

FLOISAM AND JETSAM.

to expose his ignorance, and hold him up as a fair sample of the rest. His name was Thomas Verner. "Can you read, sirrah?" said the judge. "Yes, my lord," answered Mr. Verner. "Reach him the book," said Jeffreys. The clerk of the court put his Latin Testament in the hand of the prisoner. The young man opened the book, and read the first verse his eye lighted upon. It was Matt. vii. 1, 2: "*Nō Judicate, ne judicemini,*" &c. "Construe it, sirrah," roared the judge. The prisoner did so: "Judge not, that ye be not judged; for with what judgment ye judge, ye shall be judged." Even Jeffreys changed countenance, and sat a few minutes in a muse; but instantly recovering himself, he sent the young men to prison, where they lay a year, and would without doubt have been brought to the scaffold, had not the death of the king, which occurred in the meantime, led to their release.—*From the "History of Protestantism," by the Rev. Dr. Wylie, for October.*

A VERY singular case was brought to the attention of a Probate Court in Massachusetts recently. A man died leaving a will which divided his property equally between his wife, his child, and a child then unborn. The unborn party proved to be twins, and the executor is sorely perplexed as to whether he shall give each of the twins one-sixth of the estate, or whether he shall carry out the testator's purpose to serve all the children alike, by giving them and the widow each one-fourth, or whether, again, he shall give the widow her third, and divide the other two-thirds among the three children. The case being wholly without precedent in this State, the court gave the executor no advice, and the conundrum is to be brought before the Supreme Court.—*Albany Law Journal.*

If police justices have not a reputation for childlike innocence in American cities, it is certain that some of them in England deserve to have such reputation. At the Salford Police Court, one Cunningham was charged with gambling on the race-course. Detective-Sergeant Eyre stated that he saw prisoner and other men playing what was known as the "three-card trick" with playing-cards on the race-course. Mr. Bennet, counsel for the defense, contended that the "three-card trick" was a game of skill and not a game of chance, because if the eye was sufficiently educated to follow the player's hand the selected card could be detected. Cases

of this kind had been brought before Sir J. I. Mantell, who considered that the game was one of skill, and dismissed the prisoners. Some years ago he (Mr. Bennet) defended a person who was charged with a similar offense before Sir J. I. Mantell. At his (Mr. Bennet's) request the prisoner was brought out of the dock, placed near Inspector Lythgoe, and allowed to manipulate the cards. On three different occasions the inspector detected the "marked" card. It was, therefore, decided by the stipendiary that the game was one of skill, and he dismissed the case. Mr. Radford said that in the face of recent decisions he should follow the course adopted by the stipendiary. He thought, however, that gambling ought to be better defined, so that the law might reach cases of this description. The case was therefore dismissed.

I doubt if anybody in the world except a British country magistrate would have thought such a test of the innocence of the "three-card trick" satisfactory.—*Albany Law Journal.*

CLERICAL justices have not, as a rule, proved a success, but the Rev. Sydney Smith was an exception, according to the following sketch which we find in the *Washington Law Reporter*: "He set vigorously to work to study Blackstone, and made himself master of as much law as possible, instead of blundering on as many of his neighbors were content to do. Partly by this knowledge, partly by his good humor, he gained a considerable influence in the *quorum*, which used to meet once a fortnight at the little inn, called the Lobster House; and the people used to say they were "going to get a little of Mr. Smith's lobster sauce." By dint of his powerful voice and a little wooden hammer, he prevailed on "Bob" and "Betsy" to speak one at a time; he always tried, and often succeeded in turning foes into friends. Having a horror of the game laws, then in full force, and knowing, as he states in his speech on the reform bill, that for every ten pheasants which fluttered in the wood one English peasant was rotting in jail, he was always secretly on the side of the poacher (much to the indignation of his fellow magistrates, who in a poacher saw a monster of iniquity), and always contrived, if possible, to let him escape rather than commit him to jail, with a certainty of his returning to the world an accomplished villain. He endeavored to avoid exercising his function as a magistrate in his own village, when possible, as he wished to be at peace with all his parishioners. Young delinquents he could