ences tell with greater power than when brought to bear upon the anxiety of parents for the safety of their offspring.

It is further objected to this indictment that it does not in its conclusion fulfil the requirements of a common law indictment.

In the case of *Graffen* v. *Commonwealth*, 3 Penna. R. 502, an indictment was quashed, because, it being a common law proceeding, it did not conclude to the common nuisance of the citizens of the Commodwealth of Pennsylvania. All the precedents to be found in Wharton, for maintaining that which constitutes a nuisance at common law, conclude as above set forth, or with the addition, then and there being or residing; or in the case of a nuisance upon the highway, passing over and along the same.

This indictment concludes to the great terror and alarm and common nuisance of all the good people of the said Commonwealth inhabiting and residing in the said city of Philadelphia; this, with the formal ending as against the peace and dignity, etc., would have been in strict conformity with established precedent, but there has been added the words, to the discomfort and disquiet of divers good citizens of this Commonwealth having infant children under their care, etc.—this, it is argued, vitiates the indictment.

We do not so regard it, and think it ought to be treated as mere surplusage. It is true it is stating that which is altogether unnecessary, for the conclusion was perfect without it, and it is only adding that which is included in the formal and strictly technical language which preceded it.

To charge that terror and alarm had been created to the common nuisance of all, is in no degree altered or varied in its strict legal effect by the uncalled for assertion that this terror and alarm has caused discomfort and disgust to divers citizens. Divers, according to Webster, means several, but not a great number.

The effect of terror and alarm is to cause disquiet and comfort, and this, it had already been pleaded, the defendant had occasioned to all the citizens Why then say that he had caused it to several or to more than one? But we think it ought to be treated as useless verbiage only, as marring somewhat the symmetry of the indictment, but not as so vitiating it that the court could not sustain a judgment on it in its present form.

The motion to quash is overruled.—*Legal Intelligencer, Dec.* 29, 1865.

CORRESPONDENCE.

Transcript of Judgments from one Division Court to another.

To the Editors of the Local Courts' Gazette.

Gentlemen,—I am glad to find that my communication in the December No. of the *Gazette* has called forth a response from two of your correspondents, inasmuch as discussion must lead to the correction of erroneous views on the subject discussed.

Permit me to offer some remarks in reply, and, first, as to "M." The statute, as I understand it, clearly draws a distinction between the case of a defendant *removing* from the county in which the judgment was obtained against him, to another county *after* the entering up of the judgment; and the case of a defendant *residing* in one county and judgment being obtained against him in another county. Section 137 of the Division Court Act is intended to meet the former, and section 139 the latter case. The provisions of the former section I regard as of little consequence, as long as clerks act in good faith one with another; but I can easily imagine a case wherein one clerk might lead another into serious difficulty unless the provisions of the act are *strictly carried out.*

I cannot imagine that the legislature ever intended that clerks should exercise powers deemed to be of sufficient importance to cause the insertion of a clause in the act, conferring that power on judges, and at the same time leaving its exercise discretionary with them. I am surprised that "M." should differ with me respecting the connection of the clerk with the suit ceasing upon his sending the transcript to another county. As yet I have not been able to find any statute, rule, or order making it the duty of one clerk to send a return to the other, and I am convinced that they are in no way bound to do so.

If the plaintiff, along with the transcript, sends an order to send the money when made to the clerk sending the transcript, then the case is clear. The law, under no circumstances, requires clerks to do anything without being first paid their legal fees; and as the clerk *sending* the transcript cannot legally demand any fees to which the clerk to whom it is sent is entitled, it seems to me that the latter's only protection is to do nothing more than enter the transcript in a book until he is paid his fees, and execution ordered out by the plaintiff. Were this rule strictly adhered to, county clerks would soon find it to their advantage, as city and town clerks take good care to get a sufficient deposit to cover all *their* costs, and in many cases much more; and at the same time do not hesitate to send transcripts to county clerks without any fees. Doing *all* the law requires and *nothing* more would soon teach plaintiffs to see that the proper fees were transmitted along with the transcript.

With respect to the communication of your correspondent "H.," as my letter is already