

The Legal News.

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In *Blaisdell v. Ahern*, 4 N. Eng. Rep. 347, May 7, 1887, the plaintiff, an attorney, contracted with the defendants who were domestic servants, to prosecute a suit in their behalf for the recovery of certain property in New Hampshire. By the contract, the plaintiff was to receive nothing if nothing was recovered, but liberal fees, not exceeding fifty per cent. of the amount recovered, if he succeeded. After a defeat in the trial court in New Hampshire and an appeal, the parties quarreled, the defendants employed other counsel and finally recovered over \$9,000. The plaintiff then brought action to recover his fees. The trial court held that he could not recover, but its judgment has been reversed by the appellate court. The latter held that, under the contract, if the plaintiff had succeeded he would have been entitled to recover as a debt, liberal fees from the defendants, that this was inconsistent with the idea of champerty, of which the very essence is a division of the thing recovered. It added that it is immaterial that the money to be recovered is the only fund out of which the debt could possibly be paid. If there is to be a division of the recovery and no personal liability is incurred, the case is one of champerty. But where the compensation is not limited to the avails of the suit, although they may be pledged as security, the agreement is not champertous.

In *Mack v. Jones*, U. S. Cir. C., West Dist. Tenn., Judge Hammond stated rather pointedly the reverse side of the charge of purchasing goods fraudulently. He said: "Briefly, the proof here shows that the defendant, a young man who had been a dry goods clerk, launched out for himself by buying at an insolvent assignment a stock of goods, at very low figures. To these he added other goods, and after the year was done, he had been very successful. He did not owe a dollar, and had more and better goods than he had started with, though he had some of

the old stock left. He had paid his purchases promptly, and taken the benefit of the discounts allowed for cash. He was dazed with his success, and thought he could enlarge his business. So were the drummers who lived round about him, and were his friends, every one of them. They drummed him to death; even extorting promises that he should buy only from them, respectively, they thought it was such a good thing. It is difficult to say which was most to blame, the defendant or the drummers; but certainly, those orders and promises should not be now taken to mean that the defendant had then cunningly contrived a scheme to get the goods, and pocket the money for their sales, as is now alleged, in the desperation of the desire to save this attachment; for they are wholly consistent with an honest purpose to conduct the business as successfully as before."

It is not unusual, says the *Solicitor's Journal*, for spinster testatrixes to provide by their wills for their domestic pets. Mr. Justice Chitty, the other day, had a case before him where a lady had made provision for the maintenance of several dogs during their lives; and the learned judge remarked that the proper way of making such gifts was to give an annuity to a person, to cease at the death of the animal. He also said that doubts had often crossed his mind as to whether such gifts might not violate the rule against perpetuities. There can be no doubt that the life contemplated in the rule against perpetuities is the life of a human being, and it apparently could not be a violation of the rule to make a gift to a living dog or cat, as the duration of life of such animals is usually shorter than that of a human being. But take the case of an elephant. Would it be legal to give an annuity to a person to cease at the death of an elephant when, as is well known, an elephant's life is far longer than the life of a man?

A recent description of Sir Charles Russell, Q.C., the eminent English counsel, says:—"Look at him as he stands up to speak in the chamber, or moves through the lobby, and you will understand why he is so successful.