

## RECENT U. S. DECISIONS.

*Carrier—Negligence—Passenger leaving moving train.*—One who passed out of a railway car, and got upon the platform thereof and attempted to step or jump from the car while it was in motion, cannot recover for injuries suffered in consequence thereof, even though he had reached his place of destination, and the train, which had previously stopped to permit passengers to alight, had not so stopped for a reasonable length of time. In *Railroad Co v. Aspell*, 23 Penn. St. 147, it was held that "a passenger who had been negligently carried beyond a station where he intended to stop, and where he had a right to be let off, may recover compensation for the inconvenience, loss of time, and labor of travelling back; but where the plaintiff, under such circumstances, jumped off the car when in motion, though warned not to do so, it was held that he could not recover for the injury sustained." In *Gavett v. Railway*, 16 Gray, 501, it was held that "a passenger in a railroad car who, knowing that the train is in motion, goes out of the car and steps upon the platform of the station while the train is still in motion, is so wanting in ordinary care as not to be entitled to maintain an action against the railroad corporation for an injury therefrom." In *Hickey v. Railway Co.*, 14 Allen, 429, it was held that, "a traveller by railroad cannot maintain an action against a railroad company to recover damages for personal injury, sustained by him in consequence of his voluntarily and unnecessarily standing upon the platform of a passenger car while the train is in motion. See also *Nichols v. Railway Co.*, 106 Mass. 463; *Harvey v. Railway Co.*, 116 id. 269; *Illinois C. & R. Co. v. Able*, 59 Ill. 131; *Ohio & M. R. Co. v. Schiebe*, 44 id. 460; *Burrows v. Railway Co.*, 63 N. Y. 556; *Morrison v. Railway Co.*, 56 id. 302; *Canada R. Co. v. Randolph*, 53 Ill. 510; *Illinois C. R. Co. v. Slatton*, 54 id. 133; *Ohio & M. Railway Co. v. Stratton*, 78 id. 88; *Chicago & N.W.R. Co. v. Seates*, 98 id. 586. In *Secor v. Railway Co.* 10 Fed. Rep. 15, a passenger, on a train that had approached a station and was still moving slowly, stood on the lower step of a car, in the act of stepping to the platform of the station, when, in consequence of the car being moved forward with a jerk he was thrown upon the platform and injured, and *Drummond, O. J.* held that he was guilty of contributory negligence in attempting to alight from the train while it was in motion." *Bon v. Railway Co.*, 10 N.W.Rep. (Iowa), 225; *Lake Shore & M.S.R. Co. v. Bangs*, 11 N.W.Rep. (Mich.) 276. *Jewell v. Chicago, St. Paul & Minnesota Railway Co.* (Supreme Court of Wisconsin) 54 Wisconsin Reports.

## GENERAL NOTES.

Mr. R. J. Wicksteed, LL.D., a graduate of McGill University, has offered a medal yearly for the next five years, for the encouragement of physical culture, to be competed for by the graduating class of the University.

THE EARLDOM OF EGLINTON.—A late British journal has the following: "Yesterday, in the Court of Chancery, Edinburgh, the Sheriff (Professor Muirhead) heard a petition by William Stephen John Fulton, designated as late of Her Majesty's 8th Hussars, and residing at 2, Salisbury-square, Edinburgh, claiming the earldom of Eglinton. The petitioner states that he is the great grandson of James Fulton, or Fultoun, the immediate younger brother of the eleventh earl, who, however, died prior to the eleventh earl, leaving a son (the petitioner's grandfather), who, when the succession opened to him by the death of his uncle, the eleventh earl, was a prisoner of war and could not claim. He maintains that while the present holder of the title does so through the female line, he claims as male heir, and that females are excluded under the deeds. Sheriff Muirhead found relevant a plea by the Earl of Eglinton that he is entitled to appear to oppose the petition, and appointed him to lodge documents to substantiate his plea in 14 days."

ST. FRANCIS DISTRICT.—The following address was presented to Mr. Justice Brooks, on his taking his seat at Sherbrooke, on the 10th inst., by Mr. Wm. White, *Bâtonnier-Général* and *Bâtonnier* of the District, on behalf of the St. Francis bar:—

"Your late  *confrères* of the St. Francis bar beg to tender their congratulations on your Honor's elevation to the Bench of the Superior Court, and to express the pleasure they feel that your long career of usefulness at the bar has been rewarded by the well-deserved promotion to the high and responsible office you have been called upon to fill.

"They are proud to regard the appointment as a just recognition of a reputation earned by a member of their section through an ability and industry which they will cherish as an example in the discharge of their own obligations to the public and the profession.

"It will not diminish your appreciation of the honor to know that your appointment has been hailed by them with unalloyed satisfaction; and that, in continuing the practice of the legal profession under your presidency, they enter upon their new relation towards you with no feelings other than those founded on a recollection of former friendly intercourse, a high estimation of your legal attainments, and a profound respect for the important functions now committed to your charge.

"Fully realizing that in the pursuit of their avocation they will always receive at your hands that degree of consideration springing from an intimate experience of its difficulties and anxieties, it will be to them a privilege to exert every influence in their power tending to lessen the labors and cares inseparable from the fulfilment of the duties of an impartial judge.

"With their sincere congratulations they heartily wish your Honor a long and enjoyable term of office."