the court, went to view the scene of the crime, may not be ground for a new trial; yet a new trial will be granted because, while so doing, they interrogated a passer-by as to the identity of a certain house, whose distance from the scene of the crime was material. There is a difference of opinion between the authorities as to whether the prisoner must accompany the jury in their inspection of the premises ("Thomp. Trials," sections 886, 887); but all concur that evidence cannot be taken on such occasions. The settled practice is for the court to appoint "showers," but merely for the purpose of pointing out the locality ("Thomp. Trials," sec. 914; "Bailey, Proc." 228; *State* v. *Lopez*, 15 Nev. 407). While there is conflict upon the point, it has been held, as in *People* v. *Hope*, 62 Cal. 291, that the bare fact of the jury having visited the scene of a capital offense, with the trial of which they are charged, though made without leave of the court, is not *per se* ground for a new trial. Some prejudice must appear, as in the present case. *State* v. *Tilghman*, 33 N. C. 513.

Aggravated Assault—Instructions to the Jury.—Grayson v. *State*, 42 S. W. Rep. 293 (Tex.). A jury was charged that if the evidence tended to show that the assault was made with premeditated design, and by the use of means calculated to inflict great bodily injury, the defendant was guilty of an aggravated assault. *Held*, erroneous. An assault and battery, to become aggravated, must result in serious bodily injury or such an injury as is attended with danger.

Burglary—Allegation in Indictment as to the Ownership of Property.—Lamater v. *State*, 42 S. W. Rep, 304 (Tex.). In an indictment for burglary it was alleged that an entry was made into a school building with intent to steal certain property belonging to the janitor of the building. The court charged the jury that, "A person who is in the direct control of a house, and exclusive management and control of property, is, for the purposes of law, the occupant of such house and owner of such property." *Held*, such charge was authorized, notwithstanding the general property was shown to be in the pupils'.

CARRIERS.

Connecting Carriers—Duties—Limitation of Liability—Through Shipments.—Bird et al. v. *Southern R'y Co.*, 42 S. W. Rep. 451 (Tenn.). Plaintiff consigned a box of fruit trees to a place by a route covering parts of three connecting and distinct lines of railway. When the intermediate carrier delivered the trees to the ultimate carrier, the latter immediately informed the intermediate carrier that the destination was a prepay station and that they would not forward the trees until all charges were paid. Thereupon the intermediate carrier took no action for eighteen days, as a consequence of which the trees became worthless. Intermediate carrier held liable. An intermediate carrier is entitled to any exemption contained in a bill of lading issued by the initial carrier, *Halliday* v. *R'y Co.*, 70 Mo. 159; but such exemption does not relieve him from responsibility for his own negligence. The intermediate carrier was charged with a duty to inform either the shippers or the initial carrier that the destination was a prepay station and in not doing so was guilty of negligence.

Carriers—Who are Passengers.—McNulty v. *Penn. R. R. Co.*, 38 Atl. Rep. 524 (Penn.). Plaintiff's husband contracted with the defendant company to do certain work upon a bridge on its line of railway, the company agreeing to pay him $1.20 per day and to transport him to and from his home to the