

that residence alone, even for twenty-two years, will not destroy the domicile of origin; but we venture to doubt whether he is right in deciding that a man who for fifty years has wandered over the world, and returns not to his native land, but to another country, where he remains till his death, does not show an intention of abandoning his domicile of birth and taking a domicile of adoption.—*Law Journal* (London).

GENERAL NOTES.

At the Liverpool County Court there was a dispute with a dressmaker about the fit of a certain bodice. The plaintiff, who refused to take it, alleged it was too short, and too much padded. The dressmaker stated that bodices were now cut short on the hips, and as to the padding it was necessary, on account of the lady being deficient in the place where the padding was placed. The plaintiff did not desire to have her figure improved by the dressmaker, she was quite satisfied with it as it was. The question of misfit or fit appeared to be incapable of decision, till at length the dressmaker claimed that it should be put on. The plaintiff at length consented to do so, and adjourned for that purpose. On her return the judge and Court proceeded to criticise the fit. The judge at last made a suggestion—such a suggestion, just like a man—that surely the fault of the bodice being too short might be remedied by bringing the dress higher up: but then his honor appears to have forgotten all about the ankles. The matter was, however, at last settled.—*Gibson's Law Notes* (London).

In the Hoyt will case, Gen. Butler, while addressing the Surrogate in opposition to a motion to strike out certain medical testimony, provoked a laugh at the expense of Senator Evarts, his adversary. "Why, your Honor," said he, "at this time the testator's malady had proceeded so far that his mind was almost entirely gone. He could not carry on an intelligent conversation. He could not even talk politics; and no one knows better than my learned friend, (turning to Senator Evarts) that it takes very little intellect to talk politics."

At a trial over which Mr. Justice Maule presided, great doubt was expressed as to whether a little girl who had been called as a witness knew the nature of an oath. To silence controversy, the judge asked the child if she knew where she would go if she told a lie. The witness meekly replied, "No, sir." To which the judge added, "A very sensible answer. Neither do I know where you will go to. You may swear the witness."—*Whitehall Review*, (London).

Houghton, with all his high gifts, had, like most really noble men, a good deal of the woman in his nature, not only of the gentle, the merciful woman, but also of the woman excelling man by her ready initiative, by her swift sagacity transcendent of the reasoning process, and now and then by her nimble, her

clever resort to a charming little bit of stage artifice. My laundress had come to me one day in floods of tears because her little boy of eleven years old, but looking, she said, much younger (being small of stature), had wandered off with another little boy of about the same age to a common near London, where they found an old mare grazing. The urchins put a handkerchief in the mouth of the mare to serve for a bridle, got both of them on her back, and triumphantly rode her off, but were committed to Newgate for horse-stealing! My laundress (not wanting in means) took measures for having her child duly defended by counsel, but I thought it cruel that the fate of the poor little boy should be resting on the chances of a solemn trial, and I mentioned the matter to Milnes [Lord Houghton]. He instantly gave the right counsel. 'Tell your laundress to take care that at the trial both the little boys—both, mind—shall appear in nice clean pinafores.' The effect, as my laundress described it to me, was like magic. The two little boys in their nice 'pinafores' appeared in the dock and smilingly gazed round the court. 'What is the meaning of this?' said the judge, who had read the depositions and now saw the 'pinafores.' 'A case of horse-stealing, my lord.' 'Stuff and nonsense!' said the judge with indignation. 'Horse-stealing, indeed! The boys stole a ride.' Then the 'pinafores' so sagaciously suggested by Milnes had almost an ovation in court, and all who had to do with the prosecution were made to suffer by the judge's indignant comment.—*Fortnightly Review*.

PRISONERS AS WITNESSES.—In the course of summing up in *Regina v. Jarrett*, on November 7, Mr. Justice Lopes made the following observations:—"All the parties who are accused, except Jacques, have availed themselves of the privilege of giving evidence. I rejoice that they have done so, because it has enabled them to place before you every fact and every circumstance which could in any way exonerate them: from the offence with which they are charged. I cannot help alluding to the fact that the Attorney-General has refrained from objecting to evidence which, if objected to, I think I must have held inadmissible. Statements made by one of the accused parties to the other have frequently been introduced into this case. No objection was taken to that course, and I did not feel it my duty to interfere. I am glad no objection was made, because it gave a greater opportunity to the accused. I allude to these matters for this reason: that this being one of the first cases tried under the new Act, I should not like what has been done in this case to be construed into a precedent, and that it should be supposed that in cases tried under this Act, when persons tender themselves as witnesses, statements of this kind are to be allowed. Jacques might have been put into the witness-box, but Mr. Mathews, with great judgment, said that no observation adverse to him had been made, because he was ready to admit all the evidence given, and had nothing to contradict, and why, therefore, should he go into the box if he had nothing to contradict? As Jacques has not chosen to go into the witness-box, it is not a fair suggestion to say if he had gone into the box there might have been extracted from him that which would have implicated him.'