

children have been, for a long time previous, in the habit of alighting, even though the employees in charge of the train had no actual knowledge of the child's presence upon the engine.

JUSTIFIABLE HOMICIDE.—One who is assaulted in a public street is held, in *State v. Bartlett* (Mo.) 59 L.R.A. 756, to be justified in using a deadly weapon to defend himself from a public whipping by one greatly his superior physically.

BILLS & NOTES.—The maker of a negotiable instrument who delivers it to the payee complete in all its parts is held, in *Bank of Herington v. Wangerin* (Kan.) 59 L.R.A. 717, not to be liable thereon even to an innocent holder, after the same has been fraudulently altered so as to express a larger amount than was written therein at the time of its execution.

RAILWAY LAW.—One purchasing a round-trip railroad ticket good only on the day of purchase is held, in *Illinois Cent. R. Co. v. Harris* (Miss.) 59 L.R.A. 742, to be entitled to recover damages in case he is ejected from the only train passing his station on the return trip on that day, for the reason that the ticket is not good on that train because the train is not scheduled to stop at that station.

To hold the carrier responsible for an injury received by a passenger while using an excursion ticket, one of the conditions on which is that the passenger assumes all risk of accident, it is held, in *Crery v. Lehigh Valley R. Co.* (Pa.) 59 L.R.A. 815, that he must show affirmatively that the carrier was guilty of negligence which caused the injury.

Although a railroad company enters into a joint contract with another company for the transportation of goods to a point beyond the end of its own line, it is held, in *Union State Bank v. Vermont, E. & M.V.R. Co.* (Neb.) 59 L.R.A. 939, to be competent for it to enter into an express contract with the shipper limiting its liability to the transportation of the property over its own line.

CRIMINAL LAW.—A peace officer acting without a warrant is held, in *Petrie v. Cartwright* (Ky.) 59 L.R.A. 720, to have no right to kill a fleeing person who refuses to stop when commanded to do so, on suspicion that he has been guilty of a felony, where the offence is in fact only a misdemeanor.

LITTELL'S LIVING AGE: That delightful writer, R. Bosworth Smith, whose recent articles on "Owls" and "Ravens" attracted so much interest as they appeared in *The Nineteenth Century and After*, now contributes a charming sketch entitled "The Old Thatched Rectory and Its Birds," which *The Living Age* for September 26 reprints. Few writers on birdlore add to their knowledge of out-door life so wide an acquaintance with literature, modern and classic, and so mellow a sympathy with human nature. Mr. Arnold White's "Kisheneff and After" is a broad treatment of the whole Jewish question, of which the Kisheneff massacre is only a tragic episode.