

## RECENT ENGLISH DECISIONS.

*Master and Servant.*—1. The defendant's servant, with his master's horse and waggon, was employed to take out beer for defendant to customers, and on his way home he called for empty casks, for which on delivery to his master he received a penny a piece. On March 5th, 1875, he took the horse and waggon, without his master's knowledge, and carried a child's coffin to a relative's house. On his way home he picked up a couple of empty casks, and subsequently negligently came in contact with the plaintiff's cab, and damaged it. On his arrival home, he received his usual fee for the empty casks.—*Held*, that he was not in the discharge of his ordinary duties, when the injury happened, and the master was not liable.—*Rayner v. Mitchell*, 2 C. P. D. 357.

2. The plaintiff was employed by a contractor engaged by the defendants to do certain work on their road, in a dark tunnel on a curve, where trains were passing at full speed without any signal every ten minutes, and the workmen could not know of the approach of the train until it was within thirty yards of them. There was just room enough between the rail and the wall for the men to get out of the way. No look-out was stationed, though it appeared that on a previous occasion, when repairs were going on, there had been one. Plaintiff had worked in this place a fortnight, and while reaching out across the track for a tool, he was struck and hurt by defendant's train. The jury found negligence, and awarded £300 damages. *Held*, on appeal (Mellish and Bagallay, L. JJ., dissenting), reversing the decision of the Court of Exchequer, that the plaintiff must be held to have been aware of the extraordinary risk he was running, and the defendants were not liable for injury resulting from his voluntary exposure. *Woodley v. The Metropolitan District Railway Co.*, 2 Ex. D. 384.

*Negligence.*—1. The defendant, Cox, was the owner of premises on which he contracted with the other defendants to build a house. The outside of the house was finished, and the scaffolding which had been erected to protect the public on the sidewalk had been taken down. The servant of a sub-contractor employed to plaster the interior, moved a tool too near the edge of a plank before an open window, and the tool fell

out and hurt the defendant passing under. The jury found that the scaffolding was properly removed, but found the defendant contractors negligent in not putting up some other protection, and found for the plaintiff. *Held*, that the defendants were not liable, the accident not being one which they could have foreseen. *Semble* that, if anybody, the sub-contractor was liable.—*Pearsons v. Cox et al.*, 2 C. P. D. 369.

2. The plaintiff, a waterman looking for work, saw a barge belonging to defendant being unlawfully navigated on the Thames, by one man alone, and remonstrated with the man in charge of it, hoping thereby to be employed to assist. The latter referred him to defendant's foreman, and plaintiff went to defendant's wharf about the matter. While there, a bale of goods fell upon him through the negligence of defendant's servants, and injured him. *Held*, that the plaintiff could maintain an action for injuries.—*White v. France*, 2 C. P. D. 308.

*Practice.*—In an indictment for publishing an obscene book, the title only was set forth. The jury found the book obscene, and the defendants moved to quash the indictment or to arrest judgment, on the ground that the exact words relied on, that is, the whole book, should have been set forth. Motion refused, with an intimation that the point being a doubtful one, might, however, well be taken in error.—*The Queen v. Bradlaugh and Besant*, 2 Q. B. D. 569.

## GENERAL NOTES.

THE NEW LEGAL SYSTEM IN IRELAND.—The High Court of Justice sat for the first time in Dublin on the 11th January. The name "Four Courts" disappears now, and it is believed the new arrangements will cause a good deal of business to be done in the country which was formerly transacted in Dublin. Under the altered plans the present puisne common law judges will receive £3,800 a year, instead of £3,725 and £3,688, but their successors will have only £3,500. The Lord Chief Justice will receive £5,074, and the Chief Justice of the Common Pleas and the Chief Baron each £4,612, but the future Lord Chief Justice will receive only £5,000, and the other two chiefs £4,600. When the scheme is in full operation the salaries of the eighteen paid judges will be £72,000 a year.