

The declaration charged that the defendant was negligent in regard to the construction and repairs of the culvert.

This bound the plaintiff to prove such negligence: as against the motion in arrest of judgment, this was sufficient. It could not be negligent in these particulars, unless it knew through those on whom it had cast duty of inspecting and repairing the culvert, or ought to have known of the defects complained of.

The charge of culpable negligence impliedly charged the defendants with knowledge of the defects.

Nor do we think that the evidence showed that the freshet which washed out the embankment was as extraordinary as to excuse the defendant from liability.

It showed that the culvert was sufficient in capacity and construction, if it had not been for the improper construction of the stockade, to have discharged all the water that flowed in the brook on that occasion. Under the evidence it was clearly the duty of the Court to submit that question as it did to the determination of the jury. Hence the defendant's request, asking the Court to hold that the defendant was not liable on this account, was properly refused.

The judgment of the County Court is affirmed.

[See *Fuller v. Grand Trunk Ry. Co.*, 1 L.C. Law Journal, p. 68; and *Bourdeau v. Grand Trunk Ry. Co.*, 2 L.C. Law Journal, p. 186.—Editor Legal News.]

GENERAL NOTES.

Some idea of the enormous expense of the Belt trial can be formed from the fees paid to the defendant's three counsel alone. Mr. C. Russell's brief was marked 200 guineas, Mr. Webster's 150 guineas, exclusive of "refreshers," which were 50 guineas a day for the leader, 40 guineas for Mr. Webster and 20 guineas for the junior, to whom Mr. Webster paid such a flattering public compliment. The trial lasted forty-three days, and the aggregate fees amounted to 5,180 guineas. The jury, by arrangement, received one guinea a day.

The Cremation Society of England, which prefers to incinerate the remains of its members to committing them to the silent embraces of mother earth, is meeting with difficulties in carrying out its ends. When Sir R. Cross was Home Secretary, he informed the society that whether or not the law forbade cremation, the public interest required that it should not be adopted till many matters of great social import had been duly considered and provided for. Burial can be followed by exhumation; but the process of cremation is final, and this in the case of death by poison or

violence might tend to defeat the ends of justice. Sir R. Cross could not therefore acquiesce in the continuance of the undertaking of the society to carry out the practice of cremation, until Parliament had authorized such a practice by either a special or general Act. Sir William Harcourt more recently gave the same decision, so that for the present, and until public sentiment is considerably altered, the burial style now in vogue will continue in England.—*Mail*.

CRIME IN IRELAND.—The record of the past year is one which will be long remembered in Ireland. If the darkest time be before the dawn we have reason to hope that the sun is about to shine on that unhappy land. The record for 1882 contains twenty-seven strictly agrarian murders, chief amongst which were those of the Joyce family, five in number, slaughtered while asleep in their little cabin in the mountains of Maamtrassma; of the two bailiffs of Lord Ardilaun (an old man and his grandson), who were shot dead when they went to serve eviction notices on tenantry dwelling near the shores of Lough Mask, Connemara, and whose bodies were then tied in sacks and sunk in the deep waters of the lake; of Mrs. Smythe, whose head was blown literally into fragments at Barbavilla, Westmeath, as she drove home from Church one Sunday afternoon in a carriage with her sister and her brother-in-law (a local landlord); of Mr. Walter Bourke (a landlord) and Corporal Wallace (one of Mr. Bourke's military body-guard), who were both shot dead in broad noon-day on the public road near Rapassane, Galway; of Mr. Blake (land agent of the Marquis of Clanricarde) and his servant man, who were both shot dead on the road near Loughrea, Galway; of Constable Kavanagh, who was shot dead at Letterfrach, Galway; and of Mr. Herbert, a grand juror, who was shot dead at Castle-island, Kerry. All these twenty-seven murders were assassinations, pure and simple, and in no case whatever could even the palliation be urged that death resulted as the consequence of a fight. The murderous design was always stealthily and deliberately carried into execution. In one instance in which a herdsman named Linnane, seventy years old, was shot dead while sitting at his fire-side at Miltown, Mally, Clare, because he had worked on a "boycotted" farm, the circumstances of the case were more than ordinarily mournful, for his son, who had been sitting at his side when the fatal shot was fired by the "Moonlighters" who attacked the house, lost his reason through his fright and horror, and died crazy some months afterwards. But besides this fearful catalogue of crime, in very few instances of which any one was brought to justice, were the startling assassinations of Lord Frederick Cavendish (the Chief Secretary for Ireland) and Mr. Burke (the Under Secretary for Ireland), on Saturday evening, May 6th, in Phoenix Park, Dublin. Then also frequent assassinations occurred in Dublin streets; these, though undoubtedly political, cannot be exactly classed with agrarian crime. In different parts of the city four informers were assassinated, and a police constable named Cox was shot dead while aiding in an attempt to arrest a party of armed Fenians, thus bringing the entire number of political and agrarian murders committed in Ireland during the past year up to thirty-four.