

The house in question had been erected by a builder in contravention of the Act, and was subsequently purchased by the defendant who was served with written notice that it was erected contrary to the Act, but the defendant maintained the house in the same condition as it was when he bought it. The Divisional Court (Lord Alverstone, C.J., and Darling and Channell, JJ.,) held this to be no offence under the Act, and is an instance of the strictness with which Acts creating penal offences are construed.

STATUTE—CONSTRUCTION—BREAD, SALE OF, BY WEIGHT.

Cox v. Bleines (1902) 1 K.B. 670, may be briefly noticed. By a statute bakers in the City of London are required to sell all bread by weight and any baker selling bread otherwise than by weight is liable to a penalty. The defendant was asked by a purchaser for a half-quartern loaf, and he served him with a loaf and two rolls for which he charged 2d. The loaf and rolls were in the purchaser's presence placed in scales on which was already a 2lb. weight. The beam of the scales did not move, and the weight of the bread was not ascertained. On being taken away and weighed it was found 5ozs. short of 2lbs. On a case stated by justices, a Divisional Court (Lord Alverstone, C.J., and Darling and Channell, JJ.,) held that the defendant had been guilty of an offence against the Act, that a sale by weight means a sale by the true weight of the bread sold, and not merely putting it in the scales.

ACTION ON JUDGMENT—LIMITATIONS, STATUTE OF—PART PAYMENT.

Taylor v. Hollard (1902) 1 K.B. 676, was an action on a judgment recovered by the plaintiff in England against the defendant in 1884. After the recovery of the judgment, which was for £15,000, an action was brought upon it in the late South African Republic of the Transvaal and the South African Court retried the case on its merits and gave judgment for about £9,600, which was recovered from the defendant under execution, and the present action was brought to recover the balance of the original judgment. The action was barred by the Statutes of Limitations unless the payment recovered under the South African judgment could be deemed a part payment of the original judgment. Jelf, J., who tried the action, held that the payment made under the South African judgment was a payment of that judgment and not a payment on account of the original judgment and that no