

FLOTSAM AND JETSAM.

marriage is legitimate"—a statement, says the *Law Journal*, "not so much startling in itself, as in the inference from it that children born ten months after marriage are illegitimate."

The following important judgment has recently been given by the Supreme Court of the United States, in the case of *The New York Central and Hudson River Railroad Company, v. Fraoloff*.

It is competent for passenger carriers, by specific regulations, distinctly brought to the knowledge of the passenger, which are reasonable, and not inconsistent with any statute or its duties to the public, to protect itself against liability, as insurer, for baggage exceeding a fixed amount in value, except upon additional compensation proportioned to the risk.

As a condition precedent to any contract for the transportation of baggage, the carrier may require information from the passenger as to its value, and demand extra compensation for any excess beyond that which the passenger may reasonably demand to be transported as baggage under the contract to carry the person.

The carrier may be discharged from liability for the full value of the passenger's baggage, if the latter, by any device or artifice, puts off inquiry as to such value, whereby is imposed upon the carrier responsibility beyond what it is bound to assume in consideration of the ordinary fare charged for the transportation of the person.

In absence of legislation, or special regulations by the carrier, or of conduct by the passenger misleading the carrier as to value of baggage, the failure of the passenger, unasked, to disclose the value of his baggage is not, in itself, a fraud upon the carrier.

To the extent that articles carried by a passenger for his personal use when travelling exceed in quantity and value such as are ordinarily or usually carried by passengers of like station and pursuing like journeys, they are not baggage for which the carrier, by general law, is responsible as insurer.

Whether a passenger has carried such an excess of baggage is not a pure question of law for the sole or final determination of the court, but a question of fact for the jury, under proper guidance as to the law of the case, and its determination of the facts—no error of law appearing—is not subject to re-examination in this court.

OBITUARY.

The Right Hon. Sir William Erle, formerly Chief Justice of the Court of Common Pleas, died

on Wednesday, the 28th ult., after a few days' illness, at his residence, Bramshott Grange, near Liphook, Hampshire. Having long outlived his successor, Sir William Bovill, he has passed away at the age of eighty-seven, having thus come near to the longevity of such lawyers as Lord Brougham, Lord Lyndhurst, and Lord St. Leonards. Sir William Erle was born in the year 1793, and was the third son of the late Rev. Christopher Erle, of Gillingham, Dorsetshire, by Margaret, daughter of Mr. Thomas Bowles, of Shaftesbury, in the same county, a relative of the late eminent poet, the Rev. William Lisle Bowles. He was educated at Winchester College, from which he passed with a fellowship to New College, Oxford, where he graduated in due course, but not in honours, being a member of a college at that time privileged. He took his degree of Bachelor of Civil Law in 1818, and in the following year was called to the bar at the Middle Temple, and joined the Western Circuit, on which he rose to distinction. He obtained a silk gown from Lord Brougham in 1834, and at the general election of 1837 he entered the House of Commons as one of the members for the City of Oxford, having succeeded, after a severe contest, to the seat formerly held by Mr. Hughes-Hughes. He did not, however, hold a seat for Oxford beyond one Parliament, for in 1841 he declined to seek re-election. In 1845 he was promoted—not by his own party, but by Lord Lyndhurst—to a pusine judgeship of the Court of Common Pleas, in the room of Mr. Justice Maule. In the following year he was transferred to the Court of Queen's Bench, on which he held a seat down to 1859, when the promotion of Sir Alexander Cockburn placed at the disposal of the Ministry the chief judgeship of the Common Pleas. In both Courts he gained a reputation of a very high class, and will be remembered as a sound lawyer and able expositor of the law, as well as an acute, painstaking and conscientious judge. Since his retirement from the bench, which took place in 1866, Sir William Erle has lived the life of a country gentleman and a resident landlord on his estate at Bramshott, in the picturesque neighbourhood of Liphook and Haslemere. Here he was foremost in good and charitable works, subscribing largely to the erection of churches, schools, and parsonages. Sir William Erle received the honour of knighthood on his elevation to the bench. He was sworn a Privy Councillor in 1859. He married, in 1834, Amelia, daughter of the late Rev. Dr. Williams, Warden of New College, Oxford.