

can only be put off at some station on the road. The establishment of such a principle would result in compelling railroad companies to carry a passenger to the station next to the one at which he entered the train, which might, and doubtless would, often turn out to be the very point to which he desired to be taken, and if the passenger were unknown to the conductor the company would be without remedy.

It is claimed, however, that the appellant was authorized by the information received from the agent of the appellees at Perryville, to use the conductor's check received by him on the 1st day of May, and, therefore, that it was unlawful to compel him to leave the train. There is no evidence to prove that the person from whom the appellant received the information was an agent of the appellee. But even if there were proof to establish that fact, the presumption is, that a ticket agent at a way-station has no authority to change or modify contracts between the company and its through passengers, and the onus of rebutting such presumption rests upon the appellant; but upon this point he offered no proof whatever. The check held by the appellant showed upon its face that it was good on the 1st day of May only, and upon but one train on that day, and the prescribed numerals showed to the conductor to whom it was offered that it had been used on that day; the conductor had, therefore, the right to reject it, and to require the appellant to furnish a ticket or pay his fare, and, upon his failure to do either, to compel him to leave the train.

There was no evidence to show that any violence whatever was used in effecting his removal from the train, or that he was compelled to leave it at an improper time, and the first three prayers of the appellant were properly rejected; the fourth, which was granted, having left it to the jury to find whether his removal from the train was at an unusual or improper place. The appellee's prayer fairly presented the law of the case to the jury, and it was properly granted. There being no error in the rulings of the court below, its judgment will be affirmed.

*Judgment affirmed.*

Maulsby, J., dissenting.

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## REVIEWS.

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THE LONDON, EDINBURGH, BRITISH QUARTERLY AND WESTMINSTER REVIEWS. New York: Leonard Scott & Co. Toronto: Copp, Clark & Co. January, 1872.

The contents of the great British Quarterlies are to those of the general run of the current popular periodicals, pretty much what good bread and beef are to sponge cakes and whipped cream. They eschew novels and sensationalism in all its forms, and afford recreation as well as instruction in the discussion, under the form of reviews, of such works in literature and science as seem most worthy of being brought under the notice of the public.

Representing the great political parties in the state, as well as the principal school of religious and scientific thought, they shew the progress of each in their respective spheres, and their views and opinions on the social and political questions of the day, as set forth by their ablest champions. They are of value therefore rather to the student than to the mere reader who wishes to wile away an idle hour. To the former they will, in a condensed form, give a mass of information on many subjects to which he otherwise would have no access, and will inform him of the views held with regard to them by men, who have both the time and material for their elucidation, which he from circumstances does not possess. Of the two numbers before us, the *British Quarterly* is the more interesting to the general reader, being rather less scientific than the others and chiefly filled with reviews of historical works. Among them is a very good paper on "The Speaker's Commentary," to which illusion is so frequently made, though few have yet seen the work itself. "An English Interior in the Seventeenth Century" is very interesting. "Mahomet" is the title of a critique on a very remarkable work, viz.: "A series of Essays on the Life of Mahomet," written by Khan Bahador, a lineal descendant of the Prophet and a professor of his religion, who is withal a Knight of the English Order of the Star of India, and who does not fear in defence of his religion to meet: "either Christian divines or European scholars on their own ground."

The contents of the *Westminster* are chiefly political and scientific. Among the subjects discussed are, "The Political Disabilities of Women," — "The Development of Belief," — and "A Theory of Wages." Among the lighter articles is an interesting sketch of the "Life of the first Earl of Shaftesbury."

Of the articles in the *Edinburgh*, we notice especially "Yeale's Edition of the Travels of Marco Polo," — "Lace Making as a Fine Art," — "Tyerman's Life of John Wesley," — "Railway Organization in the late War."

THE CANADIAN MONTHLY. Adam, Stevenson & Co.: Toronto.

We are glad to find in this periodical a steady improvement as regards the character and variety of its contents, and rejoice to be informed by the publisher that its continuance is no longer experimental, and "that its per-