

this judgment is now affirmed with costs. The Boston, Hoosac Tunnel & Western contended that on the abandonment of the premises for railroad purposes the title reverted to the original owners. This doctrine is sustained by the Supreme Court, which thus suggests, in line with other courts, that there are some important differences between railroad companies and mere private corporations.

COMMON CARRIER—LIABILITY—NEGLIGENCE.
In the case of Wilson vs. New York Central Railroad Company, decided recently by the New York Court of Appeals, it appeared that the plaintiff shipped two horses by defendant's road under a contract by which he released the company from liability for damages resulting from the negligence of its servants on which should be occasioned by the insecurity of its cars. The horses were transported in a grain car which was out of repair, and which, while sufficient for its special use, was unsafe for the transportation of live stock. In consequence of this defect one of the horses was injured. Upon the trial of the action it did not appear but that other safe and secure cars were provided by defendant and were on hand ready for use, so that the injury might have been caused by carelessness on the part of its servants in selecting an insecure car. The Court of Appeals held that the only negligence shown was that of defendant's servants, from the consequence of which it was released by the contract, and that plaintiff was not entitled to recover. The language of the release, the same being included in the same clause and connected with releases from the consequences of other causes of injury which could only occur during the process of shipment and transportation, was, according to the court, satisfied by limiting it to the negligence of defendant's servants in and about the transportation, and did not extend to a negligent omission to furnish proper cars.

N. BAWLF,

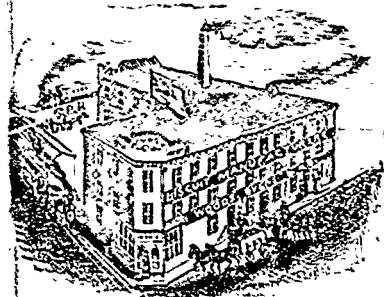
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