

nevertheless the intruder rode past the said station.—*Texas and Pacific Railway Co. v. McDonnell*. Ct. of App. of Tex. 18 Rep. 187.

Carriers—Through Lines—Respecting Liability of Connecting Carriers—Delivery—Block in Through Lines—Loss by Fire—Negligence.—Several connecting carriers having entered into certain contract arrangements for continuous transportation on through bills of lading, at settled rates of compensation, providing that each line should be responsible alone for its acts or omissions, do not thereby become liable as partners for the undertakings, representations, or misconduct of the carrier who receives merchandise from the shipper. Where cotton was delivered to a carrier to be transported from Memphis, Tennessee, to Woonsocket, Rhode Island, upon through bills of lading, exempting liability from fire, issued by the receiving carrier in pursuance of such arrangement between the connecting carriers, and the cotton was delayed at Norfolk by reason of a block caused by accumulation of freight on the line intended to convey it therefrom, and was stored in the defendant's warehouses, where it was burned. *Held*, that the company so storing the cotton was not bound to send the cotton forward by other lines, and was not liable for the loss. The fact that the company had effected an insurance on the cotton is unimportant. *Deming v. Norfolk & W. R. Co.* Circuit Court, E.D., Penns. 21 Fed. Rep. 25.

CRIMINAL LAW.

Autrefois acquit—The greater crime includes the lesser.—Where a grist mill, and all its contents, including the books of account of the owners of the mill, are destroyed by one single fire, and the defendant is prosecuted criminally for setting fire to and burning the mill, and on such charge is acquitted, *held*, that such acquittal is a good defence to a subsequent prosecution for setting fire to and burning the books of account.—*State v. Colgate*, Supreme Ct., Kan., Central L.J., May 16, 1884.

Evidence—Drunkennness—Intent.—Drunkennness is admissible in evidence on the question of intent, where the intent is an element in the constitution of the offence, and without

which the offence could not be committed; and if the accused was in such a condition of mind from intoxication as to be incapable of forming such intent, he could not have committed the crime or incurred guilt.—*People v. Blake*, Supreme Ct., California, Pacific Reporter, June 19, 1884.

Homicide—Extenuation—Evidence.—The accused hearing from his sister that A. had whipped their brother, became greatly enraged, went out instantly and killed A. *Held*, the circumstances of the whipping, which the accused did not know at the time of the killing, are incompetent to prove provocation. The provocation which excuses must be something which a man knows of and resents at the time he does the killing, not what time or accident afterwards brings to light.—*Johnson v. Commonwealth*, Supreme Ct., Kentucky, *Colorado Law Rep.*, June 19, 1884.

CANADA GAZETTE NOTICES.

John Macpherson Hamilton, of Sault St. Marie, barrister-at-law, is gazetted Queen's Counsel, and the same gentleman is appointed District Judge for the Provisional Judicial District of Thunder Bay.

The appointment by the Hon. George Irvine, Q.C., Judge of Vice-Admiralty Court for Lower Canada, of the Hon. Thos. McCord, one of the Justices of the Superior Court, as Deputy Judge of the Vice-Admiralty Court, is approved by the Governor General, the appointment bearing date 6th Oct., 1884.

GENERAL NOTES.

At the last extension of the borough franchise in England an old worthy being found entitled to a vote was canvassed for it by each of the contending parties. His answer was,—“Na, na: I ha'e waited fifty years for a vote, an' noo that I ha'e got, I mean to keep it.”

While Radical processions are marching through the streets of London, with banners inscribed, “Down with the Lords,” the Mikado of Japan is busy organizing a peerage. He has created eleven princes, twenty-four marquises, seventy-six counts, three hundred and seventy-four viscounts, and seventy-four barons.

The contents of the September-October number of the *American Law Review* are:—1. Corporate Taxation; 2. Sunday and Sunday Laws; 3. Law Reforms in Germany; 4. Suing the State; 5. Are Persons Born within the United States *Ipsa Facto* Citizens thereof; 6. Notes; 7. Correspondence; 8. Book Reviews; 9. Other Books Received; 10. Bi-monthly Digest of Cases Reported in the Law Periodicals. The contents are, as usual, of a high order of excellence.