

sarily negligent. If while the passenger is getting upon the car the motorman, by producing an unusual and unnecessary jerk, throws him off, a liability against the company may be predicated thereon. Also a sudden acceleration of the speed while the passenger is in the act of getting aboard may be negligent. *White v. Atlanta Consolidated Street Ry. Co.*, 92 Ga. 494, 17 S.E. Rep. 672; *Gainesville Ry. Co. v. Jackson*, 1 Ga. App. 632, 57 S.E. Rep. 1007. In *Ricks v. Georgia Southern & Fla. Ry. Co.*, 118 Ga. 259, 45 S.E. Rep. 268, a recovery was denied because the sudden acceleration of the train had begun and was already dangerous when the plaintiff tried to catch a car rail, which he missed. In the transaction now before us, if safe entrance into the car was reasonably practicable at the time the plaintiff attempted to mount, and the motorman negligently did something to render it dangerous, a liability might be predicated; but, if the attempt was fraught with danger ab initio, and the motorman did nothing to increase the danger, the plaintiff should not recover, though he succeeded in accomplishing a part of what was attempted without actually encountering injury."—*Central Law Journal*.

NUISANCE.—A railway company is held, in *Southern R. Co. v. Com.* (Ky.) 12 L.R.A. (N.S.) 526, to be liable for a nuisance, where it harbours upon its right of way a band of labourers who are boisterous, riotous, and shoot firearms, to the alarm of the neighbourhood and persons passing on the public highway.

STREET RAILWAYS.—A street railway company is held, in *Brockschmidt v. St. Louis & M. R. R. Co.* (Mo.) 12 L.R.A. (N.S.) 345, not to be liable for the death of one who, knowing of the frequent passage of cars along its tracks, takes a position in the path of the cars with his back to those which will approach him, for the purpose of removing dirt from the track, and remains there, without any heed to approaching cars, until he is struck and killed, although the motorman does not sound the gong, and a municipal ordinance requires him to keep a vigilant watch for persons on the track.

TRUSTS — UNREASONABLE DETENTION OF INCOME. — Held, in *Angell v. Angell*, Supreme Court of Rhode Island (Jan. 22, 1908), under a deed of trust, providing for payment of the income by the trustee to certain persons "the times,