

relation to the business then carried on, and the fact that the voice at the telephone was not identified does not render the conversation inadmissible.

But the Court properly added: "The ruling here announced is intended to determine really the admissibility of such conversations in such circumstances, but not the effect of such evidence after its admission. It may be entitled in each instance to much or little weight in the estimation of the triers of fact, according to their views of its credibility and of the other testimony in support or contradiction of it."

We have always felt doubtful as to whether the court did not go a little too far in this case. It is evident that a clerk in an ordinary shop, in apparent charge thereof, has a somewhat different authority to speak for his employer than an unknown person speaking over a telephone. In each case it is a question of presumptive evidence, but the presumption is very much stronger in the case of the clerk in the store than of the speaker over the telephone. The question as to where is the clerk is absolutely determined; as to where is the speaker over the telephone is only a matter of very great probability.

On the second point, that an identification of the voice of the speaker through the telephone is not necessary to make his declarations admissible, we think the court went to a very great extreme, and we doubt whether this ruling should be followed.

A rather curious case decided some years before the one last cited, (*Sullivan v. Kuykenhall* 82 Ky. 483; 56 Am. Rep., 901), was that of a conversation which took place, not directly between the parties over the telephone, but through the operator in charge of a public telephone station. It was held by a divided court that the person who received the message from the operator could state what was told him where there was evidence that the other party did in fact use the telephone at that time. It is evident that the operator could not be expected to remember the conversation. It would seem, however, that this case also goes pretty far, and that the statements of the party who alleges that he receives such a message should be strongly corroborated, at least as to the presence of the other party at the other end of the wire at the time testified.

In a recent case, *Banning v. Banning* (80 Cal. 271; 13 Am. St. Rep., 156), it was held that the fact that a married woman is not personally present before a notary at the time he takes her acknowledgment through a telephone, she being three or four miles from him, will not vitiate such deed, because, in the absence of fraud, accident or mistake, the certificate of the notary in due form is conclusive of the material facts therein stated.

In this case it was clearly proved that the acknowledgment was made through the telephone.

These appear to be all the decisions so far on the question.—*New York L. J.*

PET ANIMALS.—The keeping of pet animals has ever been a favorite habit of Englishmen. It manifests itself at an early age. Scarce has the boy assumed the dignity of knickerbockers than he begins to keep white mice, and becomes