

(Smith, Rigby and Williams, L.JJ.), who determined that the grant of the right to use the water did not relieve the defendants from the previous obligation they were under to keep the waterway and sluice gate in proper repair, and that the doctrine of *Pomfret v. Ricroft*, that the owner of a servient tenement is under no obligation to the owner of the dominant tenement to execute repairs for his enjoyment of the easement, did not apply, so as to relieve the defendants from the liability as owners of the waterway from preventing it from falling into repair so as to occasion damage to the plaintiffs or any other persons.

CRIMINAL LAW—FUGITIVE OFFENDERS ACT, 1881, (44 & 45 VICT., c. 69)—
POWER TO ADMIT TO BAIL.

In *The Queen v. Spilsbury* (1898) 2 Q.B. 615, a Divisional Court (Lord Russell, C.J., and Wright and Kennedy, JJ.) held that where a fugitive offender has been committed by a magistrate to prison under The Fugitive Offenders Act (44 & 45 Vict., c. 69), for having committed a crime to which Part I. of the Act applies, to await his return to the place where the offence was committed, the Queen's Bench has a discretion to admit the accused to bail until the time for his return. In this case they, however, considered the discretion to admit to bail ought not to be exercised, the offence charged being a riotous assault committed on a ship of a foreign sovereign.

INSURANCE—LOSS BY COLLISION—DETENTION DURING REPAIRS—DAMAGE—
REMOTENESS.

Shelbourne v. Law Investment Company (1898) 2 Q.B. 626, is a case brought on a policy of insurance on a vessel against loss or damage which the insured should sustain, or become liable to others for, by reason of the collision of the vessel with any other vessel. The barge insured was injured by a collision, and the plaintiff, in addition to the cost of repairs, claimed also to recover damages for loss in consequence of the detention of the barge while undergoing repairs; but Kennedy, J., held that the claim for detention was not within the policy, the damages being too remote.

CRIMINAL LAW—COUNSELLING AN OFFENCE—EVIDENCE—(CRIM. CODE, s. 62).

In *Benford v. Sims* (1898) 2 Q.B. 641, it was held by Ridley and Channell, JJ., that where a person is accused under the Summary Jurisdiction Acts of unlawfully cruelly ill-treating a horse by causing it to be worked while in an unfit state, he may