

the driver, or any third person, and that the letting of a carriage does not in any case constitute the carriage owner the insurer of the goods to be conveyed in it, except it be expressly so agreed.

NEGLIGENCE—CONTRACT WITH OWNERS TO REPAIR VAN—NEGLECT REPAIR—INJURY TO THIRD PERSON OWING TO DEFECTIVE REPAIR OF VEHICLE—LIABILITY OF CONTRACTOR.

In *Earl v. Lubbock* (1905) 1 K.B. 253 the Court of Appeal (Collins, M.R., and Stirling, and Mathew, L.JJ.) have followed *Winterbottom v. Wright*, 10 M. & W. 109, recently referred to in these columns, and affirmed the decision of the Divisional Court (91 L.T. 73). The defendant had contracted with a firm to keep a number of their vans in repair. The plaintiff was a driver in the employment of the firm, and while he was driving one of the vans a wheel came off and he was injured. The van had been in the defendant's hands for repair shortly before the accident, and the action was based on the negligence of the defendant's workmen in omitting to discover the defect. Under these circumstances it was held that the defendant owed no duty to the plaintiff and was not liable to him.

WEIGHTS AND MEASURES — FRAUDULENT USE OF WEIGHING MACHINE — WEIGHING ARTICLES WITH PAPER WRAPPER — WEIGHTS AND MEASURES ACT 1873 (41 & 42 VICT. c. 49) s. 26—(R.S.C. c. 104, s. 25).

*Stone v. Tyler* (1905) 1 K.B. 290 was a prosecution for fraudulently using a weighing machine contrary to the Weights and Measures Act s. 26 (see R.S.C. c. 104, s. 25). The offence charged being that the defendant had been requested to sell to the prosecutor a pound of sugar, and had delivered to her a package of sugar, the combined weight of which and the paper in which it was wrapped was a pound, but the weight of the paper was three-quarters of an ounce. The sugar was weighed on the defendant's scales, which were accurate. The pecuniary value of three-quarters of an ounce of sugar was shewn to be greater than the value of the paper bag, which was shewn to be unnecessarily heavy for the purpose of wrapping sugar. The sugar was not weighed in the presence of the purchaser. The justices convicted the defendant, but on a case stated the conviction was quashed by the Divisional Court (Lord Alverstone, C.J., and Kennedy, and Ridley, JJ.) on the ground that there had been no fraudulent using or manipulation of the scales in the act of weighing.