

result of his analysis, need not set out the constituent parts of the sample analyzed, where the case is not one of adulteration, but one of abstraction, and it is sufficient if it state the "result" of the analysis, and also that the introduction of observations, amounting to an expression of opinion of the analyst, as to the effect of the abstraction which he finds to have taken place, does not vitiate the certificate.

ADULTERATION—ADDITION OF INGREDIENT INJURIOUS TO HEALTH—BAKING POWDER NOT AN ARTICLE OF FOOD—SALE OF FOOD AND DRUGS ACT, 1875 (38 & 39 VICT., c. 63), s. 3 (R.S.C., c. 107, s. 2, s-s. 1 (a), s-s. 6; 53 VICT., c. 26, s. 1 (D.)).

In *James v. Jones*, (1894) 1 Q.B. 304, it became necessary to determine whether baking powder of which alum, an ingredient injurious to health, was a component was an article of "food" within The Sale of Foods and Drugs Act, 1875. (See R.S.C., c. 107, s. 2, as amended by 53 Vict., c. 26, s. 1 (D.)). A Divisional Court (Hawkins and Lawrance, JJ.) held that it was not an article of food, and, therefore, that its sale was not an offence within the Act, and that the time for determining its character was the time of sale, and that an article did not become an article of food within the Act although sold with the intention that it should afterwards be mixed with other ingredients which were articles of food, and the conviction of the defendant for selling such baking powder was quashed.

MUNICIPALITY—HIGHWAY, NON-REPAIR OF—NUISANCE—COVER OF SEWER MAN-HOLE.

*Thompson v. Brighton*, (1894) 1 Q.B. 332, is a case on the same lines as *Pictou v. Geldert*, (1893) A.C. 524 (noted *ante* vol. 29, p. 740). The plaintiff was riding on a highway which was under the defendants' control, and his horse stumbled over the man-hole of a sewer (also under the defendants' control), which projected above the level of the road, and thereby the plaintiff's horse was injured. The action was to recover damages for the injury thus sustained. It appeared that the cover of the man-hole was in good order, and had been properly placed originally, but that the defect had arisen by reason of the wearing away of the road around it, and the neglect of the defendants to repair it. Under these circumstances, the Court of Appeal (Lindley, Smith,