

FLOTSAM AND JETSAM.

and have nothing to agitate me. I avoid all luxurious living, and limit myself to a moderate quantity of wine. I go early to bed, and my moderation is rewarded by a good night's sleep. I live a happy life, for which I thank God, and submit myself to His guidance and mercy. This, then, is all the secret I possess of long life."

"THE Court of equity in all cases delights to do complete justice, and not by halves." Per Cur. in *Knight v. Knight*, 3 P. Wms. 333.

DUELS.—In the days of Curran and his contemporaries, a duel was an indispensable diploma at the Irish bar, quite essential to success, and sometimes leading to the bench. Below we give a few recorded cases.

Lord Clare, afterwards Lord Chancellor, fought Curran, afterwards Master of the Rolls.

Clonmell, afterwards Chief Justice, fought two lords and two commoners—to show his impartiality, no doubt.

Medge, afterwards Baron, fought his own brother-in-law and two others.

Toler, afterwards Chief Justice of the Common Pleas, fought three persons, one of whom was Fitzgerald, even in Ireland the fire-eater *par excellence*.

Patterson, also afterwards Chief Justice of the same courts, fought three country gentlemen, one of them with guns, another with swords, and wounded them all.

Curran fought four persons, one of whom became one of his most intimate friends. Many other instances might be mentioned to illustrate the ferocious spirit of these days.

In the *King v. Fenton*, where the prisoner was tried in 1812 for the murder of Major Hillas in a duel, old Judge Fletcher thus capped his summing-up to the jury: "Gentlemen, it's my business to lay down the law to you, and I will. The law says the killing a man in a duel is murder; therefore, in the discharge of my duty, I tell you so; but I tell you at the same time, a fairer duel than this I never heard of in the whole course of my life!"

Sir Bartholomew Shower's mode of treating Monmouth's invasion is excellent for its brevity. "Memorandum.—In Trinity Term Monmouth's rebellion in the west prevented much business; in the vacation following, by reason of that rebellion, there was no assize held for the western circuit; but afterwards five judges

went as commissioners of oyer and terminer and gaol delivery, and three hundred and fifty-one of the rebels were executed", &c. 2 Show. 234.

When sitting in the Rolls Court, indignant at the conduct of one of the parties, Lord Kenyon astonished his staid and prosaic audience by exclaiming, "This is the last hair in the tail of procrastination!" Whether he plucked it out or not, observes Mr. Townsend, the reporter has omitted to inform us.—*Lives of Eminent Judges*, Vol. I., p. 79.

Lord Eldon mentions a remarkable instance, as regarded himself, of the uncertainty of evidence as to handwriting. A deed was produced at a trial, on which much doubt was thrown as a discreditable transaction. The solicitor was a very respectable man, and was confident in the character of his attesting witnesses. One of them purported to be by Lord Eldon himself; and the solicitor, who had referred to his signatures to pleadings, had no doubt of its authenticity, yet Lord Eldon had never attested a deed in his life. *Eagleton v. Kingston*, 8 Ves. 473. Quoted by Mr. Justice Coleridge in his judgment in *Doe v. Suckermore*, 5 Ad. & El. 716, and 2 Nev. & Per. 34.

In the Court of King's Bench women were early engaged as counsel. In a case in Lord Raymond we find Mrs. Cheshyre counsel with the plaintiff.—*Vincent v. Beston*, 1 Ld. Raym. 717, A. D. 1702.

In a very recent case Chief Justice Chapman observed that "Experience is not sufficiently uniform to raise a presumption that one who has the means of paying a debt will actually pay it.—*Atwood v. Scott*, 99 Mass. 178.

It is said in March on Arbitrations, 215, that a non-suit "is but like the blowing out of a candle, which a man, at his own pleasure, lights again."—Quoted by Metcalf, J., in *Clapp v. Thomas*, 5 Allen, 159.

In Jenkins' Centuries it is said: "A., a woman of twelve years of age, married B., of thirteen years of age; A. has issue; this is a bastard in our law. Yet some write that Solomon begot Rehoboam at ten years of age, by the computation of the Scriptures." Cent. vii. Cas. 26. See also Cent. ii. Cas. 84, citing Year Book, 1 Hen. VI. 3.