

*Constitutional Law.*

A statute requiring the destruction of peach trees attacked by the yellows, is held, in *State v. Main* (Conn.) 36 L.R.A. 623, to be within the discretion of the legislature as an exercise of the police power. The case also holds that the constitutionality of a statute is for the court to determine, and that it is the duty of the jury to accept the court's determination thereof even in a criminal case.

The power of a notary public to commit a witness for contempt in refusing to be sworn or give a deposition is denied in *Re Huron*, (Kan.) 36 L.R.A. 822, and a statute purporting to confer such power upon a notary is held void. The other authorities on notary's power to punish for contempt are compiled in the annotation to the case.

*Contract.*

The rule that death terminates an executory contract when the peculiar skill or taste of the party who dies is essential to the completion of the contract is held in *Cox v. Martin* (Miss.) 36 L.R.A. 800, to be inapplicable to the case of a deed of trust covering crops to be grown and some other personal property, although it was necessary for the other party to make advances and complete the crop.

*County.*

A sale and conveyance of an academy by a county to a presbytery is held, in *Jefferson County v. Grafton*, (Miss.) 36 L.R.A. 798, to be void unless made under legislative authority.

*Damages.*

The measure of damages for failing to deliver a building to a tenant as agreed is held, in *Jonas v. Noel* (Tenn.) 36 L.R.A. 862, to be the difference between the rent provided for and the value or rental value, rather than the market value of the property, where the building was to be erected for the tenant and was of such unprecedented size that no one but the tenant would be likely to make it serviceable in his business.

*Municipal Powers.*

The right to lay a private sewer in the streets of a city is held in *Stevens v. Muskegon* (Mich.) 36 L.R.A. 777, to be one which the city could grant by contract, and when a sewer had been constructed in accordance therewith, it was held that a vested right was obtained to its use.