

sought to interest his audience by a discussion amongst the members of his indispensable chorus of the nearly allied question as to which is the parent of the child, the father, from whom the vital principle proceeds, or the mother who bears it. But, however this may be, the arguments used by counsel on both sides were deeply interesting. And in giving an outline of those arguments we claim something of the privilege of a Livy, who, it is well known, used to give long *verbatim* reports of speeches delivered by great generals and others on occasions when we know that he certainly was not present himself (inasmuch as their delivery in some cases had taken place hundreds of years before his own time), and whereof no shorthand writers had left a stenograph record.

Counsel for appellant, then, argued that surely the hen that had laid the eggs, and that therefore had been concerned (which the other hen was not) in the establishment of the vital principle therein, must be considered the mother of the chickens; a chicken being merely a further development of an egg. Supposing, he urged, a hen brings out duck's eggs, the ducklings would be considered the offspring of the duck and not of the hen. And, supposing in this case the eggs had been brought out by means of an incubator, surely the incubator would not be considered the mother, but the hen that had laid the eggs. He maintained, therefore, that he had right and justice, science, common sense, and law all on his side in claiming those chickens (which, by the way, had developed into young cocks and hens) for the owner of the hen that laid those eggs. Counsel for respondent, on the other hand, submitted that eggs are eggs, and they will remain eggs until by the care and labour of the hatching hen, or by the care and labour of some person who uses an incubator, they are transformed into chickens. Ask the ducklings brought out by a hen who their maternal parent is, and they will give a practical demonstration of the proper reply by taking refuge under the mother hen. The hen that had laid the eggs and the hen that hatched them were perhaps both, in some sense, the parent of the chickens; for both operated in bringing into active life the vital principle established by the male bird, but the strong affection and the fostering care which the former displayed towards her chicks proved that she was the true mother. And as to "vital principle," he would be able to show the unreasonableness of his opponent's contentions by an example taken from the vegetable world. Suppose B. had in good faith taken a few seeds from a pumpkin belonging to A., and had planted them, to whom would the subsequent crop of pumpkins belong? As a matter of fact, the contents of a pumpkin seed are merely an embryo pumpkin plant; and within the seed, therefore, resides the potentiality of its developing into a perfect plant, with the latent possibility of producing a crop of pumpkins; yet would any one contend that