mitted for the judicial decision of the members of the club, and they decided by the votes of two-thirds of the members present, such votes being taken by ballot, that the Plaintiff should thenceforward cease to be a member of the club.

The first question is, whether there is any appeal from that decision. It is clear that every member has contracted to abide by that rule which gives an absolute discretion to two-thirds of the members present to expel any member. Such discretion, like that referred to by Lord *Eldon* in *White* v. *Damon* (1), must not be a capricious or arbitrary discretion. But if the decision has been arrived at *bonâ fide*, without any caprice or improper motive, then it is a judicial opinion from which there is no appeal. None but the members of the club can know the little details which are essential to the social well-being of such a society of gentlemen, and it must be a very strong case that would induce this Court to interfere.

In the present case I have felt reluctant to go into any questions that have arisen further than to ascertain that the decision of the meeting was a *bonâ fide* exercise of their discretion, and not the result of mere caprice. I forbear, therefore, to comment on the conduct or the letters of the Plaintiff, but I am of opinion that this was a *bonâ fide* meeting, and one that was fairly called; that the question was fairly submitted to the meeting, and the decision adopted *bonâ fide*, and not through any caprice; and, therefore, that the decision was final, and the bill must be dismissed with costs.—*Law Rep.* 5 *Eq.* 63.

Judicial Bombast.—A number of decisions of the Supreme Court of Nevada have reached us. One short extract will suffice to show that in the study of their profession the bar and the bench of Nevada have not neglected the graces of classical culture:—"As every means which legal learning and subtle ingenuity could suggest have been long since exhausted in this cause, counsel have now, it seems, been driven to the necessity of calling the muses from the sylvan shades of Pindus and Helicon to assist them; and, if we may judge from the tragic fervor of the respective arguments, Melpomene at least responded to their invocation; for we find the evidences of her assistance on both sides of this irrepressible case. But, unfortunately for counsel, the law does not affiliate with the tuneful nine, nor accept them as authority in her prosy dominion, but, like the companions of Ulysses, stops her ears against their seductive appeals, and listens only to logic and unvarnished facts. As faithful servants of this wrinkled-browed and heartless prude, the law, we will leave the poetry of the case, and direct attention to what little prose there may be left in it."—*Am. Law Review.*

(1) 7 Ves. 85.

Capital Punishment.—In the debate in the English House of Commons, on the 21st of April, on the measure for making executions private, Mr. Gilpin having questioned the expediency of capital punishment, Mr. Mill said, to deprive a criminal of the life of which he had proved himself unworthy—solemnly to blot him out from the fellowship of mankind, and from the category of the living—was the most appropriate and the most impressive mode in which society could deal with so great a crime as murder. Imprisonment would be far more cruel and less efficacious. None could say that this punishment had failed, for none could say who had been deterred, and how many would not have been murderers but for the awful idea of the gallows. Do not bring about an enervation, an effeminacy in the mind of the nation; for it is that to be more shocked by taking a man's life than by taking all that makes life valuable. Is death the greatest of all earthly evils? A manly education teaches us the contrary; if an evil at all, it is one not high in the list of evils. Respect the capacity of suffering, not of merely existing. It is not human life only, not human life as such, but