

judgments remarkable for the accuracy of their law and the elegance of their diction. No judge has delivered so many brilliant judgments at so early an age. To read them is to learn how closely it is possible to join legal erudition and literary grace. He was equally at ease in hearing common law appeals with Lord Esher, and determining Chancery appeals with Lord Justice Lindley; in whichever branch of the Court of Appeal he sat, his judgments were marked by the same depth of learning, the same knowledge of the evolution of the law, the same lucidity and felicity of phrase.

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ELECTRIC CARS — DUTY OF MOTORMEN — FRIGHTENING HORSES.—In *Ellis v. Boston & L. R. Co.*, 35 N.E. Rep. 1127, decided by the Supreme Judicial Court of Massachusetts, it was held that where a motorman, while operating a street car and sounding the gong, sees that the car and noise are frightening a horse, and thereby endangering the driver, it is his duty to do what he reasonably can to diminish the fright of the horse, and that the failure of the motorman to notice the frightened condition of the horse, if he might have perceived it by the exercise of reasonable care, is negligence. The court said in part:

Although there was some conflict of evidence in this case, the jury may have found that the plaintiff, having no reason to think it unsafe so to do, drove down a street in the city of Lynn on which was an electric railway, and there met one of the defendant's open electric cars, filled with passengers, on which the motorman was continually sounding the gong; that the horse was frightened at the car, and at the noise of the motor, and of the gong, and manifested his fear in such a way as to show the motorman that the plaintiff and his daughter, who was riding with him, were in great peril, and that the motorman, instead of stopping the car, or ceasing to sound the gong, kept on with the car, and continued to make a loud clangor with the gong, so that the horse became unmanageable, broke the carriage, threw the plaintiff out, and thereby inflicted serious injuries upon him.

The defendant's requests for rulings go upon the theory that the manager of an electric railway car upon a street is never called upon to stop the car, or to change his method of managing it, to avoid any danger from the fright of horses other than the