

UNITED STATES DECISIONS.

CRIMINAL LAW.—Mere preparatory acts for the commission of a crime, and not proximately leading to its consummation, are held, in *Groves v. State* (Ga.) 59 L.R.A. 598, not to constitute an attempt to commit the crime.

NEGLIGENCE—EXPLOSIVES.—One who uses high explosives excavating so near the property of another that the natural and probable result of an explosion will be injury to such property, is held, in *Fitzsimmons & C. Co. v. Braun* (Ill.) 59 L.R.A. 421, to be liable for injuries caused even by the vibration of earth and air, however high a degree of care he may have exercised in their use.

DAMAGES—MENTAL SUFFERING.—A railroad company is held, in *Mabry v. City Electric R. Co.* (Ga.) 59 L.R.A. 590, to be liable in damages for injury to the feelings and sensibilities of a passenger, caused by his wrongful expulsion from one of its cars, though such passenger may not have received any physical injury thereby.

DAMAGES—RIGHT OF PRIVACY.—The unauthorised publication of one's likeness by another person for advertising purposes is held, in *Robertson v. Rochester Folding Box Co.* (N.Y.) 59 L.R.A. 478, not to give a right to an injunction or damages on the theory that it is an invasion of a "right of privacy."

SURVIVORSHIP.—In case of the death, in the same disaster, of a member of a mutual benefit society and the beneficiary named in the certificate, which provides that, in the event of the death of the beneficiary before the decease of the member, the benefit shall be paid to his heirs, it is held, in *Middleke v. Balder* (Ill.) 59 L.R.A. 653, that the representatives of the beneficiary must show her survivorship or the fund will go to the heirs.

NEGLIGENCE—FELLOW SERVANT.—The negligence of a fellow servant, is held, in *Loveless v. Standard Gold Mining Co.* (Ga.) 59 L.R.A. 596, not to relieve the master from liability to a co-servant for an injury which would not have happened had the master not been negligent himself.

NEGLIGENCE—INVITATION.—No invitation to cross the yard of a railroad company to reach show grounds is held, in *Clark v. Northern P. R. Co.* (Wash.) 59 L.R.A. 508, to be given by the railroad company by permitting a circus to exhibit on its vacant land adjoining its switch yard, so as to charge it with the duty of exercising care to protect people from danger, and render it liable to one injured by the operation of trains while attempting to cross the yard after having been expressly told to keep out, where the show grounds can be reached without danger by the highway.

A railroad company is held, in *Ashworth v. Southern R. Co.* (Ga.) 59 L.R.A. 592, liable for injury to a child of immature years who gets upon the running board of an engine as it enters a playground, according to a general custom of children playing there, well known to the railroad employees and who is injured while attempting to alight therefrom at a point where