

CRIMINAL LAW—STATUTE—CONSTRUCTION OF STATUTES.

The King v. Vasey (1905) 2 K.B. 748, was an indictment for poisoning the waters of a stream with intent to kill or destroy the salmon therein. By 36 & 37 Vict. c. 71, s. 13, the provisions of the 32nd section of the "Malicious Injuries to Property Act" so far as they relate to poisoning any water with intent to kill or destroy fish shall be extended and apply to salmon rivers as if the words "or in any salmon river" were inserted in the said section in lieu of the words "private rights of fishery" after the words "noxious material in any such pond or water." The 32nd section referred to was in the following terms: "Whosoever shall unlawfully and maliciously cut through, break down, or otherwise destroy the dam, flood gate or sluice of any fish pond or of any water which shall be private property, or in which there shall be any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby to cause the loss or destruction of any of the fish, or shall unlawfully and maliciously put any lime or other noxious material in any such pond or water with intent thereby to destroy any of the fish that may there be or that may thereafter be put therein or shall unlawfully and maliciously cut through, break down or otherwise destroy the dam or flood gate of any mill pond reservoir or pool shall be guilty of a misdemeanour, etc., etc."

It will be seen that the words private "right of fishery" do not occur after the words "noxious material in such pond or water" consequently the amendment could not be made as intended by 36 & 37 Vict. c. 71. The prisoners were found guilty, and a case was reserved on the point of law by Grantham, J. The Court for Crown cases reserved (Lord Alverstone, C.J., and Wills, Kennedy, Channell, and Bucknill, JJ.) held that, notwithstanding the discrepancy, the meaning of 36 & 37 Vict. was plain, and the conviction was affirmed.

LANDLORD AND TENANT—DEFECTIVE PREMISES—PROMISE BY LANDLORD TO REPAIR—ACCIDENT ARISING FROM DEFECT IN PREMISES—INJURY TO WIFE OF TENANT.

Cavalier v. Pope (1905) 2 K.B. 757 was an action brought by husband and wife. The defendant was the landlord of the house in which the plaintiffs resided and which was leased to the husband as a weekly tenant. The agent of the defendant in consideration of the husband withdrawing a notice to quit had promised that the defendant would repair the kitchen floor. The