

provision of the English law, as rational as it is liberal, which it would be equally the part of wisdom and expediency to engraft upon our too cast-iron system—the investing of the Court, where cause has been shown to the rule to show cause, of an option to direct that the order to quash should be made absolute, without insisting upon the (from a defendant's point of view) vexatious attendant of a recognizance.

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## ENGLISH CASES.

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### EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

(Registered in accordance with the Copyright Act.)

We continue the cases from the July reports.

ADULTERATION—SALE OF FOODS AND DRUGS ACT, 1875 (38 & 39 VICT., c. 63) SEC. 9  
—(R. S. C., c. 107, SEC. 15)—SALE OF ARTICLE OF FOOD IN ALTERED STATE—  
DISCLOSURE OF ALTERATION—MENS REA.

*Spiers v. Bennett*, (1896) 2 Q.B. 65, was a case stated by a magistrate. The appellants were charged with selling milk contrary to the Food and Drugs Act, 1875, which provides that "no person shall with the intent that the same may be sold in its altered state without notice, abstract from an article of food any part of it so as to affect injuriously its quality, substance or nature, and no person shall sell any article so altered without making disclosure of the alteration, under a penalty in each case not exceeding £20." The facts of the case were that the appellants were refreshment contractors, and had entered into a contract with a dairy company for the supply of milk, the dairy company warranting the purity of the milk to be supplied. Milk was delivered under the contract at a refreshment room of the appellants, in a can from which a portion was emptied into a churn; but it was so poured that a greater proportion of the cream remained in the can than went into the churn—but it did not appear that this was done designedly. There was no evidence of any testing of the contents of the milk in the can, nor of