on the level of the line, it could be seen three hundred yards. A woman, approaching the line through that gate, was detained by a luggage train; and, immediately on its passing, crossed the line, and was run down by a train coming on the further line of rails. *Held*, that there was no evidence of negligence on the part of the company, and that a verdict against them should be set aside.—*Stubley* v. *London & N. W. Railway Co.*, Law Rep. 1 Ex. 13.

2. At the crossing of a railway on a level by a public way, at which there were gates across the carriage way, and a style for passengers, a foot passenger, while crossing the railway diagonally, with head bent down, was run over by a train. The gates on one side of the line were partly open, contrary to the provisions of statutes and the railway rules for the safety of carriage traffic. No gatekeeper was present, though no traffic was passing across, and a train was over due. The court refused to set aside a verdict against the railway company for the injury.—*Stapley* v. *London, Brighton, and S. Coast Railway Co.*, Law Rep. 1 Ex. 21.

3. A railway was crossed by a public road diagonally, and also at the same spot nearly at right angles by a private way. There was a gate across both the public and private ways, under the control of the railway company. The plaintiff with his cart, one evening about dark, being on the private way, the gate being nearly closed, hailed the company's gatekeeper from the opposite side of the railway, to know if the line was clear; and the gatekeeper answered, "Yes; come on." The plaintiff proceeded, and was run into by a train. *Held*, that though 8 Vic. c. 20, § 47, in terms merely imposed the duty on the company to keep the gates closed across a public road, except when carriages, &c., shall have to cross, yet the duty was implied of using proper caution in opening them; and that, as the plaintiff could not get across the railway without passing through the public gate, the gatekeeper should either have opened or refused to open the gate; that what he said was equivalent to opening the gate; and that the defendants were liable.—*Lunt* v. *London & N. W. Railway Co.* Law Rep. 1 Q. B. 277.

4. The staircase, leading from a railway station, was about six feet wide, had a wall on each side, but no hand-rail; and had, on the edge of each step, a strip of brass, originally roughened, but now, from constant use, worn and slippery. The plaintiff, a frequent passenger by the railway, while ascending the stairs, slipped, fell, and was injured. In an action against the company for negligence in not providing a reasonably safe staircase, two witnesses gave as their opinion, that the staircase was unsafe; and one of them (a builder) suggested that brass nosings were improper; that lead would have been better, as less slippery; and that there should have been a hand-rail. *Held*, no evidence of negligence for the jury.—*Crafter* v. *Metropolitan Railway Co.*, Law Rep. 1 C. P. 300.

5. On the premises of the defendant, a sugar refiner, was a hole on a level with the floor, used for raising sugar to the different stories, and necessary to the defendant's business. When in use, it was necessary that the hole should be unfenced; when not in use, it might, without injury to the business, have been fenced. Whether it was usual to fence similar places, when not in actual use, did not appear. The plaintiff being on the premises on lawful business, in the course of fulfilling a contract in which his employer and the defendant both had an interest, without negligence on his part, fell through the hole, and was injured. *Held*, that the defendant was liable.—*Indermaur* v. *Dames*, Law Rep. 1 C. P. 274.

6. The plaintiff, in passing along a highway at night, was injured by falling into a "hoist hole," within fourteen inches of the way and unfenced. The hole formed part of an unfinished warehouse, one floor of which the defendants were permitted to occupy while a lease was preparing, and was used by them in raising goods. *Held*, that the defendants were liable.—*Hadley* v. *Taylor*, Law Rep. 1 C. P. 53.

7. The defendant exposed in a public place for sale, unfenced and without superintendence, a machine which could be set in motion by any passer-by. A boy, four years old, by direction of his brother, seven years old, placed his fingers in the machine, while another boy was turning the handle, and his fingers were crushed. *Held*, that no action could be maintained for the injury.—*Mangan* v. *Atterton*, Law Rep. 1 Ex. 239.

*See* Carrier, 7; Master and Servant, 1, 2.

New Trial.—*See* Damages, 2; Jurisdiction, 3.

Nuisance.

1. A prescriptive right of draining into a stream, to the injury of the plaintiff, can be acquired, if at all, only by the continuance of a perceptible amount of injury for twenty years.—*Goldsmid* v. *Tunbridge Wells Improvement Commissioners*, Law Rep. 1 Ch. 349.

2. Injunction granted to restrain the discharge of sewage of a town into a stream, when the sewage injuriously affected the water, and had done so for many years; and the pollution of the water perceptibly increased as new