

denied by defendant. Plaintiff's counsel contended that there was a usage amongst gardeners to purchase plants on credit for their master, and that it came within the scope of their authority as being incidental to their employment; and further, that as soon as the defendant became aware of the invoice, although sent to Robinson, it was a duty incumbent upon him to have at once communicated with the plaintiff and repudiated his liability, and that by his not having done so, he had adopted the contract of his servant and was therefore liable.

His honour gave judgment for the defendant, holding that, even if such a usage did exist, it would be most unreasonable, and in the present case, fraudulent, as from the evidence it appeared that the gardener was receiving a handsome commission from the nurseryman; and further, that it did not come within the scope of a gardener's authority to purchase valuable plants, such as those the subject of the action, without his master's express instructions, which in this case he found had not been given. And on the second point, that there was no obligation on the part of Mr. Wheelwright to communicate with the plaintiff on seeing the invoice in Robinson's hand, and that the defendant had done nothing by which he could be deemed to have adopted his servant's contract.

The plaintiff's counsel asked for leave to appeal, which the judge granted on the first point, but refused on the second.—Verdict for defendant, with costs.

THE UNITED STATES SUPREME COURT.

Chief Justice Waite came to the Supreme bench in the maturity of his powers—he was fifty-seven years of age—and so vigorous is his constitution, physically and mentally, that although he has now passed his seventieth birthday, he shows as yet no indications of the approaching feebleness of age. As he walks along Pennsylvania avenue in Washington, where he may be seen almost any fine day on his way between his home and the Supreme Court room at the capitol, his step is as light and as springy as that of a boy; and when he reads a carefully prepared opinion in a complicated case, it bears

evidence in every line, not only of the most patient research and close analysis, but also of growing rather than of waning powers. In personal appearance Chief Justice Waite is not imposing—a man who is only of medium height rarely is—but there is a substantial solidity about his figure that makes him far from the reverse. There is no stoop to his broad shoulders, and he carries erect his large, well-formed head, covered as it is with hair that is now iron gray. His face is reflective and genial, with well marked features, and keen, piercing eyes. He impresses a stranger as being a clean-cut, positive, determined man. His charming simplicity of manner and quiet, unassuming demeanor make a deeper impression of his greatness than any conscious assumption of dignity could do. There is something that satisfies our ideas of the highest propriety in the manner in which the chief justice lives in Washington. His house is a comfortable, large brick edifice in an eminently respectable but not ultra-fashionable quarter of the national capital. The interior is that of the residence of a man of culture and ample means (not great wealth, as the world goes to-day); with spacious rooms about whose furnishing and ornamentation there is an air of homelike repose. Judge Waite's "den," as he calls his workshop, is in the second story over the dining-room, well-lighted, ventilated, and tastefully carpeted and papered. A bright fire in the grate casts a warm glow throughout the apartment, when the season requires it, and a rich rug in front of it invites the visitor to a siesta in one of the great easy chairs. But it is not a place for idleness, as the piles of legal-looking papers that rise from the desk and peep out from the drawers testify, and the law-books arranged in rows in the book-cases on the sides attest. The spaces of the walls are occupied by engraved portraits of chief justices, his predecessors, and large photographs of Webster, Clay, Grant, Hayes, and other public men. A large stuffed owl, that emblem of wisdom, looks down as if it was the guardian spirit of the place. Here the chief justice does his work. Rising early, a cup of coffee is brought to his study, and with that mild stimulant