

## CURIOSITIES OF THE LAW REPORTERS.

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Every man who has had occasion to consult the reporters or even the statutes, must have been occasionally amused by some quaintness or oddity of expression. Mr. Heard has made a collection of these curiosities, and has certainly disintombed a number of good things worth looking through. He leads off by Mr. Macqueen's observation on the *Barton's Hill Coal Company v. Reid and M'Guire*. "Reid and M'Guire were both victims to the same accident, which, though melancholy, has settled the law;"—doubtless a great satisfaction to the public, if not to Reid and M'Guire. Lord Abinger had a clear way of putting a point. When a question was raised by Government, with respect to the right of persons to take water from Portsmouth Harbour, Lord Abinger said: "An old woman must not take a bucket of water from that harbour, lest a seventy-four should not float." This is well matched by "March on Slander," in 1648, where it is said, with reference to the encouragement of actions of slander, "Though the tongues of men be set on fire, I know no reason wherefore the law should be used as bellows to blow the coals."—Indeed the book abounds with neat epigrammatic utterances. The statute 1 Edw. II. enacts that a prisoner who breaks prison is guilty of felony; but if the prison be on fire, this is not so, "for he is not to be hanged because he would not stay to be burnt." The judgment in a very recent leading case, in the Court of Exchequer Chamber, concludes thus tersely: "In the result we come to the conclusion that the case of the plaintiff, so far as it relies on authority, fails in precedent; and so far as it rests on principle, fails in reason." In the course of the argument in *Lincoln v. Wright*, 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."

Vesey, junior, the reporter—of whom Lord Campbell says, "I knew him well; when near eighty he was still called Vesey, junior"—represents Lord Erskine as having decided an important point in medical astronomy, giving as marginal

note, "In cases of lunacy, the notion that the moon has an influence is erroneous." We wish that we could get a few more authoritative and binding decisions of a similar character. For instance, what is the influence of the moon on the weather? Would the Court pronounce that too erroneous?

It may be a consolation to the Bar to know that many years ago the Court of Common Pleas refused to hear an affidavit read, because the barrister therein named had not the addition "esquire" to his name.

It is recorded of the saints of the Republic, that in reciting the Lord's Prayer they would never say, "Thy Kingdom come," but always "Thy Commonwealth come." From a similar spirit probably, though with better sense, the Court of King's Bench was styled during the time of "Style's and Aleyn's Reports," the Upper or Public Bench.

Blackstone is not commonly caught tripping. But he is here: "The royal fish are whales and sturgeons, which, when either cast ashore or caught near the coast, belong to the crown." Blackstone notices a curious distinction made by the old legal authorities, which is that the whale is to be divided between the King and Queen, the King taking the head and the Queen the tail, the reason assigned being that the Queen might have the whalebone for her wardrobe, although in fact the whalebone is found in the head and not in the tail. But then he has the support of Lord Chief Justice Abbott, who, in summing up a case, said, in *Montison v. Jefferies*, "No attorney is bound to know all the law. God forbid that it should be imagined that an attorney, or a counsel, or even a judge, is bound to know all the law."

We suggest the following from "The two Supream laws of the Realm," found in "The practice unfolded" of Chancery, 1672, to the publishers of the next edition of "Bleak House:" "The princes of this land have appointed two supreme seats of Government within this Land: the one of Justice, wherein nothing but the strict letter of the Law is observed; and the other of Mercy, which in the rigour of the Law is tempered with the sweetness of Equity, the which is nothing but Mercy qualifying the rigour of Justice." From the same work comes this