

SOME LEGAL NEWS NOTES

Opinions Handed Down by All Courts on Important Points-- Railroads Not Responsible

The following items of legal news refer to recent important and interesting decisions of the courts all over the United States:

Members of the Japanese race are held not to become citizens of the United States.

Mere preparatory acts for the commission of a crime, and not proximately leading to its consummation, are held not to constitute an attempt to commit the crime.

One who uses high explosives in excavating so near the property of another that the natural and probable results of an explosion will be injury to such property is held 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.

A railroad company is held to be under no obligation to protect persons who resort to its stations to aid the departure of friends who are to become passengers on its cars from assaults by persons, lounging about the stations, although such duty may exist as to the intending passengers.

A railroad company is held to be liable in damages for injury to the feelings and sensibility of a passenger, caused by his wrongful expulsion from one of its cars, though such passenger may not have received any physical injury thereby.

A married woman sued in the state of her domicile is held to have the right to avail herself of the protection of its statute allowing her to plead coverture as a defense to her contracts when sued there on a note delivered and payable in another state, where such defense would not be recognized.

Under a constitutional provision that private property shall not be taken or damaged for public use without just compensation having been first made, it is held that possession of land sought to be condemned pending the proceedings cannot be given by the Legislature to the applicant, upon payment into court of sufficient money to compensate the landowner in case the land is finally taken.

A statute requiring the compulsory education of children is held not to infringe the rights of parents.

Prohibiting the placing of an official ballot of the name of an unsuccessful contestant for a party nomination at the primary election is held to be a reasonable regulation, and not to violate a constitutional provision that any person entitled to vote at any election shall be eligible to any elective office.

The disclosure by physicians of knowledge obtained as to the condition with reference to venereal disease, of a prisoner whom they examined against his will upon his trial for rape, is held to be prohibited by a constitutional provision that no person shall be deprived of life, liberty or property without due process of law, and securing persons against unreasonable searches.

The extension by a state of equity jurisdiction to suits to set aside probated wills, is held to permit the maintenance of such suits in Federal courts sitting in such state, which acquire jurisdiction through diverse citizenship of the parties.

Preventing the use, during court hours, of a pavement newly laid in a street adjoining the court house in such a way that the noise of the traffic thereon interrupts the business of the court, is to be within the power of a court both at common

law and under a statute giving it power to preserve order so far as is necessary to prevent interruption and disturbance of its proceedings.

A conviction of battery is held to bar a subsequent prosecution for the same acts as an assault with a deadly weapon, with intent to murder.

Evidence that the father refused to permit medicine to be administered to one of his minor children while sick, is held not to support a conviction of the father for depriving the child of necessary sustenance within the meaning of a statute which declares such deprivation to be an offense against the laws of the state.

In condemnation proceedings for a railroad right of way, it is held that general benefit to land not taken can not be set off against damages to it under a constitutional provision requiring compensation to be made in money and in advance.

A court of equity is held to have no jurisdiction to settle the title and the boundary of lands between adverse claimants, when the plaintiff has no equity against the party claiming adversely to him.

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