whether or not the answer to questions would criminate them. When the subject is fully examined, it will, I think, be found that the privilege extends to protect a man from answering any question which "would in the opinion of the Judge have a tendency to expose the witness, or the wife or the husband of the witness, to any criminal charge:" Step. Dig. Law of Ev. 3rd Ed, Art. 120. . . . I do not think the cases cited go any further than this, viz.: that the Court which has to decide must be satisfied on the oath of the witness that he does object on that ground, and that his objection is *bona fide*. . . . A man is not to be forced to answer any question if the witness swears that the answer "may" or "will" or "would" endanger him (I care not for the form of words in which he expresses it), and in the opinion of the Judge the answer may, not improbably, be of such a nature as to endanger him."

MUNICIPAL LAW—HIGHWAY—NUISANCE.

Of the next case, *Kent* v. *Worthing Local Board*, p. 118, it seems only necessary to say that it is authority for the principle that municipal authorities are under a legal obligation to make such arrangements that works of whatever nature, under their care, shall not become a nuisance to the highway."

MUNICIPAL LAW—NUISANCE OR INJURIES TO HEALTH—R. S. O. C. 190, SECT. 4.

The next case requiring a word of notice is *The Bishop Auckland Local Board* v. *Bishop Auckland Co.*, p. 138, in which the Divisional Court held that where the Imp. Public Health Act, 1875, (cf. R. S. O. c. 190, sect. 4) enacts that "any accumulation or deposit which is a *nuisance or injurious to health*," shall be deemed to be a nuisance liable to be dealt with summarily under the Act, this must not be taken to mean "nuisance injurious to health," but "a nuisance *either* interfering with personal comfort, *or* injurious to health." Hence, they held that an offence within the section was committed when the accumulation emitted offensive smells, which interfered with the personal comfort of the neighbours, but did not cause injury to health.

CARRIERS—TEMPORARY LOSS—37 VICT. C. 25, SECT. 2, DOM.

The next case, *Miller* v *Brash*, p. 142, was an appeal from the decision of Lopes, J., reported L. R. 8 Q. B. D. 35, and noted in this Journal. It will be remembered the plaintiff delivered to the defendants, who were carriers for hire, a trunk to be shipped by them to Italy. By mistake, the defendants shipped it to New York, and it was not till after the lapse of a long time that the plaintiff recovered it. Some of its contents were goods which should have been declared under the Imp. Carriers Act, being above £10 in value. Substantially, the question raised by the present appeal was as to the liability of the defendants to pay damages for the loss or detention of these goods, which were not declared. The case has application here by reason of 37 Vict. c. 2, sect. 2, Dom., which enacts that "carriers by water shall be liable for the loss of or damage to the personal baggage of passengers by their vessel. . . . provided that such liability shall not extend to any greater amount than $500. . . . Unless the true nature and value of such articles so lost or damaged have been declared and entered." Lopes, J., had held in the Court below, that the carriers were liable to damages for the detention of the goods above £10 in value and undeclared, although, under the Carriers' Act, they were not liable for the loss of them. The Court of Appeal, however, over-ruled this, and held that "if goods which ought to be declared, and are not declared, are lost, whether temporarily or permanently, the carrier is protected from liability for their loss and its consequences." They point out that not only is this view of the Act supported by authority, but that apart from authority, it would simply render the Carriers' Act nugatory to hold carriers liable for detention, which is itself the result of the loss for which they are not liable; and so in the case of a temporary loss by carriers, to hold them not