

gers, under a statute providing for the punishment of any railroad company running or operating railroad cars or coaches, which does not furnish separate coaches or cars for the transportation of white and coloured passengers, and have each respective coach or compartment marked with appropriate words in plain letters indicating the race for which it is set apart, where it receives no compensation for hauling the car except the regular fare for transportation of persons occupying it and the advantage of its being a part of its train.

Under the doctrine of implied police power, a common carrier is held in *Jansen v. Minneapolis & St. L. R. Co.* (Minn.), 32 L.R.A. (N.S.) 1206, to be bound to exercise the utmost diligence in maintaining order and in guarding its passengers against assaults by other passengers, which might reasonably be anticipated or naturally expected to occur.

A railroad company is held in *Houston & T. U. R. Co. v. Bush* (Texas), 32 L.R.A. (N.S.) 1201, not to be liable for the act of a station porter who boards a train and makes an assault on a through passenger travelling thereon, for the purpose of satisfying a personal grudge, where its other servants are not negligent in failing to anticipate and prevent the assault.

A passenger is held in *Penny v. Atlantic C. L. R. Co.* (N.C.), 32 L.R.A. (N.S.) 1209, to be guilty of contributory negligence which will prevent his holding the carrier liable for injury from a stray bullet fired by another passenger, if the danger of such injury could have been apprehended by him, and he did not turn out of his way or make any effort to avoid it, although the conductor who knew of the danger failed to give him warning.

A fireman riding free on a street car, who, contrary to known rules of the company requiring him to ride on the rear platform, and forbidding persons to ride on the running boards of cars which are next to the parallel track, takes his position on such running board, is held in *Twiss v. Boston Elevated R. Co.* (Mass.), 32 L.R.A. (N.S.) 728, to be a mere licensee, and not to be entitled to hold the company liable for injuries negligently inflicted upon him while there; and it is held to be immaterial that the conductor assented to his remaining there, since he had no authority to waive the rules of the company.

A baggage man with express authority to notify the conductor of trespassers upon the train, and, upon request, to aid him in expelling them, is held in *Daley v. Chicago & N. W. R. Co.* (Wis.), 32 L.R.A. (N.S.) 1164, to be properly found to be acting within the scope of his authority in expelling one without report-