

lish parents of the Jewish faith, who emigrated in 1816 to Wilmington, N. C., where his father became naturalized as an American citizen, the son remaining a native born subject of England. He entered Yale College in 1825, but left, without graduating, in 1828, when he went to New Orleans, and was admitted to the Bar in 1832. He entered prominently into politics, originally as a whig, but on the merging of that party into the "Know Nothing," or native American party, he attached himself to the democratic party. He was elected to the United States Senate in 1852, and re-elected in 1858. On December 31, 1860, in a speech to the Senate, he avowed his adhesion to the State of Louisiana, which had seceded from the Union, and he at once withdrew from the Senate and returned to New Orleans. He was then called by Jefferson Davis, who had just been elected President of the Southern Confederacy, to join the Cabinet as Attorney-General. To the duties of this office were added those of Acting Secretary of War during a temporary vacancy in that office. On the appointment of a permanent Secretary of War, the Cabinet was reorganized, and Mr. Benjamin was made Secretary of State, retaining that office and the confidence of the President until the overthrow of the Confederacy. He then escaped the pursuit of the Northern troops, and succeeded in reaching Nassau, New Providence, whence he sailed for England, where he arrived in September, 1865. He was called to the English Bar in June, 1866, established himself in London and rose to successful practice, receiving a silk gown in June, 1872. In 1868 he published the first, and in 1873 the second edition of a "Treatise on the Law of Sale of Personal Property." By the fall of Overend & Gurney Mr. Benjamin lost the sum of £3,000—all that he possessed on earth—and had to cast about for something to do until his book on the "Sale of Personal Property" was completed. Having a wife and daughter to maintain in Paris and himself in London, he prepared, with that easy adaptability to circumstances which had distinguished him throughout the whole of his versatile and many sided career, to sustain himself for awhile by writing for the press. It was under these circumstances that he

temporarily joined the staff of the *Daily Telegraph* and contributed for many months a series of brilliant leading articles to the columns of that journal. The publication of his book upon "Personal Property" brought him immediately into notice. Shortly after its publication Baron Martin, when taking his seat one morning upon the bench, asked to have Mr. Benjamin's work handed to him. "Never heard of it, My Lord," was the answer of the chief clerk. "Never heard of it!" ejaculated Sir Samuel Martin; "mind that I never take my seat here again without that book by my side." It was soon after this date that, speaking to one of Mr. Benjamin's most intimate friends, the same able judge pronounced the new ornament of the English Bar to be "the greatest advocate that he had heard since Scarlett." It is doubtful, however, whether Mr. Benjamin would ever have been so effective before a British jury or in the atmosphere where Scarlett was omnipotent, as he was in the Appeal Courts of the House of Lords and the Privy Council. To these courts he confined himself exclusively toward the end of his English career.

NOTES OF CASES.

SUPERIOR COURT.

MONTREAL, April 29, 1884.

Before JOHNSON, J.

GERBIE V. BESSETTE et al.

Capias, Malicious Issue of—Damages.

The defendants bought up some debts and caused the arrest of the plaintiff under a capias for the purpose of detaining his person and getting possession of certain papers. Held, an abuse of the process of the Court, and that exemplary damages should be awarded.

PER CURIAM. The plaintiff sues Bessette, a broker, and Vandevliet, a contractor, jointly and severally, for \$15,000 damages for having had him arrested under a writ of capias.

Gerbie, the plaintiff, was secretary to a Mr. Legru who came out here as agent of some French capitalists, and he had had some business relations with the defendant Bessette, and having occasion to go to France,