

ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH
DECISIONS.

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INTERPRETATION—"PERSON"—BODY CORPORATE—SALE OF FOOD AND DRUGS ACT, 1875 (38 & 39 VICT., c. 63)—INTERPRETATION ACT 1889 (52 & 53 VICT., c. 63) s. 2, SUB-S. 1—R.S.O. C. 1 s. 18 (13)—R.S.C. C. 1, s. 7 (22).

Pearks v. Southern Counties Dairies Co. (1902) 2 K.B. 1, was a prosecution of a limited Company for selling goods contrary to the Sale of Food and Drugs Act (38 & 39 Vict., c. 63), and one of the questions raised was whether a corporation was a "person" within the meaning of the Act. Under the English Interpretation Act, (52 & 53 Vict., c. 63), s. 2, sub-s. 1, the word person in an Act of Parliament is defined to include a body corporate "unless the contrary intention appears." The Divisional Court (Lord Alverstone, C.J., and Darling and Channell, JJ.) held that there was nothing to the contrary in the Sale of Food and Drugs Act and that the company was liable to indictment for breaches of the Act committed by their servants. Section 6 of the Act prohibits sales "to the prejudice of the purchaser of any article of food or drug which is not of the nature, substance and quality of the article demanded by such purchaser" under a penalty; and it was held that a sale might be within the Act though the purchaser from his special knowledge knew that the goods in question were not up to the standard demanded. The question being what would be the position, not of a skilled purchaser like an inspector, but of an ordinary person purchasing the article without any special knowledge.

ADULTERATION—SALE OF FOOD AND DRUGS ACT 1875 (38 & 39 VICT., c. 63) s. 6—SALE OF ARTICLE NOT OF NATURE, SUBSTANCE AND QUALITY OF ARTICLE DEMANDED—MILK, AS TAKEN FROM COW, DEFICIENT IN FAT.

Smithies v. Bridge (1901) 2 K.B. 13, was also a prosecution for sale of milk in breach of the Sale of Food and Drugs Act 1875, s. 6. The facts were that the milk in question was sold as taken from the cow, but owing to the length of time which had elapsed since the cow had been last milked the milk was deficient in fat to an extent of 30 per cent., the deficiency having been absorbed by the cow into her own system. It was held by the Divisional Court (Lord Alverstone, C.J., and Darling and Channell, JJ.) that although no actual adulteration had taken place, the sale was never-