

sustained by the Court of Errors in the principal case is correct and sound. Especially is this true when it is based upon the doctrine that where a manufacturer produces an article of food that he owes a duty to the public or any purchaser that the article is wholesome and fit for consumption, but it seems to the writer that the principal case might not only be upheld upon the doctrine that the manufacturer owes a duty of that character, but it might also be sustained upon the doctrine that in such cases there is an implied warranty upon the part of the manufacturer that the article is of the character it should be and that this warranty is for the benefit of whoever may ultimately use this article for the purpose for which it was manufactured and that not only the retailer, or the middle man, would have a right of recovery against the manufacturer, that it was not such as it should be, but that the consumer while having no contractual relations with the manufacturer would have a right to recover from the manufacturer on an implied warranty. And that such right of action directly against the producer, would be justified further to prevent a circuitry of action. If the retailer is responsible, as the matter of justice, he should be permitted, being innocent in the matter, to recover from the person who sold him the goods, and so on ad infinitum."

LAW OF MOTOR CARS.

Under the law of motor cars as at present developing an automobile is apparently a carriage or not a carriage according to circumstances. The New Jersey Court of Chancery recently held in *Trenton v. Toman*, 70 Atl. Rep. 606, that an automobile is a "carriage" within the meaning of a covenant in a deed reserving a strip of land for a carriage way forever. The Vice-Chancellor said: "No particular kind of carriage or waggon is mentioned. Although automobiles had not been invented at that time the easement was created, yet the language of the grant is unrestricted, and must be held to include any vehicle on wheels then or thereafter to be used. A carriage has been defined