in London.

STATUTE OF LIMITATIONS—RIGHT OF REMAINDERMAN—RULE IN SHELLEY'S CASE.

In *Pedder* v. *Hunt*, 18 Q. B. D. 565, the Court of Appeal reversed a judgment of Manisty, J., giving a very obviously erroneous interpretation of the Statute of Limitations. A testator devised certain land to his sons successively for life, beginning with the youngest, and after their death "to be forever enjoyed by the oldest surviving heir of his oldest surviving son for their life or lives forever." The eldest surviving son being in possession, executed more than six years before his death a conveyance in fee to the defendant. He left one son who, more than six, but within twelve years, after his father's death brought this action to recover possession, claiming as devisee under the will of the testator. The heir-at-law of the testator was also joined as a co-plaintiff. Manisty, J., held that the eldest surviving son of the testator was the person last entitled to the particular estate upon which the plaintiffs' estate in remainder was expectant, within the Real Property Limitation Act, 1874, s. 2 (R.S.O. c. 108, s. 6); and that as he was not in possession at the time of his death in 1877, and more than six years had elapsed since his right had first accrued, the plaintiff had only six years from 1877 to bring the action, and consequently the plaintiffs' claim was barred. The Court of Appeal, however, point out that the conveyance by the eldest surviving son to the defendant, though purporting to be in fee, was a valid conveyance of the sons' life estate, and that the defendant himself therefore became the person entitled to the particular estate, and being in possession section 2 did not apply, and therefore the plaintiffs' action was in time. The claim of the plaintiffs was sought to be defeated on the ground that, under the rule in