Court of Appeal (Lord Esher, M.R., and Lindley and Lopes, L.JJ.) were of opinion that the defendants were not responsible for the delay occasioned by the strike, as the laborers were not directly responsible to the defendants, but to the stevedore by whom they had been employed; though they agreed that if the delay had been occasioned by the defendants, or by any persons in their control, they could not have charged demurrage for the delay so occasioned.

SHIP—CHARTER PARTY—FREIGHT PAYABLE IN ADVANCE—LOSS OF CARGO—LIABILITY OF CHARTERER.

Smith v. *Pyman* (1891), 1 Q.B., 42, is another maritime case, in which the question was whether a charter party which provided "one-third of freight, if required, to be advanced, less 3 per cent. for interest and insurance," entitled the ship-owner to demand the advance after the loss of the cargo had occurred. Charles, J., before whom the action was tried, held that the plaintiff was entitled to recover. The *ratio decidendi* may be collected from the following passage: "Advance freight has been decided over and over again to be a payment made for taking the goods on board, and for the undertaking to carry, not for the safe carriage of them; and that being the nature of advanced freight, it has been held, first, that if it has been paid in advance, it cannot be got back again even though the vessel be lost; and secondly, that if there has been an unconditional agreement to pay advance freight, that agreement can be enforced although the vessel has been lost before action be brought or demand made." The only difficulty the learned Judge felt was as to the effect of the words "if required," but he came to the conclusion that they could not be read as limiting the ship-owner's right to require payment only before the loss of the vessel.

PUBLIC HEALTH ACT (38 & 39 VICT., C. 55), SS. 116, 117 (R.S.O., C. 205, S. 99)—UNSOUND MEAT—POSSESSION OF UNSOUND MEAT INTENDED FOR HUMAN FOOD—EXPOSURE FOR SALE, WHETHER NECESSARY TO CONSTITUTE OFFENCE.

Mallinson v. *Carr* (1891), 1 Q.B., 48, was a case stated by justices for the opinion of the court. The defendant was a butcher, who was charged with having in his possession meat for the purpose of preparation for sale and intended for human food, which was unsound and unfit for food. The prosecution took place under the Public Health Act, 1875 (see R.S.O., c. 205, s. 99), and the question submitted was, whether the defendant could be convicted for having the meat in his possession notwithstanding that he had not actually exposed it for sale. Hawkins and Stephens, JJ., held that he could.

MINE—MINES REGULATION ACT, 1872 (35 & 36 VICT., C. 77), S. 23 (53 VICT., C. 10, S. 23, S-S. 11 (O.))—"WORKING SHAFT."

Foster v. *North Hendre Mining Co.* (1891), 1 Q.B., 71, was also a case stated by justices. The defendants were charged with a breach of the Mines Regulation Act, 1872 (see 53 Vict., c. 10, s. 23, s-s. 11 (O.)). The Act provides "every working shaft in which persons are raised" shall, under certain specified circumstances, be provided with guides, and persons contravening this provision are made liable to a penalty. The shaft of the lead mine in question was completed, and a tunnel driven from the bottom of it for the purpose of arriving at