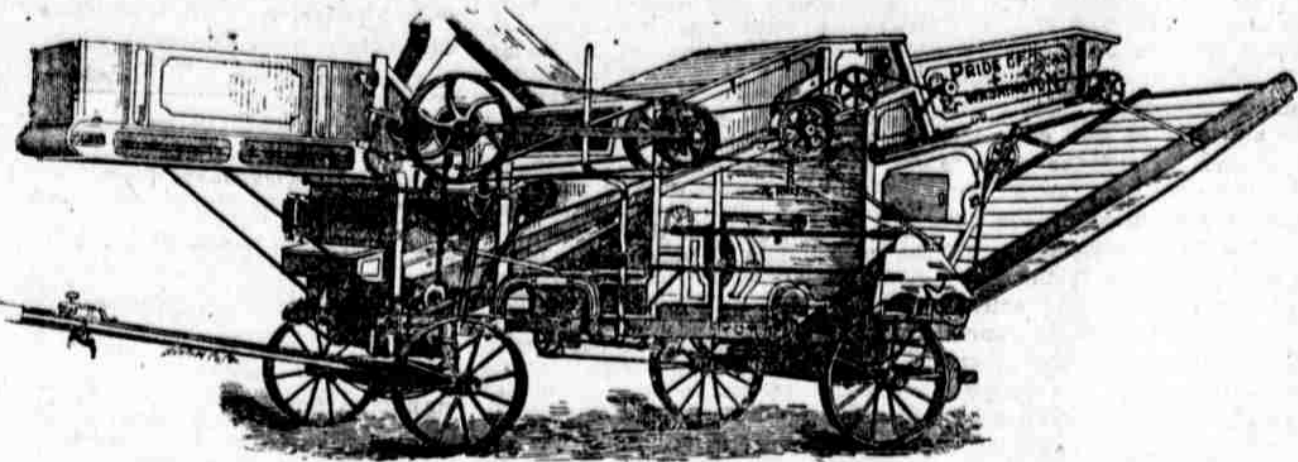


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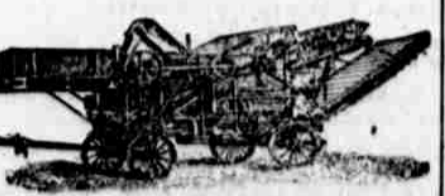
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### RECENT JUDICIAL DECISIONS.

The owner of land on which surface water has collected in a pond is held, in *Brandenburg vs. Ziegler* (S. C.), 55 L. R. A. 414, to have no right, by cutting the natural rim of the basin, to drain the water upon a neighbor's property to his injury.

An action for libel against a corporation, which abates by the expiration of the corporate charter, is held, in *Shayne vs. Evening Post Pub. Co.* (N. Y.), 55 L. R. A. 777, to be properly revived against the trustees of the dissolved corporation in office at the time of dissolution.

No liability in favor of a bona fide purchaser of a negotiable paper is held, in *Shulley vs. Terrill* (Me.), 55 L. R. A. 730, to attach to the maker, where it was drawn and signed but not delivered or intended to be delivered, but was obtained by the payee by theft, without gross carelessness or recklessness on the part of the maker.

A simple contract creditor, who has no lien on the property, is held, in *Flournoy vs. Champlin* (N. M.), 55 L. R. A. 745, to have no right to intervene in a suit in equity for the appointment of a receiver of partnership property and secure a judgment against the partnership and one of its members, but is relegated to an action at law, the defendants being entitled to a trial by jury.

That an assault committed by a dog in jumping upon a stranger and injuring him resulted merely from its mischievous or playful propensity is held, in *Crowley vs. Groonell* (Vt.), 55 L. R. A. 876, not to absolve the owner from liability, if he knew of its disposition to commit such injuries, or knew enough of its habits to convince a man of ordinary prudence of its inclination to commit them.

A peace officer attempting to make an arrest for unlawfully carrying arms is held, in *Montgomery vs. State* (Tex. Civ. App.), 55 L. R. A. 863, to be bound to make known to accused under what authority the arrest is made, although by statute he has power to make the arrest without warrant, where he is by statute required in executing warrants to make known his authority.

Land within the boundaries of a street as shown on a plat filed in the clerk's office under the provisions of the law incorporating a town, which declares that the plat shall be conclusive evidence of the street boundaries in all future suits and contests that may arise concerning them, is held, in *McClellan vs. Weston* (W. Va.), 55 L. R. A. 808, not to be subject to adverse possession as against the town.

A judgment for alimony in favor of a wife, the right to which becomes vested by force of statute upon a decree of divorce for the fault of the husband, is held, in *Coffman vs. Finney* (Ohio), 55 L. R. A. 794, to be a debt against the husband, subject only to variation in amount in case of appeal, which, upon the death of both parties pending appeal, will survive in favor of the personal representative of the wife, and against the personal representative of the husband.

Under a statute providing that all wills shall be in writing and be signed by the testator, which signature shall be made by the testator, or the making thereof acknowledged by him and the writing declared to be his last will, in the presence of two witnesses present at the same time, who shall subscribe their names thereto as witnesses in the presence of the testator, it is held, in *Lacey vs. Dobbs* (N. J.), 55 L. R. A. 580, that it is essential to validity that everything required to be done by the testator shall precede in point of time the subscription of the witnesses.

The insertion in a statute the obvious intent of which is to tax every interest, present or future, passing by will to persons not exempt, of provisions that the tax shall be due and payable within two years after the executor's qualification and that suit shall be brought in six months after it is due, is held, in *Howe vs. Howe* (Mass.), 55 L. R. A. 626, not to prevent the taxation of future contingent interests which do not vest within such time, where the statute also provides that the Probate Court may extend the time when the tax is payable, whenever the circumstances of the case may require.

**Allen and the Stranger.**  
"Private" John Allen was strolling down Pennsylvania avenue the other day, when he passed a lamp post to which was attached a person who had imbibed not wisely but too well. The man was bowed over and holding on with both hands. If he had stepped a little nearer he could have leaned his body against it, but apparently he did not dare make the step for fear of losing his balance. As Mr. Allen approached, the stranger mistily made him out and hailed him. Mr. Allen stopped.

"M' fren'," said the afflicted one, with difficulty, "c'n you tell—hic—poor—invalid where B. & O. depot is?"  
"It is right over in that direction," said Mr. Allen, pointing, "about ten minutes' walk."  
"Tennints walk?" repeated the sufferer.  
"Yes."  
"D'you mean," inquired the man, "for—hic—for you or for me?"—Washington Times.

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