

may award him damages not only for his mental anguish in the disgrace of his daughter, but for his anxiety as to what is to become of her in the future. You may take into consideration his feeling of anxiety as to the effect of that daughter's example upon his other child. You may look to the loss to him and his family of social standing and position by reason of the daughter's disgrace. You may consider his mortification, humiliation, and sense of dishonor. The world, as we know, visits upon the girl or woman more severe condemnation for such acts than it does upon the man. She and her family are more or less slighted and ostracized. To a considerable extent, the hopes and prospects of the family, as well as the girl herself, are blighted. We need not stop to consider whether it is right or wrong for the world and society to deal more leniently with the man than the woman for such offenses against virtue and chastity. There may or may not be reason—sound reason—for such discrimination. The fact exists, and may be taken into consideration by you in estimating the injury which the father has sustained by the seduction of his daughter. So that, in respect to damages, it may be summed up in one general sentence or statement: That, if you find the defendant committed the wrong complained of, you may compensate the plaintiff, up to the limit claimed in his declaration, for all that he, as a father, may have felt and suffered for the wrong and injury he has received in the ruin of his daughter.

Your first duty is to determine the question whether the defendant committed the act charged against him. Upon that branch of the case do not allow your sympathy or prejudice to run away with you; but, when you shall have found that fact, then this court cheerfully leaves to your determination what compensation you shall give to the injured father, and tells you that in awarding damages for his wounded feelings, his mental sufferings, his anxiety, his humiliation, and his sense of dishonor, you may go up to the very limits of the amount claimed by the plaintiff in his declaration.

Now, gentlemen, take the case and consider it. I do not think of anything else to which your attention should be called.

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DIECKERHOFF and others v. ROBERTSON.

(Circuit Court, S. D. New York. August 16, 1887.)

CUSTOMS DUTIES—AMENDMENT OF BILL OF PARTICULARS—SECTION 3012, REV. ST.

A bill of particulars, required by section 3012, Rev. St. U. S., in an action brought against a collector of customs to recover excessive duties, may, under that section, be amended by increasing the amounts of such duties therein claimed, in case of reasonable excuse for a *bona fide* mistake; but the specific cause of error or mistake should be shown, and why the original was not made in proper form.

This action was brought June 20, 1885, against the defendant to recover an alleged excess of duties exacted of plaintiffs by him as collector

of customs. Thereafter the plaintiffs, under section 3012, Rev. St., served a bill of particulars of such duties claimed by them. Subsequently it was determined that the amounts of such duties claimed by them in the case of five importations was less than the real amounts exacted. They thereupon moved the court for permission to amend their bill of particulars by substituting the real amounts for the amounts claimed therein. The affidavit upon which this motion was based set out:

That, in the official adjustment of the items in the bill of particulars in the above action, it has been found that several errors have occurred in said bill of particulars, as will appear in the annexed schedule marked "A," that the figures in column No. 2 are found to be the correct amounts, and should be substituted for those in column No. 1, and the bill of particulars amended accordingly.

## SCHEDULE A.

NAME OF STEAMER.	DATE OF ENTRY.	AMOUNT No. 1.	AMOUNT No. 2.
Oder.....	July 3, 1883	\$ 10 00	\$ 19 00
France.....	July 5, 1883	208 50	345 50
Main.....	July 9, 1883	8 50	13 00
Rhein.....	July 18, 1883	20 00	36 50
Werra.....	July 23, 1883	28 00	41 25

*Edgar Ketchum*, for the motion.

*Stephen A. Walker*, U. S. Atty., and *Thomas Greenwood*, Asst. U. S. Atty., opposed.

LACOMBE, J. This application, which is for leave to amend a bill of particulars in an action to recover excess of duties, may be best answered by quoting the decision of Judge BROWN in *Levi v. Robertson*, (filed August 5, 1887.)

"Under section 3012, an amendment of bill of particulars may, I think, be made as in any other case of reasonable excuse for a *bona fide* mistake. But the specific cause of error or mistake should be shown, and why the original was not made in proper form. The within affidavit is insufficient. If allowed, it would in effect abolish section 3012 in part."

The affidavit on which this motion is made is also insufficient. Motion denied, without prejudice to a similar motion on additional affidavits.

*In-re CUMMINGS, etc.*

(Circuit Court, S. D. New York. August 18, 1887.)

## 1. IMMIGRATION—UNDER CONTRACT TO LABOR—SCOPE OF ACTS.

The act of congress of February 26, 1885, and the amendment thereto of February 23, 1887, clearly prohibit the immigration of aliens under a contract to labor in the United States, and an immigrant under such a contract may be prevented from landing. The claim that only the persons soliciting or encouraging the immigration are affected by the acts cannot be sustained.

## 2. SAME—EXCEPTION OF PERSONAL AND DOMESTIC SERVANTS—FARM LABORER.

An immigrant arriving in this country, under a contract to labor on a dairy farm, the product of which, or a part thereof, forms an article of merchandise that competes with others in a similar business, and whose passage here has been paid by the agent of the employer, is not within the exception under the act of congress of 1885, § 5, which provides that the prohibition therein contained shall not apply to persons employed strictly as personal or domestic servants, etc.

## 3. SAME—EFFECT OF COLLECTOR'S DECISION—SECOND HEARING.

The decision of the collector upon the *status* of an immigrant whose right to land in the United States is challenged on the ground that he is under a contract to labor, is conclusive, and not open to review in the courts on *habeas corpus*, if there was competent evidence before the collector on which to exercise his judgment; and, if *habeas corpus* proceedings are resorted to, and facts not previously placed before the collector are therein disclosed, the whole case may afterwards be again presented to the collector.

Writ of *Habeas Corpus*.

*Harrington Putnam*, for Cummings.

*Stephen A. Walker*, U. S. Atty., and *Abram J. Rose*, Asst. U. S. Atty., for the collector.

LACOMBE, J. The relator, Matthew Cummings, is an alien, and arrived here on the steam-ship *Anchoria*. Before sailing, a contract was made through one Latta, on behalf of W. A. Sudduth, a lawyer of Flemingsburgh, Kentucky, that Cummings was to labor for him in Kentucky as farm servant or dairyman, and the passage money of Cummings and his family was paid by Latta. As dairyman, the relator would have charge of a herd of 25 Jerseys. The collector, upon the facts before him, has determined that Cummings was prohibited from landing, under the acts of congress of February 26, 1885, and February 23, 1887. Under stipulation, the immediate return of Cummings was delayed in order to allow of the presentation of additional facts as to the character of service he was to render, which facts have been obtained by interrogatories to his employer in Kentucky.

In behalf of the relator it is contended:

1. That the act contains no punishment against the immigrant; that no person other than those soliciting and encouraging the immigration are within the prohibition of the act; and that, therefore, the amendatory act of 1887, which directs that the immigrants shall be sent back to the nations from which they came, provides a penalty for one who has committed no offense, and is therefore void. The acts are inartificially drawn, but, interpreted together, they plainly indicate an intention on