

both accusers and judges, contrary to the principles of natural justice and therefore that their action was invalid and *ultra vires*. The case is of importance and deserves the very careful consideration of all professional advisers of bodies empowered by their rules, or otherwise, to exercise judicial functions. The learned Judge intimates that it is the duty of all such persons to refrain from the position of accusers; and that in cases of charges against members of societies or corporations it is the duty rather of the judicial body to assist the accused in establishing his innocence, rather than act as his accuser. The learned Judge decided that the application to the Board of Trade was no bar to subsequent proceedings against the plaintiff as a member of the defendants' Institute, which could not be considered as a second trial for the same offence as the plaintiff contended.

ADULTERATION—SALE OF MILK—UNAUTHORISED SALE—AUTHORITY OF AGENT.

*Whittaker v. Forshaw* (1919) 2 K.B. 419. In this case Forshaw was charged with selling milk adulterated with water to the extent of 24 per cent., in the following circumstances: his daughter aged thirteen was instructed by him to carry a pint of milk from his farm to the dwelling house of a customer, in fulfilment of an order previously given by the customer; on her way she met an inspector under the Food & Drugs Act, who demanded to purchase from her a pint of milk which she delivered to him out of the can containing the milk intended for the customer. She delivered it because the inspector demanded it, and because, as she said, some people are fined for not doing as the policemen tell them. The milk so sold proved to be adulterated as above mentioned; but on a case stated by the Justices who heard the complaint it was held by a Divisional Court (Darling and Salter, JJ., Avory, J., dissenting) that the Justices were justified in finding that the daughter had no authority to make any contract of sale, inasmuch as her duty was limited to carrying the milk. The decision of the Justices dismissing the complaint was therefore affirmed.

ARBITRATION—REFUSAL OF ARBITRATOR TO STATE A CASE—REQUEST OF PARTY FOR STATEMENT OF A CASE—MISCONDUCT—SETTING ASIDE AWARD.

*In re Fischel & Co. v. Mann* (1919) 2 K.B. 431. This was a motion to set aside an award. On the appointment of arbitrators and an umpire for the purpose of an arbitration one of the parties stated that he required them to state a case on questions of law