

the life of his debtor in an amount to cover the debt, with interest, and the cost of such insurance, with interest thereon, during the period of the expectancy of life of the assured, according to the Carlisle tables. We find no error in the ruling of the court below."—*New York Law Journal*.

STREETS AND STREET RAILWAYS.—We notice in one of our American exchanges the case of *Rafferty v. Central Traction Company*, decided by the Supreme Court of Pennsylvania, as to the user of public streets for street railways. The decision of the court was that the use of a street by a cable railway company is not an additional servitude entitling abutters to compensation, though vehicles cannot stand between the curbing and the tracks without interfering with the cars, and though the pipes under the surface of the street by being lowered to make room for the cable conduit may be slightly more difficult of access. Upon this point the court says:

"It has been many times held, and by many different courts, that the use of a public street for purposes of street railroads is not the imposition of an additional servitude, and does not entitle the abutting landowners along the street to compensation for such use. In the case of *Lockhart v. Railway Co.*, 139 Pa. St. 419, 21 Atl. Rep. 26, we affirm the lower court in the following ruling: 'It cannot be doubted at this day that the legislature of Pennsylvania has the power to authorize the incorporation of companies with power to build and operate railways with horses over the streets of cities, with the authority and consent of the authorities of the said cities, as provided by section 9, art. 17, of the constitution; and it is too late to say that such use and occupation of the streets impose such an additional burden of servitude thereon as renders it necessary to provide for compensation therefor to the owners of abutting property. . . . So far as the street use proper is concerned, there is no substantial difference between the tracks of such a street railway and one operated by electricity. . . . And it may be now taken as settled that the owners' rights as to abutting property are subject to the paramount right of the public, and the rights of the public are not limited to a mere right of way, but extend to all beneficial legitimate uses, such as the public may from time to time require. . . . Recognizing the right of the legislature and city authorities to authorize the building of railways upon the streets of a city without compensation to property owners, because it is a means of public transportation and accommodation, the necessary and proper apparatus for moving them must be allowed to follow as an incident, unless there is something illegal in its construction or use.' In *Halsey v. Railroad Co.*, 20 Atl. Rep. 859 (Court of Chancery, N.J., 1890), it was held that land taken for a street is taken for all time, and compensation is made once for all, and by taking the public acquire the right to use it for travel, not only by such means as were in use when the land was acquired, but by such other means as new wants and the improvements of the age may render necessary; and that the question whether a new method of using the street for public travel results in the imposition of an additional burden on the land or not must be determined by the use which