

payment was not an offence against the Act.

Wright, J., expressed some doubt, on the ground that the act was directed against the business of betting, of which the payment of bets was an important element. The Act being a penal Act, however, he did not feel sufficiently confident in his opinion to dissent.

Cave, J., Wills, J., and Kennedy, J., concurred with the judgment of Hawkins, J. Appeal dismissed.

* * *

PITTMAN v. PRUDENTIAL DEPOSIT BANK, LIMITED.

[T. 110 : S. J. 129.]

If A. brings an action against B. to recover a debt of £1,000, and X. acts as A.'s solicitor, is an agreement between A. and X. that A. will, if successful, assign the judgment to X. binding?

No, said the Court of Appeal; the rule in *Simpson v. Lamb* (7 E. & B. 84) absolutely forbids a solicitor making any arrangement with his client concerning the subject-matter of the litigation which is being conducted by the solicitor until that litigation is over. The rule must, said Esher, M.R., be kept "as wide as possible."

* * *

SIMS v. TROLLOPE & SONS.

[W. N. 161 ; L. T. 84 ; L. J. 648 ; T. 57.]

If the witness to a bill of sale, having no occupation, merely gives his name and address in the attestation clause, is the bill of sale void?

Yes, since by omitting the description the statutory form, which requires that the witness' name, address, and description

shall be given, has not been complied with. In such a case the description should be stated as "gentleman." (S. 124.)

* * *

E. & G. HINDLE v. BIRTWISTLE.

[Queen's Bench Division—DECEMBER 16TH, 1896.]

*Factory and Workshop Acts—
Dangerous parts of machinery
—Omission to fence—Liability.*

Case stated by the Recorder of Blackburn.

Messrs. Hindle, who were cotton manufacturers, were convicted by the magistrates of Blackburn for neglecting to fence a certain dangerous part of the machinery in their factory—to wit, the shuttles. It appeared that a shuttle flew out of one of the looms in the factory and injured a weaver, but the evidence showed that such an accident might arise either from negligence of the weaver or from some foreign substance accidentally getting into the shuttle race, or from some defect in the yarn. By section 5 of the Factory and Workshop Act, 1878, and section 6 of the Factory and Workshop Act, 1891, "all dangerous parts of the machinery" in a factory are required to be securely fenced.

The Recorder quashed the conviction.

The Court (Wills, J., and Wright, J.,) were of opinion that the above sections were not restricted to machinery which was dangerous in itself, but applied equally to machinery from which in the ordinary course of working, danger might reasonably be anticipated. They therefore remitted the case to the learned Recorder.