

description to the goods sold, within the meaning of the statute; but they reserved the question of whether the employer was liable for the act of his servant, for the consideration of the Court for Crown Cases Reserved. On this point it appeared that the employer was not present at the time of the sale; that he had issued a printed circular to his employees, forbidding the sale of the hams under any specific name or place of origin, but there was evidence that the American hams were dressed so as to deceive the public; on the strength of which it was found that the employer had not taken all reasonable precautions against committing an offence against the Act, and the Court (Lord Russell, C.J., Jeune, P.P.D., Chitty, L.J., Wright, Darling and Channell, JJ.) therefore held that under the circumstances the employer was criminally responsible for the act of his servant, as he had not discharged the onus of showing that he had acted innocently. On this point Lord Russell says, "We conceive the effect of the Act to be to make the master a principal liable criminally (as he is already, by law, civilly) for the acts of his agents and servants, in all cases within the section with which we are dealing, when the conduct constituting the offence was pursued by such servants and agents within the scope or in the course of their employment, subject to this: that the master or principal may be relieved from criminal responsibility when he can prove that he had acted in good faith, and done all that it was reasonably possible to do to prevent the commission by his agents and servants of offences against the Act."

**NUISANCE—FENCE ADJOINING HIGHWAY—INJURY TO CHILD USING HIGHWAY—
PROXIMATE CAUSE OF—LIABILITY OF OWNER OF FENCE.**

Horrold v. Watney (1898), 2 Q.B. 320, has some resemblance to the recent case of *Smith v. Hayes*, 29 O.R. 283, but it had the additional element of nuisance, which seems to have been wanting in *Smith v. Hayes*, and which enabled the plaintiff to succeed in the action. The plaintiff was an infant of four years, who was passing along a highway bounded by the defendant's fence, and being attracted by the