

called to the Bar in Hilary Term, 1876, taking silk in 1888. Upon Sir Francis Jeune's promotion to the Presidency of the Probate Division, caused by the death of Sir Charles Butt, Mr. Barnes was in 1892 raised to the Bench, and upon the death of Sir Francis Jeune, in 1905, he became president of the Probate Division, from time to time sitting in the Court of Appeal. In 1909 he was raised to the peerage as Baron Gorell of Brampton. He presided over the committee which considered the Naval Prize Bill and over the committee on County Court Procedure and the Divorce Royal Commission, and in 1909 he was an active member of the Committee on Stage Plays. He is succeeded by the Hon. Henry Gorell Barnes.—*Law Times*.

### Flotsam and Jetsam

NEGLIGENCE—INNKEEPER—DUTY TO INTOXICATED GUEST.—An intoxicated guest fell from a hotel porch and subsequently died of exposure. The innkeeper, who, after discovering his situation, but not his injury, allowed him to remain there, was held not liable, the act being mere nonfeasance. *Scholl v. Belcher*, 127 Pac. Rep. 968 (Ore., 1912).

It is the duty of an innkeeper to take reasonable care of his guests. *Scott v. Churchill*, 15 Misc. 80 (N. Y., 1895); *Sandys v. Florence*, 47 L.J.C.P. 598 (1878); *West v. Thomas*, 97 Ala. 622 (1892); *Omaha Hotel Ass. v. Walters*, 23 Neb. 280 (1888). He is not, however, an insurer. *Weeks v. McNulty*, 101 Tenn. 495 (1898); *Clancy v. Barker*, 131 Fed. 161 (1904); *Sheffer v. Willoughby*, 163 Ill. 518 (1896). So if a defect in the premises is obvious the guest must use reasonable care. *Smeed v. Morehead*, 70 Miss. 690 (1893); *Bremer v. Pleiss*, 121 Wis. 61 (1904); *Ten Broek v. Wells*, 47 Fed. 690 (1891).

Drunkenness does not relieve a man from the same degree of care required of a sober man. *Fisher v. R. R.*, 39 W. Va. 366 (1894); *Welty v. R. R.*, 105 Ind. 55 (1885); *Rollestone v. Cassirer*, 3 Ga. App. 161 (1907); *Keeshan v. Elgin Tract Co.*, 229 Ill. 533 (1907). A carrier is not bound to care for a drunken passenger. *Statham v. R. R.*, 42 Miss. 607 (1869); *R. R. v. Woodward*, 41 Md. 268 (1874). But is bound to do nothing which, in view of his helpless condition will expose him to unnecessary danger. *Weber v. R. R.*, 33 Kan. 543 (1885); *Wheeler v. R. R.*, 70 N.H. 607 (1900); *Black v. R. R.*, 193 Mass. 448 (1906); *R. R. v. Marrs*, 119 Ky. 954 (1905).