

A Few Legal Anomalies

At a time when law reformers are busy, it may be interesting to notice some of the many absurdities which still exist in English law.

A person buys goods, pays for them, and gets a receipt. The tradesman sends in his bill a second time. The purchaser protests that he has paid, but cannot find the receipt. Accordingly, the tradesman brings an action and wins. Soon after this the missing receipt is found. And yet the purchaser cannot by law bring a new action to recover the amount he has paid as the result of the first action, unless he can prove actual fraud on the part of the tradesman. And why is this? Because, according to the legal maxim, "it is to the interest of the State that there should be some finality to litigation." It certainly is not, in this instance, "to the interest" of the purchaser.

A owes B an undisputed debt of £100. After much pressure he comes to B and, dilating on his own misfortunes in particular and the hard times in general, offers him £80 in full satisfaction. B, partly through sympathy and partly because having written off the amount as a "bad debt" he is only too glad to get anything, accedes to those terms. Most people would think that here was an end to the matter. It all depends, strangely enough, on the way in which the money is paid. If the amount is paid in gold or bank notes there is no "consideration" for B agreeing to accept less than the full amount due, and, therefore, if he afterwards repents of his bargain he can sue A for the remaining £20 in spite of his promise to be satisfied with £80. And yet if an old knife, a rusty nail, or some other thing, however trifling, is thrown in, then B is bound by his agreement to take the lesser sum in full discharge, for in this quibbling way the legal theory of "consideration" is duly satisfied.

Let us suppose that a Mr. Smith holds two houses under one lease from a Mr. Brown, and assigns one of them to a Mr. Robinson. If Mr. Smith omits to pay his rent, or breaks some other covenant in the lease, Mr. Brown—the superior landlord—can "distrain" not only on Mr. Smith's house, but on poor Mr. Robinson's as well, though he may be a model tenant.

A proposes to sell B a piece of land, and, at the same time, gratuitously promises to keep the offer open for a week. In spite of this A can revoke his offer the very next day if B has not already accepted it. Legality, again defying all ideas of morality, argues that there was no "consideration" for the delay agreed upon.

Very frequently a busybody bringing a criminal charge elects to be "bound over to prosecute" assizes, even though the magistrate has expressly decided that no jury is likely to convict. Now this can be done "on his own recognizances" without any substantial sureties. The result is that if, as is often the case, the prosecutor is impecunious the accused, when acquitted, cannot, except in theory, make him pay his costs, nor does he feel inclined to bring an action for malicious prosecution against one who, as the lawyers say, is "not worth powder and shot." In this way unscrupulous "men of straw" have opportunities—which they not seldom utilize—of putting people to terrible annoyance and great expense without incurring any practical risk themselves.

A lessee always remains liable on the covenants until the expiration of the lease, even after he has assigned it with the approval and consent of the lessor.

Quite recently two of the judges solemnly declared from the bench that it was humiliating to confess that by the laws of England, unlike those of France, brokers and other agents could not be convicted of embezzlement for misap-

propriating money intrusted with them for investment unless the direction to invest was in writing. One of them at the same time tersely and truly summed up the history and present stage of our law when he called it "a thing of shreds and patches." This definition explains the origin of many absurdities and incongruities. Still, it scarcely justifies their continued existence.—London Tit-Bits.

ON THE MOVE.

Items of Interest to Organized Men.

Black Diamond Assembly, K. of L. will hold its meeting for the election of a walking delegate next Sunday afternoon. The contest is very keen and the Assembly will reap quite a harvest of back dues. The candidates for the position are Messrs. J. Carroll, S. Fitzpatrick, Jno. Keegan and Jos. O'Toole. May the best man win.

Local Union, No. 376 of the Brotherhood of Carpenters and Joiners held a very successful public meeting on Monday evening last in the K. of L. Hall, Craig street. There was a good attendance of outside carpenters and a considerable increase in the membership is anticipated. The meeting was presided over by Mr. S. Priestly, who introduced the different speakers, who were Messrs. O'Leary, Griffiths, Darlington, Duffy, W. Keys, Anderson and others.

The Plumbers and Steamfitters at their last meeting appointed a committee to supervise the appointment of a Sanitary Inspector by the City Council to see that a competent man is appointed. They will nominate their officers at the next meeting. This union is making good progress, having had large additions to its membership during the last two months.

River Front Assembly K. of L. had twelve propositions for membership at the last meeting. This is encouraging. The cargo men are beginning to see that it is a mistake to leave their organization and are gradually coming back. We hope to be able to announce before long that this Assembly is as strong as ever it was.

The Brassworkers Association of Montreal are better off numerically and financially than for some time past. We hope this state of affairs will continue. They intend holding a grand picnic and games at Cushing's grove on the 18th of next month. There will be boat races, swimming races, a football match and a first class orchestra for dancing.

MUST ORGANIZE.

The great combinations of capital at the present time make it an imperative necessity for labor to combine or be crushed. Although the combination of capital does not combine in the same sense that labor does, it is instinctively recognized that employers have a common interest in keeping wages down to the lowest point at which workmen will consent to live upon. Capital has always had the intelligence to perceive the advantages to be gained by co-operating in an effort to gain the greatest returns from labor for the least wages. Labor, however, has not had the intelligence to see that there is a greater necessity for it to combine than capital, and the result is that wages are low, hours are long, and there is a constantly increasing number of workmen out of employment. Labor-saving machinery is gradually reducing the chances of continuous employment, and putting so many men beyond the hope of making an honest living, that labor must organize or be reduced to serfdom. Those who are out of work keep down the wages of those in employment, and therefore as the number of unemployed increases the effort to keep wages up to a standard of decent living becomes greater and greater. To overcome this natural tendency of wages to fall with the overcrowding of the labor market there must be an artificial adjustment to decrease the competition of one workman with another. This desirable end can only be accomplished by the building up of a firm, compact and strong trades unions co-operating with each other in municipal, state and national organizations, in which all unions will be represented and can give aid and encouragement to each other.

But the first step must necessarily be the building up of strong individual unions. Not one-fourth of the workmen of the country are members of labor organizations, and the struggle to keep wages up is in proportion to the number of unorganized workmen. Workmen remain unorganized because they do not understand that their true interest lies in joining the union of their craft. An army that is disrupted and is not held together by bonds of interest may defeat the enemy in skirmishes, but seldom in battles. The army of capital is disciplined, united and moves with a common impulse. It always strikes labor at its weakest point. Labor, however, acts like a mob, unorganized and undisciplined, and does not even realize that it has a com-

mon interest in checking the encroachments of capital. An organized army cannot gain its demands without thorough discipline and the concentration of its energies to accomplish a specific purpose.

Just as capital has to-day produced a veritable monopoly of wealth so great, intricate and harmonious that it is almost impossible for a workman to become an employer or capitalist, so a monopoly of labor must be created so united and centralized that it can act with a single impulse and for a single purpose. This monopoly of labor can be realized if every member of a labor organization would take a greater interest in his union and use his utmost endeavors to bring all workers within the fold. There is not a single union man but who could influence at least one person to join his union if he tried hard enough. Short hours and better wages depend upon the stability and mobilization of labor. The degree of success attained is measured by the proportion of organized and unorganized men. Of course this is not the solution of the social problem, but it would be a step in the direction of hastening the day when worth will be the only claim that society will recognize as a mark of superiority. "Education, organization and fraternity" is a standard under which labor can march to certain victory.—Cleveland Citizen.

Life Close to the Bone.

Oh, that other half of the world! If you have never experienced it, how can you tell how it lives! There is one incident told by a pale-faced tenement-house resident. She has seen prosperous days, but now has, or had, only a sick husband and four little children.

"One needs so many things!" she sighed plaintively. "One day last week I was out of coal and I sent out for a bushel, but I only had 8 cents. The coal was 9. The coal man said he would wait until we could pay the rest. Then my husband wanted a sous drink. He had a burning fever, poor fellow, and wanted a lemon so bad"—she stopped her flying needle just long enough to wipe away a tear; there were other mouths to be fed—"but I didn't have the 2 cents to buy the lemon—and—and—I couldn't get it." Then she broke entirely down and sobbed aloud, with her apron over her face. "Oh, it seems as if I wouldn't have felt half so bad when I saw his dear, dead face in the coffin yesterday if I hadn't thought how he wanted that drink and I could not get it! I wake up in the night and think of it until it seems as if it will drive me wild!"

Then she choked back the sobs and hurried on with her work. The woman's earnings by making pants at 85 cents per dozen grew smaller with every moment taken for tears. But can you imagine it? A shortage of 8 cents to buy necessities of life! The lack of 2 pennies to get a drink to cool the fevered thirst of a loved one who is dying, making life a long agony of regret! Did you ever realize before the value of a postage stamp!—St. Louis Chronicle.

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