included under that term. Upon these lines are framed the powers which may be exercised under the Act, and the protection which is afforded to all persons entitled in remainder is, perhaps, scarcely commensurate with them. Thus the tenant for life must, before taking any such steps as those to which we have already referred, give a month's notice to each of the trustees of the settlement, and to the solicitor for the trustees—a provision which it has already been suggested will render it "a prudent precaution for trustees who wish to exercise with strictness their powers of supervision expressly to appoint from time to time a solicitor to be their agent to receive such notices." Again, the trustees may, if they differ with the tenant for life as to his mode of exercising his powers under the Act—a contingency which is certainly far from being improbable—apply to the court for directions. "Capital money" arising under the Act is to be handed over to the trustees or paid into court, according to the choice of the tenant for life, and stringent rules are laid down for its investment. The general purport of the Act is to defeat unreasonable settlements, and to take away the power which is often wantonly exercised of so tying up property that it becomes almost impossible to manage it advantageously. That there was urgent necessity for legislation in this direction is certainly true; but it is as yet too soon to predict that the complicated powers and restrictions which this Statute creates will work smoothly, and in any event it cannot fail to prove a fruitful source for litigation for some time to come.

LE MORT VIVANT.

A singular trial took place at St. Louis recently. It appears that a Mrs. Wackerle has been making claims upon insurance companies, pretending that her husband had been killed at Shreveport, La., by being run over by a train of cars. The Ætna Life Company after being sued on a policy and losing the case, discovered Wackerle, in life, in California, and obtained a new trial, at which his identity was proved and the jury gave their verdict for the company. The judge observed: "This testimony conclusively establishes that Wackerle, the identical person whose life was insured, is still living, and unmasks one of the boldest and most scandalous schemes of fraud upon the defendant, the court and her own counsel ever conceived and carried to the verge of success." But more recently Mrs. Wackerle sued the Mutual Life Company in St. Louis, and obtained a verdict. Mr. Wackerle was present in Court, and was identified by his brother and by scores of neighbours, but the jury, astute gentlemen that they were, evidently thought that they knew better. Wackerle might seem to be alive, but they determined that he was dead, and so the Company was condemned to pay Mrs. Wackerle upwards of six thousand dollars.

FLOWERY JUDGMENTS.

We propose to go to Georgia when the sober reason of our northern courts ceases to content us. Georgia is (or was) the home of Judge Bleckley, whose poetic effusion "*In the Matter of Rest*" is to be found on page 185 of our third volume. And Georgia, too, is the favored abode of another Justice—a Justice of the Supreme Court—who clothes an opinion, on a question of taking private property by the exercise of the delegated right of eminent domain, in the following glowing colors:

"Here is the home of a man venerable in age, in which he has resided with his family for thirty-eight years, planted by the side of the limpid stream, whose waters he utilizes as they flow. He has gathered around him by industry and toil the fruits and flowers of the season, the comforts and conveniences of a well-arranged and much-loved homestead. Around it cluster the memories of a life-time, treasured in common with those who have grown under his care from infancy to manhood and womanhood under its broad and protecting shadows. In it he was gently descending to old age, loving that quiet and seclusion to which the heart of the old so strongly cling. But the spirit of the age demands this homestead for its iron track upon which its iron steeds may travel to meet the alleged necessities of trade and travel, or to extend their corporate power and dominion. If the beauty of this homestead is to be invaded and marred, its comforts to be imperiled and its sweet quiet and seclusion to be broken upon with ringing bells, shrieking whistles and thundering trains—let the corporation, in the language of the Constitution, 'first pay adequate compensation to the owner thereof."

That a judge should have a turn for poetry is not surprising. Better judges than Sir William Jones have been devoted to it. But, in Georgia, apparently, some of the judges carry their poetic mood to the Bench. They cannot con the accustomed task, but like the urchin in "The Schoolmistress," their eyes stray from the prosaic brief to "the work so gay that on their back is seen." However, if judges give us poetry from the judgment seat they should not put us off with false coin. It is too excruciatingly charming to have the "iron steed" trotted out in a judgment. If these be the deliverances from the Bench what must the harangues at the bar be like?