

writer calls the attention of the justices to them, that they may be passed upon. The author adopts such suggestions of mere form as meet his views. If objections are made to which the writer does not agree, they are considered in conference, and are sustained or overruled as the majority may determine. The opinion is reprinted so as to express the final conclusions of the court, and is then filed.

"Thus, you will observe, not only is the utmost care taken to make the opinion express the view of the court, but that the final judgment rests, in every case decided, upon the examination by each member of the court of the record and briefs. Let me say that, during my entire service in the Supreme Court, I have not known a single instance in which the court has determined a case merely upon the report of one or more justices as to what was contained in the record and as to what questions were properly presented by it. When you find an opinion of the court on file, and published, the profession have a right to take it as expressing the deliberate views of the court, based upon a careful examination of the records and briefs by each justice participating in the judgment."

RECENT U. S. DECISIONS.

Arson.

Setting fire to one's own dwelling house is held, in *State v. Sarvis* (S. C.) 32 L. R. A. 647, not to be arson either at common law or under a statute making it arson to set fire to "any house," even when the property is insured.

Banks.

The theft by a cashier of securities held by a bank as a special deposit was held, in *Gray v. Merriam* (Ill.) 32 L. R. A. 769, to make the bank liable if it had permitted him to have access to them after he was known to be speculating on the Board of Trade, and accepted his statement that he was using his own money, without knowledge that he had anything except his salary.

The similar case of *Merchants' Nat. Bank v. Carhart* (Ga.) 32 L. R. A. 775, held the bank liable for such theft by a cashier where the bank did not show that it had exercised proper super-