

*Will—"Survive."*—The words "survive," and "survivor," import that the person who is to survive must be living at the time of the event which he is to survive. *Gee v. Liddell*, Law Rep. 2 Eq. 341.

*Fraud—Misrepresentation—Company.*—A contract to take shares in a company cannot be set aside because it was founded on a prospectus which contains exaggerated views of the advantages of the company, but does not contain any material mis-statement of fact. Where, therefore, a prospectus stated that a certain invention which it was the object of the company to work had been tested, and according to the experiments the material could be produced at a specified cost, but that it was intended to test the invention further, and the invention turned out worthless, and it appearing that there had been some testing:—*Held*, that this was not such a misrepresentation as would enable a purchaser of shares to set aside the contract. *Denton v. Macneil*, Law Rep. 2 Eq. 352.

#### THE U. S. JUDICIARY.

(From the *American Law Register*.)

THE rapid deterioration of public morals since the late rebellion began is one of the very sad offsets to the benefits which are believed by many to have resulted from the events to which it led. All things seem to have concurred, during its brief but exciting history, to demoralize official character, business tone, and even social relations. The most ardent admirer of the political results will not deny that the community has been lamentably depraved. The standard of public and private integrity is many degrees lower than it was. Money has been so abundant, speculation has run so high, reckless wealth, and ruin from fraud and folly, have changed so many positions and unsettled so many lives, that an unnatural stimulus has been given to evil agencies. The law seems to be less potent and omnipresent. Crime and violence run riot. And those whose mission is reform, seem to have, day by day, less heart for their work. Years must elapse before the current of vice can be made to set backward,

even under the most favorable influences. Shall we have such influences? Is our government equal to the emergency? Is it capable of assuming that new vigor and firmness which are necessary to bring us back even to where we were seven years ago?

The prospect is rather hopeless. This government, to which the pure and earnest citizen is looking for reform, now that it has escaped from its recent danger, is sliding more and more into the hands of the dangerous classes. Men to whom human life and the laws of property are nothing, manipulate primary meetings and set up candidates for office. Gamblers, lottery men, and liquor dealers are active in political campaigns, and are becoming so formidable in their unions that politicians truckle to them more than ever, and submit to the pledges they exact. Revolutionary organizations have powers which no association for good can acquire. All the elements of evil seem to unite, as if they had a common end and a common interest, and their union is against good morals and against good government.

As the drowning man clings to the plank, so we have looked to the judiciary in all the alarming phases of our history. It has been less contaminated than any other department of our government. By influences for which every good citizen should be thankful, though he cannot understand them, the bench has been in a large measure preserved from the fate of other departments. With some exceptions it still remains the balance-wheel of the system, our safety among the corruptions which have invaded other branches of the government.

The object we have in view in these pages is to endeavor to show briefly the peculiar causes which have so far tended to save the judiciary, and continue it in comparative purity, and the ruin which must follow if, in choosing our judges, we abandon the instincts which have heretofore guided us, descend to the same sphere in which we battle for candidates for other offices, and permit ourselves to be governed by the same system which governs us in their elections.

The ordinary division of the departments of government into the legislative, the execu-