

this story with all its circumstances, with all appearance of artless simplicity and truth, and without a blush or tremor—a task which the most practiced, astute, and abandoned knaves in the community would be incapable of performing.”

This was pretty plain notice to the jury that if they should take a different view of the case their verdict would be set aside. They returned a verdict sustaining the will.—*Law Notes*.

PASSENGER ELEVATORS AS COMMON CARRIERS.

It seems to be the tendency of decisions to hold that a building, whether a hotel or office building, using an elevator for passengers is bound to the same degree of care as a railroad, steamboat, or stage coach. The Texas Civil Court of Appeals in *Farmers' & Mechanics' Nat. Bank v. Hanks*, 128 S.W. 147, is an illustration of this tendency.

This decision holds that a statute mentioning railroad, steamboat, stage coach “and other vehicle for the conveyance of goods or passengers” embraces “an elevator car in an office building habitually used for the transportation of passengers,” and that “the reasons underlying the giving of damages” against what is specifically mentioned “apply with equal force” to the owner of such an elevator car.

It seems to us that the statute rather hinders than aids the conclusion reached, because in one respect at least the general words claimed to support it would seem limited by the maxim *id omne genus*. What were mentioned were common carriers. We doubt whether elevators in an office building are. We recognize that a common carrier must not necessarily hold himself out to the public in absolutely general way, but he may be such in the way limited, that is for carriage of specific things. But his customers need not have any prior relation with him or have their right to carriage of person or property depend upon some other antecedent or existing relation. This, however, does exist for right of carriage in an elevator. If one is a guest of a hotel,