

CURIOUS LAW EXTRACTS.

tant countries or in watching the great campaigns of the German and French wars.

Colonel Baker has to suffer one year's imprisonment, to pay a fine of £500, and the costs of the prosecution; and, although in one sense he is a volunteer in this respect, yet, as a fact, he is mulcted also in the enormous costs of his own defence. Probably the total amount of the fine and costs of the prosecution and defence are not less than £1,500. If all this be too little, then we ask whether the judge was wrong in considering the services rendered by the offender to his country? Colonel Baker is not punished as a compensation to the injured lady. His punishment is a matter between him and the Crown as representing the public. Is it an absurdity to say that the Crown is to regard the merits of a man in the face of his demerits? Is no distinction to be drawn between a man who has rendered to his country brilliant service, and one who has devoted his energies to his own pleasure, to the gratification of self, and to the avoidance of all personal peril and discomfort? We do not desire to say one word in excuse of Colonel Baker, but we do protest against the baseless outcry raised against his sentence on the score of leniency.—*Law Journal*.

CURIOUS LAW EXTRACTS. (By Mr. F. F. Heard, of Boston.)—We are gravely told by Bracton, and he is followed by Lord Coke, that the true reason why, by the common law, a father cannot inherit real estate by descent from his son, is, that inheritances are heavy, and descend as it were by the laws of gravitation, and cannot reascend. Co. Litt. 11. 2 Bl. Com. 212.

In the course of the argument in *Lincoln v. Wright*, 4 Beav., 171, Lord Langdale observed: "All interrogatories must, to some extent, make a suggestion to the witness. It would be perfectly nugatory to ask a witness if he knew anything about something."

"The sparks of all sciences in the world," says Sir Henry Finch, "are raked up in the ashes of the law." *Law*, p. 6.

A writer in the *Edinburgh Review*, No. 96, p. 491, thus speaks of the admirable reports of Saunders: "The example set by the special pleaders, of whom that tun of sottishness and quibbles, Chief Justice Saunders, is the delight," &c.

Shower reports a case of sharp practice, in which "the attorney and counsel both were checked for this mapping practice;" and they were told by Scroggs, Chief Justice, that "since you have gone so vigorously to work we will use the rigour of the law against you."—*Harwood v. Wheeler*, 2 Show., 79.

Serjeant Maynard, who died in the reign of William III., is said to have had "the ruling passion strong in death" to such a degree, that he left a will purposely worded so as to cause litigation, in order that sundry questions which had been "moot points" in his lifetime, might be settled for the benefit of posterity.

Baron Bramwell once observed: "Every person of any experience in courts of justice knows that a scintilla of evidence against a railway company is enough to secure a verdict for the plaintiff, and was once in a case before a most able judge, the late Chief Justice Jervis, in which I was beaten, and dare say rightly, in consequence of an observation of his: "Nothing is so easy as to be wise after the event."—*Cornman v. The Eastern Counties R. R. Co.*, 5 Jurist, N. S., 658.

In the "Table of Abbreviations" in that very excellent work, Bruton's "Compendium of the Law of Real Property," we find the following: "Bac. Tr. The Law Tracts of Lord Byron."

"In some of the cases brought against Lord Bacon, implying corruption, the sums of money received by him were not gifts at all, but money borrowed, and recoverable as debts. Three of these cases gave rise, after Bacon's death, to a curious question. Being claimed by the leaders as debts due to them from the estate, the executors pleaded that they had been decided by the House of Lords to be bribes." Bacon's Works, vol. xiv. p. 264, note, ed. Spedding.