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WEDNESDAY, DEC. 6, 1905.

One Against the Erie Has Been Tried Five Times.

Among the cases argued in the Court of Appeals in Albany Monday was one which has been tried five times. It was brought by George C. Hudson, who is the appellant, against the Erie Railroad Company, to recover \$12,000 for personal injuries. The case was begun in June in 1898. On July 26, 1897, the plaintiff was struck by the connecting rod of a passing locomotive at a grade crossing in the village of Monroe, Orange County. He was knocked down by the blow and one of his arms was broken and one of his feet cut off. The plaintiff alleged that the defendant had been negligent in not providing a proper guard rail at the crossing, and that the engineer of the train had failed to blow his whistle. Contributory negligence on the part of the plaintiff was the plea of the defense. The present appeal is from a judgment of the Appellate Division, Second Department, affirming a judgment of the Supreme Court of Orange County, dismissing the complaint. The case was argued by John M. Gardner for appellant and Henry Bacon for the respondent.

Another Orange county case argued yesterday was that of Frank L. Magar respondent, against Stoddard Hammond and Edward Tompkins, appellant. The appeal is made by the defendants from a judgment of the Appellate Division, Second department, affirming a judgment in favor of the plaintiff who is a Middletown man, for \$14,634.78. This is the third trial and the second time that the case has been before the Court of Appeals. The action was brought to recover \$30,000 damages for personal injuries. On the night of June 9, 1899, the plaintiff was shot in the hip by the defendant, Edward Tompkins, who was employed as a watchman by the defendant. Stoddard Hammond, at his country place on the shore of Orchard Lake, in Sullivan county. Hammond, in his answer, said that he owns 300 acres on the shore of the lake, and that he had stocked with trout a stream running into it. He said that notices had been posted warning off trespassers, and that the plaintiff was an unlawful trespasser at the time he was shot. The case was argued by Henry Bacon for the appellant and William Vanamee for the respondent.