

imitation label had the head of a Red-man, with a ring in the ear, but none in the nose, and the packages were stamped "Big Indian." On demurrer, it was held that the dissimilarity was not so marked as to make it apparent that no one could be deceived, and the demurrer was overruled: *Leidersdorf v. Flint*, 50 Wis. 401.

The practical joker may get into trouble if he plays any of his pranks with one's smoking tobacco. Enslow was a tobacconist, and his custom was to keep a box of smoking tobacco on his counter for the free use of the visiting public; it was Parker's habit to resort to this box, as Enslow well knew. Enslow playfully mixed gunpowder with this tobacco (perhaps he was growing tired of the size of P.'s pipe, or perhaps it was to celebrate the fourth of July: we know not). Parker entered the shop, and, according to his wont, sauntered up to the box, charged his pipe, applied his lighted fusee, and then—instead of the match being blown out, he was blown up, and his eyes were seriously and permanently injured. Parker saw and felt the joke, but failed to appreciate it; he threatened an action for damages. Enslow, to soothe him, gave his note for the amount desired: afterwards he declined to pay the amount, so his former friend sued him, and the court held that the note having been given in settlement of the threatened action for damages the consideration therefor was a valid one. They said: "The putting of powder in smoking tobacco, whether a mere thoughtless act for the purpose of amusement, or a malicious act for the purpose of doing harm, was necessarily extremely dangerous in its tendency, and cannot be excused. Even if the plaintiff had been taking the tobacco as a trespasser, this was not justifiable as a measure of prevention." *Parker v. Enslow*, 102 Ill. 272. One, of course, at once remembers that the law concerning spring-guns and man-traps bears out the statement with regard to trespassers.

We are sorry to find—although we confess that, under all the circumstances, we are not surprised—that it has been decided in Michigan that a railway station keeper has no right to eject a tobacco-chewing passenger from the station because he expectorates on the floor instead of into the cuspidor: *People v. McKay*, 46 Mich. 439.

As there were brave men before Agamemnon, so there were wise legislators before the present Premier of Ontario. As long