

trial as against it; and in disposing of the costs, Neville, J., directed that the taxing officer should distinguish between the costs attributable to the defendants jointly and those attributable to each separately, and that the defendants should respectively pay the costs as so certified. This is a departure from the ordinary rule. Usually it is considered that where the wrongful act of the defendants occasioned the action they should all pay the plaintiffs' costs of obtaining redress.

WEIGHTS AND MEASURES—VEHICLE CARRYING COAL—PERSON IN CHARGE OF VEHICLE—LIABILITY OF CARTER FOR SHORT WEIGHT:

Paul v. Hargreaves (1908) 2 K.B. 289. By the Weights and Measures Act, 1889, it is provided that "If it appears to a court of summary jurisdiction that any load, sack, or less quantity (of coal) so weighed is of less weight than that represented by the seller, the person selling or keeping or exposing the coal for sale, or the person in charge of the vehicle, as the case may be, shall be liable to a fine not exceeding £5." The defendant was in charge of a vehicle from which coal of less weight than that represented by his employer was being delivered to the purchaser, but he was merely a carter and there was no evidence that he had any knowledge that the weight was less than that represented. On a case stated the Divisional Court (Lord Alverstone, C.J. and Ridley, and Darling, J.J.) held that the defendant was not liable and that in order to constitute an offence on his part that it was essential that it should be established that he had a guilty knowledge.

SHIPPING—GENERAL AVERAGE—DAMAGE TO CARGO FROM UNLOADING IN ORDER TO REPAIR SHIP.

In *Hamel v. Peninsular & Oriental Navigation Co.* (1908) 2 K.B. 298 the plaintiff's cargo which was being carried on the defendants' vessel was unloaded for the purpose of enabling damage to the vessel, arising from the ordinary perils of navigation, to be repaired. In the process of unloading the cargo which had never been in peril, suffered damage, and the question in the action was whether the plaintiff was entitled to general average contribution from the ship owners and Lord Alverstone, C.J., who tried the action held that he was not and dismissed the action.