brethren that they should be looked upon as a class holding a position half-way between the Bench and the Bar. We admit that this standard would vastly reduce the number of silks; be it so, but silks would then be worth having, and there would be some inducement for men to excel amongst their fellows, and to gain the homage of their brethren, which to a true lawyer is vastly better worth having than the possession of a large practice or the popularity gained by victories at *nisi prius*.

SUITS "BENEATH THE DIGNITY OF THE COURT."

(First Paper.)

The maxim "*de minimis non curat lex*" is one peculiarly applicable to matters in controversy which, because of their insignificance, the Courts refuse to entertain. The reason of this is based on the principle of jurisprudence that it is the duty of judges to discourage litigation unimportant and mischievous in itself, and also detrimental to the interests of other suitors, whose causes are thereby delayed: *Eltham* v. *Kingsman*, 1 B. & Ald., 687.

The business of the Courts, as has been well said by Story, is to administer justice in matters of grave interest to the parties, and not to gratify their passions or their curiosity, or their spirit of vexatious litigation. Rolfe B. explains what is meant when it is said that causes are beneath the dignity of the Court. It does not mean that the Courts lose dignity by entertaining questions involving a small pecuniary amount, but it expresses what every one must feel the force of—namely, that a large sum of money would be spent in carrying on a proceeding which would not be worth the expense: *Stutton* v. *Bament*, 3 Exch. 834.

No doubt there are classes of cases (more common in former times than now) wherein the Courts were in the fair way of losing their dignity, when condescending to entertain them. These were commonly disputes about wagers; and under this head of law a very curious and amusing chapter might be written. Lord Kenyon allowed an action to be tried before him to recover a small sum of money lost by the defendant to the plaintiff at the game of all-fours: *Bulling* v. *Frost*, 1 Esp. 235. In *Pope* v. *St. Leger*, 1 Salk. 344, an action was tried by Lord Chief Justice Holt on a wager whether a person playing at backgammon, having stirred one of his men without moving it from the point, was bound to play it; and, according to some authorities, the venerable judge called in the assistance of the groomporter to decide the controversy: (see *Hussey* v. *Crickitt*, 3 Camp., at p. 171). In this very case of *Hussey* v. *Crickitt* there is perhaps more humour than in any of the others. The full Court there with some hesitation determined that an action may be maintained upon a wager of "*a rump and a dozen*" whether the defendant be older than the plaintiff. The witnesses at the trial proved that *a rump and a dozen* meant a good dinner and plenty of wine for the persons present. Sir James Mansfield said: "I am inclined to think I ought not to have tried this case. While we were occupied with these trifling disputes, parties having large debts due to them, and questions of great magnitude to try, were grievously delayed." Mr. Justice Heath, however, regarding the question rather in a social point of view, saw nothing immoral in a wager about a good dinner, and thought the parties entitled to come to the court.

In *Henkin* v. *Guerss*, 12 Ea. 247, the judges refused to try an action on a wager upon an abstract question of law or judicial practice not arising out of cir-