

CURRENT ENGLISH CASES.

The Law Reports for February comprise (1895) 1 Q.B., pp. 169-346; (1895) P., pp. 5-70; and (1895) 1 Ch., pp. 117-235.

NUISANCE—EVIDENCE—CONTRIBUTORY NEGLIGENCE—BURDEN OF PROOF.

Fenna v. Clare, (1895) 1 Q.B. 199; 15 R. March 410, turns simply on a question as to the sufficiency of evidence. The action was brought by the plaintiff, a little girl between 5 and 6 years of age, to recover damages for an injury sustained by having fallen upon certain sharp spikes fixed on the top of a low wall eighteen inches high, abutting on the highway, and owned by defendant. No one witnessed how the accident occurred, but the evidence adduced on behalf of the plaintiff established that she was found on the highway near the wall with her arm bleeding from such a wound as might have been caused by her falling upon the spikes. No other evidence was offered in reference to the accident except that of a witness who shortly before the accident saw the plaintiff climbing up upon the wall, and told her to get down, which she did. The jury found that the spikes on the wall were a nuisance to the highway, and the question was whether there was any evidence to submit to the jury that the nuisance was the cause of the injury to the plaintiff while using the highway in a lawful manner. Pollock, B., and Grantham, J., held that there was

PRACTICE—EQUITABLE EXECUTION—RECEIVER—EQUITABLE REVERSIONARY INTEREST IN PERSONAL ESTATE.

In *Tyrrell v. Painton*, (1895) 1 Q.B. 202; 11 R. Feb. 107, the Court of Appeal (Lord Halsbury, Lindley, and Smith, L.JJ.) held that a receiver may be appointed, by way of equitable execution, of a debtor's reversionary interest in personal estate, following *Fuggle v. Bland*, 11 Q.B.D. 711. Lord Russell, C.J., had refused the motion because he was of opinion that the debtor's interest was in reality an interest in land which could be reached by *elegit*; but the Court of Appeal being of opinion that the interest of the debtor was, in fact, a reversionary interest in the proceeds of the sale of the land, granted the application.

PRACTICE—PAUPER—APPEAL BY PAUPER—SECURITY FOR COSTS.

Biggs v. Dagnall, (1895) 1 Q.B. 207, was an application by a defendant to compel the plaintiff, who had obtained the common order giving him leave to sue *in forma pauperis*, to give security