

Lord Ordinary. A shrub bearing poisonous berries of a tempting appearance was grown by the defenders (*appellants*) in an enclosed piece of ground, to which access was had by a gate which could be easily opened by small children. The pursuer's child, aged seven, ate some of the berries and died. In an action for damages the Lord Ordinary held that these facts disclosed no cause of action and dismissed the case. The Second Division recalled the interlocutor of the Lord Ordinary, and approved an issue for the trial of the action. Held, on appeal, that *Cooke v. Midland Great Western Railway Company of Ireland* (1909 A.C. 229) applied and that "the presence in a frequented place of some object of attraction, tempting a child to meddle where he ought to abstain, may well constitute a trap, and in the case of a child too young to be capable of contributory negligence it may impose full liability on the owner or occupier, if he ought, as a reasonable man, to have anticipated the presence of the child and the attractiveness of the object of peril."

Contempt of Court—Circular letter commenting on judgment — Misrepresentation of effect — Motion for injunction.

Dunn v. Bevan, Brodie v. Bevan (1922), Ch. 276. Sargant, J.:—The plaintiffs in an action brought by members of a trade union against the officers of the union, issued a circular letter, after judgment had been given in the action, containing misleading comments on the judgment. The defendants thereupon moved for an injunction restraining the plaintiffs from distributing the circular. It was held that this was an attempt to have the issue of the circular treated as a contempt of Court, and the plaintiffs punished by granting an injunction against them, and by making them pay the costs.

There are only two kinds of contempt which can arise from conduct of this nature, viz.—first, scandalizing the Court by making attacks upon the Judge who presided at the trial; and, secondly, doing something which interferes in some way with the administration of justice. There is no third class of contempt consisting in a misrepresentation of the judgment of the Court, and of the proceedings in Court, for the purpose of injuring one of the parties. Judgment having been given in the action, the proceedings were ended, and there could be no interference with the administration of justice. The remedy must be sought in the ordinary law of libel.