

the terms of the bill of lading he held that the defendants were liable, because they did not exempt defendants from liability for unseaworthiness and the implied warranty of seaworthiness had been broken by the way in which the sodium had been packed and stowed—that the clause in the bill of lading as to non-liability for negligence in stowing only applied where the ship was seaworthy, and ample meaning was given to it by restricting it to negligent stowage causing damage to the cargo, but not rendering the ship unseaworthy. And he held that the clause as to the maintenance by the ship-owners of the vessel's class, was too vague to relieve the defendants from their implied warranty of seaworthiness. He therefore held that notwithstanding the terms of the bill of lading and the statute, the defendants were liable for the loss of the plaintiffs' goods.

CRIMINAL LAW—"SECOND OR SUBSEQUENT CONVICTION"—ADDITIONAL PUNISHMENT IMPOSED BY STATUTE FOR SECOND OFFENCE AFTER FIRST, BUT BEFORE SECOND CONVICTION.

*The King v. Austin* (1913) 1 K.B. 551, is an instance of the care with which criminal law is administered in England. The defendant had been convicted as a rogue and vagabond for living on the earnings of prostitutes. After his conviction an Act was passed providing that persons on a second conviction for such an offence should be subject to whipping. The defendant was so convicted for a second offence after the Act and sentenced by Darling, J., to be whipped, but the learned judge appears to have required the question whether the defendant was liable to be whipped to be argued, which was accordingly done by counsel instructed by the Registrar of the Court of Criminal Appeal. The Court of Criminal Appeal (Ridley, Phillimore, and Avory, JJ.) held that the Act imposing the additional punishment applied to the case of a second conviction after it came into force notwithstanding the prior conviction took place prior to the passing of the Act. As the court says, "No man has such a vested interest in his past crimes and their consequences as would entitle him to insist that in no future legislation shall any regard whatsoever be had to his previous history." The sentence was therefore affirmed.

STATUTE—CONSTRUCTION "MAY" EQUIVALENT TO "MUST."

*The King v. Mitchell* (1913) 1 K.B. 561. In this case the defendant was accused before magistrates of an offence under