the assignment.—*Jeffryes* v. *The Agra and Masterman's Bank (Limited)*, 14 W. R. 889.

RAILWAY COMPANY — COMMUTATION TICKET.—Where a railroad company has issued a commutation ticket, by which the purchaser is entitled to ride for less than the usual legal fare, and the ticket contains a contract that the commuter shall show it to the conductor when requested, the company is entitled to enforce such contract strictly, and the loss of the ticket will deprive the commuter of his right to a free passage on the cars.—*Ripley* v. *New Jersey Railroad Company*, 5 Am. Law. Reg. 537.

MEASURE OF DAMAGES IN ACTION FOR NEGLIGENCE IN NOT PRESENTING A NOTE FOR PAYMENT AT ITS MATURITY.—In an action against bankers to recover damages for omitting to present a note for payment at maturity, and to charge the indorser, the judge left it to the jury to find so much damages as they would consider such a claim to be worth against "*such a man* as the indorser was shown to be." *Held* erroneous; and that the charge should have reference to the *pecuniary means* of the indorser: *Bridge* v. *Mason*, 45 Barb.

Held, also, that the amount of the note was *primâ facie* the rule of damages. But that the defendants could show, in mitigation of damages, that the indorser was insolvent, or not worth property enough to pay the debt; and that if this was shown, the defendants were entitled to a verdict: *Id.*

In such an action the plaintiffs are entitled to recover such damages only as they have sustained, having reference to the amount of property which it shall appear from the evidence that the indorser was possessed of as owner: *Id.*—5 Am. Law Reg. 565.

DAMAGES FOR INJURY TO CATTLE IN TRANSPORTING.—In an action against a carrier to recover damages for injuries sustained by a lot of cattle received for transportation, through the negligence of the carrier or its employees, the rule of damages is the difference in value between the cattle when placed in the carrier's charge and their condition when delivered: *Black* v. *The Camden and Amboy Railroad and Trans. Co.*, 45 Barb.—5 Am. Law Reg. 566.

CONTRIBUTORY NEGLIGENCE OF PLAINTIFF.—One who is injured by falling through a trap-door in a portion of a factory which is not open to the public, but is intended exclusively for workmen, and where the owner had held out no invitation or allurement, express or implied, for him to enter, cannot recover damages therefor against the owner of the factory: *Zoebisch* v. *Tarbell and another*, 10 Allen —5 Am. Law Reg. 572.

DUTY TO KEEP A PRIVATE WAY IN SAFE CONDITION.—If there are two entrances to a store, and there is a trap-door between one of them and the stairs leading to the upper stories, which are verbally leased to a tenant with permission to use such entrance, the owners, who occupy the lower stories, are bound to use the trap-door with reference to the safety of those who have a right to pass there; and if they neglect to exercise suitable and reasonable precautions to guard against accident while the trap-door is open, they may be held liable in damages to a person having lawful occasion to pass to the upper rooms, who, while in the use of due care, falls through the trap-door and sustains injury by reason of their negligence: *Elliott* v. *Proy et al.*, 10 Allen.

If the owners of a store, which is situated upon a public street, have let the upper stories thereof to a tenant, and an entrance, directly in front of the stairs which leads to the upper stories, is so constructed and is so habitually kept open as to indicate that it is a proper entrance for those who have occasion to ascend the stairs, and there is a trap-door between it and the stairs, which is carelessly left open by them, they may be held liable in damages to one who, while in the use of due care, and having lawful occasion to ascend the stairs, is thereby induced to pass through that entrance, and falls through the trap-door and sustains injury by reason of their negligence: *Id.*—5 Am. Law Reg. 572.

PASSENGER LEAVING A TRAIN IMPROPERLY.—If a railroad train is stopped at night merely for the purpose of allowing a train which is expected from the opposite direction to pass by, and no notice is given by the servants of the company to passengers that they may leave the cars, one who leaves the cars and walks into an open cattle-guard and receives a personal injury cannot maintain an action against the company to recover damages therefor; and it is immaterial that he was misinformed by some person not in the employment of the company that he must go and see to having his baggage passed at a custom-house supposed to have been reached by the train, or that the train was near a passenger station, which was not the place of his destination: *Frost* v. *Grand Trunk Railroad Company*, 10 Allen.—5 Am. Law Reg. 573.

FAILURE TO DELIVER GOODS.—If goods are sent by a carrier, and neither the bill of lading