

## BRITISH JUDICIAL TESTS.

Witty and Wise Obiter Dicta by a London Police Court Judge.

Little more than twelve months after his retirement from the position of judge of the City of London Court, an office he had filled for a period of 42 years, Mr. Commissioner Kerr has passed away at his residence at Northwood, near Rickmansworth, at the ripe old age of 81. As a judge, Robert Malcolm Kerr was remarkable for the expeditious discharge of the business of his court—where, perhaps, the law's delays were less known than in any other—and for his scathing criticisms on legal usages, and not unfrequently on members of the profession practising before him. They were unconventional and unsparing to a degree unknown elsewhere. In a light and airy fashion he dealt with many a dispute which, in his opinion, ought never to have come into court at all; but none the less was he always ready to bestow a patient hearing upon any action that demanded serious consideration. Whatever off-handedness might seem to be betrayed in his "obiter dicta," he took his duties seriously and conscientiously. During the many years that he presided in the court he was but once late in commencing his duties, and that was on an extremely frosty day, when one of his horses fell on the street. Among some of his famous sayings in court the following may be recalled; the circumstances which evoked them may be conjectured:

"I am not here to lecture upon law; otherwise I should be here all day and night teaching the profession their business."

"King David said in his haste, 'All men are liars.' If he had sat here as I have for over forty years he would have said it in his leisure."

"The moment that you, a foreigner, land at Dover, you are supposed to know the whole law of England—which nobody ever knew."

"Always put everything into writing. Pens are cheap, ink is cheap, and paper is cheap."

"People contradict each other so much that by and by every commercial transaction will have to be reduced into writing. When you go to buy even a penny loaf you will have to take an order for it in writing to prevent a contradiction arising."

"Men who have not any money always go about well dressed. They cannot afford to dress shabbily."

"I cannot help costs accumulating. Lawyers must live, you know. If you were to establish the doctrine that lawyers were only to get a commission on what they recover there would be no adjournments, no refreshers—no anything. People would be made honest then. It would be a sad thing for the lawyers, but that would not matter."

"Counter claims are an abomination, and are simply the modern substitute for the old dilatory and fraudulent pleas with

which the public were familiar forty years ago."

"I hope the system of giving credit for coals will be stopped. I pay for my coals 'down on the nail.' Why should not everyone else? In fact, I would abolish credit altogether in this country if I could."

"A man who does not pay his debts ought to be made a social outcast."

"Never go to law under any circumstances. You had much better lose your money than go to law. As a rule, it only puts money into the pockets of the lawyers—the very worst form in which it can be spent."

"Have you not lived long enough to know that promises are made to be broken? If a man breaks one promise never believe him again."

"The man who promises to pay his debts never does it. The man who does it pays instead of promising."

"I will give you a hint which will be of service to you for the rest of your professional life as a solicitor. Always let evidence of prejudice go in without objection, because it does more harm to the man who imports it than to the person whom he tries to damage by the prejudice."

"Never sign a hire-purchase agreement. They are generally snares and delusions. In fact, never sign anything for the rest of your life."

## BOOK NOTICES.

In its reviewing column, under the heading of "Commerce and Literature," *Le Prix Courant*, of Montreal, has the following in its issue of January 2nd, respecting a story recently written by a young man of Toronto: "The ranks of commerce do not lack persons of culture, but it is rarely that a business man uses his pen for purely literary ends. We cannot but congratulate the rare merchants who form, in this connection exceptions to the rule. Mr. Ralph W. Hees, of the firm of George H. Hees, Son & Co., has just published in John Murphy & Co.'s Christmas and New Year's Annual, a delightful story, which we have read with marked interest. We are not aware whether The Newsboy's Christmas Eve is the first literary effort of Mr. Hees. We shall be surprised if it is, for a debutant does not write with such charming simplicity as he does. First appearance or not, we trust Mr. Hees will not withdraw from so promising a course, and that we may again have the pleasure of noticing his writings."

## CONTRIBUTORY NEGLIGENCE.

While Attorney James Lindsay Gordon was waiting in the corridors of the County Court House recently for a negligence case in which he appeared to be called, he explained "contributory negligence" to an enquirer in the language of an old Virginia negro preacher. "The parson's salary had been running

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