

DIGEST OF RECENT DECISIONS IN U. S. COURTS.—BOOK REVIEWS.

to command the attendance of witnesses, and production of documents, at arbitrations holden under that Act. *JESSEL, M. R., held*, it was clear that such an order might now be made in the Chancery Division.

[NOTE.—*The Imp. and Ont. sections appear mut. mut., to be virtually identical.*]

DIGEST OF RECENT DECISIONS IN UNITED STATES COURTS.

NAVIGABLE RIVER—RIPARIAN PROPRIETOR.

Courts will take judicial notice of the navigability of large rivers. *Wood v. Fowler*.—(S. C. Kansas) Central L. J., Feb. 10.

A riparian owner owns only to the bank and not to the centre of a navigable stream. *Ib.*

A riparian owner along a navigable stream does not own the ice which is formed on the stream adjacent to his land; and without first taking possession of and securing it, may not maintain an injunction to restrain a stranger from cutting and removing it. *Ib.*

CRUELTY TO ANIMALS.

Where the defendant killed, by a blow with a stick, a trespassing pig, for the purpose of protecting his wheat and corn, such killing is not the infliction of "needless" pain, within the meaning of the statute, for the prevention to cruelty to animals, although the act was unlawful; and such facts will not support a conviction under the act. *Grise v. State*. (S. C. Ark.) *Ib.*

MURDER—EVIDENCE.

Where the deceased, who was shot by assassins, in his dying declaration stated that the defendant and his confederates were distinctly recognized by him at the time of the shooting, which was corroborated by another witness' testimony of a conversation with the defendant, which tended to show his guilty knowledge and apprehension of arrest for the killing, and the defense was an *alibi* shown by those charged as being confederates and actors in the homicide, and their relatives, it was *held* that the evidence did not justify the court in granting a new trial on a conviction and sentence of the defendant to the penitentiary for eighteen years. *Norris v. People*.—(S. C. Ill.) *Ib.*

TRADE MARK—TRADE NAME OF A FIRM.

A trade name of a firm is property, and no other persons, without said firm's consent, or not having the same name, can use it in trade to the disadvantage or injury of said firm. Such trade-name may be assigned to a successor firm, which thereby obtains the same rights in said name as its predecessor had. *Howard v. Park*. (S. C. N. Y.)—*Ib.*

WILL—ESTATE UPON CONDITION.

A testator devised and bequeathed all the property of which he should die seized to his wife, "the same to remain and be hers, with full power, right and authority to dispose of the same, as to her shall seem meet and proper, so long as she shall remain my widow; upon the express condition that if she shall marry again, then it is my will that all of the estate herein bequeathed, or whatever may remain should go to my surviving children, share and share alike." *Held*, that, under this will, the widow took a life-estate, subject to be divested upon her ceasing to be a widow, with power to convey the life estate only.—*Giles v. Little*, S. C. U. S., Central L. J., Feb. 24.

CONTRACT—AUCTION SALE.

Although, in a case where auction sales are required by-law, it is illegal to make a private agreement of sale, and then go through the form of an auction sale to perfect such agreement, yet it seems that such a sale can be set aside only at the instance of some one interested in having the property bring its full value, and not at the instance of the purchaser; nor can such a purchaser set up such a defence to an action for the purchase money. *Porter v. Graves*, S. C. U. S., October Term, 1881.—*Ib.*

BOOK REVIEWS.

DRINKS, DRINKERS AND DRINKING; or the Law and History of Intoxicating Liquors. By R. Vashon Rogers, Jr., Barrister-at-Law. Albany: Weed, Parsons & Co., 1881.

Whatever Mr. Rogers writes is worth reading, that may be accepted as a fact of which the profession takes "judicial notice". He has established a reputation as an author in a line peculiar to himself, but his books are as satisfactory to the lawyer as to the general readers. The work that first brought him into notice, a graceful roadway of narrative built on a solid stonework of authorities, achieved a great success, and his essays on cognate subjects are always received and read with pleasure.

The first and second chapters of the book before us give an account of various intoxicants, and the rules and laws of divers nations relative to intemperance, both very interesting sketches, showing much research. In no other place we fancy could there be found anything like the information here collected, and it is put in a most readable shape. The next two chapters are devoted to definitions; then come dissertations on contracts, deeds, wills, marriage, rights, wrongs