

Recent Legal Decisions.

STREETS—RAILWAY TRACK—DAMAGES TO LOT-OWNERS.—The owner of lots on a street in Denver, upon which he had erected a hotel and dwelling-houses, sued the Union Pacific Railroad Company to recover damages for the injury to his property by the laying of its track in the street. This track was put down 18½ feet from the pavement and above the level of the street, so wagons could not freely pass to and from the houses. The company set up as its defense that the track had been laid by virtue of an ordinance which granted it the right of way through the street. The plaintiff recovered a judgment for \$1850 in this case—*Mullandin vs. Union Pacific Railroad Company*—in the United States Circuit Court for Colorado. Judge Hallett, in the opinion, said: "The right and interest of the plaintiff in the street in front of his property is secured to him by section 15 of the Bill of Rights of the State Constitution, which declares that private property shall not be taken or damaged for public or private use without just compensation." It has been said that property cannot be "taken" within the meaning of that provision except by an appropriation of the land itself, but no such limitation is applicable to the clause relating to damages. The beneficial use of plaintiff's estate embraces the right of ingress and egress, which cannot be withdrawn or obstructed without substantial damage to it. The use of the street is therefore a right of property in plaintiff, which, if it is not "taken," is certainly "damaged," within the meaning of the Constitution, by the act of defendant in building its road through that street."

PATENT—ARTICLE NOT MARKED—VERBAL NOTICE.—A compound which had been patented, but upon which there was no notice of that fact, was prepared by another person, and the patentee sued for an infringement. The defendant relied upon the absence of the patent-mark as his defense. On the trial of the case—*New York Pharmaceutical Association vs. Tilden*, in the United States Circuit Court, S. D. of New York—the complainant was allowed to prove that verbal notice of the issuing of the patent was given to the defendant, who continued thereafter to make, use and sell the compound. Judge Wallace, in giving the complainant, a decree said: "The statute, Section 4900 United States Revised Statutes, declares that no damages can be recovered in a suit for the infringement of a patented article when the statement is not on it, except upon proof that notice of the infringement was given, and there was a continued making, using and vending of the article. It has never been decided in any reported case brought to my attention, whether the notice contemplated by the statute is a written notice, or whether a verbal notice is sufficient. This statute requires proof that the defendant was duly notified, and then continued to infringe, and therein differs from statutes which have been the subject of judicial construction upon the method of notice." Not only does it not require, in terms, "notice to be given," but it does not relate to a notice in the course of legal proceedings; therefore, as the sufficient notice prescribed includes a specification of the time when the patent was granted, it is reasonable to conclude that any notice, verbal or written, which includes this information will be sufficient."

ATTORNEY AND CLIENT—SUBSTITUTION OF ATTORNEY—CONDITIONAL FEES—ATTORNEY'S LIEN.—A motion was made for a substitution of solicitors in the case of *Wilkinson vs. Tilden*, in the United States Circuit Court, Southern district of New York, and it was resisted on the ground that the solicitor of record had made disbursements in the suit and that his fees were to be paid to him only upon the condition that he succeeded. Judge Wallace, in granting the motion, attached to it the following conditions: First, That the disbursements should be paid. Second, That the lien for fees should be preserved and the proper compensation paid out of any successful result. He said the general right of a client to change his attorney at his election is universally recognized by the authorities. This right is indispensable in view of the delicate and confidential relations which exist between attorney and client and the peril to the client's interests engendered by friction and distrust. But application must be made to the Court for an order to preserve regularity in the conduct of suits, and it will hold the client to fair dealing and refuse assistance to any attempt to take advantage of one of its officers.

RAILROADS—OBLIGATION TO OPERATE THE ROAD—MANDAMUS—STRIKE OF EMPLOYEES.—The order of Judge Haight was made at a special term of the Supreme Court of New York last summer, quashing the petitions and orders to show cause why a peremptory mandamus should not issue to compel certain railroad companies to receive and deliver promptly all such freight

and other property as might be offered to or received by them for transportation at the usual or reasonable rates. The suit was that of the people, upon the relation of the Attorney General, against the New York Central and Hudson River Railroad Company, and the New York, Lake Erie and Western Railroad Company. The complaint alleged that these roads had uniformly delayed and sometimes peremptorily refused to receive and deliver freight and to transport it, thereby causing great loss to the people of the State, for which there was no adequate remedy in damages; and that the trade and commerce of the city of New York was greatly injured by this conduct of the railways. The ground upon which the defendants relied on their motion to quash was that they were unable to receive, load and discharge freight efficiently, because they were compelled to employ unskilled men, as their freight handlers had refused to work for their pay of 17 cents an hour, demanding 20 cents an hour, which sum they refused to pay. On the hearing, against the objection of the counsel for the people, the defendants were allowed to open and close the argument.

An appeal was taken to the General Term of the Supreme Court, who reversed the decision of Judge Haight in every part. Judge Davis, in the opinion, said: "The question on the facts shown in the papers before us is this: Can railroad corporations refuse or neglect to perform their public duties upon a controversy with their employes over the cost and expense of doing them? We think this question admits of but one answer; the excuse has in law no validity; the duties imposed must be discharged at whatever cost; they cannot be laid down, or abandoned, or suspended without the legally expressed consent of the State. Railroads are in every essential quality public highways created for public use, but permitted to be owned, controlled and managed by private persons. But for this quality the railroads of the respondents could not lawfully exist. Their construction depended upon the exercise of the right of eminent domain which belongs to the State in its corporate capacity alone, and cannot be conferred except upon a public use. The corporation by accepting its charter takes upon it the trusts imposed by it; it becomes an agency of the State to perform public functions which might otherwise devolve upon public officers, as is the case with regard to other public highways. The fact that individuals may have private remedies for the damage done them does not deprive the State of its right to a mandamus. The right of the State to compel the performance of every step necessary to bring a corporation into a condition of readiness to perform its functions is not doubted, and it is strangely illogical to assert that the State is powerless to compel the doing of the acts for which the corporation was created. The quashing of the motion was a novel proceeding. Such action is taken by the Courts in disposing writs of process, not in deciding applications to obtain them, and the right of the Attorney General to open and close the argument, he being the moving party, is not to be questioned."—*Phila. Record.*

An Ounce of Prevention.

Sometimes an ounce of prevention is worse than a pound of disease. One day last week the children came running in, shrieking that a big hawk was circling over the poultry yard. Old Farmer Thistlepod dropped his paper, caught his trusty gun from the rack, and charged for the poultry yard. He ran right over a bee stand just the other side of the cypress bush, and was stung in thirty places before he jumped over the fence of the poultry yard, alighting upon the old black hen that was brooding thirteen chicks, breaking her neck and mashing five hapless "wretches," the gun caught in the fence as he jumped, and went off, killing a young turkey, and filling the Durham heifer in the meadow nearly full of buckshot; while the hawk, alone calm and self-possessed in the midst of the tumult and confusion, sailed gracefully away with the one spring chicken he had all along intended to levy on.

It was election time, and little Glynn heard so much talk about men who were running for office. One day, his mother, noticing him run from one place to another, asked, "What are you playing now, Glynn?" He replied, "Oh, I am not playing at all, I am running for office."

Experiments recently made in Europe, with a view to ascertaining the best method of preserving manure, show that manure allowed to accumulate under cattle three months or more in specially constructed deep stalls was found in every case, as compared with that of ordinary manure heaps, in a more workable condition, the ammoniacal salts were better preserved and the useful ingredients were present in greater proportions.

Restful Reflections.

Wanted to know—what interest views pays distance for lending him enchantment.

"I have not loved lightly," as the man said who married a three-hundred-pound widow.

"None but the brave deserve the fair"—and none but the brave can live with some of them.

A greedy man should wear a plaid waist-coat, so as always to keep a check on his stomach.

It is easy to break into an old man's house, because his gait is feeble, and his locks are few.

The fellow who slept under "the cover of night" complains that he came very near freezing.

A crusty old bachelor says he thinks it is woman, and not her wrongs, that ought to be redressed.

Why are poultry the most profitable stock to keep? Because for every grain they give a peck.

The way to make time pass quickly—raise a row and get knocked into the middle of next week.

What moral lesson does a weather-cock on a church steeple continually inculcate? 'Tis vain to a-spire.

We frequently hear of a flight of steps, but we have never yet been able to discover where they fly to.

An extraordinary surgical operation was lately performed, which killed the patient. The physician is doing well!

A provident, and yet improvident man—the baker; he kneads much, but sells everything he kneads himself.

An old Greenland seaman said he could really believe that crocodiles shed tears, for he had often seen whales' blubber.

It is said that short, dumpy people are more humorous than long, lank folks, on the ground that brevity is the soul of wit.

Somebody, in describing a beautiful lady, says she has "a face that a painter might dwell upon." Rather a broad face that!

A pawnbroker having joined a temperance society, it was remarked that there need be no fear of his not keeping the pledge.

What is the difference between a man paralyzed with fear and a leopard's tail? One is rooted to the spot, and the other is spotted to the root.

It wasn't such a bad notion on the part of a glover who hung up in his shop the following placard: "Ten thousand hands wanted immediately."

The man who always leaves church before service is over, in speaking of an "ancient" single lady, said she was "fearfully and wonderfully maid."

"I had rather not take a horn with you," said the toper to the mad bull; but the bull insisted on treating him to two, and the toper got quite high.

One or the other: It is always "put up or shut up" with the umbrella.

Important discovery: It is now reported that a North Carolina man has discovered a meerschaum pipe mine.

A bad shot: "I aim to tell the truth." "Yes," interrupted an acquaintance, "and you are probably the worst shot in America."

A marine disaster: "Yes," said the captain of the ocean steamship, we had a very expensive trip this time. Very little sea-sickness; passengers ate frightfully."

Exceptions prove the rule: Professor — "If you attempt to squeeze any solid body it will always resist pressure." Class smiles and cites examples of exceptions which prove the rule.

Notable case of stupidity: A restaurant sign on Washington street reads: "A cup of coffee two and five cents." Why this is not condensed to "a cup of coffee seven cents" is queer.

"I pass," the Greek: Greek recitation: Benevolent professor (prompting) — "Now, then, Elpass—" Somolent Soph (remembering last night's studies) — "I make it next." (He goes it alone before the faculty.)

A matter of multiplication: Teacher — "Why, how stupid you are, to be sure! Can't multiply eighty-eight by twenty-five? I'll wager that Charles can do it in less than no time." Pupil — "I shouldn't be surprised. They say that fools multiply very rapidly nowadays."

The nice prayer rug: "Now, pa dear, you must give me \$75, because I want that prayer rug right away," said a vivacious young miss. "Prayer rug? Now, what earthly use is a prayer rug to you, my dear?" "It is of no earthly use at all, pa dear. It is for a heavenly purpose I want it, pa." Now what father would have refused to gratify the angelic ambitions of a daughter under those circumstances?

"Know thyself," may be an excellent sort of proverb, but it's forcing a pretty tough acquaintance on some folks.

Health Hints.

PAINLESS CURE FOR WARTS.—Drop a little vinegar on the wart and cover it immediately with cooking soda or saleratus; put on as much soda as you can pile on, and let it remain ten minutes. Repeat several times a day, and in three days the wart will be gone. A good remedy for corns also.

WOMEN'S HEALTH.—Eminent medical authority is given for the statement that the chances for life for men are, on the whole, better in this country than in England, and the same would doubtless prove true as regards women were like comparative statistics available. On the subject of diet, it is asserted that, among the lower and middle classes of the larger New England cities, the diet could hardly be worse, and is a most potent and prevalent source of ill-health. People fill themselves with "unassimilable abominations," shatter their nervous system by excessive tea-drinking, and dyspepsia with its attendants is the result. Nevertheless, the outlook is not less encouraging than twenty-five years ago.

RESPECT THE BODY.—A writer in the *Health and Home* has some sensible ideas on the subject of bodily health. He says: "Respect the body. Give it what it requires, and no more. Don't pierce its ears, strain its eyes, or pinch its feet; don't roast it by a hot fire all day, and smother it under heavy bed covering at night; don't put it in a cold draft on slight occasions, and don't nurse or pet it to death; don't dose it with doctors' stuffs, and, above all, don't turn it into a wine cask or a chimney. Let it be warranted not to smoke, from the time your manhood takes possession. Respect the body: don't overwork, overrest, or overlove it, and never debase it, but be able to lay down when you are done with it a well worn but not a misused thing. Meantime treat it at least as you would your pet horse, or hound, and, my word for it, though it will not jump to China at a bound, you'll find it a most excellent thing to have—especially in the country."

"Width av the Dure."

"I want a piece av a board sawed off, planed on the outside," said Mr. Donlevy. "We'd a few friends at the house last night to a christenin', and the lower panel av the dure got kicked out in the merriment."

"How wide do you want the piece cut?" asked the carpenter.

"The width av the dure, av course," replied Mr. Donlevy.

"And how wide is the door?"

"Well, it's as wide as a chair is long, jist. Ye kin jist lave a chair across it to kape the children-in-an' the pigs out, an' it fits as though it wur matched fur it."

"But all chairs are not the same size," said the carpenter.

"Aw, thunder and teuf! yer thicker headed nor a railroad spike; the chair comes up jist even wid the edge of the windy sill."

"But how high is the sill?" asked Mr. Chips.

"Both the badgering tongue o' ye," growled Mr. Donlevy. "It's only the wideness av me hand barrin' the thumb higher than the rain wather barrel that stands outside, an' if ye can't make it from that ye can't have the job, and I'll take it to some carpenter that understands his business and knows the measure av a dure in his head without makin' a catechise av himself. Say, can ye cut me the piece av the size av that, ye leather-headed wood-butcher ye, or will I go find a man av your craft that has half he sinse ye wur born wid?"

And he had to go find one.

The Danger of Using Arsenic for the Complexion.

It is necessary to raise a warning cry against a most mischievous statement, which has recently been circulated, and has already done harm, to the effect that "arsenic in small doses is good for the complexion." It is not difficult to imagine the danger women will incur to preserve or improve their "good looks."

No more ingenious device for recommending a drug can be hit upon than that which the authors of this most baneful prescription of "arsenic for the complexion" have adopted. Suffice it to recall the fact that for many years past chemists and sanitarians have been laboring to discover means of eliminating the arsenical salts from the coloring matter of wall papers and certain dyes once largely used for certain articles of clothing.

It is most unfortunate that this hopelessly antagonistic recommendation of arsenic to improve the complexion should have found its way into print. Those who employ the drug as advised—and there are many either already using it or contemplating the rash act—will do so at their peril. So far as they are able, however, it will be the duty of medical men to warn the public against this pernicious practice, which is only too likely to be carried on secretly. It is not without reason that we speak thus pointedly, and urge practitioners to be on the *qui vive* in anomalous or obscure cases.

Reverence for Wild Animals

The poor people of Siberia have a great deal of genuine reverence for wild animals with which they are constantly surrounded, and from which they are always suffering to a greater or less extent. The wolves and bears they especially fear, for these animals in the winter-time are unusually bold and fierce. Not unfrequently they have been known, when driven to extremities by the pangs of hunger, to make a raid upon the smaller villages. They seem to know by instinct where it is safe to attack and where not. They are rarely ever seen in the vicinity of the larger towns, and never venture into them.

The smaller villages, and the smaller settlements, they delight to plunder, and truth to tell they are generally pretty able to scatter everybody before them, temporarily at least, and to escape with unscratched skins. In the case of the bears they are usually found alone, or at the most two together, prowling about in the night seeking whom or what they may devour. In many places where the means of defence against their ravages are scant and inadequate, the villagers, when they hear bruin prowling about the village and pushing his nose against the doors of their houses and huts, considerably throw refuse and meat out into the street to him. In this way his hunger is not unfrequently appeased, and he goes away without doing further damage.

But the objection to this mode of warfare is that the bear very soon becomes attached to the locality that treats him so well, and becomes a visitor too frequently for the comfort and enjoyment of those who are thus, as it were, compelled to perform to be his entertainers. After awhile the business gets to be monotonous and some means at last are devised to quiet his too ravenous appetite by putting him into the proper condition to be winter food for those who have hitherto been his hosts. Thus is the balance of courtesy evenly preserved.

A Medical Opinion of the Electric Light.

Before the electric light becomes, as it must soon become, the common illuminating agent of the period, says the *Lancet*, a determined effort should be made to devise some mode of mitigating its peculiarly unpleasant intensity. The vibratile impulse of the electric force is obviously stronger than the delicate terminal elements of the optic nerve in the retina can bear without injury. We are wont to apply the adjectives "hard" and "soft" to light, and their significance makes them peculiarly appropriate. The electric light is too hard; it needs to be softened. The waves of motion are too short, and the outstroke—so to say—joins the instroke at too acute an angle. This might doubtless be obviated by employing suitable material for globes, and shades, but perhaps the best plan would be to break up and scatter the rays of light by reflection. If a small convex reflector were placed immediately below the light in the protecting globe, and one of larger dimensions above it, so as to secure a double reflection with ultimate divergence downward and outward, the effect would be to cause the "rays" of light to fall obliquely on all objects within the immediate area of illumination. This would, perhaps, obviate the need of colored glasses, which the promoters of the electric light seem to dislike. Certainly there is a considerable sacrifice of power in the use of the opaline globe—so much indeed, that some of the districts lighted by electricity displayed through this medium do not present any obvious superiority over gas. Something must be done, for, as it is, the electric light is "trying to the eyes," which means that it is in danger of injuring them, and, already, there is reason to believe, mischief has been wrought by its use. For true comfort there is nothing like the light given by the old-fashioned pure wax candle.

The Bible in Japan.

Recent letters from the agent of the American Bible Society in Japan convey intelligence which is indicative of the rapid progress of Christianity in that empire. It is to the effect that a number of Japanese Christians had presented a formal and earnest appeal to be allowed an active part in the work of translating the Old Testament. They speak of the translation of the Bible as a great work and far-reaching in its consequences; of the blessings which had come to them through the New Testament, which had been already published and widely circulated; of the severe evils which would ensue if the remaining work was not wisely done, and of the want of uniformity and style which would be sure to mark a translation which was produced by the labors of many different scholars working apart. They therefore submit a

list, that the Chinese eat these things. But it is true. We saw a whole puppy stewed in a kettle. We saw a table full of men satisfying their hunger with dog meat, and they ate with a hearty relish. We saw cats and pups in cages for sale, and rats hung up for purchasers. The dishes looked savory, and the price of a meal was "dog cheap," but we did not indulge in any "bow-wow" soup, or feline steak, or rodent pot-pie. We weren't hungry just then. The Celestials will tell you "rat number one good eat," and show you rats skinned, rats salted, rats dried, rats hung up by the tails and rats strung on strings. If you doubt the genuineness of the article the proprietor will show you the meat with the hair and tail attached for identification.

Cat meat is said to be a fine tonic, and rat is good for bald-headed men. Puppies and kittens are generally preferred; old dogs and Tom cats are apt to be rather tough. Black cats are supposed to be more nutritious than white ones, hence the following advertisement seen in a shop window: "Black cats served hot at all hours; also snakes, rats and dogs."

Small Jokes.

"What's the man yelling at?" asked the farmer of his boy. "Why," chuckled the youngster, "he's yelling at the top of his voice."

The Alabama Planter complains that his little garden patch was unprofitable last season: "The snails ate up the cucumbers; the chickens ate up the snails; and the neighbors' cats ate up the chickens, and we are now in search of something that will eat up the cats."

A Parisian item: "Why is the straw before the house? I hope madam is not ill." "No, no, Monsieur, only in bed the last three days." "Indeed! and not ill you say?" "The fact is, Monsieur, she has lost two of her favorite carriage horses, and cannot bear to hear the sound of wheels."

A cool young gent, all of the modern days, entered a menagerie with a cigar in his mouth, when the proprietor politely requested the visitor not to teach the other monkeys bad habits. The young man proved himself equal to the occasion by producing his cigar-case and saying, "Try one."

"How had you the audacity, John," said a Scottish laird to his servant, "to go and tell some people that I was a mean fellow and no gentleman?" "Na, na, sir," was the candid answer, "you'll no catch me at the like o' that, I have kept my thoughts to mysel'."

"Anything new or fresh this morning?" a reporter asked in a railway office. "Yes," replied the lone occupant of the apartment. "What is it?" queried the reporter, whipping out a note book. Said the railway man, edging his way towards the door: "That point you are leaning against."

The railway man is now in the hospital, and the reporter is in jail.

During the Mexican war one of the generals came up to Captain Bragg and said, "Captain, the crisis has arrived; fire!" Whereupon Captain Bragg said to the lieutenant: "You hear what the general says—fire!" The lieutenant said: "But, Captain, I don't see anything to fire at!" "Fire at the crisis!" said Captain Bragg.

Ruskin observes that as a rule women have no eye for color. This explains why a woman is obliged to spend three-quarters of a day in getting the exact shade of ribbon to trim a dress, while when it comes to mending her husband's pantaloons she seems to think that a yellow patch is just the thing to match black broadcloth.—*Norwich Bulletin.*

A good old Quaker lady, after listening to the extravagant yarn of a person as long as her patience would allow, said to him: "Friend, what a pity it's a sin to lie, when it seems so necessary to thy happiness!"