

of great attainments, eminently worthy of the judicial seat, and enjoying the esteem and confidence of the bar and the public generally.

We must repeat, in conclusion, that the majority of our judges are not deficient in ability, learning or integrity. No charge of corruption has been made against any of them, and in this respect we are infinitely better off than our American neighbors with their elective judiciary. It may confidently be anticipated that the exceptional cases which have caused a loss of dignity to the Bench, will gradually be eliminated. The community in general and the bar will therefore watch with peculiar interest the appointments soon to be made, for on them will it greatly depend whether the Bench in the Province of Quebec is to assume its proper position. — *Lower Canada Law Journal.*

### WHAT IS A TEAM?

Not long ago a court of justice in England was engaged in defining what "a team" meant. The case was as follows:

A duke made an agreement with one of his tenants in Oxfordshire concerning the occupancy of a farm, and a portion of the agreement was expressed in the following terms: "The tenant to perform each year for the Duke of — at the rate of one day's team work with two horses and one proper person, for every £50 of rent, when required (except at hay and corn harvest), without being paid for the same." In other words, the rent of the farm was made up of two portions, the larger being a money payment, and the former, a certain amount of farm service. All went on smoothly until one day, when the Duke's bailiff desired the farmer to send a cart to fetch coals from a railway station to the ducal mansion.

"Certainly not," said the farmer, "I'll send the horse and a man, but you must find the cart."

"Pooh, pooh! what do you mean? Does not your agreement bind you to do team work occasionally for his Grace?"

"Yes, and here's the team; two horses and a careful man to drive them."

"But there can't be a team without a cart or wagon."

"O yes there can, the horses are the team."

"No, the horses and cart together are the team."

The question which a whole row of learned judges were called upon to decide was—what is a team? The form in which the inquiry came on was that of ejectment; the duke seeking to eject the farmer on the ground of alleged forfeiture, because the latter had refused to interpret "team work" as including the supply of a cart as well as horses and a driver. In all probability both obstinate, each believed himself to be right, and so believing, determined not to yield an inch to the other. The case was at first tried at Oxford before a common jury, who gave a verdict

substantially for the duke. A rule was afterwards obtained with a view to bring the question of definition before the judges at the Court of Queen's Bench. The counsel for the duke contended that as team work cannot be done by horses without a cart or wagon, it is obvious that a team must include a vehicle as well as the horses by which it is to be drawn.

One judge said, that "in the course of his reading he had met with some lines which tend to show that the team is separate from the cart:

"Giles Jelt was sleeping, in his cart he lay;  
Some waggish pilfers stole his team away.  
Giles wakes and cries, 'Ods bodikins, what's here?'  
Why, how now; am I Giles or not?  
If he, I've lost six geldings, to my smart;  
If not, Ods bodikins, I've found a cart."

Another justice quoted a line from Wordsworth:

"My jolly team will work alone for me,"

as proving the farmer's interpretation, seeing that though horses might possibly be jolly, a cart cannot. The counsel for his grace urged that the dictionaries of Johnson and Walker both speak of a team as a number of horses drawing the same "carriage." "True," said Justice A—, "do not those citations prove that the team and the carriage are distinct things?" "No," replied the counsel on the duke's side, "because a team without a cart would be of no use." He cited the description given by Cæsar of the mode of fighting in chariots adopted by the ancient Romans, and of the particular use and meaning of the word *temanem*. From Cæsar he came down to Gray, the English poet, and cited the lines:

"Oft did the harvest to their sickle yield,  
Their furrow oft their stubborn glebe hath  
broke,  
How jocund did they drive their team afield,  
How bowed the wood beneath their sturdy  
stroke."

and from Gray he came down to the far famed "Bull's Run" affair in the recent American civil war, a graphic account of which told that the teamsters cut the traces of the horses.

The counsel for the farmer, on the other hand, referred to Richardson's English dictionary, and to Bosworth's Anglo-Saxon dictionary, for support to the assertion that a team implies only the horses, not the vehicle also; and he then gave the following citations from Spenser:

"Thee a ploughman all unmeeting found,  
As he his tollsome team that way did guide,  
And brought thee up a ploughman's state to bide."

From Shakespeare,

"We faries that do run,  
By the triple Hecate's team,  
From the presence of the sun,  
Following darkness like a dream."

Again from Shakespeare:

"—I am in love but a team of horse shall  
Not pluck that from me, nor who 'tis I love."