

EDITORIAL ITEMS.

At the York Assizes there are generally two or three slander cases on the docket. That such cases should become common, must cause regret to all right-thinking persons, and it is still more lamentable when the cause of action has arisen from some apparently trifling cause between persons who once loved each other as friends. It has seldom been our duty to notice a more painful case of this nature than that of *Tilly v. Brookman*, tried at the late Assizes here. It seems that Tilly and Brookman are neighbours, and once dwelt together in harmony. But on an evil day, Brookman became the owner of a turkey, a wrong-headed bird, which persisted in trespassing wilfully and without lawful excuse, upon the close of Tilly. One day this turkey, grown bold in defiance of the law, proceeded as usual upon his lawless excursion, and—never returned. Thereupon Mr. Brookman, sorrowing for the loss of his turkey, and suspecting foul play, took occasion to accost Mr. Tilly, in the backyard of the latter and in the presence of several ladies and gentlemen, with the pointed inquiry, "Who stole the turkey?" Mr. Brookman, becoming unduly heated, went on to insinuate that if Mr. Whicher, of the Isle of Wight, happened to be on this continent, he could mention facts connecting Mr. Tilly with some purloined candles in an unfavourable light. Clearly Mr. Tilly, not caring to make a breach of the peace, had but one course open to him. With just anger in his heart, and \$50 in his hand, he sought legal advice. He was so fortunate as to find a counsel who fully appreciated the outrage, and having laid his wrongs and the said \$50 before him, he bade him vindicate his character. Will it be believed that an unsympathizing jury, acting under the direction of a heartless Judge, assessed the damage to Mr. Tilly's character and feelings at *one shilling*, not even enough,

as they were touchingly reminded, to get him back his \$50 retaining fee! Nay, the same Judge frankly stated that he had not met with a more trivial action within the last thirty years!

Our clever contemporary, the *Albany Law Journal*, to which we are indebted for many entertaining articles, hardly discusses English legal affairs in the spirit of Judicial fairness. The Persian King who wanted to keep up his animosity against an offending nation, had a slave to say to him as he sat down to dinner, every day, "Sire, remember the Athenians." We could almost fancy a devil, or other satellite, performing similar functions for the American Editor, if he needs such assistance, to remind him that as a loyal Yankee he owes a grudge to everything English. We think the spitefulness we allude to is manifest in the comments of that journal on the Tichborne case. For instance, we find it suggested that, in this case, the judgment of the Judges, as well as the people, has, owing to the invincible aristocratic instincts of both, been dangerously biassed against the Claimant. Dr. Kenealy comes in for a share of sympathy, too. "The English press," we are told, "after having seen the degradation and transportation of the Claimant, are now venting their wrath upon Dr. Kenealy." "Every man accused of crime or imposition" is in danger of being "deprived of proper legal assistance." "Let us hope that the case of the Claimant is an exception, and not the rule: and that no lawyer need be condemned for *honestly and faithfully* defending the one who proves to be guilty of the offence charged." If Dr. Kenealy had confined himself to "*honestly and faithfully*" defending his client, he would have gained the approbation of more classes than the very lowest classes, with whom the Claimant is a special favourite. As he