

FLORIAN AND JETSAM.

Court." "No man knows it better, or performs it better—Jackson, call the next case." "May I, my Lord, without offence, request your signature to the bill of exceptions?" "Offence, offence, Mr. O'Connell! you never offended me in your life—nor anybody else, I do believe. You're too good-natured and good-humoured a man—and you look it." "Oh, my Lord, let me at least implore of you to spare your compliments." "Truth, truth, Mr. O'Connell—and you know truth's no compliment." "Once more, my Lord, I very deferentially ask your signature—or your refusal. All I want is a categorical answer." "No doubt, no doubt, you'd be satisfied with a refusal. But I don't refuse you—indeed I don't think I could refuse you anything; so mind, I don't refuse, but I do nothing in a hurry; come to me in my chamber when the court rises—your time's valuable, and so it ought—your talents make it so." "My Lord, my Lord, you at least may spare me the infliction of your panegyric." Daniel departed, the victim of the Judge's cajolery; but Norbury in private gave the autograph, and saved at once the publicity and the penalty.

This reminds us of a story of a certain Judge in the Western part of the Province, who is said to have fined a Barrister for contempt of Court for objecting to his charge, (or rather what he was pleased to call his charge). The fine was paid, and some time afterwards the learned Judge, on thinking the matter over, gave the mulcted individual an order to get the money back. It is also said that the bewildered Barrister has ever since neglected his business in a vain endeavour to ascertain whether he was in fact fined, and if so, why; and further, why he paid the fine (if paid), and what authority the Judge had to order its return, and why he so ordered, or how otherwise.

Here and there, lingers a strong prejudice against Judge Taney for his decision in the Dred Scott case, and especially in New England, some of whose citizens object to the proposed portrait of the chief justice alongside that of Chase in the supreme court room; but Judge Nelson, upon whose memory so many honors are being bestowed, would have decided the same way. This same Judge Nelson, in the United States Supreme Court, on the Dred Scott case, quoted a very remarkable letter written by Judge Story in 1828, relating to a case analogous to that of Dred Scott. Judge Story was accustomed to write at least once a

year to Lord Stowell, sending him a copy of his judicial decisions, which the latter reciprocated. At length a case arose in the English court, (of which Lord Stowell was chief justice), where an Antigua slave was carried by his master to England, for temporary residence, and was subsequently taken back to Antigua. He brought suit for his freedom, and the inferior court decided against his right to freedom. In the appellate court, Lord Stowell, in behalf of a majority of the court, affirmed the judgment below. Lord Stowell sent the decision to Judge Story, who delayed replying so long, that Lord S. again wrote to him, expressing regret at not receiving a reply, and the hope that their pleasant correspondence, of so many years' standing, would not cease. To these letters, Judge Story replied as follows:

"SALEM, NEAR BOSTON, Sept. 2, 1828.

"To Rt. Hon. Wm. Lord Stowell:

"MY LORD—I have the honor to acknowledge the receipt of your letters of January and May last, the former of which reached me in the latter part of spring, and the latter quite recently. * * * I have read, with great attention, your judgment in the slave case from the vice-admiralty court of Antigua. Upon the fullest consideration which I have been able to give the subject, I entirely concur in your views. If I had been called to pronounce judgment in a like case, I should certainly have arrived at the same result, though I might not have been able to present the reasons which led to it in such a striking and convincing manner. It appears to me that the decision is impregnable.

"In my native State (Massachusetts), the state of slavery is not recognized as legal, and yet, if a slave should come hither and afterward return to his own home, we should certainly think that the local law would reattach upon him, and that his servile character would be reintegrated. I have had occasion to know that your judgment has been extensively read in America (where questions of this nature are not of unfrequent discussion), and I never have heard any other opinion but that of approbation of it, expressed among the profession of the law. I cannot but think that upon questions of this sort, as well as general maritime law, it were well if the common law lawyers had studied a little more extensively the principles of public and civil law, and had looked beyond their own municipal jurisprudence.

"I remain, with the highest respect, your most obedient servant.

JOSEPH STORY."

—New York Express.