

panies this case in 26 L.R.A. (N.S.) 171, the right of sick and decrepit persons to be transported is not unlimited. Nor can a carrier be compelled to accept an unattended insane person or an intoxicated person as a passenger. On the other hand, however, it is not justified in refusing to accept an individual as a passenger upon the sole ground that he is blind.

HARNESS AS "WAYS, WORKS, AND MACHINERY."—The recent Massachusetts case of *Murphy v. O'Neil*, 90 N.E. 406, 26 L.R.A. (N.S.) 146, holding that the harness used in connection with a merchant's delivery is not part of the "ways, works, and machinery," within the meaning of a statute making him liable for injuries to a servant for defects therein, the same as to strangers, seems to be one of first impression.

LIABILITY OF MUNICIPAL CORPORATION FOR TORT IN CONNECTION WITH PROPERTY USED BY IT.—The question whether a municipal corporation may be made to respond in damages for a tort, either of misfeasance or nonfeasance, in connection with a particular department of municipal activity, depends, according to the weight of authority, upon the question whether the duties of that department pertain to the public or to the private functions of the municipality; and the same criterion applies to the liability of a municipality for torts in connection with buildings used by it. This view is confirmed by the recent Kentucky case of *Columbia Finance & T. Co. v. Louisville*, 122 S.W. 860, holding that a municipal corporation is not liable for the negligence of one operating an elevator in the city hall, which is erected and maintained for the transaction of its public affairs. The case is accompanied in 25 L.R.A. (N.S.) 88, by a note discussing the considerable body of case law pertaining to the subject.

A similar question arose in *Libby v. Portland*, 105 Me. 370, 74 Atl. 805, 26 L.R.A. (N.S.) 141, in which it is held that a municipal corporation which rightfully attempts to operate, for its own benefit, a farm within its limits, is liable for injury to one rightfully on the premises, through a step which it negligently permits to become out of repair.

CIVIL LIABILITY FOR NEGLIGENT USE OF FIREARMS.—The law undoubtedly requires a very high degree of care from all persons using firearms in the immediate vicinity of others, no matter how lawful or innocent such use may be. It was held in the recent case of *Rudd v. Byrnes*, 153 Cal. 636, 105 Pac. 957, 26 L.R.A. (N.S.) 134, that a member of a party of hunters is