

from setting up the more limited authority as given by the law of his own country; but the present case was different, as it was a case where the English law gave the more limited authority, and there could not, therefore, be the same hardship upon persons dealing in England with the agent. Mr. Justice Day decided that the document was to be governed by English law, thus adopting the view of Story where he says (paragraph 286): "There is no doubt that where an authority is given to an agent to transact business for his principal in a foreign country it must be construed, in the absence of any counter proofs, that it is to be executed according to the law of the place where the business is to be transacted."—*London Law Times*.

CONVERSATION BY TELEPHONE.—The question of the admissibility in evidence of conversations over the telephone is one upon which there are already several decisions, and owing to the rapid increase of telephonic communication, is of some importance.

Conversations by telephone are like no other communications. For instance, they have been compared to communications made through an interpreter, but, of course, this is grossly inaccurate, for, in the case of a conversation carried on through an interpreter, whatever doubt there may be as to the meaning of the exact words used, there is none as to the identity of the speakers. Again, they have been compared to conversations between blind persons or between persons in neighboring rooms, not in sight of each other. This comes nearer to telephonic conversation, with the difference, however, that the voices of the speakers are not altered, as may be the case over the telephone.

While, however, there are obvious limitations to the reception in evidence of telephonic communications, their admission is in many cases necessary, and the law upon the subject may be considered as reasonably well settled.

The first case on the question, so far as we know, was *People v. Ward*, N. Y. (Oyer and Terminer, 1885, 3, N. Y. Crim. Rep., 483), where it was held that it is competent for a witness to testify to a conversation over the telephone, and to statements made by the other party thereto, where the witness called said party to the instrument and recognized his voice in response.

It is to be noted in this case that the instrument was a private telephone. The witness, Fish, testified: "I went to the telephone and rang up Mr. Ward. It was a direct telephone between Grant & Ward's office and the bank. I had conversed with the defendant, Ward, hundreds of times over the telephone, and could recognize his voice very distinctly. I recognized it on this occasion." This was held sufficient to admit testimony of what the defendant Ward said.

In the case of *Wolfe v. Missouri Pacific Ry. Co.* (97 Mo. 473; 10 Am. St. Rep. 331), the court went further, it being held that when a person places himself in connection with a telephone system through an instrument in his office, he thereby invites communications in relation to his business through that channel. Conversations so held are as admissible in evidence as personal interviews by a customer with an unknown clerk, in charge of an ordinary shop, would be in