also: "A vexatious plaintiff, *in forma pauperis*, and not able to pay costs upon the dismission, hath been ordered by the Lord Egerton to be whipped, upon the equity of the statute 23 Hen. VIII. c. 15, and not to be admitted *in forma pauperis*."

Certain rules of evidence, which are now considered fundamental, were repeatedly violated, if not altogether unknown in the seventeenth century. In the trial of Mr. Hawkins, a clergyman, for stealing money and a ring from Henry Larimore, in September, 1668, Lord Hale admitted evidence to show he had once stolen a pair of boots from a man called Chilton, and that, more than a year before, he had picked the pocket of one Noble. In summing up, Lord Hale said, after referring to the cases of Chilton and Noble, "This, if true, would render the prisoner now at the bar obnoxious to any jury."

We do not remember to have met with the following before. The jurymen in Penn and Mead's case were fined (Bushell, of course, among them), and the court threatened to slit their noses. The commonest way of punishing a jury—the recognized way—when they could not come to a unanimous verdict, was to put them in a cart and shoot them into the nearest ditch. In Noy a precedent is cited in these words:—"The jurors acquitted a prisoner contrary to their evidence, and for that they were fined and imprisoned, and bound for the good behaviour of the prisoner during his life."

The propcsition for conducting all law proceedings in English was most strenuously opposed. The reporters who delighted in the Norman French were particularly obstreperous. "I have made these reports speak English," says Style, in his preface (A.D. 1658), "not that I believe they will be thereby more generally useful, for I have been always, and yet am, of opinion, that that part of the common law which is in English hath only occasioned the making of unquiet spirits contentiously knowing, and more apt to offend others than to defend themselves; but I have done it in obedience to authority, and to stop the mouths of such of this English age, who, though they be confessedly different in their minds and judgments, as the builders of Babel were in their language, yet do think it vain, if not impious, to speak or understand more than their own mother tongue." And Bulstrode, in the preface to the second part of his Report, says, "that he had many years since perfected the work in French, in which languag he had desired it might have seen thee light, being most proper for it, and most convenient for the professors of the law."

In the Statutes at large some funny things may be found. There is one which is not to be brought to book, and must be given as a tradition of the time when George III. was King. Its tenor is that a Bill which proposed, as a punishment of an offence, to levy a certain pecuniary penalty, one half thereof to go to his Majesty, and the other half to the informer, was altered in committee, in so far that, when it appeared in the form of an Act, the punishment was changed to whipping and imprisonment, the destination being unaltered.

In "Hortensius," p. 259, note, a most amusing instance of identification of counsel with client is related. It occurred in the case of a counsel for a female prisoner who was convicted on a capital charge, and on her being asked why sentence of death should not be passed upon her, he rose and said, "If you please, my Lord, *we are with child*."

He was, however, wrong in point of law, pregnancy cannot be taken advantage of in arrest of judgment, but only in stay of execution.

Some of the most amusing curiosities are those which consist of high flown language. That of some of our judges has been wonderfully luxuriant at times. But we are beaten altogether by the American Bench and Bar. Here is a glorious extract from a passage addressed in solemn argument to the Supreme Court of the United States:—"Fraud vitiates every thing into which it enters; it is like the deadly and noxious simoon of arid and desert climes; it prostrates all before its contaminating touch, and leaves death only and destruction in its train. No act, however solemn; no agreement, however sacred, can resist its all-destroying power."

The following, however, is yet finer; it occurs in a recent case in Pennsylvania. Mr. Justice Lewis thus discourses of a condition in a will in restraint of marriage:

"The principle of reproduction stands