that the car company was not liable. And in *Lewis* v. *New York Cent. Sleeping-Car Co.*, Massachusetts Supreme Judicial Court, Jan. 7, 1887, it was held that a sleeping-car company is bound to use reasonable care to guard a passenger on its cars from theft, and if through want of such care the personal effects of a passenger, such as he might reasonably carry with him, are stolen, the company is liable. Also that the fact that the company has posted a notice in its cars in which it disclaimed liability for the loss of valuables by passengers cannot be availed of by way of a defence to an action by a passenger whose money, which he had placed beneath the pillow in his berth on going to sleep, was stolen, where it appears that the passenger did not see or know of such notice. So, in an action against a sleeping-car company by a passenger for money stolen from his berth while he was asleep, the fact that another passenger lost a sum of money in a similar manner at the same time is itself some evidence of the want of proper watchfulness by the porter of the car; and where there was evidence that the porter was found asleep in the early morning, and that he was required to be on duty for thirty-six hours continuously, which included two nights, a case is presented which must be submitted to the jury to determine whether or not there was negligence on the part of the company in guarding its passengers. The court said: "Where a person buys the right to the use of a berth in a sleeping-car it is entirely clear that the ticket which he receives is not intended to and does not express all the terms of the contract into which he enters. Such ticket, like the ordinary railroad ticket, is little more than a symbol intended to show to the agents in charge of the car that the possessor has entered into a contract with the company owning the car, by which he is entitled to passage in the car named on the ticket. Ordinarily, the only communication between the parties is that the passenger buys, and the agent of the car company sells, a ticket between two points; but the contract thereby entered into is implied from the nature and usages of the employment of the company. A sleeping-car company holds itself out to the world as furnishing safe and comfortable cars, and when it sells a ticket it impliedly stipulates to do so. It invites passengers to pay for and make use of its cars for sleeping; all parties knowing that during the greater part of the night the passenger will be asleep, powerless to protect himself or to guard his property. He cannot, like the guest of an inn, lock the door and guard against danger. He has no right to take any such steps to protect himself in a sleeping-car, but by the necessity of the case is dependent upon the owners and officers of the car to guard him and the property he has from danger, from thieves or otherwise. The law raises the duty on the part of the car company to afford him this protection. While it is not liable as a common carrier, or as an innholder, yet it is its clear duty to use reasonable care to guard the passengers from theft, and if through want of such care the personal effects of a passenger, such as he might reasonably carry with him, are stolen, the company is liable for it." See *Illinois Cent. R. Co.* v. *Handy*, 63 Miss. 609; *Bevis* v. *Balt. and Ohio R. Co.*, St. Louis Circ. Ct., 1 Ry. & Cory. L. J. 103.—*Albany Law Journal.*

SYMPATHY WITH CRIME AND CRIMINALS.

Our attention has been attracted to a communication to the *Nation* in which the writer says:

"I have a psychological question to propose: What is the exact state of mind under analysis of the small newspaper writer who always speaks of crime jocosely? Everybody must have observed it as one of the many ways in which the vulgar newspaper tends to vulgarize the public. For example why 'boodle alderman?'"

He then suggests that, perhaps, the cause of this peculiar predilection is that these jocose and slangy writers have a "secret and constitutional sympathy with crime." This is a hard saying and a harsh judgment. We freely acquit the witlings of the gallows and "pen" school of journalism of anything worse than a "plentiful lack of wit" (in every sense) and execrable taste. They offend in this sort, simply because they do not know any better, and yet their folly bears its evil fruit. The familiar and *quasi* funny