

poses whatever. *Provided*, however, that any part thereof, which is now the public property of the town of South Hampton, shall be exempt from taxation so long as the same shall belong to that corporation."

The act did not purport to transfer any title or make any grant of land. It extended the municipal franchise over the territory, but it neither divested nor conferred any title. Its operation and effect were to make all the land, non-resident as well as resident, within the limits defined, subject to the municipal authority of the town of Seabrook, the resident land being already under its jurisdiction. The mere act of incorporation of the inhabitants of a territory confers no title to the land previously granted or ungranted. But if the law was otherwise, the recognition of the claim of South Hampton to the ownership of a portion of the territory by exempting it from taxation is conclusive that the legislature did not undertake or intend to transfer any land title from South Hampton to Seabrook.

It does not appear that Seabrook ever acquired a title to the beach land in controversy.

Judgment for the defendant.

CARPENTER and CHASE, JJ., did not sit: the others concurred.

THE PORTSMOUTH BREWING CO. v. THE PORTSMOUTH BREWING AND BOTTLING CO.

A party who voluntarily engages in business in violation of law cannot avail himself of the aid of a court of equity to protect him in his illegal business by injunction.

BILL IN EQUITY, for an injunction against the use of the defendants' corporate name, and for general relief. The parties are Portsmouth brewers. The plaintiffs organized themselves as a corporation in 1875, under Gen. Sts., c. 138, "for the purpose," as stated in their articles of association, "of manufacturing, brewing, and exporting from the state of New Hampshire, for lawful sale and consumption, beer, ale, and other malt liquors by whatever name called, and for making malt, casks, and barrels, and carrying on all other lawful business connected therewith." The defendants organized themselves as a corporation in 1892, under Pub. Sts., c. 147, "for the purpose," as stated in their articles of association, "of brewing and manufacturing beer, ale, and porter, and for bottling and selling the same and other drinks." The object of the plaintiffs' incorporation was to carry on the business of brewing intoxicating malt liquor, and selling it in this state and elsewhere, in barrels (31 gallons) and half and quarter bar-

rels; and they have been and are engaged in that business. The similarity of the parties' names is a cause of inconvenience and trouble in business done through the mail, and by telephone, express, and otherwise.

Samuel W. Emery, for the plaintiffs.

Calvin Page, for the defendants.

CLARK, J. The plaintiffs ask a court of equity to protect them by injunction, and to aid them in carrying on the business of brewing and selling intoxicating malt liquors in this state and elsewhere—in effect, to assist them in violating the statutes of the state. The owner of property has a right to protection in any legal use or business in which it may be employed, but if he chooses voluntarily to engage in illegal business; he has no legal claim upon the court to aid him in carrying on such business.

Bill dismissed.

DOE, C. J., did not sit: the others concurred.

EMERY, *Adm'r*, v. BOSTON & MAINE RAILROAD.

A violent, unusual, and unexpected movement of a railroad car, after the train has stopped at a station and while passengers are getting ready to leave the car, tends to show negligence on the part of the railroad corporation.

Where a person already ill is injured through the defendant's negligence, additional expenses of the illness, which are caused by the injury complained of, are an element of damages.

CASE, for personal injuries to Hannah E. Emery, deceased since bringing the action, which is prosecuted by her husband and administrator. Verdict for the plaintiff. The plaintiff's evidence tended to prove that Mrs. Emery was in feeble health before the accident; that she took passage in the defendants' cars from Boston to Portsmouth; that after the train had stopped at the Portsmouth station and she had arisen from her seat to go out, the car was suddenly and without notice violently jerked backwards, throwing her upon the back of the seat in front of her and causing the injury complained of; that her death resulted from such injury; that such a violent backward jerk of a train standing still could be caused only by something striking the cars, or by an attempt to back up the train; and that it would not be produced by relaxing the air brakes. The defendants moved for a nonsuit.

67	434
70	602
70	615

67	434
71	332

67	434
74	189