

ations and definitions quoted above, there is no reason why it should not be so called. The question, however, has been debated more than once. In 1836, in the case of *Davies v. Stephens*, 7 C. & P. 570, it was decided that if in an action for trespass the defendant pleads a footway his plea is supported by proof of a carriageway, as a carriageway always includes a footway. A gate being kept across a way is not conclusive that it is not a public way, as the way may have been granted to the public with a reservation of the right of keeping a gate across it to prevent cattle straying. The case before Mr. Justice Darling, referred to at the commencement of this article, *Dennis & Son, Ltd. v. Good*, was an appeal from a decision of the Justices, who had convicted Dennis and Sons under section 72 of the Highway Act, 1835, of unlawfully destroying the surface of certain highways, the highways being public footpaths in two fields belonging to Dennis and Sons, and they had been destroyed by being ploughed up. Dennis and Sons sought to justify their action on two grounds: (1) that the footpath was not a highway; and (2) that they had acted under a notice from the war agricultural executive committee of Holland County Council, which required them to plough and convert into arable the grass land in question so as to provide a good crop for the harvest of 1918. The conviction was upheld. But Mr. J. Darling had some doubt whether a footpath could be a highway. In his judgment he says: "An ordinary person would not call a footpath a highway, and I was at first inclined to think that the appellants had committed no offence, but the decision in *Mercer v. Woodgate*, 1869, L. R. 5 Q. B. 26, went upon the assumption that a footpath was a highway, and therefore the Justices were right in holding that the appellant had infringed the statute."—*Central Law Journal*.

#### REVIEW OF CURRENT ENGLISH CASES.

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STATUTORY POWER TO PROHIBIT IMPORT OF "ARMS, AMMUNITION, GUNPOWDER, OR ANY OTHER GOODS"—CONSTRUCTION—EJUSDEM GENERIS—PROHIBITION OF PYROGALLIC ACID—ULTRA VIRES.

*Attorney-General v. Brown* (1920) 1 K.B. 773. By a statute the Crown was empowered to prohibit the importation of "arms,