

mains was not due to any negligence of the defendants, but was due to a subsidence of the soil which the judge found could not by any reasonable care have been detected before the mains burst. Scrutton, J., however, who tried the case, held that, notwithstanding these findings, the defendants were, on the principle established by *Fletcher v. Rylands*, L.R. 3 H.L. 330, liable to the plaintiffs for the damage they had sustained; because the two Acts being read as one Act, the clause above referred to applied to both Acts and prevented the defendant from claiming statutory authority for causing the damage complained of, and the gradual subsidence of the soil by wear and tear of heavy traffic was not "an act of God," nor was it occasioned by the plaintiffs, nor by the malicious act of any third person, and therefore, none of the exceptions to the case of *Fletcher v. Rylands* existed.

TELEGRAPH—PLACING POSTS AND WIRES IN OR ACROSS PUBLIC STREETS—CONSENT OF BODY HAVING CONTROL OF STREET.

*Postmaster-General v. Hendon* (1913) 3 K.B. 451. By a statute it was provided that a company shall not place telegraph over, along or across a public street "except with the consent of the body having the control of such street." It was held in this case by the Railway and Canal Commission, (Bankes, J., and Sir Jas. Woodhouse) that an urban district council not being liable to repair a road over which it was proposed to place telegraph posts, was not the body "having the control thereof."

CRIMINAL LAW—EVIDENCE—BREAKING INTO A HOUSE WITH INTENT TO RAVISH—EVIDENCE THAT SHORTLY AFTERWARDS ACCUSED BROKE INTO ANOTHER HOUSE AND HAD CARNAL INTERCOURSE WITH ANOTHER WOMAN.

*The King v. Rodley* (1913) 3 K.B. 468. This was an appeal from a conviction for breaking into a house with intent to ravish a woman. Evidence was tendered that after the accused had been repulsed from the house in question, he had gone to another house about three miles from the prosecutrix's house and had broken in and had carnal knowledge of another woman there, with her consent. It was claimed that this evidence was admissible as showing the state of mind and purpose for which he had entered the prosecutrix's house, but the Court of Criminal Appeal (Laurence, Bankes and Atkin, JJ.) held it to be inadmissible and quashed the conviction.