received most respectful attention. We continue the narrative in the words of the reporter.

"How much do you owe?" Mr. Hadley asked.
"About $75,000," was the reply.
"How much assets have you got?"
"About $20,000."
"What have you done with the rest?"
"Spent it."
"Who?"
"I and my partners."
"How much have you drawn?"
"About $6,000."
"How much did you put in the firm?"
"Twenty thousand dollars; that is, $12,000 cash, and $8,000 I still owe."
"Ah! Is your book-keeper all right?"
"He is."
"Can he so change the books as to make it appear that you drew all this $12,000, and that, in return for it and as security for the $8,000 you owe, you gave them $50,000 of securities, without further recourse to you?"
"He can."
"Will he?"
"He will, sure."
"That'll do," said Mr. Hadley, "my client has $50,000 worth of Southern land bonds; they are worth nothing in the market; they may (with a smile) some day be worth their face value. They are for lands granted to him on the Chattanooga and Cincinnati Railroad. He will sell them for $1,000 cash."
"Good," replied the reporter, "but how am I to show where I got them from?"
"He shall give you a bill of sale, you shall turn over to him some stock in exchange—he will furnish it for you—and you give him the $1,000 besides. His bill of sale will be dated back as far as you like, so as to make the whole transaction look genuine, and, of course, you explain to your creditors that your unfortunate land speculation has led to your failure. You give them a few thousands in cash, then bonds and what stock you have on hand, and go on your way rejoicing. Twig?"

Some further conversation occurred with reference to the best mode of covering up the tracks and giving the swindle a genuine look. The reporter was informed of others who had successfully played the same game, and it is stated on good authority that a great deal of business has been done in the way of buying cheap or worthless stocks, and holding them for use, by intending bankrupts who desire to make a show of assets, the purchase in such case being made to date back to the time when the securities were quoted higher. This is but one, and a small, part of the gigantic network of fraud which envelops every part of the bankruptcy system, and it is not wonderful that through such revelations the law has come to have an evil odor, and dies regretted by few save those who have turned it to their profit.

CONTRIBUTORY NEGLIGENCE.

[Continued from p. 426]

Ernst v. *Hudson River R. R. Co.*, 35 N. Y. 9.—Plaintiff's testator was killed while crossing defendants' track with his team, on his way to a ferry at Bath-on-the-Hudson. It had been customary to keep a flagman at this crossing, but on this occasion there was none; at least the evidence strongly preponderated that way. As he approached the crossing, Ernst looked north, above the station-house, and saw no train. The ferryboat was just starting, and a by-stander hailed the ferryman to wait, and beckoned Ernst to hurry on. Signals were made from the boat for him to come on; he started up his horses on a trot, when just as they were within two or three rods of the track, the engine appeared from behind the station-house. At the same instant two men shouted to him from different directions, he vainly tried to rein in his horses, they plunged on the track, and he was struck by the engine and killed. At the circuit the plaintiff was nonsuited, and this was now set aside.

The court say, that the omission of the customary signals is an assurance by the company to the traveller on which he may rely that no engine is approaching within eighty rods on either side. If the usual warning is withheld, the wayfarer is not bound to stop and look up and down the track, but may assume that the crossing is safe. It is no answer to his claim for redress for injury, that notwithstanding the omission of the signals, he might, by greater vigilance, have discovered the approach of the train, if he had foreseen a violation of the statute instead of relying upon an observance of it.

Remarks.—This is the most celebrated railroad case in our books. It had been once before to the Court of Appeals, and a new trial had been granted upon a very different state of facts, as we learn from the opinion of Judge Porter on this hearing. The former decision is not reported in the regular series, but one of the opinions was reported in 24 How. 97, with erroneous head notes and statement of facts. In the present decision all the judges concurred. The