

and enables each association to approximate what amount of the Government aid may be looked for each year, and at the same time while no injustice is done to the smaller and consequently weaker associations, regard is had for the larger associations which are doing a greater amount of work and serving a larger area and greater number of people.

#### UNITED STATES DECISIONS.

**CARRIERS.**—Conditions indorsed on an employee's pass, by which he assumes the risks from negligence of the carrier or otherwise, are held in *Whitney v. New York, N. H. & H. R. Co.* (C. C. A. 1st C.), 50 L. R. A. 615, to be invalid on grounds of public policy, where he is travelling for his own convenience, not going to or from work, and the pass is one of the considerations of his employment.

The measure of a carrier's liability for failure promptly to deliver goods which had been received with knowledge of the shipper's contract to deliver them on a specified date or incur a forfeiture is held, in *Illinois Central R. Co. v. Southern Seating and Cabinet Co.* (Tenn.), 50 L. R. A. 729, to be the loss sustained by the shipper under the penalty clause of his contract.

**LORD CAMPBELL'S ACT.**—A voluntary settlement by an injured person with the party causing the injury is held, in *Southern Bell Teleph. & Teleg. Co. v. Cassin*, (Ga.), 50 L. R. A. 694, to preclude an action for his death by his wife or child under a statute giving a remedy for the homicide of a husband or father.

**NUISANCES.**—The owner of a property abutting on a city street near a street railway turntable is held, in *Louisville R. Co. v. Foster* (Ky.), 50 L. R. A. 813, to have no right to compensation for injury to his property by the street railway turntable and the noises, smells, and disturbances reasonably incidental to the operation of the street railway and borne by the public generally, but is allowed to recover for any substantial injury caused by such noises, smells, and disturbances as are not fairly incidental to the operation of such railway or borne by the property owners generally along the line.

**PAYMENT TO AGENT.**—Payment of a mortgage to a sub-agent who did not have possession of the mortgage or notes secured by it or any express authority to make the collection, although he had previously collected interest thereon, and started a foreclosure suit for default, is held, in *Kohl v. Beach* (Wis.), 50 L. R. A. 600, not binding on the mortgagee, who held possession of the securities.

**RAILWAY LAW.**—The unauthorized act of a mere volunteer or trespasser in raising railroad gates at a crossing to permit a team to pass, without the knowledge of the regular gatemen, who had lowered them, and in lowering them before the team had crossed the tracks, is held, in *Haines*