

deficit. After the marriage she continued to carry on the business in her maiden name as before, and he did not in any way interfere with it, but always referred customers to her. He died intestate, and she claimed the business as her own; but his sister applied for administration on it as his. *Held*, that the widow was entitled to the whole capital and stock in trade of the business as her own.—*Ashworth v. Outram*, 5 Ch. D. 923.

Injunction.—In a suit by one riparian proprietor against another farther up the stream, for polluting it to the injury of the plaintiff, an injunction was asked for and also an inquiry as to damages. The defendant claimed that only damages should be awarded as in the case of obstruction of light and air. An injunction was granted.—*Pennington v. Brinsop Hall Coal Co.*, 5 Ch. D. 769.

2. 18 & 19 Vict. c. 128, § 9, forbids burials within one hundred yards of a dwelling house. The plaintiff applied for an injunction to restrain the defendant from using a field, or any part thereof, as a cemetery, some portion of which field was within one hundred yards of plaintiff's dwelling. It appeared that, in 1865, defendant obtained from the Secretary of State permission so to use his field, but had not been able to act on the permission; that he had recently tried to form a company for the purpose, but had failed; that he did not intend to use any of the land within one hundred yards for burials without the plaintiff's consent; that he had offered to give two months' notice to defendant whenever he proposed to act at all in the matter; and that the defendant had offered to suspend proceedings if the plaintiff would agree not to use any of the field for a cemetery. Bacon, V.C., granted a temporary injunction. *Held*, that the injunction must be dissolved.—*Lord Cowley v. Byas*, 5 Ch. D. 944.

RECENT UNITED STATES DECISIONS.

Arbitration.—To a bill to wind up a partnership, it is no defence that the articles of partnership provide for a reference of disputes to arbitration, and that the defendants have always been willing to refer.—*Pearl v. Harris*, 121 Mass. 390.

Bankruptcy.—If a collector of taxes has collected taxes and not paid them over to the

town, his debt to the town is a fiduciary debt, not barred by a discharge in bankruptcy.—*Richmond v. Brown*, 66 Me. 373.

Bigamy.—A married man, whose wife was living, went through the ceremony of marriage with another woman, whom he could not lawfully have married had he been single, he being a negro and she a white person. *Held*, that he was guilty of bigamy.—*People v. Brown*, 34 Mich. 339.

Bill of Lading.—Defendants' agent, having authority to issue bills of lading, upon delivery to him by M. of a forged warehouse receipt, gave M. bills of lading for the goods mentioned in the receipt, knowing that he intended to raise money on the bills; and plaintiffs advanced money to M. on the security of the bills. *Held*, that the defendants were bound by their agent's act, and estopped to deny the receipt of the goods. (Earl, C. dissenting).—*Armour v. Michigan Central R. R. Co.*, 65 N. Y. 111.

Constitutional Law.—1. A State Legislature has power to fix maximum rates to be charged for the storage of grain in elevators.—*Munn v. Illinois*, 94 U.S. 113.

2. Or for the carriage of passengers and goods by rail, though the railroads are owned by corporations, if their charters are granted subject to alteration or amendment.—*Chicago, Burlington, & Quincy R. R. Co. v. Iowa*, 94 U.S. 155.

3. A State statute requiring all vessels entering a harbor in the State to pay a tax of three cents per ton, imposes a duty of tonnage, and is therefore unconstitutional.—*Inman Steamship Co. v. Tinker*, 94 U.S. 238.

4. A State statute empowering and requiring certain officers, to the exclusion of all other persons, to make a survey of the hatches of all sea-going vessels arriving at a port in the State, held, unconstitutional as a regulation of commerce.—*Foster v. Master and Wardens of the Port of New Orleans*, 94 U.S. 246.

5. A State statute, forbidding all persons not citizens of the State to plant oysters in the waters of the State, held, constitutional.—*McCready v. Virginia*, 94 U.S. 391.

6. The United States has the right of eminent domain within the States; but a State cannot exercise it in favor of the United States.—*Darlington v. United States*, 82 Penn. St. 382.