

DIGEST OF ENGLISH LAW REPORTS.

body's business is nobody's business." Offences against the public treasury are quite generally regarded as venial. In the opinion of a great many very decent people it is not a very heinous offence to smuggle, provided one does not make a business of it; but a little amateur smuggling for one's self or one's friends, accompanied by a little judicious corruption of the revenue officers, is a rather clever achievement. Tweed had the advantage of being a public robber on a grand and audacious scale. What protected Madam Restell in her long career of infamy, on the other hand, was the peculiarly secret character of her offence, and the improbability of the employment of accomplices, or the use of appliances which could be traced, together with the idea so prevalent that the offence of abortion is rather against sentiment than against morals. It would be difficult to say what protected Morrissey in his business, unless it was true, as he was in the habit of declaring, that there was a public demand for well-regulated gambling places. Mr. Morrissey, with his blunted moral perceptions, used to justify himself by declaring that gambling was no worse than stock-jobbing, or for that matter, than trade itself. But when he invited us to come into his club-house at Saratoga some years ago, and see the persons who were his patrons, our acceptance of his invitation convinced us that he was in no danger of prosecution, however erroneous might be his views upon the comparative moral equality of Saratoga and Wall street. If any one is disposed to try the experiment, he may easily experience the sensations of young Goodman Brown, in Hawthorn's weird legend, when he attended the witches' pow-wow and found there the minister, elders, and deacons, and the matrons and maidens of his own Church.

It is true that the community of the metropolis has lashed itself into a spasm of virtue. It has crushed out Tweed and "smashed his ring." It has driven the Restell woman to suicide, and has experienced a holy satisfaction in the reflections incident to that occurrence. The newspapers and the pulpit have had much to say against Morrissey's occupation, but we have not heard up to the

hour of going to press, that his place has been shut up except for the funeral. It has thundered awfully. An outraged people has arisen in its majesty and wrath, and overwhelmed the audacious violators of the law, and all that sort of thing. But the question arises: are political corruption and bribery, abortion, and infanticide, and gambling, any less prevalent than before the storm? Are the laws against these crimes any less dead-letter laws? We would that these inquiries might be answered in the affirmative, but we fear that they cannot be. We fear that there is the same individual carelessness about infractions of public rights; the same unrestrained licentiousness; the same greed of gain and love of chance, which rendered possible the career of these three great law-breakers. Law-makers and lawyers cannot convert the spirit of a community, but they can at least do something to preserve law from derision. They can encourage attempts to detect and punish violations of law, and they can punish the guilty. The public authorities have been and are still blamable in this matter. There is a leaven of public sentiment that would sustain them in advances against the strong-holds of such crimes as we have mentioned, and a vigorous and unrelenting prosecution of such offenders would at length create a general public interest which is now lacking. Rain will extinguish a fire, but if you burn powder enough you will produce a rain, as the history of great battles show. There may not be public interest enough to inspire the prosecution of minor offenses, but the faithful discharge of official duty would engender the public spirit which should be the moving cause.

—*Albany Law Journal.*

ENGLISH REPORTS.

DIGEST OF THE ENGLISH LAW REPORTS FOR NOVEMBER AND DECEMBER, 1877, AND JANUARY, 1878.

(From the *American Law Review.*)

ACCOUNT.—See COVENANT, 2.

ADJACENT SUPPORT.

Between the coal-mines of the plaintiff