

SHIP—CARRIAGE OF BULLION—BILL OF LADING—IMPLIED WARRANTY.

Queensland National Bank v. Peninsular and Oriental S.S. Co. (1898) 1 Q.B. 557, was an action brought against a steamship company to recover damages for the non-delivery of bullion entrusted to them for carriage from Australia to England. The bill of lading was subject to exceptions of "Robbers or thieves by sea or land, loss by thefts or robberies by sea or land, and whether by persons directly or indirectly in the employment or service of the company, or otherwise," etc., etc.; and the question presented to the Court for adjudication was whether there was any implied warranty in the bill of lading that the bullion room in the ship was reasonably fit to resist thieves, and whether if such warranty was broken the exceptions apply. On these points Mathew, J., gave judgment in favour of the plaintiff, and the Court of Appeal (Smith, Chitty and Collins, JJ.), unanimously affirmed his decision. The contract being for the carriage of bullion, which was to be carried in a room specially intended for that class of freight, the Court of Appeal held that there was an implied warranty that that room was reasonably fit to resist thieves, following in this respect *The Maori King v. Hughes* (1895), 2 Q.B. 550, and other cases where such an implied warranty of the fitness of the vessel in respect of other kinds of freight has been held to exist.

Correspondence.

ABSURDITIES IN THE CANADA TEMPERANCE ACT.

To the Editor of the Canada Law Journal.

SIR,—In the Province of Nova Scotia, under the Canada Temperance Act, offenders are tried before a stipendiary magistrate, two justices of the peace or other persons mentioned in the Act. As my objection refers only to cases tried before a stipendiary magistrate or two justices of the peace, I will content myself by referring to them. As matters stand now, if a case is tried before two justices of the peace an appeal lies to the County Court; if the case is tried before the stipendiary magistrate then no appeal lies. Now it