

It was delivered in the country to the railway company in a pure condition, and it was contended that the vendor was not liable for anything which took place in course of transit, as the delivery to the vendee was complete on the delivery to the railway; but the Court held that the contract governed, and the fact that the milk was adulterated when it reached its destination was sufficient to fix the vendor with liability therefor, although they conceded that, if the convicting magistrate should be satisfied that the vendor was in no way party to the fraud, a nominal penalty might be inflicted; or, if the offence should appear to be of a trifling character, he would be justified, under the Summary Jurisdiction Act, 1879, in refusing to impose any punishment at all.

BILL OF LADING—"DEFECTS LATENT ON BEGINNING OF VOYAGE OR OTHERWISE."

In *Waikato v. New Zealand* (1899) 1 Q.B. 56, the Court of Appeal (Smith, Rigby and Collins, L. JJ.) have affirmed the decision of Bigham, J. (1898) 1 Q.B. 645 (noted *ante* vol. 34, p. 404), holding that an exception in a bill of lading of "defects latent at beginning of voyage or otherwise" does not cover defects patent at the beginning of the voyage. The words "or otherwise," Rigby, L.J. points out, refer, according to plain grammatical construction to the immediately antecedent words "on beginning of voyage," and he thought they might reasonably refer to latent defects which only come into practical operation after the commencement of the voyage. The other two judges regarded the words "or otherwise" at any rate as too ambiguous to warrant their being held to include any patent defects.

INFRINGEMENT OF STATUTE—PUBLIC BODY—INFORMATION—INJUNCTION TO RESTRAIN BREACH OF STATUTORY DUTY—RAILWAY COMPANY—CROSSING.

The Attorney-General v. London and North Western Ry. Co. (1899) 1 Q.B. 72, was an action instituted by the Attorney-General on the relation of a municipal body, to restrain the defendant railway company from permitting their trains to cross a highway on a level crossing at a higher rate of speed than four miles an hour. The statute empowering the railway company to cross the highway at the point in question expressly required that all trains should slacken their speed, and not cross at any greater rate than four miles an hour. The defendants at the trial resisted the granting of an injunction on the ground that the plaintiff failed to shew any injury to the public by reason of the defendants not having