station, to which the ordinary fare was 9s. This action was brought in the County Court to recover 9s., or 1s. if the defendant should be held entitled to credit for the 8s. he had paid. The judge of the County Court nonsuited the plaintiffs on the ground that the action was for a penalty which could only be recovered before justices; but the Divisional Court (Day and Charles, JJ.) held that the action was clearly on contract, and ordered a new trial.

CRIMINAL—RECEIVING STOLEN PROPERTY—RESUMPTION OF POSSESSION BY OWNER AFTER THEFT AND BEFORE RECEIVING.

The Queen v. *Villensky* (1892), 2 Q.B. 597, was a prosecution for receiving stolen goods knowing them to be stolen, in which a scheme to catch the receiver, though it established his moral guilt, nevertheless resulted in his escape from justice. The prosecutors were a firm of carriers, and a parcel was delivered to them for carriage, and while it was in the prosecutors' premises a servant of the prosecutors removed it to another part of the premises and placed upon it a label addressed to the prisoners by a name by which they were known, and at a house where they resided. The prosecutors' superintendent discovered this, and, after inspection of the parcel, directed it to be replaced where the thief had put it, and to be sent with a special delivery-sheet in a van, accompanied by two detectives, to the address given on the label. At that address it was received by the prisoners under circumstances clearly showing that they knew that it had been stolen. In the indictment, the property in the parcel was laid in the carriers; an offer to amend it by alleging the property to be in the consignees was declined. Upon a case stated by the chairman of the sessions, it was held by Lord Coleridge, C.J., Smith, J., Pollock, B., and Cave and Bruce, JJ., that as the person in whom the property was laid had resumed possession of the stolen property before its receipt by the prisoners, it had then ceased to be stolen property, and the prisoners could, therefore, not be convicted of receiving it knowing it to be stolen.

CRIMINAL LAW—CARNAL KNOWLEDGE OF GIRL UNDER THIRTEEN BY MALE UNDER FOURTEEN—CRIMINAL LAW AMENDMENT ACT, 1885 (48 & 49 VICT., C. 69), S. 4—(CAN. CRIM. CODE, SS. 7, 8, 10, 266, 269).

In *The Queen* v. *Waite* (1892), 2 Q.B. 600, the Court for Crown Cases Reserved (Lord Coleridge, C.J., Smith, J., Pollock, B., and Cave and Bruce, JJ.) unanimously decided that a boy under fourteen cannot be convicted of the offence of having carnal knowledge of a girl under thirteen. The new Canadian Criminal Code seems to leave it somewhat doubtful whether this decision would be law here; for though s. 7 declares that any circumstances which at common law would be a defence to any charge shall remain in force, "except in so far as they are hereby altered or inconsistent therewith," yet s. 10 seems to declare that a child over seven and under fourteen may be convicted of a crime if "he was competent to know the nature and consequences of his conduct, and to appreciate that it was wrong." And while s. 266, which deals with the offence of rape, expressly declares that no one under fourteen can commit the offence, yet s. 269, which deals with the carnal knowledge of girls under fourteen, has no such limitation.