

THE LATE LORD HATHERLEY—CURIOUS CASES OF NEGLIGENCE.

were delivered extemporaneously, without prepared notes—a practice in which he was justified by the consciousness that so much writing was injurious to his health. In addition to his labours as a regular judge and on legal commissions, he was selected by Lord Chancellor Cranworth to act with Lord Wensleydale and Sir Lawrence Peel as arbitrators between Her Majesty and the late King of Hanover with reference to the Crown jewels claimed by the King. The four volumes of "Kay and Johnston's Reports," from 1855 to 1859, are devoted to his decisions. He became Lord Justice of Appeal on March 5, 1868; and it was a mark of the respect in which he was held that, on this occasion, Lord Justice Selwyn, whose appointment was of earlier date, gracefully gave up to him the seniority, in deference to his long services and experience. He was, however, to take precedence in the Court of Appeal in Chancery by a still higher title. Before the end of the year Mr. Gladstone was Prime Minister, and Sir W. Page Wood became his Lord Chancellor, being raised to the peerage by the title of Baron Hatherley, of Down Hatherley. He held this high office for four years, but retired in 1872, owing to increasing failure in eyesight, and was succeeded by Lord Selborne.

In the career of his nephew, Sir Evelyn Wood, Lord Hatherley took the greatest interest. The meeting of Sir Evelyn with his white-haired uncle was one of the most affecting scenes on the general's return from the Cape after the crushing of the Zulu rebellion; and in the recent operations in the Transvaal, when the news of Sir George Colley's defeat and death reached this country, the old lord was heard to utter his nephew's name in the night, [as if he dreamt that Sir Evelyn also was meeting with disaster. Another occupation of Lord Hatherley's age was in his charities, which were manifold and generous. He had been some days prostrated by illness; and on Sunday, 10th inst., he died at his house in Great George Street, in his eightieth year.

As a judge, Lord Hatherley was greater as a Vice-Chancellor than as Lord Justice and Lord Chancellor. His patience, care, and acuteness were invaluable in the decision of the cases which came before him. But Lord Hatherley can hardly be said to have left a mark on the jurisprudence of his country. He was sound and just in his decisions; but he was without any great originality of

thought or expression. The form of his judgments is much against their permanence. They were almost always orally delivered, and not compressed and strengthened by being written, and they were always diffuse and frequently obscure. As a man he is an example of the class, fortunately common at the present day, who do more than volumes of argument to disprove the vulgar belief that the study and practice of the law have any prejudicial effect on morality and religion.—*Law Journal.*

CURIOUS CASES OF NEGLIGENCE.

Several recent cases of negligence seem to deserve a place among the humorous phases of the law. In *Camden and Philadelphia Steam Ferry Company v. Monaghan*, Pennsylvania Supreme Court, February 24, 1881, 10 W. N. C. 47, the plaintiff was a passenger by the defendant's ferry-boat from Camden to Philadelphia. As the boat approached the wharf she arose from her seat, along with the other passengers, and at the moment of the collision she was standing inside the cabin. The boat struck the bridge with such force as to throw the plaintiff down and produce the injury complained of. The court said: "Of course, it is true that if she had remained in her seat she would not have been injured, but it does not necessarily follow that her act of leaving her seat was contributory negligence. Had she occupied a manifest place of danger, as for instance, a position very near to the end of the boat where there was no railing, and been precipitated into the water by the shock of the collision, the contention of the defendant would be much more appropriate, and would, perhaps, be conclusive against her. But the position she was in at the moment of the accident was not one of apparent danger at all * * * It is the uniform habit of persons riding on steamboats to be upon their feet at will while the boat is in motion, and especially as it approaches the landing. It is one of the most comfortable and satisfactory features of steamboat travel that passengers are at liberty to move about from place to place on the vessel while it is in motion." Inasmuch as seats are usually provided for less than half the passengers, the argument