

MANDAMUS—JUSTICES—HEARING AND DETERMINATION ACCORDING TO LAW
—STATUTORY JURISDICTION.

In *The Queen v. Cotham* (1898) 1 Q.B. 802, a mandamus was granted to justices to hear and determine a matter according to law. The matter in question was an application for a license, which the justices had statutory power to grant in certain circumstances. The justices had entertained an application, and had granted it without regard to the provisions of the statute, and inasmuch as it was obvious that they had acted upon some considerations altogether outside the statute, it was held that they had not heard and determined the matter according to law, and that a mandamus to compel them so to hear and determine it ought to go.

MALICIOUS INJURY—ADDING WATER TO MILK—FRAUDULENT MOTIVE—
ABSENCE OF MALICE—24 & 25 VICT. C. 97, s. 52—(CR. CODE, s. 511).

Roper v. Knott (1898) 1 Q.B. 868, this was a case stated by a magistrate. The defendant was charged with malicious injury to the plaintiff's property. The defendant was a milk carrier in the plaintiff's employment, and the alleged offence consisted in adding water to the milk delivered to him for carriage to the plaintiff's customers. The addition was made, as alleged, to protect the defendant from loss by accidental spilling of the milk. No milk was delivered on the morning when the addition was made, but the whole of the milk was spoiled and thrown away, and the loss occasioned thereby was 10s. 8d. The magistrate found that the addition was made for the purpose of enabling the defendant to make a profit for himself by selling the surplus milk and not accounting for it, but that there was no intention to injure the plaintiff, but he felt bound by the decision in *Hall v. Richardson*, 54 J. P. 345, to acquit the defendant. The Court for Crown Cases reserved (Lord Russell, C.J., and Day, Wills, Grantham, Wright and Kennedy, JJ.), were agreed that *Hall v. Richardson* was not good law, and remitted the case to the magistrate to convict the defendant. This case would seem to be an authority for interpretation of the Cr. Code s. 571 in a similar case.