

dence on which the jury could find that such point was within the right of way, the learned judge would not have been justified in charging to that effect.

The jury, after answering several of certain specific questions gave a general verdict of \$18,000 in objection to which s. 239 of the Dominion Railway Act was set up on appeal.

*Held*, that, there being a finding that the defendant company left inflammable material on their right of way, the section could not be invoked, as the limit only applies where there is no negligence. Appeal dismissed, MARTIN, J., dissentiente.

*MacNeill*, K.C., for defendants, appellants. *J. A. Macdonald*, K.C. and *Hamilton*, K.C., for respondents.

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### Bench and Bar.

Hon. Arthur Drysdale of the City of Halifax, K.C., to be a puisnè judge of the Supreme Court of Nova Scotia in the room and stead of Hon. D. C. Fraser, appointed Lieutenant-Governor of that Province. (Mar. 13, 1907).

Alexander George Cross of the City of Montreal, Esq., to be a puisnè judge of the Court of the King's Bench for the Province of Quebec in the room and stead of Hon. Robert Newton Hall resigned. (Mar. 11, 1907).

Ronald D. Gunn, of the Town of Orillia, in the Province of Ontario, barrister-at-law, to be Junior Judge of the Court Court of the County of Carleton, in the room and stead of His Honour John Joseph O'Meara, deceased. (Mar. 15, 1907.)

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### Flotsam and Jetsam.

In an Irish Court recently an old man was called into the witness box, and being infirm and just a little blind he went too far in more than one sense. Instead of going up the stairs that led to the box he mounted those that led to the Bench. Said the judge good-humouredly: "Is it a judge you want to be, my good man?" "Ah, sure, your Honour," was the reply. "I'm an ould man now, and mebbe it's all I'm fit for." The judge had no ready retort.—Tit-bits.