side of his custody and beyond his authority. It can make no possible difference to the risk of carrying it, whether he is on the same train or some other train; and, in fact, in many instances he is not allowed to have it on the same train which carries him. This view of the subject is accepted by the recent Minnesota decision in *McKibbin* v. *Wisconsin C. R. Co.*, 100 Minn. 270, 8 L.R.A. (N.S.) 489, 110 N.W. 964. In this case the Court declines to accept the doctrine of the Michigan case above mentioned, and says: "In view of modern methods of checking baggage and the custom of regularly checking it on the presentation of a ticket at stations, general ticket offices, and the homes of passengers, we are of the opinion that there is now no good reason for the rule claimed, if ever there were, and hold that a railway carrier is not, as a matter of law, liable only as a gratuitous bailee of baggage which it has regularly checked, if the passenger does not go on the same train with it." It was therefore held that a salesman who checked his baggage and sent it on a train, intending to follow it on a later train, could hold the carrier liable for its value when it was destroyed by fire while in the carrier's baggage room, through the carrier's negligence.

—*Case and Comment.*

A somewhat peculiar case recently came before the Court of Appeals of the State of New York. The plaintiff had applied for membership in a secret society called the Knights of the Maccabees of the World and in due course came up for initiation. During that ceremony, whilst standing in line with other applicants, he was suddenly seized from behind by the shoulders by a member appointed for that purpose and bent backwards, producing an injury to the spinal column for which he brought action. One can scarcely imagine any society allowing such a case to come into Court; but possibly it was supposed that the Court might follow a previous decision in another State where it was