

court was entitled to the like privilege as a judge of an English Court of Record—to immunity from liability to an action for anything done by him in his judicial capacity; and that a judge has power to summarily dismiss an action which he believes to be frivolous and vexatious. Their lordships fully adopt the principle laid down by the House of Lords in *Lawrance v. Norreys*, 15 App. Cas. 210, as to the power of a court summarily to dismiss frivolous actions. And even where a judge has acted dishonestly, their lordships express the opinion that the remedy against him is not by action, but by representations to the authorities, whose duty it is to see that justice is properly administered. Their lordships expressed regret that the judge in this case did not permit evidence to be adduced; but they nevertheless reversed the decision of the colonial court and dismissed the action with costs.

The Law Reports for April comprise (1892) 1 Q.B., pp. 385-570; (1892) P., pp. 93-110; and (1892) 1 Ch., pp. 321-458.

RAILWAY COMPANY—NEGLIGENCE—DUTY TO PASSENGER—ASSAULT BY FELLOW PASSENGER, LIABILITY OF RAILWAY COMPANY FOR.

*Pounder v. North-Eastern Railway Co.* (1892), 1 Q.B. 385, was an action seeking to make the defendant railway company liable for damages in consequence of injuries inflicted by fellow passengers on the plaintiff while travelling on the defendants' railway. It appeared that the plaintiff had been concerned in the eviction of a number of pitmen, and had incurred the ill-will of this class of men in the neighborhood in which he was travelling, but that when he took his ticket the defendants' servants had no notice that he was exposed to any more danger than one of the ordinary travelling public; but before the train started he was threatened, in the hearing of defendants' servants, with violence by a number of pitmen at the station, and, in order to escape attack, he got into the guard's van, but was removed therefrom and placed in a third-class carriage by the defendants' servants, who at this time knew that he feared violence from the pitmen. Into the carriage in which the plaintiff was put a number of pitmen crowded, and the defendants' servants, though applied to, did nothing to get the pitmen out, or to get the plaintiff a seat in another carriage. During the journey to the next station the pitmen assaulted and injured the plaintiff, and at that station the pitmen got out and other pitmen got in and repeated the assaults upon him; and this happened at each station at which the train stopped, and at each station the plaintiff complained to the guard, but nothing was done for his protection. The County Court judge who tried the case held the defendants liable and assessed the damages at £5, but on appeal the court (A. L. Smith and Mathew, JJ.) reversed the decision and held that there was no evidence of any breach by the defendants of any duty arising out of the contract of carriage and that they were not liable. Mathew, J., says, at p. 390: "The railway company are bound to take reasonable care for the safety of their passengers. The controversy was as to how that reasonable care was to be measured, and I am clearly of opinion that it can only be ascertained by refer-