

finest in Norwich, is undergoing a thorough restoration, the windows are all out and the interior is filled with staging. From Norwich the train takes me to Wymondham, — pronounced Windham, — where I put up for the night. In front of the inn is the Market-Cross, now turned into a reading-room. The only other object of interest here is the church, a fine building with two towers, one at each end. The one at the east end is very beautiful, Early English date, and formed the central tower of the once large priory church; it is now partially in ruins. From here I walk on to Dereham, thence to Wendling, a distance of sixteen miles, passing Kimberly Park and



Fig. 2.

Church, Garvestone, Whyndburgh and Yaxham, each with its church. At Yaxham Church, as I arrived, they were about to ring the peal in honor of the Queen's birthday. The church was quite small, with a round tower, on top of which a flag was flying. The peal consisted of five bells, but as only four of the men had arrived, I was invited to climb up the little narrow winding turret-staircase and see the bells. The arrises of the treads were so worn that it was more like climbing a steep inclined plane; on arriving at the top, one of the bells was rung from below in my honor, — I would rather not be honored in that way again. Dereham Church, although of good size, is principally interesting from containing the tomb of the poet Cowper. At Wendling, where I took the train, is a pretty little Perpendicular church: in fact nearly everything is Perpendicular in Norfolk. At Swaffham is a fine church, and here I again had the pleasure of hearing a peal rung. The scene, with the eight men in the western tower, as I stood in the nave, and the strong evening light came through the large west window, throwing the bell-ringers into silhouette, taken with the narrow width and great height of the arch in which the ringing gallery is placed, was weird in the extreme. This church has a very good hammer-beam roof. Lynn is reached about half-past nine and the Duke's Head Inn is put in requisition. We drive into a large covered court, opening directly out of which is the principal staircase of the house, — a large, grand, black concern, that makes one feel drunk to go up it, it is so uneven.

WARRINGTON.

## THE ILLUSTRATIONS.

DESIGNS FOR STAINED-GLASS WINDOWS, BY MR. FREDERIC CROWNSHIELD, ARTIST, BOSTON, MASS.

THE central design was executed for the First Church, at Boston, last year, and the others are now making for Grace Church, at New Bedford, Mass. In both cases the work was done by Donald McDonald, of Boston.

BLOCK OF HOUSES ON HIGH STREET, NEWARK, N. J. MR. VAN CAMPEN TAYLOR, ARCHITECT, NEWARK, N. J.

DUNGEON AT PROVINS, FRANCE, AND GATEWAY AT VIERZY, FRANCE. SKETCHED BY MR. THOMAS HASTINGS.

## LEGAL NOTES AND CASES.

*Grant of Right to convey Water in Pipes. — Diverting Water-Course.*

A DEED contained the following clause: "In consideration, etc., the party of the first part does hereby grant to the party of the second part and she assigns forever the right to convey water in iron pipes over and across the lands of the party of the first part," and under this grant the grantee undertook to divert the water-course itself. The court decided that there was no direct grant of any water or of the right to divert it. Before it can be claimed that there is a right to divert a water-course to the use of the grantee, under a clause of a deed permitting the use of the water, the words of the clause must show such a meaning in a sense so broad and certain that they admit of no other construction. Courts cannot indulge in suppositions, or draw inferences from the language used in such cases. 1 Man. 1 Gr. 625. *Simmier vs. San Luis Water Co.*, Supreme Court of California, May 20, 1881.

*Sale. — Implied Warranty of Thing sold.*

There is an implied warranty in the sale of an article, as such article, that it is the thing sold, or that it answers substantially to that description or representation. *Gilchrist vs. Hilliard*, Supreme Court of Vermont, May, 1881.

H. E.

## THE FOUNDING OF "BIG BEN."

THE question whether the bell in the Westminster clock-tower was properly cast was again brought before the Law Courts. On Monday and following days the case of *Stainbank vs. Beckett* was heard at Westminster before Baron Huddleston and a special jury. It is an action of libel brought against Sir Edmund Beckett for statements published by him in the *Times*. The plaintiff carries on the Bell Foundry, Whitechapel, under the firm of "Mears & Stainbank," having succeeded to the business of Messrs. C. & G. Mears, the founders of the bell.

In the *Times* of October 31, 1878, the defendant wrote: —

"Though I do not profess to write about dominants and minor thirds, or to guess how a Belgian bell-founder would probably begin to retune this peal, I have no hesitation in saying that no modern Belgian bells which have come over here and been heard in public are superior or equal to the best English ones, though they are superior to such as used to be made by the English firm which had a practical monopoly of the business until about twenty years ago. There has never been a really good large foreign bell in either of the English exhibitions, and I have not heard of any conspicuously good ones in the foreign exhibitions, which I have not visited myself. The tenor of the peal at Boston Church was recast in Belgium, when a great number of little bells were added for chimes a few years ago, and they are as unsatisfactory as I predicted. That is a good sound bell, but no better than many English ones of the same size, and, in my opinion, not comparable to the eleven of St. Paul's or several of the Worcester Cathedral bells. I omit the tenor of St. Paul's as yet, because the clapper was not right when I went to hear them rung the first time, a few weeks ago, and I told the founder so. Of course I agree with Mr. Haws as about the present condition of Big Ben of Westminster, which is a disgrace to the nation, as it was to its founders, and as their York bell was still more, and as the clock bells of St. Paul's were to their predecessors, and Tom of Oxford to its maker, which is the worst of all the great ones. These could easily be recast now into good ones, as I have explained in all the later editions of my book on clocks and bells."

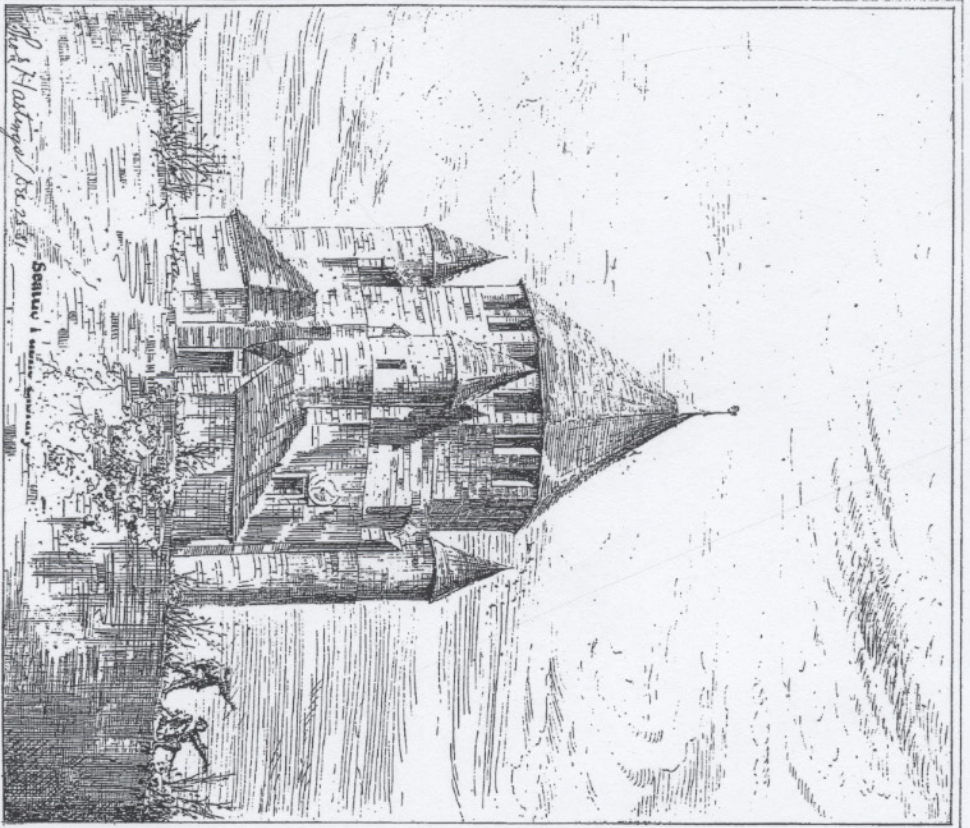
Again, in a letter to the *Times* of November 20, 1878, the defendant wrote: —

"Bells without number, which, moreover, were never cast for it with a properly-adapted crown, have been ringing for years and centuries with bolts through their crowns to hold in the clappers when the bells have been turned in the stock, before I introduced the now common practice (except, I believe, at the oldest and worst of the foundries in England) of having the clapper-bolt independent of the bell."

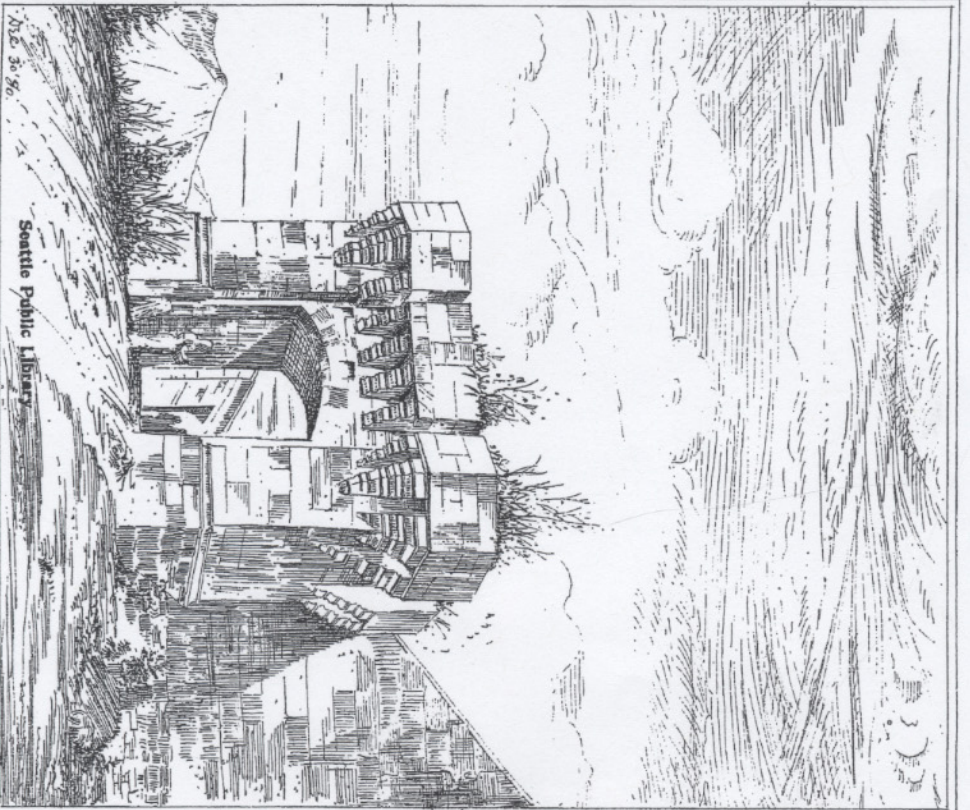
The plaintiff alleges that the publication of these statements has seriously damaged him in his business. In his statement of defence Sir Edmund Beckett admits having published the letters from which the extracts complained of are taken, but denies that they were published of the plaintiff in his trade or business, the plaintiff not having been at the time of the founding of the bell a member of the firm who founded it: viz., Messrs. Charles & George Mears. He further contends that the words complained of, in so far as they referred to the firm of C. & G. Mears, and to the casting of the said bell, were fair comments upon a matter of public interest, and were true in substance and fact.

Mr. Russell, in opening the plaintiff's case, regretted that he had to appear against so distinguished a member of his own profession. The defendant had great attainments in other departments of knowledge than that of law, and among other things in which he had interested himself was the construction of clocks and bells, and principally the clock and bell of Westminster. An action had been brought by the late Mr. Mears against the defendant more than twenty years ago, as the jury would hear, and now, when the person then libelled was dead and gone, the defamatory statements were repeated and reiterated without regard for clarity or common generosity. Mr. Stainbank joined the firm of Mears in 1861, in whose name the Whitechapel Foundry had been carried on since 1782; it was, in fact, started in 1570, and was the oldest in the kingdom. A firm of that character had a continued identity. When a peal of bells was ordered they went out with the name of Mears upon them. If at any subsequent time they wanted repairs they were sent to Mears's foundry, which was now the plaintiff's. The defendant was going to say that if any one was libelled it was the plaintiff's deceased partner; but he would ask the jury to find that the plaintiff himself had been libelled and injured in his business by the statements of the defendant. The learned counsel, after relating the history of the first Big Ben, which was made by another firm and condemned, said that a contract was made in December, 1857, with the firm of Mears, for the bell now known as "Big Ben." The defendant designed it, and according to the contract it was to be made to the approval of the defendant and the Rev. W. Taylor. The bell was cast on April 18, 1858. It had an indent in its surface, which, by order of the government officials, was filled up with zinc, and it was covered with a solution of nitric acid. It was carefully examined by the defendant and other government officials, and was approved. Soon after it developed a crack upon the side of the "sound-bow" opposite to that struck by the hammer, at the point where, as witnesses would explain, the two currents of vibration attained their greatest force. The hammer used, with which the firm had nothing to do, was one of seven hundred-weight, and it was the

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An. old. Dunceon. Provins. France.



Vierge. Neuf. Soissons. France.

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