

respectively or may hereafter respectively become members, next after the following persons, namely :

1. Those members of such Bar who, prior to the 1st of July, 1867, received appointments as Her Majesty's Counsel learned in the law.

2. Those members of such Bar who, since the 1st July, 1867, were appointed as Her Majesty's Counsel learned in the law under the Great Seal of the Dominion of Canada.

3. Those members of such Bar, if any, who may lawfully be entitled to rank in precedence over the respective gentlemen above appointed.

GENERAL NOTES.

THE LATE CHIEF BARON KELLY.—The *Solicitors' Journal* says: "In respect to longevity, Sir Fitzroy Kelly kept up the traditions of his office. Only nine appointments of Chief Baron have been made during the last ninety years. Sir William Alexander was appointed at the age of sixty-three, resigned at seventy, and died at eighty-one. Lord Lyndhurst, who occupied the post in the interval between his first and second Chancellorships, attained the age of ninety-two. Lord Abinger was appointed at sixty-five and died at seventy-five. Sir Frederick Pollock was appointed at sixty-one, resigned at eighty-three and died at eighty-seven; and Sir Fitzroy Kelly was appointed at seventy and died at eighty-four. The title of Chief Baron appears to have been first used during the reign of Edward II."

The *London Times* says: "As a judge, the Lord Chief Baron showed the soundness for legal knowledge for which his career was a guaranty. His courtesy to those who appeared before him was unexceptionable. But he was a very slow judge. who asked numberless questions about comparatively unimportant dates and facts; and while the matter of his decisions was seldom impeached, his Division got through less work than any other, and was less popular than any with suitors. He had some difficulty in hearing counsel, and more in making himself heard. His defects as a judge, indeed, were largely physical defects, due to the infirmities of age. His mind remained clear and his determination unshaken almost to the very end, and one of his acts a day or two before his death was to write a long letter of advice to a

learned colleague. He was a bounteous dispenser of hospitality, very fond of society, a great converser, a warm friend and a bitter enemy. It is possible that with him the title of Lord Chief Baron may perish, for under the new judicature act the Queen has power, by recommendation of a council of judges, to abolish the title on the post becoming vacant."

An action for assault and battery decided last month in the Supreme Civil Court at Boston, involved a question of some moment as to the rights of railroad passengers. The material point of the case was to determine whether a corporation, having agreed to carry a passenger over a through route at a reduced rate, less than that asked for transport to some intermediate station, has a right to prevent the passenger from stopping at that station until he has paid additional fare. The decision of the court holds that the company has no such right. The plaintiff bought an ordinary limited ticket over the Old Colony line, from Boston to New York, for \$1. Arriving at Newport, to which place the regular fare is \$1.60, he started to go ashore, when he was stopped by an officer of the company and not allowed to leave the boat until he had paid the sixty cents difference in fare. He acceded to the demand, and then brought the above action. According to the decision, it seems that a railroad or steamboat company cannot lawfully prevent a passenger from leaving the cars or boat at any station when a regular stop is made for the exchange of passengers. The company may demand the difference in fare between local and through rate, and, if payment is refused, recover the same in a civil action, but have no other remedy.—*The Central Law Journal*.

REMOVAL OF NATURAL BARRIER.—By reason of the Royal prerogative there is a correlative duty, though of imperfect obligation, to defend the realm against the encroachments of the sea. Therefore a subject cannot have a right to remove shingle from a foreshore so as to endanger a natural barrier against the sea. Any person who willfully removes a natural barrier so as to damage his neighbor, is guilty of a nuisance which gives a right of action to the person who suffers from it.—*Atty.-Gen. v. Tomline*, 42 *Law Times*, 880.