

QUEEN'S BENCH DIVISION.

LONDON, 12 Feb. 1896.

STRICKLAND, appellant, & HAYES, respondent (31 L. J.)

County council—By-laws for good rule and government—Limitation in terms—Profane language.

This was a case stated by justices before whom the appellant had been convicted of an offence against a by-law made by the Worcestershire County Council 'for the good rule and government' of the county under section 16 of the Local Government Act, 1888. The by-law in question was as follows, and had, with others, been allowed by the Secretary of State: 'No person shall in any street or public place or on land adjacent thereto sing or recite any profane or obscene song or ballad or use any profane or obscene language.' It was proved that the obscene language complained of was used by the appellant on a footpath in a field, and that a large number of persons were present. The question for the opinion of the Court was whether this by-law was *ultra vires*, unreasonable and repugnant to the general law of the land, as the appellant contended it was.

The Court (Lindley, L.J., and Kay, L.J.) held that in the absence of any restriction of the offence to cases where annoyance was caused the by-law was too wide. The expression 'land adjacent' (to any street or public place) went too far. The conviction could not be sustained.

Appeal allowed.

MR. JUSTICE BABY'S CHARGE.

In charging the grand jury at the opening of the March term of the Court of Queen's Bench, Mr. Justice Baby, referred to some topics of general interest. The following are extracts from the charge:—

"The Legislature has thought fit, gentlemen, whilst raising your qualification, to reduce the number requisite for the constitution of your important body to twelve members, instead of twenty-four, as it stood hitherto. The number of twelve has been considered sufficient to perform the serious work devolving on you by law, and I trust that, by an increase of devotedness and attention to your duties, you will respond to the hopes entertained by the proper authorities on the subject. This reduction has necessitated an amendment to the law regarding your pro-