

from our society to-day the lawyer, with the work that he does, and you will leave that society as dry and shifting as the sands that sweep over Sahara."

NOTES OF RECENT U. S. DECISIONS.

The question whether an electric car is to be classed with horse cars, or with ordinary railroad cars, in respect to the matter of negligence in getting on or off while in motion, is decided in *Cicero & P. St. R. Co. v. Meixner*, 160 Ill. 320, 31 L. R. A. 331, by classing the electric car with horse cars, making the question of negligence in boarding or leaving it while in motion a question for the jury.

Testimony of a judge as a witness in a criminal trial over which he is presiding is held, in *Rogers v. State* (Ark.), 31 L. R. A. 465, to be improper and to constitute a material error, even if the testimony is subsequently excluded. A note to this case reviews the authorities on the competency of a judge as a witness in a cause on trial before him.

The use of partnership property by members of an insolvent firm to pay their individual debts, leaving the partnership debts unpaid, is held, in *Jackson Bank v. Durfey*, 72 Miss. 971, 31 L. R. A. 470, to be unlawful, although the rights of partnership creditors are regarded as derivative, resting upon the equities of the partners as between each other.

The cursing, abuse, and maltreatment of a person by an agent of an express company immediately after refunding to the former the amount of overcharges which he had come to the express office to obtain, are held, in *Richberger v. American Express Co.* (Miss.), 31 L. R. A. 390, to constitute a part of the *res gestæ* and make the company liable for the tort.

A State statute requiring vessels burning wood to have screens of the best approved kind for protection from fire is sustained in *Burrows v. Delta Transportation Co.* (Mich.), 29 L. R. A. 468, against the contention that it is an interference with interstate commerce.

The right of self-defence in favor of a person who began an affray by a felonious assault is sustained in *People v. Hecker*, (Cal.), 30 L. R. A. 403, where he had first in good faith attempted to withdraw from the combat, and fairly made known such purpose.