

A Little Learning

By Marvin Leslie Hayward.

(a) "Squire" Ira Branch in "A Country Lawyer."

"I BELIEVE that a good knowledge of the law can only be acquired and retained by a practising lawyer. That an amateur at law is as dangerous to himself and the community as a self-cocking revolver in the hands of children, or a red-eyed bulldog among sheep."

Albert Bradley was a living rebuttal of the above dictum of one of the most engaging legal characters in modern fiction. (a) He did all the legal work in connection with his extensive business; he always fought his own cases even on appeal to the Supreme Court, and his law library was the envy of all the younger members of the bar. All Clark, the local philosopher, summarized the general opinion when he declared that "Old Bradley knew more'n ails the brightest lawyers in the Province of New Brunswick."

Nor was his legal knowledge confined to a single jurisdiction. Living near the international boundary between New Brunswick and the State of Maine and doing business in both, he had acquired a varied knowledge of the Maine law, and had a fine assortment of American text books and authorities in his library.

As a citizen, however, he was not highly regarded, and Clark again struck the popular keynote when he averred that "it was cussed lucky that he leaned to the law, for he was too almighty crooked for anything else;" and a local and courageous editor had once described him as "a model combination of Ananias, Shylock and Don Juan."

And popular opinion was partly justified, for he used his legal knowledge not merely to protect his own interests, but was continually devising schemes to overreach somebody, and then looking up some loophole in the law that would enable him to "get by with it."

For instance, there was the case of one Emery Newell, who resided in Maine and had lumbered for Bradley on the Aroostook River during the winter of 1915.

Bradley's system of dealing with the "jobbers" who cut logs for him was very simple and effective. He insisted that they sign a contract that the logs were to be scaled by a scaler appointed by Bradley and that his scale should "be final and binding upon the parties to all intents and purposes." Then he kept a careful account of the cash and supplies drawn by the "jobber" to run the operations, and the scaler adjusted his figures so as to bring things out about even.

Newell, however, had stolen a march and several lines of trenches during the winter, as he drew about \$4,000 cash over and above what it took to do the work, and had deposited it in a Houlton bank. Then when he settled up in the spring and found, as usual, that his logs just about balanced what he had drawn he was still \$4,000 to the good. He was unwise enough, however, to openly taunt Bradley with his lack of foresight, and the latter immediately began planning some way of recovering the cash, while Newell took it for granted that Bradley would be "a good sport" and allow things to go along as usual.

Accordingly when Bradley wrote him offering to sell a block of Maine timber land for the absurdly low price of \$5,000, and suggesting that they meet at Jacob Weiss' "line store" to close up the deal, Newell assented without the slightest hesitation.

A few days later Bradley entered the store on the Canadian side and stood chatting with the genial Jacob. A few minutes later Newell strolled in on the American side, with only the long counter between them. This counter ran north and south directly on the international boundary. Then when a customer came in on the Canadian side, Weiss stood on the American side and sold him "spirituous or fermented

liquors contrary to the form of the statute in such case made and provided," and when an American customer called he simply reversed the procedure. If the officers of the law from either country paid him an official visit, he simply moved himself and his stock of goods a few feet east or west and into a foreign jurisdiction, where he was safe from arrest.

Bradley and Newell soon concluded their deal. Bradley handed the deed across the counter and Newell, at Bradley's request, sent the cash to a Houlton bank to be deposited to Bradley's credit.

A few days later Newell went down to Houlton and presented his deed at the registry office.

"This document can't be recorded," declared the registrar.

"Why not?" asked the astonished Newell.

"Because it is not acknowledged as required by the laws of the State of Maine," replied the official, handing back the deed.

Newell then called at the bank and found that Bradley had checked out the cash the day before. Still, he was not alarmed; for he imagined that it was merely an oversight on Bradley's part, and he wrote him, calling his attention

courts alone have jurisdiction over the offense. I have the citations of the authorities right here." (b).

(b). See 12 Cyc 209, U.S. vs. Davis, 32 Sumner, 482, Reg. vs. Jones 4 Cox C.C. 198, and Rex vs. Coombe, 1 Leach C.C., 432.

"That's all right," retorted MacKenzie; "but Newell will take proceedings against you under the Extradition Act, and our courts will order that you be sent back to Maine to be tried for the crime which you admit was committed there."

"Really, the ignorance of the regular members of the bar is appalling," sneered Bradley, turning to his brief again. "Don't you know that the object of the Extradition Acts is to provide for the return of 'fugitive offenders,' and that the courts have held that if one is not actually in a country when he commits a crime therein, he cannot be a 'fugitive' therefrom and therefore liable to extradition." (c). Now, as I was never out of New Brunswick, commonsense let alone law, ought to teach you that I couldn't possibly 'flee' into the Province, so if you want to make a fool of yourself, just try to extradite me."

"You have fallen into the laymen's error of applying the principles of the law laid down by the United States courts to Canada, where the conditions are different," retorted MacKenzie.

"But those general principles are of universal application," argued Bradley.

"Not at all," denied MacKenzie. "The American cases, which are perfectly cor-

within the meaning of the English act, from which, as I have said, our act is copied."

"Will you accept the \$5,000 cash and your costs, and allow the matter to drop?" queried Bradley as he verified the citation of the English case.

"Yes," replied MacKenzie, "and I think it will show you that after all you are not capable of doing your own legal business."

"You're right," agreed Bradley. "What'll you take as a yearly retainer to act for me?"

(e). Revised Statutes of Canada, Chap. 155, Sec. 2.

(f). Reg. vs. Nillins, 53 L.J., M.C. 157.

Remembering

By Jane K. West

When little Alice built her fine sand house on mother's clean porch, mother opened her lips to administer a sharp rebuke. But the words remained unspoken. In that instant there had flashed before the mind's eye a picture from mother's childhood. She saw herself a little girl in the old village home. She was driving old Shep, the dog, with carpet-rag reins, and she wanted a whip to make the thing more realistic. So she picked the first switch that came to her hand, a little sprig growing up there in the yard, and she flourished it about gayly, but of course old Shep was not to be touched with it. At dinner time father came in, and inquired which child had picked the little sprig. She had confessed at once, thinking of no wrong. But father had been very angry. It appeared that the sprig was a choice and rare cutting for which he had paid a great price. She had been punished, and told that she was a bad, destructive child. In her heart she had known that she was not a bad child, and the feeling of the injustice of her elders had been so strong that the incident never faded from her mind. So now before she spoke to her own little daughter she remembered in the light of that other day, that the child had very likely meant no wrong. It was annoying to have the litter on the newly washed porch, but little Alice, happy in the creation of a wonderful structure, was not a bad child at all. In a word the mother was able to get the child's viewpoint. And when Alice cried, "Isn't my castle pretty, mamma?" she answered, "Very fine." And after admiring it, she ventured the diplomatic suggestion that the next time it would be better to build a sand house out under the maple tree, where it was not so likely to be trodden on.

The mother who can remember her own childhood is blessed. What a pity that all do not have the power of Robert Louis Stevenson, "the beloved," of actually entering again into the thoughts and feelings of childhood. How much happier the children would be if parents could understand. The little pilgrims are trying to adjust themselves to a world as unknown to them as mythical Mars would be to us. In ignorance they are constantly running against our laws and customs, and then we call them naughty. Their mistakes are annoying to us, and disturb our ordered ways; but how patient we should be in guiding these little feet in the right path.

A little girl on her first visit to a country aunt, found the farm a very fairland of lovely new things. One day she went into the orchard, and noticed that the blackberries that grew along the fence were ripening. They were not yet fit to eat, but the city child did not know that. She gathered all that were turned, and with her little heart aglow with love and gratitude she sat and strung them on some stiff grass stems, and took the pretty clusters in as a gift to her aunt.

"Oh, you naughty child, to pick those berries before they are ripe!" cried the aunt sharply.

The child controlled herself until she got to her nook in the haymow, but how long and hard she cried there no one else ever knew. The aunt had forgotten her careless speech by supper time, but so deep was the hurt that the child lost all interest in the farm, and in a few days begged to be sent home.



A Splendid specimen of the Canadian Mink

to the error and asking for a new deed.

By return mail he received a brief letter in Bradley's cramped handwriting, the broad general effect of which was that he, Newell, could go to the devil.

"Earn" MacKenzie was delighted when Newell retained him to start criminal proceedings against Bradley. He had been trying to catch the latter in some of his shady deals for years, and was probably a little nettled at Bradley's reputation as a master of the law.

"I am instructed by Mr. Newell to start criminal proceedings against you for obtaining his money under false pretences in connection with the sale of the Machias timber land," MacKenzie announced as he entered Bradley's office a few days later.

"Crack on," invited Bradley, "but you'd better look up the law first."

"I suppose you have some intricate point up your capacious sleeve?" suggested MacKenzie.

"I don't mind telling you," retorted Bradley looking over a neat brief, "that Newell was in Maine and I was in New Brunswick when the business was done, and that whatever I did or said took effect in Maine and not in New Brunswick. That is to say, if a crime was committed, it was committed in Maine and not here, so the courts of this country have no jurisdiction to try me for an alleged offense committed in Maine and against the laws of that state. It is an elementary principle of the law of criminal jurisdiction," he went on patronizingly, "that if a party in one country does an act which produces a result in another country, the crime is committed in the latter country and its

rect as far as the United States is concerned, are decided on the section of the United States Constitution which says that if a criminal in any state 'shall flee from justice and be found in another state,' (d) he shall be liable to be extradited from the latter state; but in Canada we would proceed under the Extradition Act, which is worded very differently from the U.S. constitution."

(c). See 19 Cyc 87, laying down this principle.

(d). U.S. Constitution Act. 4, No. 2.

"How is it different?" queried Bradley. "Our act," replied MacKenzie, walking over to the bookcase and selecting "Crankshaw's Criminal Code," "defines a 'fugitive criminal' as 'a person being or suspected of being in Canada, who is accused or convicted of an extradition crime committed within the jurisdiction of any foreign state.' (e). You will readily note the difference. In the United States a 'fugitive' is one who has 'fled' from another state. In Canada it merely means one 'being or suspected of being' in the country."

Bradley seized the book and glanced down the page indicated.

"Then," MacKenzie went on, "that definition in our act is copied word for word from the English Act, and under the English Act the courts of that country decided in a case which you can find in your library, (f) that where a party in England wrote letters to a party in Germany and by false pretences induced the latter to deliver goods to a third party in Germany, the party in England was a 'fugitive criminal'