The Legal News.

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The bill introduced by Mr. Weldon, (noticed on p. 73), to authorize the extradition of fugitive offenders charged with certain crimes not included in the Extradition Treaty, was allowed to go on the Government orders, and has passed both the Commons and Senate. The retroactive clause has been struck out, and a clause has been inserted, that the law shall not come into force until proclaimed by the Governor-in-Council. This is intended to give the Government an opportunity of fully considering the policy of volunteering a privilege in favour of a foreign country without any stipulation that there shall be a reciprocal obligation on the other side. The feeling of Parliament, however, is manifestly to send off criminals coming here, without regard to reciprocity.

Happy are they unto whom, in their baptism, their godfathers and godmothers gave but one name, for when they come to be knighted they shall not be perplexed as to what name they shall be called by. The *Law Journal* (London) says that only the first of the Christian names can legally be used in England. Thus "William George Granville Venables Vernon Harcourt" is "Sir William Harcourt," and not "Sir Vernon Harcourt," as he was sometimes called. "In point of law no one can have more than one prænomen, which can only be changed by Act of Parliament, although he may have as many surnames as he likes, and change them as often as he can induce the rest of the world to follow him. His prænomen is given at baptism, or any form of solemn nomination recognised by law, or, in default, on registration according to law. No alteration has been made in the law of the time when baptism was compulsory, which was that a candidate could only have one baptismal name, and the practice of adding a second and more, which came in with the Georges, is in the eye of the law surplusage. The present Sir Stafford Northcote, created a baronet under that title by the express desire of Her Majesty in 1887, is Sir Henry Northcote in the eye of the law. The patent operates, no doubt, as a royal license to bear the name of Stafford prefixed to that of Northcote and as part of the surname, but not to replace the name of baptism or change it." Our Code of Procedure, however, in Art. 49, speaks of "the Christian or *first names*" of a party, without making any distinction between them, and apparently requiring that they shall all be enumerated in writs of summons. In fact, in the case of *Gauthier* v. *Callaghan*, in the Circuit Court of Quebec, the action was dismissed, because the plaintiff, who had three Christian names, was described in the writ by the first in full and by the initials only of the other two. (3 Q. L. R. 384). And this, in an action on a note payable to his order, in which he was described in the same way! Other decisions, however, do not support this view. See *Day* v. *Trial*, 9 Q. L. R. 370; *Pouliot* v. *Solo*, 5 Q.L.R. 325; *Hearn* v. *Molony*, 1 Leg. News, 43.

Sir Charles Russell's explanation of his method of work contains nothing new, but some things that bear repetition. "If you ask me," he said, "to reduce the common habit of my life to a formula, I will tell you that I have only four ways of preparing my work. First, to do one thing at a time, whether it is reading a brief or eating oysters, concentrating what faculties I am endowed with upon whatever I am doing at the moment. Secondly, when dealing with complicated facts, to arrange the narrative of events in the order of date—a simple rule not always acted upon, but which enables you to unravel the most complicated story, and to see the relation of one set of facts to other facts. My third rule is never to trouble about authorities or case law supposed to bear on a particular question until I have accurately and definitely ascertained the precise facts. The last rule is not only valuable, but very interesting to me individually, as I got it from Lord Westbury. When a young hand at the bar and pleading

before him, I was plunging into citation of cases, when he very good-naturedly pulled me up, and said—'Mr. Russell, don't trouble yourself with authorities until we have ascertained with precision the facts; and then we shall probably find that a number of authorities which seem to bear some relation to the question have really nothing important to do with it.' My fourth rule is to try and apply the judicial faculty to your own case in order to determine what are its strong and weak points, and in order to settle in your own mind what is the real turning point in the case. This method enables you to discard irrelevant topics and to mass your strength on the point on which the case hinges."

SUPREME COURT OF CANADA.

OTTAWA, March 18, 1889.

WHITMAN v. THE UNION BANK OF HALIFAX.

Assignment—In trust for creditors—Preference—Liability of assignee—Limitation of—Release of debtor—Resulting trust—13 Eliz. c. 5.

A deed by C. assigning all his property to W. in trust for the benefit of creditors, provided that six creditors should first be paid in full; that if sufficient assets remained for the purpose, twenty-four other creditors should next be paid in full; that the balance, if any, should be distributed ratably among all the creditors not so preferred, and the surplus returned to the debtor. The deed provided for a release and discharge by the executing creditors of their respective claims against the debtor and this provision: "that the party of the second part, (the trustee W.) his executors or administrators, shall not be liable or accountable for more money or effects than he shall receive, nor for any loss or damages which may happen in reference to said trusts, unless it shall arise by or through his own willful neglect." In a suit by an unpreferred creditor for a large amount to have the deed set aside:

HELD:—Affirming the judgment of the Court below, Gwynne and Patterson, JJ., dissenting, that the deed was one which it was unreasonable to expect creditors to become parties to, and was void under the statute 13 Eliz., c. 5, as tending to defeat and delay creditors in the recovery of their claims and as containing a resulting trust in favor of the debtor.

Appeal dismissed with costs.

Harrington, Q. C., for the Appellant.

R. L. Borden and *W. B. Ritchie*, for the Respondents.

Nova Scotia.]

MUTUAL RELIEF SOCIETY OF N.S. v. WEBSTER.

Life Insurance—Mutual Company—Bond of membership—Warranty — Concealment of facts—Misstatement.

On an application for insurance in a mutual assessment insurance society, the applicant declared and warranted that if in any of the answers there should be any untruth, evasion or concealment of facts, any bond granted on such application should be null and void. In an action against the Company on a bond so issued it was shown that the insured had misstated the date of his birth, giving the 19th instead of the 23rd of February, 1885, as such date; that he had given a slight attack of apoplexy as the only disease with which he had been afflicted, and the company contended that it was, in fact, a severe attack; that he had stated that he was in "perfect health" at the date of the application, which was claimed to be untrue; that he had suppressed the fact of his being subject to severe bleeding at the nose, and that the attack of apoplexy which he had admitted, occurred five years before the application, when the fact was that it had occurred within four years. The trial judge found that the misstatement as to the date of birth was immaterial, as it could not have increased the number of years on which the premiums were calculated; that the attack of apoplexy was a slight, not a severe attack; that the applicant was in "good," if not "perfect" health when the application was made; that bleeding at the nose to which the insured was subj ct, was not a disease, and not dangerous to his health; but that the misstatement as to the time of the occurrence of the attack of apoplexy was material, and on this last issue he found for the society, and

on all the others for the plaintiff. The court in banc reversed this decision and gave judgment for the plaintiff on all the issues, holding that as to the issue found by the trial judge for the society, there was a variance between the plea and the application which prevented the society from taking advantage of the misstatement. On appeal to the Supreme Court of Canada :

HELD:—Gwynne and Patterson, JJ., dissenting, that the decision of the Court in banc was right and should be affirmed.

Appeal dismissed with costs.

Bingay, Q.C., and *Borden* for the Appellant.

Harrington, Q.C., and *Gormully* for the Respondents.

New Brunswick.]

NEW BRUNSWICK RAILWAY CO. v. VANWART.

Railway Company—Negligence—Duty of Company—Contributory negligence.

V. was at a siding of the N. B. Ry. with a pair of spirited horses. He was told that a train was approaching and endeavoured to unhitch the horses, but before he could do so the train came along, the horses took fright and ran away, and V. was dragged on the track where he was killed. There was no notice of the approach of the train by whistle or ringing of a bell, and the company not coming under the general Railway Act, were not bound to give such warning. The train was the ordinary daily freight and was proceeding at its usual rate of speed.

HELD :—Reversing the judgment of the Court below, that the facts presented did not show such negligence by the servants of the company as would make them liable in damages for V's death.

HELD:—Also, that if the company were liable, the father of the deceased would have had reasonable expectation of future pecuniary benefit from the life of his son, and would be entitled to share in the damages.

Appeal allowed and non-suit ordered.

C. W. Weldon, Q. C., for the Appellants.

J. A. VanWart, for the Respondent.

Quebec.]

LABELLE et al. v. BARBEAU.

Appeal — Judicial Deposit by Insurance Company — Rival claims as to same — Value of matter in controversy — Jurisdiction — Supreme and Exchequer Courts Acts, Sec. 29.

The Ætna Life Insurance Company deposited with the Prothonotary of the Superior Court, under the Judicial Deposit Act of Quebec, the sum of $3,000, being the amount of a life policy issued by the Company to one E. L., which by its terms had become payable to those entitled to the same, but to one half of which sum rival claims were put in. The appellants, as collateral heirs of the deceased, by a petition claimed the whole of the $3,000, and the respondent (*mise-en-cause* petitioner), the widow of the deceased, by a counter petition, claimed as *commune en biens* one half, and in answer to the appellants' petition prayed that in so far as it claimed any greater sum than one half, it should be dismissed. After issue joined, the Superior Court awarded one-half to the appellants and the other half to the respondent. From this judgment the appellants appealed to the Court of Queen's Bench (appeal side), and that Court confirmed the judgment of the Superior Court.

Thereupon the appellants appealed to the Supreme Court of Canada, and it was

Held, that as the sum or value of the matter in controversy between the parties in this case was the sum of $1,500, and fell short of the appealable amount, the case was not appealable. R. S. C. Ch. 135, Sec. 29. (Fournier, J., *dubitante*.)

Appeal quashed with costs.

Trenholme for motion to quash.

Laflamme, Q. C., contra.

Quebec.]

MONETTE v. LEFEBVRE et al.

Practice—Right to Appeal, (P. Q.)—Amount in Controversy — Supreme and Exchequer Courts Act, Sec. 29, Construction of—Jurisdiction.

In an action of damages for slander contained in certain resolutions adopted by defendants (respondents) as School Commissioners of the parish of St. Constant, the plaintiff (appellant) claimed by his declaration $5,000 damages, and prayed that the defendants be ordered to enter into the

Minute Book of the School Commissioners the judgment in the cause, and that the same be read at the church door of St. Philippe two consecutive Sundays. The case was tried before a Judge without a jury, and the plaintiff was awarded $200 damages. The defendants thereupon appealed to the Court of Queen's Bench (appeal side), and the plaintiff did not file any cross appeal, but contended that the judgment for $200 should be affirmed. The Court of Queen's Bench, setting aside the judgment of the Superior Court, held that a retractation made by the defendants and a tender of $40 for damages and the costs for an action of $40 were sufficient, and dismissed the plaintiff's action for the surplus.

The plaintiff thereupon appealed to the Supreme Court of Canada, and it was

Held, that the case was not appealable as the matter in controversy did not amount to the sum or value of $2,000.

Where the plaintiff has acquiesced in the judgment of the Court of first instance by not appealing from the same, the measure of value for determining his right of appeal, under Sec. 29 of the Supreme and Exchequer Courts Act, is the amount awarded by the said judgment of the Court of first instance, and not the amount claimed by his declaration.

Allan v. *Pratt*, 11 Leg. News, 273; 13 App. Cas. 780, followed. *Joyce* v. *Hart*, 1 Can. S.C.R. 321, and *Levi* v. *Reed*, 6 Can. S. C. R. 482, overruled.

Appeal quashed without costs.

Lacoste, *Q. C.*, and *Pagnuelo*, *Q. C.*, for appellant.

Geoffrion, *Q.C.*, and *Robidoux* for respondents.

COUR DES MAGISTRATS.

MONTRÉAL, 8 février 1889.

Coram CHAMPAGNE, J.

MARTINEAU v. BRAULT.

Assignation—Requête civile—Requête sommaire—C. P. C. art. 483.

JUGÉ:—*Qu'un défendeur qui se plaint de ne pas avoir été assigné ne peut, par requête civile, se faire relever d'un jugement rendu contre lui par défaut; dans ce cas, le défendeur doit procéder par requête sommaire tel qu'indiqué par l'article* 483 *du C. P. C.*

PER CURIAM.—C'est une requête civile pour faire annuler un jugement rendu par défaut contre le défendeur, le 30 janvier dernier.

Le 21 janvier est émané le bref en cette cause, demande de loyer, avec saisie-gagerie, rapportable le 24 du même mois.

Le même jour, 21 janvier, l'huissier chargé de ce bref a fait la saisie des meubles du défendeur, et ensuite s'est rendu à la prison commune de ce district où était détenu le défendeur et a signifié la copie du bref et du procès-verbal de saisie à M. Payette, géolier, ce qui apparaît par le retour de l'huissier.

Ce bref pris d'après l'art. 887 du Statut de 1888, 51-52 Vict. cap. 26, procédure sommaire.

Le jour du retour, le défendeur a fait défaut, et le 29 janvier jugement a été rendu contre lui par défaut.

Le défendeur se plaint de ce jugement et présente une requête civile à l'effet d'être remis dans le même état qu'il était avant ce jugement, pour avoir l'occasion de comparaître et de plaider.

Je n'exprime aucune opinion sur le fait de savoir si, dans le cas d'une saisie-gagerie seulement, on pouvait procéder sommairement en vertu de l'acte 51-52 Vic. cap. 26, les parties n'ayant pas soulevé ce point, mais je n'hésite pas à dire que la procédure en cette cause est tout-à-fait étrange; l'huissier n'a certainement pas fait son devoir en signifiant ces pièces au géolier. Il n'y a qu'un moyen d'assigner un défendeur en prison, c'est celui indiqué par l'art. 70 du C. P. C.

Il n'y a aucun doute que le défendeur a droit de se plaindre de ce jugement et de demander à en être relevé, mais pouvait-il le faire par requête civile? je ne le pense pas.

L'article 505 dit: "Les jugements qui ne "sont pas susceptibles d'appel ou d'opposi- "tion, tel qu'expliqué plus haut, peuvent être "rétractés sur requête présentée au même "tribunal par ceux qui y ont été *parties*, ou "*assignés*, dans les cas suivants".....Dans le cas actuel, le défendeur n'était pas partie à la cause, puisqu'il n'avait pas été assigné.

La requête civile est un remède extrême qui n'est accordé que lorsqu'il n'y a pas d'au-

tre moyen indiqué pour faire redresser un grief, et dans le cas actuel le défendeur aurait dû procéder par requête sommaire, tel que voulu par l'art. 483 du C. P. C.; en conséquence la requête civile est renvoyée.

Requête civile renvoyée.

Lebeuf & Dorval, avocats du demandeur.

(J. J. B.)

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*SUPERIOR COURT, MONTREAL.**

Ship—Carrier—Right to refuse freight coming alongside too late—Usage of trade.

HELD:—That where no time is fixed for the bringing of freight alongside the ship, the carrier, according to the usage of trade in the port of Montreal, has a right to call for the freight when he needs it, in order to complete loading of cargo in time for the regular sailing of the ship. So, where a steamship was to take a barge load of deals, and fair warning was given that 7 a.m. on a day named would be the latest time permitted for the barge to come alongside, and the barge did not come alongside till half-past one in the afternoon, at which time the ship was preparing to take cattle on board to complete her cargo, preparatory to sailing, it was held that the carrier was justified in refusing to take the deals.—*Taylor et al.* v. *Canada Shipping Co.*, Davidson, J., June 30, 1888.

Guarantee Bond—Condition requiring employer to give immediate notice to guarantor of employee's defalcation—Failure to give immediate notice.

HELD:—Where the condition of a guarantee bond required the employer to give notice immediately to the guarantor, of any criminal offence of the employee entailing loss for which a claim was liable to be made under the bond, and the employer, although aware of a defalcation on the 25th, did not give notice thereof to the guarantor until the 27th, after the employee had fled the country; that the bond was forfeited.—*Molsons Bank* v. *Guarantee Co. of N.A.*, Taschereau, J., Sept. 9, 1886.

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* To appear in Montreal Law Reports, 4 S.C.

Dommages — Allégations se rapportant au caractère et à la conduite—Réponse en droit.

JUGÉ:—Que dans une action en dommage contre une compagnie voiturière pour expulsion illégale par un conducteur, toute allégation dans la plaidoierie se rapportant au caractère et à la conduite du demandeur dans un autre temps que la circonstance en question dans la cause, est étrangère à la contestation et sera rejetée sur réponse en droit.—*Brouillet* v. *Montreal Street Railway Co.*, Mathieu, J., 29 déc., 1888.

Election municipale—Qualification—Paiement des taxes—Temps de la qualification—Nomination.

JUGÉ:—Que la qualification exigée par la loi des conseillers municipaux doit être considérée au moment même de son élection; notamment un candidat déqualifié au moment de sa mise en nomination par le non-paiement de ses taxes, peut être qualifié une heure après, lors de son élection s'il les acquitte dans l'intervalle, et alors, son élection sera maintenue.—*Bouvier* v. *Chagnon*, Papineau, J., 19 nov. 1881.

Foreign judgment—Action on—Identity of defendant—Burden of Proof—Art. 1220, *C.C.—Art.* 145, *C.C.P.*

HELD:—1. In an action on the exemplification of a foreign judgment, where the defendant pleaded "that no judgment as set up by plaintiff has ever been legally rendered against this defendant for any cause set up in the declaration, nor has any judgment been rendered against him as alleged by plaintiff": that the burden of proof was on the plaintiff to establish the identity of the defendant with the person against whom the foreign judgment had been obtained.

2. That where the defendant denied, not the contents of the exemplification of judgment produced, but that he was the person against whom the judgment was obtained, no affidavit was necessary.—*Bentley* v. *Stock*, in Review, Johnson, Gill, Mathieu, JJ., Nov. 30, 1888.

PROFESSIONAL INTERCOURSE.

Some excellent suggestions are contained in an address delivered by Mr. R. S. Cleaver, president of the Liverpool Law Students' Association: –

The nature of a solicitor's employment tends to a large extent to keep him within his office. The more he secludes himself the less will he be inclined to mix with other practitioners, and by degrees he gets as it were out of touch with them. He contents himself with a curt letter, which precipitates a quarrel, where an interview would have cleared up misunderstandings. Therefore I advocate the maintenance of friendly intercourse with your fellows, both at the beginning of and throughout your career. Rest assured that it will both make your work pleasanter and, what is of more importance, redound to the advantage of your clients. Such reflections naturally lead to the subject of professional intercourse generally. And here I would rather address myself to those about to commence practice. We shall all of us from time to time have to transact business with people whose manner is irritating and who are incapable of temperate discussion. We shall only add to the sense of discomfort produced by such experiences if we permit ourselves to be tempted out of our self-restraint and betrayed into retaliation. We shall best consult our own peace of mind if we give heed to the advice of Marcus Aurelius in a passage which all may lay to heart: "Remember to put yourself in mind every morning that before night it will be your luck to meet with some busybody, with some ungrateful, abusive fellow, with some knavish, envious, or unsociable churl or other. Now all this perverseness in them proceeds from their ignorance of good; and since it has fallen to my share to understand the natural beauty of a good action, and the deformity of an ill one, I am likewise convinced that no man can do me a real injury, because no man can force me to misbehave myself." This is practical morality for our guidance in professional intercourse both by letter and interview. It inculcates the lesson of self-control, which is a faculty very unequally distributed,and yet surely of peculiar value to a lawyer. To some indeed it seems to be a natural gift, and its exercise seems to cost no effort, while others, if they ever acquire it at all, find its cultivation as a habit a slow and difficult process. What I would venture to caution you against is the acquirement of a habit of supposing that because your client has quarrelled with some third person you are yourself called upon to assume an attitude of hostility to that person's solicitor and neither to offer nor accept any reasonable facilities in the conduct of the case. Such an identification, however zealous it may be, of the solicitor with the client's quarrel, so far from serving any useful purpose, tends directly to aggravate the worst evils of litigation. It is characterized by a very needless and injudicious degree of combativeness in letters. There are many men who are mildness itself at a personal interview, who systematically indulge in written communications the tone of which is uncompromising and defiant and perhaps thoroughly discourteous. The result is that relations between the solicitors probably become as strained as they are between the clients; personal communication is suspended; and when that climax has been reached the opportunity of mediation and amicable adjustment is gone. In short, this attitude of unreasoning and uncompromising partisanship almost invariably has the effect of increasing the expense on both sides and of embittering and prolonging the strife in every possible way. Much good may be done—no harm can ever be done—by softening the asperities of contentious business, so far as may be possible consistently with a due regard to the client's real interests. No harm can ever be done to a good cause by making reasonable admissions, and well would it be, were it safe in all cases, that there should be the fullest and frankest exchange of confidence between solicitors. It is, perhaps, not too much to hope that by degrees our ranks are becoming free from the class with whom such mutual confidences would be misplaced. The hackneyed phrase "without prejudice" has earned a somewhat evil reputation as the flag of truce under which alone belligerents hold any communication with one another, whereas it rather

expresses the condition under which, *primâ facie*, unrestricted interchange of admission and discussion should take place from the outset. This does not imply that admissions are in all cases to be volunteered without due consideration of what is the right and proper course in each instance. Frequently the question resolves itself merely into one of saving needless expense in proof. In such cases the admission should of course be made. But when the withholding of an admission is calculated to embarrass an opponent in presenting his case, to a degree which may affect his disposition to present it at all, I am not prepared to say that the duty for which I am contending extends so far. The solicitor who has his client's real interest at heart will always endeavour to keep him from litigation as much as possible. The question which he has to ask himself is, What is the right thing to do under all the circumstances? and the degree of probability of success or failure is only one element among others in the answer to that question. Finally, it may not be out of place to utter a note of warning on the subject of sharp practice. The temptation to this usually proceeds from one of two motives—the instigation of a vindictive client, or the making of costs. I believe that it more frequently proceeds from the former, and comparatively rarely from the latter. It must needs be difficult, especially for the young practitioner, to resist the pressure of a client who represents that the strict letter of his rights is being interfered with on sentimental grounds; nevertheless his true—and even from a purely personal and selfish point of view his best—rule of conduct must first and last be to act as becomes an honorable gentleman and a member of a profession to which he owes an obligation to preserve a stainless name, be the immediate consequences what they may. I shall not assume that it is necessary to say much as to the degrading alternative of a desire to manufacture costs by acts of sharp practice. The penalties are so obvious that they should suffice to check the propensity, even if unrestrained by any better motive. The solicitor who lends himself habitually to sharp practices becomes a by-word to those of his brethren whose good opinion is worth preserving, and they will not scruple to show, when they come into contact with him that they profoundly distrust him. He may even succeed in carrying on a profitable business among the unscrupulous section of the community who must needs have unscrupulous agents, but such a career can hardly be regarded as one calculated to bring much happiness. I am conscious that in these remarks I have said nothing that is new—in fact that I have only been pressing on your consideration what has ofttimes, and will ofttimes again, be much more pointedly expressed by others. But it is surely desirable on all occasions and particularly on such an occasion as the present, to hold up the highest possible standard of professional morality as the worthiest object of ambition for solicitors, both individually and collectively. The solicitor is a gentleman by Act of Parliament. What is it to be a gentleman? Thackeray asked that question once, and answered it himself in terms which might fitly be incorporated as an interpretation clause in the Act of Parliament itself: "It is to have lofty aims; to lead a pure life; to keep your honour virgin; to have the esteem of your fellow citizens; to bear good fortune meekly; to suffer evil with constancy; and through evil or good to maintain truth always."

OBITUARY.

Dr. Francis Wharton, D. D., LL. D., solicitor of the State Department of the United States, died at his residence in Washington on February 21. He was long a sufferer from partial paralysis of the larynx, and recently submitted to tracheotomy, which gave him comparative relief. He continued his work for the department of State and literary labors until the day before his death, and only a few hours before, read proofs of his latest literary work, 'Diplomatic History of the United States in the Revolutionary Period,' of which he had been appointed editor under a resolution of Congress. Dr. Wharton was a descendant of Thomas Wharton, Governor of Pennsylvania in 1735, whose father emigrated from Westmoreland, Eng-

land, about 1683, and was the founder of the family in Philadelphia. Dr. Wharton was born in that city March 7, 1820, graduated at Yale in 1839, studied law, and was admitted to the bar in 1843. Three years later he was Assistant Attorney-General. He practised fifteen years in Philadelphia, and from 1856 till 1863 was professor of logic and rhetoric in Kenyon College, Ohio. In the last-mentioned year he was ordained in the Protestant Episcopal Church, and became rector of St. Paul's Church in Brookline, Massachusetts, and professor of ecclesiastical and international law in the Cambridge Divinity School, and in Boston. In March, 1885, he was appointed solicitor by Secretary Bayard and examiner of international claims, succeeding the Hon. William H. Trescott, of South Carolina. The degree of D. D. was conferred on him by Kenyon College in 1883, that of LL. D. by the same institution in 1865, and by the University of Edinburgh in 1883. Dr. Wharton began his literary career early in life, and attained eminence as a writer on account of his perspicuous style and scholarly research. With Charles E. Lex he edited the *Episcopal Recorder* in Philadelphia and contributed to periodicals. He edited ten volumes of reports of the decisions of the Supreme Court of Pennsylvania from 1835 to 1841, and in 1846 published 'A Treatise on the Criminal Law of the United States.' It comprised three volumes and ran through half-a-dozen editions. From that time until 1887 he published various works on legal and religious subjects, of which the following list is believed by the *New York Times* to be complete: 'The Law of Contracts,' 'Criminal Law,' 'Criminal Pleading and Practice,' 'Criminal Evidence,' 'Precedents of Indictments and Pleas,' 'The Law of Evidence in Civil Issues,' 'The Law of Negligence,' 'The Law of Homicide,' 'Conflict of Laws,' 'Commentary on the Law of Agency and Agents,' 'Medical Jurisprudence,' 'Commentaries on American Law,' 'A Treatise on Theism and Modern Sceptical Theories,' 'The State Trials of the United States during the Administrations of Washington and Adams,' 'The Science of Scripture,' 'Treatise on Private International Law.'

GENERAL NOTES.

MIRTH IN THE SUPREME COURT.—The usual grave demeanor of the United States Supreme Court was upset the other day by the manner in which John S. Wise, of New York city, argued a case of infringement of a patent. One after another the dignified judges relapsed into half-suppressed laughter, and the bar and audience indulged in as much mirth as is ever permissible within the precincts of that august tribunal. The case was an appeal from the United States District Court at Richmond against a manufacturer of men's drawers for infringement of a patent for reinforcement of the seat and crotch. Mr. Wise read the opinion of Judge Hughes of the District Court, and commented on it in a laughable way. Judge Hughes remarked in his opinion: "It strikes me that a patent for a patch for drawers, designed to remedy the evils of rip and tear, to which they are liable in the crotch, ought never to have been granted, interfering as it must necessarily do, with the prerogatives of the housewives of the civilized world to patch the drawers of their husbands, fathers and sons freely in their own way, with no patentee to molest or make them afraid. It seems to me that this patent is the *reductio ad absurdum* of the patent system of the United States. It is impossible that the patch can be novel as to the simple matter of strengthening the seams and the material of the drawers in the immediate region of the crotch; for if drawers do continually give way there, it would be a reflection upon the housewives of civilized society not to admit that for hundreds of years they have been patching garments and the forks thereof, as the patent reads, by lapping the seams and reinforcing the rents in that region. As to the disorder of men's drawers in and near the crotch, which have troubled housewives for centuries, I do not think any person in our day can employ a patch for the purpose of preventing or curing them that can have any real novelty." Counsel for the patentee said the value of the drawers was so increased by being "reinforced" that one pair was equal to two. Mr. Wise, in reply, said that this could not be true, as it was well known everywhere that "two pair beats one," and this was the only game where a "split" counted against a dealer. The evident appreciation of these references to games of cards seemed to imply a guilty knowledge on the part of the learned justices that was as amusing to the bar and spectators as the witticisms of counsel were to the judges themselves.—*Albany Law Journal.*

ALL RIGHTS RESERVED.—A story is told about the two eminent ecclesiastical lawyers, Mr. Jeune, Q. C., and Sir Walter Phillimore, Q. C. They appeared recently before the Archbishop's Court on behalf of the bishop of Lincoln, to question the jurisdiction of the court in his case. The archbishop, in full vestments, entered the court, and raising his hands, said: "Let us pray." Mr. Jeune, as became the son of a bishop, at once knelt, but Sir Walter, realising that he was there to take objection to the court, remained standing. When the court was up, Sir Walter upbraided his colleague for his illegal praying. "My dear Phillimore," said Mr. Jeune, "I was praying without prejudice."