

FLOTSAM AND JETSAM.

statement of a witness to an event, which afterwards results in legal proceedings, such statement being taken down during the progress of such proceedings. It will, no doubt, be something new to this scandalized jurymen to learn that nine-tenths of the witnesses in courts of justice have, before giving evidence, attended at a solicitor's office, for the purpose of a full note being taken of the evidence they intend to give. And there is something to be said for the witness to whom this jurymen referred, for it is an iniquitous thing to impute to a witness giving evidence upon oath, that because he has been seen to come out of a solicitor's office, such a circumstance tends to discredit his evidence. Really so much unbecoming fuss is sometimes made of jurymen, that if when exercising a little brief authority, they have an exaggerated notion of their functions as jurymen, it is not to be wondered at.

A lawyer writes to the *Law Times* as follows concerning conveyancing and English Grammar: "During the said term." I believe this phrase is not understood by everybody, and certainly not by the editors of "Woodfall's Landlord and Tenant," who have conceived some grim-griber in its place, namely, these phrases, "during the continuance of the said term," and "during the continuance of this demise." The former phrase is found in the eleventh edition and the latter in the third edition of Woodfall. Will you, on behalf of good English writing, allow me to correct these gentlemen and all others who have erred through them, and so prevent in some measure these disgraceful phrases finding a place in every well-drawn lease. The word "during" is a verb (called by grammarians an adverb), and the same verb as "enduring;" but placed at the beginning of the sentence it is scarcely recognised as a verb. "The said term enduring," "the said term during," "enduring the said term" and during the said term," all mean the same, and the last phrase is a beauty in the English language, because it is so rare. Of course it might be translated into Latin by the ablative absolute. The following is Messrs. Leyly & Co.'s blunder:—"Enduring the continuance of the said term." They will be surprised to hear that these phrases, "during the continuance of the said term" and "continuing the continuance of the said term," mean exactly the same thing, and that the former is a new-fangled arrangement of the wanton verbosity so dearly loved by the old school of conveyancers. Mr. Prideaux has always been content with the right phrase. The verb

dure is common enough in Chaucer, and in *Man of Lawestale* are these lines:—

And al his lust, and al his busy cure,
Was for to love her while his life may dure.

Of the verb "to dure" the present participle is the only remnant in use, and Messrs. Leyly & Co. are almost guilty of a sort of sacrilege in trying to push it out of use and placing it under a bushel of words.

Logan E. Bleckley, one of the associate justices of the Supreme Court of Georgia, resigned his seat on the bench on the 2nd inst. "In many respects," writes our regular Georgian correspondent, "he was the most extraordinary judge that ever sat upon the Supreme Bench in our State. His decisions evince great learning and research, and are clothed with a quaintness of phraseology which has made them favourite sources of quotation everywhere. He was born in the mountains of North Georgia, and still retains about his appearance something of the backwoodsman; but he is a true poet and a profound metaphysician as well as a great lawyer. In the language of Hallam, he 'scatters the flowers of polite literature over the thorny breaks of jurisprudence.' On the morning he delivered his last decision on retiring from the bench, he read the following lines. It may be added that in his letter to the Governor, Judge Bleckley based his resignation upon the ground (dictated by genuine modesty) of inability to discharge the duties of the office satisfactorily to himself, and of his failing health under the stress of the labours imposed by his position." The following are the lines referred to:

In the Matter of Rest.

BLECKLEY, J.

1. Rest for hand and brow and breast,
For fingers, heart and brain!
Rest and peace! a long release
From labour and from pain;
Pain of doubt, fatigue, despair—
Pain of darkness everywhere,
And seeking light in vain!

2. Peace and rest! Are they the best
For mortals here below?
Is soft repose from work and woes
A bliss for men to know?
Bliss of time is bliss of toil;
No bliss but this, from sun and soil,
Does God permit to grow.

They were ordered to be spread upon the minutes of the court.—*Central Law Journal.*