entered the car. As the train approached a station the break was suddenly put on, and the window falling down from the vibration, inflicted a serious injury on the plaintiff's finger. The plaintiff was nonsuited on this evidence, the Court holding that without positive proof of a defective construction of the window, the mere falling of it would not make a *prima facie* case of negligence against the company. But this case is no authority for saying that passenger carriers are not bound to provide windows with good fastenings for the comfort of the passengers. A railway company is not bound to put bars across its carriage windows—as careful matrons do over their nursery panes—to prevent travellers from putting their limbs, upper or lower, out: and it is negligence for a passenger to allow his arm to project beyond the inside of the window, and if it is injured while in that position he cannot recover damages from the company: *Indianapolis & Cincinnati R. W. Co.* v. *Rutherford*, (referred to in 4 U.C. L.J. N.S. 242.)

While the plaintiff was looking out of a window and pressing against a bar crossing it, the door flew open and he flew out, and was injured. There was no evidence as to whether the door was totally unfastened or only secured imperfectly; the jury having given the plaintiff a verdict, a rule obtained to enter a non-suit was discharged: *Gee* v. *Metropolitan R. W. Co.*, Ex. Ch., Weekly Notes, No. 7, 1873.

On the question of the liability of a company for accidents arising from the negligence of others, it has been held that where a passenger on a train has been injured by the misconduct of a fellow traveller, the company is liable only in case there was negligence in its officers not making proper efforts to prevent the injury. Railway companies are bound to furnish men enough for the ordinary demands of transportation, but not a police force adequate to extraordinary emergencies, as to quell mobs by the wayside. It is negligence in a conductor to admit voluntarily improper persons, or undue numbers, into a car: *Pittsburgh, Fort Wayne &c. R. W. Co.* v. *Hinds*, 7 Am. Law Reg. 14. A girder, which was being placed across the retaining wall of the railway, through the negligence of the workmen employed by a contractor and unconnected with the defendants, fell upon and injured the plaintiff while he was travelling by the defendants' railway. It was proved that the work in question was extremely dangerous, though none of the witnesses had ever known of a girder falling; that it was the practice when such work was being done for the company to place a man to signal to the work people the approach of a train, and that this was not done on the occasion in question: but there was no proof that the company's servants knew that the girder was being removed at the time the train was passing, or of the means used by the contractor to move it. *Held*, (reversing the decision of the Court of Common Pleas,) that as a fact the defendants were not guilty of negligence, although the evidence of negligence was such that it should not have been withdrawn from the jury: *Daniel* v. *Metropolitan R. W. Co.*, L.R. 3 C.P. 591, (Ex. Ch.)

Evidence of the number of olive branches round about the family table of the injured one, or of his habits of industry, is not admissible in an action for damages, unless special damage is averred. In an action of this kind evidence that the conductor was intemperate, or otherwise incompetent, is admissible to raise a presumption of negligence. And it is no justification for the employment of an incompetent servant that competent ones are difficult to obtain: *Pennsylvania R. W. Co.* v. *Brooks*, Am. Law Reg. 524.

The first clause of the Mosaic Law