

CONTRACT—LIGHTING OF STREETS—SUPPLY OF GAS AND LAMPS
—INCLUSIVE FLAT RATE—GOVERNMENT ORDER RESTRAINING
LIGHTING—CONTRACT IMPOSSIBLE OF PERFORMANCE—CON-
DITION PRECEDENT—DEFENCE OF REALM REGULATIONS.

Leiston Gas Co. v. Leiston-cum-Sizevell (1916) 2 K.B. 428. This is a case arising in consequence of the war. The plaintiffs were a gas company and had contracted with the defendants, a municipal authority, to supply all necessary lamps and gas for the lighting of the defendant's district. The lamps were supplied and the plaintiffs were ready and willing to furnish the necessary gas, but owing to a regulation issued by the Government the defendants were prohibited from lighting the street lamps. The plaintiffs nevertheless claimed to recover the quarterly payments due under the contract. Low, J., who tried the action, decided in favour of the plaintiffs (1916) 1 K.B. 912 (see ante vol. 52, p. 255), and the Court of Appeal (Lord Reading, C.J., Warrington, L.J., and Scrutton, J.) have now affirmed his decision, and have held that, as the rate of payment was a flat rate both for furnishing the lamps and supplying the gas, there could be no apportionment because it could not be determined how much of the contract price was attributable to the lamps, or how much to the gas to be furnished, and, moreover, that the furnishing of the gas was not a condition precedent to the plaintiff's right to recover.

CRIMINAL LAW—SENTENCE—EVIDENCE AS TO MOTIVE—AGGRA-
VATING CIRCUMSTANCES.

The King v. Bright (1916) 2 K.B. 441. The prisoner in this case was indicted for contravention of No. 18 of the Regulations made by Order-in-Council under the Defence of the Realm Act (5 Geo. V., c. 8) for having, without lawful authority, collected or attempted to collect information as to the manufacture of war material. It was not charged that he had done so for the purpose of assisting the enemy. The prisoner pleaded guilty, and Avory, J., who tried the case, heard evidence, and came to the conclusion therefrom that the accused had committed the act charged, and to which he pleaded guilty, for the purpose of assisting the enemy, and sentenced him to penal servitude for life. The Court of Criminal Appeal (Darling, Bray and Horridge, JJ.) reduced the sentence to ten years, being of the opinion that, although it was competent for the Judge who tried the person to inquire into the