

## FUNERAL ORATIONS.—SIGNATURE TO NEGOTIABLE INSTRUMENT OBTAINED BY FRAUD.

treated the case as in effect undefended. This is a matter of so much importance, indeed of such vital consequences to every individual whose character is defamed, that the advisers of the Cardinal should not lose a moment in carrying the case into banco. We can anticipate nothing but a rule absolute for a new trial on the ground of misdirection.—*Law Times*.

## FUNERAL ORATIONS.

The Americans seem to appreciate their great men far more than we do. Possibly this arises from the circumstance that they have no Westminster Abbey. We lose a great lawyer, or a great novelist; a letter is written to the *Times* suggesting that he should be buried in Westminster Abbey. He is so buried (or isn't according to conditions not affecting his reputation), and his works are then taken out from the library shelves and criticised with a gentlemanly spite frequently surpassing anything which appeared during his lifetime. English lawyers might lose their brightest ornament, and they would never think of assembling together and saying what they thought of him. The American lawyers have no sooner lost an eminent member of their profession than they convene a solemn assembly, and make funeral orations, and pass resolutions. Chief Justice Chase has thus been honoured, and the only part of the ceremony we don't quite understand is the passing of resolutions. A resolution is usually passed with a view of inducing somebody to do or not to do something. To say that a dead man was a great judge or a great statesman would seem sufficient without "resolving" that he was. It appears, however, that the records of the American Courts admit judicial epitaphs, for the last resolution passed in connection with the departed judge was this: "Resolved, that Joseph O. Glover, United States District Attorney, be appointed to present the foregoing resolutions to the United States Circuit Court for the Northern District of Illinois at its next meeting, with a request that they be spread upon (*sic*) its records." It is probably owing to our defective education

that we don't appreciate the pathos of this. A judge who, one of the funeral orators tells us, will never be forgotten, and will go on living for ever in the memory of lawyers, hardly stood in need of having his virtues recorded in the books of a Circuit Court. However, we ought not to cavil, as we err considerably in the wrong direction. Therefore, we add only one remark. Funeral orations are not altogether the kind of speeches which lawyers are called upon to make, but for the benefit of those who may be so exercised, we quote the following from the speech of the Hon. Leonard Sweet:—"In personal appearance he was a marked man, and of strong frame, commanding voice, and almost overshadowing presence; and few men have equalled him in clearness, logic and force. During thirty years of public life, although standing most conspicuously before the country, and in a leadership which called forth the deepest malevolence, no man can remember the occasion upon which his integrity in pecuniary affairs was questioned." A man of "almost overshadowing presence," who stood "most conspicuously before the country"—and that country America—for thirty years, and was never charged with want of "integrity in his pecuniary affairs," certainly deserves to have his virtues recorded in the Circuit Court for the Northern District of Illinois.—*Law Times*.

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In the course of his judgment in *Foster v. McKinnon*, 38 L. J. Rep. N.S. C. P. 310, Mr. Justice Byles said: "We are not aware of any case in which the precise question now before us has arisen on bills of exchange or promissory notes, or been judicially discussed," and the learned judge then referred to a dictum of Chief Justice Parsons in a Massachusetts case, favourable to the view taken by the Court of Common Pleas in *Foster v. McKinnon*, as the sole authority having any real bearing on the point before the Court. It is not a little strange that in the year 1869 the question at issue in