

straint of trade or commerce, although the statute denies to a foreign corporation violating its provisions, the right to do business in the state.

DAMAGES.—The damages to be allowed for the enforced idleness of a mill because of a carrier's neglect to transport machinery to it are held in *Harper Furniture Co. v. Southern Exp. Co.* (N.C.) 30 L.R.A. (N.S.) 483, not to include lost profits.

MASTER AND SERVANT.—That a street car company is not, although it is disobeying a statute in using a car without a vestibule in front in the winter time, liable for injury to a conductor who falls from the running board while attempting to raise a side curtain to collect a fare, is declared in *Rich v. Asheville Electric Co.* (N.C.) 30 L.R.A. (N.S.) 428, since the injury was held not to be one which should have been anticipated, and was therefore not the proximate cause of the wrongful act.

A telephone company sending a man to straighten an angle pole which is leaning because of the strain of the wires is held in *Willis v. Plymouth & C. Teleph. Exch. Co.* (N.H.) 30 L.R.A. (N.S.) 477, to owe him the duty of doing what an ordinary man would do under the circumstances to ascertain whether or not the pole was originally set the proper depth into the ground, or whether it had pulled out, it being unsafe to climb a leaning pole subject to the angle strain if it is not sufficiently deep in the ground.

A servant who repeatedly violates different rules of the master, and disobeys different express orders, is held in *Robbins v. Lewiston, A. & W. Street R. Co.* (Me.) 30 L.R.A. (N.S.) 109, to be legally incompetent; and if the master continues to employ him with knowledge of such incompetence, it is held that he will be liable for injuries to other employees through such disobedience of orders.

The operation of a machine in a factory is held in *Lowe Mfg. Co. v. Payne*, (Ala.) 30 L.R.A. (N.S.) 436, not to be justified in obeying an order of his boss to clean the machine while it is in motion, if he knows the operation to be dangerous, so as to be entitled to hold his master liable for an injury resulting from the attempt.

The electrician and engineer of an electric light company are held in *Shank v. Edison Elec. Illuminating Co.* (Pa.) 30 L.R.A. (N.S.) 46, to be fellow servants of a lineman, where they exercise no supervisory power over him or the work, so that the company is not liable for their negligence in turning on the current while he is in a position of danger, so as to cause injury to him.