

tiff's husband was a trespasser, and following the *Barnett* case dismissed the action. The decision does not seem to be quite satisfactory for two reasons; first, the Divisional Court assumed the functions of the jury in finding the deceased to have been a trespasser, and it is open to question whether it drew the proper inference from the facts proved. The deceased's recent employment on the *Ionic* raised a not unreasonable presumption that he was visiting that vessel on business, or in circumstances that would make it perfectly lawful for him to be on the *Huronic*, and that fact not having been submitted to the jury, we are inclined to think the case ought to have been sent back for a new trial.

*Lowery v. Walker* seems to establish that even as against trespassers, an owner of premises is not justified in harbouring on his premises into which, to his knowledge, trespassers are accustomed to enter, dangerous animals, of vicious propensities, of which no notice is given. It is true in that case the House of Lords concluded that the plaintiff was not strictly a trespasser, but a licensee. But it arrived at that conclusion on the ground that it was known to the defendant that numbers of the public (not the plaintiff in particular) were in the habit of crossing his field to get to a railway station and that he made no objection, but as far as the plaintiff was concerned, there was no evidence of any licence or consent on the part of the defendant, and yet their Lordships inferred a consent on the defendant's part to the plaintiff crossing the field in question. But on the same principle might not a jury have equally reasonably found that the deceased King was also a licensee, and had entered the vessel with the consent of the defendants?

The case is interesting in regard to the general principle involved. It may be compared to the spring gun cases, where the opinions of the courts in England seemed to have fluctuated as to what was the common law as to the liability of the owner of the premises to persons injured by such concealed engines.

In *Hott v. Wilkes*, 3 B & Ald. 304, 22 R.R. 400, it was held that a trespasser could not maintain an action for injuries