

FLOTSAM AND JETSAM.

this to show that when men attempt to give reasons for common recoveries they run into absurdities, and the whole of what they say is unintelligible jargon and learned nonsense." *Martin v. Strachan*, 1 Wils. 73.

In a recent volume of "Reports of Cases Argued and Determined in the Court of Appeals of the State of New York," is this marginal note, and this only: "Judgment affirmed of course." *Lyman v. Wilber*, 3 Keys, 427.

In an action for scandalous words spoken of a justice of the peace, the Court observed: "There is not much difficulty in this case, but there is no end of citing and answering cases. The plaintiff here is said to be a justice, yet no special damage is laid in the case; the office of justice of the peace is not so considerable but that many people choose to decline it."—*Palmer v. Edwards*, Cooke, 242, 3d ed.

By the Court. "You cannot charge your attorney without leave of Court, to be obtained on motion, though he be ever so great a cheat."—7 Mod. 50.

By Holt, Chief Justice.—"If we see one against whom there is a judgment of this Court walk in Westminster Hall, we may send our officer to take him up, if the plaintiff desire it, without a writ of execution."—7 Mod. 52.

Mr. Justice Putman, in considering the subject of the conclusiveness of judgments, remarked, that if the principle were otherwise, "the law would become a game of frauds, in which the greatest rogue would become the most successful player."—*M' Rae v. Mattoon*, 13 Pick. 58.

Memorandum.—1 Mod. 9.—Seventeen sergeants being made the 14th day of November, a day or two after Sergeant Powis, the junior of them all, coming to the King's Bench bar, Lord Chief Justice Kelyng told him that he had something to say to him, viz.: that the rings which he and the rest of the sergeants had given weighed but eighteen shillings apiece; whereas Fortescue, in his book *De Laudibus Legum Angliæ*, says—"The rings given to the Chief Justices and to the Chief Baron ought to weigh twenty shillings apiece;" and that he spoke not this expecting a recompense, but that it might not be drawn into a precedent, and that the young gentlemen there might take notice of it.

A novel question was presented in *Williams v. Firemen's Fund Insurance Co.*, 54 N. Y., 569. The action was on a fire policy, containing a prohibition against storing petroleum, etc., on the premises. The defendant claimed an infraction of this provision. It seemed that the plaintiff, who had been in the army during the late war, had received a gunshot wound resulting in a cutaneous disorder, which he treated by an application of crude petroleum oil to the surface of his body, and for that purpose he kept crude petroleum in a jug on a shelf in his room, and had some quarts of it in the building at the time of the fire. It was not pretended that the fire proceeded from or was aided by this material. The court held that this was not a "storing" within the meaning of the policy. Commissioner Reynolds suggested that even if the plaintiff had taken a quantity of the oil internally it would not have amounted to a "storing" on the premises. We are very glad this is so settled. Any other decision would have been an ungenerous requital for the sufferings of the plaintiff in the cause of his country, and would operate to retard enlistments in the event of another unholy rebellion. Let it once be adjudged that a man must not only bleed but itch for his country, unallayed by emollients of an inflammable nature, or run the risk of having his property destroyed by fire without the power of enforcing his insurance, and our liberties are no longer secure.—*A. L. J.*

The Statute of Merton, so called because the Parliament or Council sat at the Priory of Merton in Surrey, was passed in the twentieth year of the reign of Henry III., A.D. 1236. It is a remarkable fact that women were summoned to this Council: *Omnes uxores comitum et baronum qui in bello occisi fuerunt, vel captivorum*. Gales, *Annales Waverleienes*. Spilsbury's Lincoln's Inn and Library, pp. 200, 201.

In an action for words spoken of the plaintiff, viz.: "She's a whore, a common whore, and N.'s whore," all the Court were of the opinion that these words are not actionable, *being only scolding*.—*Osborne v. Wright*, 2 Mod. 296.

The *Albany Law Journal* makes mention of a statute of New York, which allowed deductions of a certain number of days to be made, on account of good behaviour, from the term of imprisonment of convicts, with a proviso that the statute should not apply to any person sentenced *or the term of his natural life*.