

Recent Legal Decisions.

COLLISION—OCEAN STEAMSHIP AND CANAL BOAT—STERN OUTLOOK ON STEAMER—TOWING STEAMER.—The steamship Nevada was about to start from New York for Liverpool, on September 27, 1881. She was advertised to start at 3 o'clock P. M., had rung her bells and blown her whistle several times, and her signals for starting were flying at her mast-head, when at that moment a steam-tug entered the slip with the canal boat Kate Green in tow, which was then fastened to another canal-boat, the C. B. Hart, which was in turn fastened to a grain elevator lying beside the steamship Scotia at the pier. The propeller of the Nevada at once began to revolve, producing a suction and commotion of the water sufficient to cause the Hart to break her fastenings and the Green to swing around under the stern of the Nevada, where she was struck by the propeller and sunk, much injured, and her cargo destroyed. There was no stern lookout on the steamship. The owner of the Green filed a libel against the Nevada and recovered a decree for the damages he had suffered, in the United States Court, Southern District of New York, and the owners of the steamship appealed to the Supreme Court of the United States, which decided the case—*The Steamship Nevada vs. Quick*—against them. Mr. Justice Bradley, in the opinion, said: "The counsel for the steamship significantly asks: 'Is a steamship to be precluded from the use of her own means of locomotion; must she be subjected to the inconvenience and expense of being towed out of the harbor?' The ocean steamship is one of the great inventions of the century, and one of the advanced instrumentalities of modern civilization; but, whilst it may freely exercise its powerful propeller and sport its levitating proportions on the ocean or in deep and open waters, it is justly required to observe extraordinary care and watchfulness when surrounded by feebler craft in a crowded harbor; and, under some circumstances and within a limited space, it may be required to dispense with its own means of locomotion and resort to towage or other safe and quiet means of changing its position and effecting its necessary movements. The canal boat was handled with all reasonable care, and if the steamship had had a sufficient lookout at its stern the collision would not have happened; it could have been prevented."

RAILROAD—DAMAGES FOR NOT STOPPING TRAIN.—A passenger sued a railway company for the damages he suffered from his inability to take a train at a signal station, the engineer and conductor not stopping, or refusing to stop the train. In this case—*Morse vs. Duncan, Receiver*—Judge Hill, in the United States Circuit Court, Southern district of Mississippi, gave the petitioner a judgment for \$10, his actual outlay from the inconvenience, and directed that as that amount had not been tendered by the Receiver he should also pay the costs. It appeared on the trial that the petitioner had given the signal to stop for himself and other persons; but the conductor and engineer testified that they had looked for it, but that none was given. The Judge said that as the signal was given he must believe that the conductor and engineer did not take sufficient notice to see it. For such negligence the company is liable for actual damages only. But if these officers of the road had seen the signal and then willfully disregarded it, punitive damages might be awarded.

TRADE MARKS.—A company had manufactured homeopathic medicines for twenty years, and had sold a series of thirty-five remedies, put up in bottles, having on them labels and wrappers bearing the words "Homeopathic Specific," in connection with certain numbers and references to the diseases or infirmities to be remedied, as "No. 1. Fever, Congestion, Inflammations." A person used bottles of about the same size as the company's, labeling them conspicuously "Homeopathic Specifics," and numbering the series from 1 to 40, attaching the complaints to be remedied. The company sued for an infringement and an accounting—*Humphrey's Specific Homeopathic Medicine Company vs. Wers*—in the United States Circuit Court for New Jersey, and applied for a preliminary injunction. Judge Nixon in granting the motion said: "I. Mere numbers are never the object of a trade-mark when they are employed to indicate quality, but they may be when they stand for origin or proprietorship in combination with words or other numerals. 2. Such a combination when first used by a manufacturer will secure to him their use. 3. The defendant insists that the words 'Reeves' improved' before 'Homeopathic Specifics' take him out of the class of imitators. It is well settled that to establish an infringement of a trade-mark it is not necessary to show that the imitation is exact in all particulars. If the resemblance is such as not only to suggest an intention to deceive, but is calculated to mislead the public, who

are purchasers of the article, and thus to injure the sale of the goods of the proprietor of the original device, the injured party is entitled to redress."

CONTRACT FOR SERVICES—PAYMENT OUT OF CERTAIN EARNINGS—MONEY PAYMENT.—An engineer was employed to operate the engines of a company, and it was agreed that he was to be paid out of the first earnings of the machines. He had a settlement with his employers, and they gave him a due-bill for the amount due, and on this he brought suit, to which the defence was set up that payment only was demandable out of the earnings aforesaid, and that as yet nothing had been earned. Judgment was entered for the plaintiff, and the defendants appealed the case—*Harkinson vs. Dry Placer Amalgamating Company*—to the Supreme Court of Colorado, by which the judgment was affirmed. Judge Stone, in the opinion, said: "The question is one of practical interest not infrequently arising in business ventures, and we have been at some pains in its investigation. The agreement did not expressly limit the payment wholly to the contingency of the machines earning enough to pay for the services rendered, and in the absence of an express limitation it is not to be implied that the engineer agreed to look to the earnings alone for his wages. The condition can only be regarded as indicating an expected time of payment, but not as a sole condition of payment; and as a legal consequence of such an agreement the wages would be absolutely due after a reasonable time for fairly testing the use of the machines. What is a reasonable time in all such cases is a question for the Court."

RAILROAD—LIABILITY FOR ACT OF BRAKEMAN IN PUTTING A TRESPASSER OFF A TRAIN IN MOTION.—A man who had climbed upon a railway freight car when the train was in motion was removed by a brakeman upon being told by him that he had no ticket. The train was still in motion, and the trespasser in falling off fell through a bridge and was injured. He sued for damages for his injuries, and recovered a judgment. The company appealed the case—*Marion vs. the Chicago, Rock Island and Pacific Railroad Company*—to the Supreme Court of Iowa, which reversed the judgment. Judge Adams, in the opinion, said: "An employer is liable for the wrongful acts only when they are committed in the course of his employment. If the conductor of this train had forced the plaintiff from it while in motion and crossing a bridge, the act clearly would, under the evidence of the rules of the company, be deemed to be in the course of his employment, and that, too, even if it were shown that he had been expressly instructed to eject no person from the train while in motion, and especially at a dangerous place. In one sense the specific act would not be in the course of his employment, but his general instructions to remove trespassers would make the company liable. But, in our opinion, a brakeman is not employed to put trespassers off a train, and therefore, that the company is not liable here."

CONTRACT—VERBAL ORDER.—A carriage-maker received a verbal order from the agent of F. to make him a family carriage in six months, the price not to exceed \$900. The work was done, but F. refused to pay for it, and suit was brought for it; value \$850, and one month's storage. The defendant was defeated and carried the case—*Mencke vs. Falk*—to the Supreme Court of Wisconsin, Judge Cassaday, in the opinion, said: "It is claimed that as the contract was not in writing, the amount involved being at least \$50, it cannot be proven under the statute of frauds. This question is not without difficulty, and the decisions of the Courts are by no means uniform. A contract for labor and services was not required to be in writing; and we are of the opinion that this contract can be proved verbally, as it is for labor and services, for without a special contract the carriage would never have been manufactured in the particular manner, shape or condition it was, and therefore, the contract is essentially for special skill, labor or workmanship, and it is not within the statute of frauds."

EXEMPTION LAWS—JUDGMENT IN FAVOR OF THE UNITED STATES.—The United States recovered a judgment against F., and the Marshal levied on his homestead. F. then filed a bill for a perpetual injunction to restrain the Marshal from proceeding under the levy, on the ground that the exemption bound even the United States. The United States Circuit Court for the Eastern District of Wisconsin decided in favor of the complainant, and the Marshal appealed the cause to the Supreme Court of the United States, which affirmed the decree. Mr. Justice Matthews in the opinion, said: "The process of the respective States in the enforcing remedies at common law has been adopted by the United States through Congressional legislation. There are no other means provided

by which an execution on a judgment recovered in a Federal Court can be enforced, and it necessarily follows that whatever affects or attaches to executions of a State will be applicable to the executions of the Federal Courts. Exemptions from levy and sale prevent the force of the State executions, and reduce likewise the power of the Federal writs."

CONTRACT—"GRAIN OPTIONS."—In an action on a promissory note the maker set up as a defense that it had been given for an option contract in grain, in which it was not intended that the grain should be delivered. On the trial of the case—*Murray vs. Oehlert*—the plaintiff testified that the contract was for a future delivery of grain in good faith, and the defendant that it was an option only. There was no other evidence. The plaintiff was defeated and appealed to the Supreme Court of Iowa, which decided in his favor. Judge Beck, in the opinion, said: "The defendant testified to one state of facts and the plaintiff to the contrary. The defense must make out that the note which is evidence of a valid obligation is illegal, and therefore must produce a preponderance of testimony. This has not been done, and the judgment must be reversed. If one of the parties to such a transaction as this acts in good faith the transaction will be valid; no intention of the other party can affect it."

Sanitary.

Potato Poisoning.—Good Health says everybody ought to be made acquainted with the fact that there is danger in the potato as well as in many other kinds of vegetables when unripe or when advancing toward decay. When the potato is not fully ripe, its skin contains a considerable quantity of a dangerous poison known as solanine. The same is true when the potato has become old and begun to sprout. Such potatoes are wholly unfit for food, and are absolutely dangerous.

A Few Simple Remedies.—A teaspoonful of charcoal in half a glass of warm water often relieves a sick headache. It absorbs the gases, and relieves the distended stomach, pressing against the nerves that extend from the stomach to the head.

Charcoal forms an unrivaled poultice for wounds and old sores. It is also invaluable for what is called proud flesh. It is a great disinfectant. It sweetens the air if placed in shallow dishes around the apartment, and foul water is also purified by its use.

For bruises or sprains bathe the part in cold water until you get ready a decoction of wormwood and vinegar. When the herb is fresh gathered, pound the leaves, wet with vinegar, and bind on, and when the herb is dry put it in the vinegar, and let it boil a short time, then bathe the bruise with the decoction and bind on the herb.

There is nothing better for a cut than powdered resin. Get a few cents' worth, pound it until it is fine, put it in a cast-off spice box with perforated top, then you can easily sift it on the cut. Put a soft cloth around the injured member, and wet it with water once in awhile; it will prevent inflammation or soreness.

Hoarseness and tickling in the throat are best relieved by a gargle of the white of an egg beaten to a froth in half a glass of warm, sweetened water.

Hiccough can be immediately relieved by administering a lump of sugar wet with vinegar.

A simple and harmless remedy and preventive for persons suffering from car-sickness is a sheet of writing paper worn next to the person directly over the chest. It is highly recommended and seldom fails.

Buy at any drug store one ounce of camphorated oil and five cents' worth of chlorate of potash, and whenever a soreness appears in the throat put the potash in a half tumbler of water and gargle the throat, then rub the neck thoroughly with the camphorated oil at night before going to bed, and also pin around the throat a small strip of woollen flannel. This is a cheap and a sure remedy for sore throat.

If persons suffering from severe headache would tie a handkerchief tightly around the temples they would find relief by so doing in a very short time.

Hemorrhage of the lungs or stomach is promptly checked by small doses of salt. The patient should be kept as quiet as possible.

A good remedy for warts or corns: Drop a little vinegar on the wart or corn, cover it immediately with cooking soda or saleratus, let it remain ten minutes. Repeat several times a day for three days; all the warts and corns will be gone.

There is an Adam and a Christ within us all; a natural and a spiritual man, whereof the father of our race and the author of our faith are the respective emblems, both in the order of their succession and the nature of their mission.—*James Martineau*.

The Diamond Rattlesnake.

Ordinarily the jingle of a handful of rings is not an unpleasant sound, but when it happens that these rings are fastened to six or seven feet of serpent as thick as a man's wrist, and that serpent is armed with the whitest and sharpest of fangs, nearly an inch in length, with cisterns of liquid poison at the base, the music does not seem cheerful or inspiring. The snake family are known to have but little regard for the doctrine of moral suasion, are apt to be rash in their conclusions, and hasty in their actions, as well as profoundly indifferent to argument or apology, reason and politeness being entirely wasted on them. Only distance or brute force suffices to restrain their insane propensity to probe every living thing within reach of those delicate needles of worry. As the "big Indian" among his lesser braves; so is the diamond rattlesnake of the Southern States among other American serpents. Dressed in a brownish colored coat plaided with lighted lines in diamond-shaped blocks, and with dignity and independence stamped on every curve and motion, the sleek, oily-looking rascal glides slowly through "hamok" and "scrub," a terror to both man and beast, turning aside for none, nor going out of his way to attack any unless pressed by hunger, which seldom happens in this climate where animal life abounds. As he moves quietly along, his wicked little eyes seem to emit a greenish light and shine with as much brilliancy as the jewels of a finished coquette. Nothing seems to escape his observation, and on the slightest movement near him he swings into his fighting attitude, raising his upper jaw and erecting his fangs, which, in a state of repose, lie closely packed in the soft muscles of his mouth. This snake is not as active as his copperhead cousin of the North, nor so quick to strike, but one blow is almost always fatal. His fangs are so long that they penetrate deep into muscles and veins of his victim, who has little time for more than a single good-bye before closing his eyes forever. The writer has measured these fangs and in one instance found them seven-eighths of an inch in length, and though not thicker than a common sewing needle, yet perforated with a hole through which the greenish-yellow liquid could be forced in considerable quantities, and in the case above mentioned each of the sacs contained about a teaspoonful. The fangs are only pierced about two-thirds their entire length, and are always double, a smaller pair lying immediately under the others and ready for use in case of accident to the principal ones.

An Angry Tree.

A gentleman of this place has a tree which is a species of acacia. It was grown from a seed brought from Australia. The tree is now a sapling some eight feet in height, and it is in full foliage, growing rapidly. It is leguminous, and very distinctly shows the characteristics of the mimosa, or sensitive plant. Regularly every evening, about the time the "chickens go to the roost," the tree goes to roost. The leaves fold together, and the ends of the tender twigs coil themselves up like the tail of a well-conditioned pig. After one of the twigs has been stroked or handled, the leaves move uneasily and are in a sort of mild commotion for a minute or more. All this was known about the tree, but it is not long since that it was discovered that the tree had in it much more life and feeling than it had ever before been credited with. The tree being in quite a small pot, one which it was fast outgrowing, it was thought best to give it one of much larger size. Yesterday afternoon the tree was transferred to its new quarters. It resent-ed the operation of its removal to the best of its ability.

Arriving at his residence about the time the tree had been transplanted the gentleman found the house in grand commotion. On asking what was up he was told that they had transplanted the tree according to orders and the operation had "made it very mad."

Hardly had it been placed in its new quarters before the leaves began to stand up in all directions like the hair on the tail of an angry cat, and soon the whole plant was in a quiver. This could have been endured, but at the same time it gave out an odor most pungent and sickening—just such a smell as is given off by rattlesnakes and many other kinds of snakes in summer when teased. This odor so filled the house and was so sickening that it was found necessary to open the doors and windows. It was fully an hour before the plant calmed down and folded its leaves in peace. It would probably not have given up the fight even then had it not been that its time for going to roost had arrived.

Good deeds ring clear through heaven like a bell.—*Jean Paul Richter*.

Scraps from the Field of Science.

Puscher, the Nuremberg chemist, says that paste made of starch, glycerine and gypsum will maintain its plasticity and adhesiveness longer than any other cement.

Cultivation of the Portuguese oyster is recommended in the French official journal on account of the alleged richness of that bivalve in iodine, bromine and chlorine.

The *Lancet* yields to the belief that the electric light must soon become the common illuminating agent, but insists that some method should be devised to mitigate its intensity.

Montana is said to contain a large coal-bearing territory, and it is predicted by geologists that the Territory has the capacity for being the largest coal producer in the Union.

There is reason to believe that the power of the more intractable explosives will soon be made simply motive force—at least some of them—judging from some of Herr Beck's experiments.

Metallic iridium is very hard. It easily cuts or marks steel. It can be cut by a copper disk revolving at very high velocity, if the surfaces in contact are treated with corundum and oil and the iridium sheets are very thin.

The *Scientific American* condemns the use of camp stools and chairs by undertakers who take these seats from house to house, thus disseminating disease. The carrying around of ice-boxes is deprecated for the same reason.

Dr. Quesneville stated before the Societe d'Hygiene that he had preserved water potable for more than three years by adding to it half a grain of salicylic acid for each quart. It is recommended for use in expeditions in warm climates.

Japan is keeping fully abreast of Western nations in the introduction of new inventions. One of the latest signs of this spirit of enterprise is the extensive use of the electric light in several of the Government establishments at Yokohama.

According to an Antwerp pharmaceutical journal, the best way to remove ink spots is to use a phosphate of soda, first of all spreading a few drops of melted suet over the ink spot, and then washing the substance in the saline solution until the spot disappears.

Near Tablana, Italy, the remains of a fossil elephant have been found. Its tusks measure 3.2 metres in length and 0.28 metres where they are narrowest. The find has caused quite a sensation, and there will likely be a careful excavation made when the winter is over.

Papers read before the Academy of Sciences, Paris, go to show that the several electrical systems of Jabloch-koff, Jamin and Debrun are now much on a level from an economical point of view. The data from which the results were obtained had been collected during the late exhibition of electricity in the French capital.

Mr. Routledge held lately at a scientific meeting that the paper trade was probably the one which turned to immediate use more waste products than any other. In it was utilized cotton, flax, hemp and jute waste, and old ropes and canvas rags. In fact, the paper manufacturer could turn to profitable purpose any vegetable fibre.

A Provisional Committee, the President of which is M. Charles Boyssset, has been formed for organizing an international exhibition of appliances to insure the safety of railway passengers. It is intended that the display of the various devices will take place some time this year in the Palais de l'Industrie, Paris. It ought to do much good to inventors and the public.

Belt manufacturers may find it of interest to know that the experiments of M. Jenatzky, of Brussels, disclose that under uniform loads caoutchouc takes increasing elongations, until it becomes quite twice as long as it was originally, and that then the elongations decrease until rupture ensues. The weight necessary to quadruple the length is three times that under which the length has become double.

An automatic electric mechanism, that is designed to announce the approach of railroad trains, has been tried on what is called the Paris-Lyon Mediterranean Line. It consists of a box filled with mercury placed under the rail at the required distance from a bell. When a train passes over this box the mercury is so agitated as to form contact with the wire communicating with the bell and thus make it ring.

An Italian journal recommends the use of methylaniline violet, also called Hoffman's purple and Paris violet, for detecting free mineral acids in vinegar. A solution of this dye, although containing but 0.1 per cent. of it, will be changed to an ultramarine blue by mineral acids, even when they are

very dilute, while organic acids do not affect the color.

A mixture of twenty parts of hard soap, forty parts of kerosene and one part of fir balsam has been found very effective in destroying insects which damage the orange tree. Professor C. V. Riley is the authority. Other valuable plants, notably the vine, might be similarly protected by a spray from an application of the same recipe. It can be diluted at will with water, so as not to interfere with the constitution of the plant.

Incorrect Talking.

Though the schoolmaster holds his reception in almost every nook and corner of the land, there is a great deal of incorrect talking, even among educated people. Bishop Clark gives in the *New York Ledger* a few specimens of the popular errors of speech, in the form of a dialogue between a careless talker and his critical friend.

"Good afternoon, John. How long have you been sitting here?"

"I have been sitting here about an hour, watching to see these men set the stones in my wall."

"It kind of seems to me that the work is done rather *illy*."

"Perhaps it is not done quite as *welly* as it might be."

"I *kind* of think that word *welly* sounds odd."

"It is as good a word as *illy*. But why do you say, 'It kind of seems, and I kind of think,' when you might just as well say, 'It seems,' and 'I think?'"

"I've got sort of used to talking that way."

"It is a very poor sort of way."

"I never had nobody to learn me any better."

"You mean that you have had nobody to teach you?"

"I am getting tired, and I think I will lay down on the grass and rest a *spot*."

"You can lie down, but it would be well for you to lay your cloak on the ground for you to lie on."

"Be you going to stop here for long?"

"I stopped here when I arrived, but shall not stay long. Are you going home soon?"

"I be."

"Why not say, 'I am?' 'Be you' and 'I be' are very raw and disagreeable phrases."

"All right, O K; but the master always says to his scholars, 'Be you ready to write?' *Him and me* met at the deacon's last night."

"What did *him* and *you* do after you got there?"

"We looked at *them* things he has just brought from New York."

"Were *them* things worth looking at?"

"Tolerable. By the way, the deacon must have *quite* a fortune."

"What sort of a fortune? Quite large or quite small?"

"Quite large, of course."

"Why did you not say so?"

"My next neighbor has just put up a fence on *either* side of his front yard."

"I suppose you intend to say that he has put up a fence on both sides?"

"Between you and I?"

"Please change that to 'Between you and me.' You would not say, 'There is no great difference of opinion between you and *he*,'"

"I usually say, *him* and *me* agree pretty well."

"Then you speak very bad English, and you probably say, 'It is *me*,' instead of 'It is *I*.'"

"O' course I do, and so does *most* of the people that I know. My boy is just going to school, and as he is a beginner I suppose he will appear to be rather green."

"Did you ever hear of any beginner who was not new?"

"I wish simply to state"—

"That is, you wish to state"—

"That our *mutual* friend"—

"Please say our common friend. You would not call him a *reciprocal* friend?"

"Why do you interrupt me so often?"

"Because you make so many blunders."

Two Hounds Kill and Eat a Horse.

Two large hounds belonging to a negro living near New Orleans attacked a horse that had been turned out to graze. After seizing and throwing him down they satisfied their rapacious appetites by eating their fill of his living carcass. They are almost wild, and have been discovered devouring the carcasses of hogs they had killed in the forest.

UBSTITUTE FOR BUTTER.—A lady who is a famous housekeeper recommends an economical plan for making cakes without butter, which may be of use to our readers who have a dread of "marjorine." Take a piece of fat pork; melt it down and strain it through a piece of coarse, thin muslin; set it aside until it is cold, it is then white and firm, and may be used like butter in any kind of cake. In pound-cake she assures us it is delicious.