THE

LEGAL NEWS.

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CURRENT TOPICS AND CASES.

The name of Meredith is so honored in our judicial annals that it is with special pleasure we learn that a gentleman bearing it and a near relative of the late Sir William Meredith, once more holds the office of Chief Justice of a high Canadian Court. Sir Thomas Galt, Chief Justice of the Common Pleas, Ontario, having retired from the Bench after twenty-five years' service, Mr. William Ralph Meredith, Q. C., a gentleman of the highest order of ability and greatly esteemed by his professional brethren, has been appointed to the vacant position. This nomination has given great satisfaction in Ontario, and there can be no doubt that Mr. Meredith will acquit himself in his judicial capacity as admirably as he has done at the bar and in the legislature.

Verdicts of juries are not often set aside on the ground of inadequacy of the amounts awarded—particularly in actions of damages against civic corporations. Our Code of Civil Procedure (art. 426) has, indeed, expressly provided for such a case: "The Court may grant a new trial, (11) if the amount awarded *be so small or so excessive*

that it is evident that the jurors must have been influenced by improper motives, or led into error." Such a case has occurred at Toronto—*Church* v. *City of Ottawa*—where a verdict for $700 in favor of a physician who was seriously injured by stepping into a hole in the street, was set aside by the Court as inadequate, and a new trial ordered.

Chief Justice Howe, of Wyoming, who, it is stated, was the first judge to hold court with women as jurors, admits that at first he entertained certain prejudices against the policy of the law, but nevertheless bears testimony to the capacity of those who have served in his court. He says they were careful, painstaking, intelligent, and conscientious. They were firm and resolute for the right as established by the law and the testimony. Their verdicts were right, and after three or four criminal trials the lawyers engaged in defending persons accused of crime began to avail themselves of the right of peremptory challenge to get rid of female jurors, who were too much in favour of enforcing the laws and punishing crime to suit the interests of their clients. After the grand jury had been in session two days, the dance-house keepers, gamblers, and *demi-monde* fled out of the city in dismay, to escape the indictment of women grand jurors. In fact, he adds, I have never in my twenty-five years of constant experience in the courts of the country seen more faithful, intelligent and resolutely honest grand and *petit* jurors than these.

The magnitude of the "unconsidered trifles," — unclaimed dividends and the like—in England, is evidence not merely of vast accumulations of wealth but of the vicissitudes of life as well. Thus, dividends on government stocks due and not demanded on 1st April, 1893, were £353,167; on 3rd July, 1893, £326,414; on 3rd October,

1893, £339,668; on 3rd January, 1894, £322,529. The total amount of accumulated unclaimed stock and dividends is over twenty-five million dollars. The funds in Chancery amount to over sixty-five million pounds sterling. The sum of £69,032 was received by the Crown during the past year from intestates' estates in the absence of heirs or from lapsed legacies, etc. There is £79,049 of unclaimed army prize money, £119,608 of unclaimed balances due to soldiers' kin, and £212,979 of unclaimed naval prize money due to sailors or their representatives. Joint stock banks, it seems, are not yet required to make returns of unclaimed deposits, the amount of which must be very large. It would appear that although the world is small, and particularly that part of it to which the above figures apply, inheritances in various ways are apt to miss non-expectant or absent heirs. The crowding of people in vast cities, and perhaps, too, the similarity of names, may account to some extent for the large sums which remain unclaimed. The necessity for the publication of an annual official return of all unclaimed moneys in government departments is self-evident, but the want has not yet been supplied.

RECENT ONTARIO DECISIONS.

Will—Forfeiture—Felony.

Where a devisee kills the testatrix and is convicted of manslaughter, he does not forfeit the devise, the element of intent being in such case necessarily absent.

Cleaver v. *Mutual Reserve Life Fund Association*, (1892) 1 Q.B., 147, distinguished.

Judgment of Ferguson, J., 24 O. R. 132, reversed.—*McKinnon* v. *Lundy*, Court of Appeal, 11 Sept., 1894.

Damages—Inadequacy of amount found by jury—Right of Court to interfere—New trial.

Notwithstanding that it is unusual for a Court to interfere with a verdict of a jury on the ground of the inadequacy of the amount

of damages found, still such verdicts are subject to the supervision of a court of first instance, and, if necessary, of the Court of Appeal, and if the amount awarded be so small or so excessive that it is evident that the jury must have been influenced by improper motives or led into error, then a new trial must be granted.

Held, on the evidence in this case, where a practising physician had been badly, and perhaps permanently, injured by stepping into a hole in one of the streets of the corporation defendant, and his professional business also injured, that $700 was not enough; and a new trial was ordered.—*Church* v. *City of Ottawa*. Chancery Division, 30 June, 1894.

Criminal law—Criminal Code, s. 308—Fraud—Receiving money on terms.

Crown case reserved. Indictment and conviction of the defendant, under s. 308 of the Criminal Code, for receiving from one Snelgrove $338.46, the property of one Scott, on terms requiring the defendant to account for it or pay it over to Scott, and, instead thereof, fraudulently converting it to his own use.

W. R. Riddell, for the defendant, contended that as no terms were imposed by Snelgrove, there was no offence under the Code.

J. R. Cartwright, Q.C., for the Crown, was not called upon.

The Court held that the section does not mean "terms imposed by the person paying the money," but "terms on which the defendant, when he receives it, holds it."

Conviction affirmed.—*Regina* v. *Unger*, Queen's Bench Division, 31 May, 1894.

Libel—Incorporated company—Publishers of newspaper—Charge of corruption—Injury to business—Special damage.

The plaintiffs were a company incorporated for the purpose of publishing a newspaper. The defendant wrote and published statements that the plaintiffs' newspaper reported favorably or adversely at ten cents a line, and that it was corrupt and prostitute.

Held, that a jury might well find that these statements imported the charge that the plaintiffs were in the habit of selling

the advocacy of their newspaper, and that such a charge tended to bring them into contempt and to injure their business, and was therefore a libel.

A corporation such as the plaintiffs can maintain an action of libel in respect of a charge of corruption, affecting their business, without alleging special damage.

Metropolitan Saloon Omnibus Co. v. *Hawkins*, 4 H. & N. 87, commented on and distinguished.—*South Hatton Coal Co.* v. *North-Eastern News Association*, (1894) 1 Q. B. 133, followed.—*Journal Printing Company of Ottawa* v. *McLean*, Queen's Bench Division, 8 June, 1894.

Evidence—Criminal Code, 1892, *ss.* 584, 843—*Appeal to Sessions—Subpœna to witnesses in another province.*

Under the provisions of ss. 584 and 843 of the Criminal Code, 1892, it is competent for a judge of the High Court or County Court to make an order for the issue of a subpœna to witnesses in another province to compel their attendance upon an appeal to the General Sessions from the action of justices of the peace under ss. 879 and 881.—*Regina* v. *Gillespie*, In Chambers, Boyd, C., 2 June, 1894.

Railways—Carriers—Warehousemen.

When a shipper stores goods from time to time in a railway warehouse, loading a car when a car load is ready, the responsibility of the railway company in respect of such of the goods as have not been specifically set apart for shipment is not that of carriers but of warehousemen, and in case of their accidental destruction by fire the shipper has no remedy against the company

Judgment of the Common Pleas Division, 23 O. R. 454, reversed.—*Milloy* v. *Grand Trunk Railway Company*, Court of Appeal, 30 June, 1894.

Negligence—Nuisance—Highway—Damages—Overhanging cornice.

The owner of a building, from which a cornice overhanging the sidewalk falls, because the nails fastening it to the building have become loosened by ordinary decay, and injures a passer-by, is liable in damages without proof of knowledge on his part of the dangerous condition of the cornice, the defect being one that could have been ascertained by him by reasonable inspection.—*Roberts* v. *Mitchell*, Court of Appeal, 30 June, 1894.

Summary conviction—By-law against swearing in street or public place—Private office in government building.

A city by-law enacted that no person should make use of any profane swearing, obscene, blasphemous, or grossly insulting language, or be guilty of any other immorality or indecency, in any street or public place. Under it the defendant was summarily convicted of an offence committed in his private office in the customs house, a government building.

Held, that the object of the by-law was to prevent an injury to public morals, and applied to a street, or a public place *ejusdem generis* with a street, and not to the place in question; and the conviction was quashed.—*Regina* v. *Bell*, Common Pleas Division, 25 May, 1894.

Arbitration and award—Reference to three arbitrators—Award by two—Invalidity—Private authority.

It is a general rule, applicable to all cases of private authority, trust or reference, to be exercised by several persons, that unless the constituent instrument permits action or decision by a majority, the office is regarded as joint, and all must act collectively. Different considerations arise when the duties are of a public nature, but in transactions between individuals they make their bargain and so become a law unto themselves. And where a submission to arbitration provided that the award should be made by three arbitrators, an award by two of them the other dissenting, was set aside on summary application.—*In re O'Connor & Fielder*, Queen's Bench Division, 13 Oct., 1894.

Criminal law—Conspiracy—Failure to complete fraud—Indictment of one of two conspirators.

A conspiracy to defraud is indictable, even though the conspirators are unsuccessful in carrying out the fraud. One of two conspirators can be tried on an indictment against him alone charging him with conspiring with another to defraud, etc., the other conspirator being known in the country.—*Regina* v. *Frawley*, Common Pleas Division, 23 June, 1894.

LAW DICTIONARIES.

This is a subject of interest to more than the book-lover. Mr. W. C. Anderson, in the *American Law Review*, has collected a great deal of valuable information, from which it appears that since 1607 there have been published in England at least twenty-nine, and in the United States at least thirteen, law dictionaries; twenty-one since 1839. That designation includes law lexicons, law glossaries, law vocabularies, and the more recent title, dictionary of law. Several of the productions have been described as 'legal,' 'judicial,' and 'juridical,' and one was said to contain only 'adjudged' words and phrases. The precise difference in the ideas intended to be conveyed by these titles has not been made clear. Nearly all the books treat of substantially the same matters: single words, phrases, maxims, statements of principles and rules; all really or supposedly of a legal character.

The best of these dictionaries in each generation, says Mr. Anderson, have indicated the advances made in juristic science. They, perhaps more fully than any other publication, have recorded the evolution of legal notions, for they not only concern themselves with legal terminology, but they note applications of legal principles; they register definitions, and exhibit enunciations; they state 'rules of action,' as well as collate 'signs of ideas.' Thus, those which have been recognized as the completest works have combined the two-fold function of the word-book and the book of institutes; in this regard corresponding to the lines upon which the vernacular dictionaries have been advancing.

Between the older and a few of the later dictionaries, observes the same writer, the differences which are noticeable upon a cursory examination, as was to be expected, correspond with the legal notions dominant in their respective periods. The most comprehensive of the modern works exhibit society as having made long strides forward in the recognition and administration of justice, and as having not only outgrown old notions, but as having neither scholastic nor practical use for the dialectic or local terms in which transitory notions of early ages were expressed. As requirements of positive law and of the practice by which that law was made effective, under changing sentiment relaxed, were tolerated, and finally were supplanted; so, inevitably, legal phraseology lost its hold and passed into obsolescence,

then into complete desuetude, in conformity with the universal rule, '*Cessante ratione, cessat ipsa res.*' This is merely stating the familiar truth as to all verbal expression; words come into being, do service, and pass away as really as bodies. For historic or literary purposes a few archaisms are retained, and, on rare occasions, made to perform some auxiliary service (generally with explanation of origin and meaning); but the masses are forgotten.

In the following extracts Mr. Anderson criticizes somewhat severely the works of lexicon-makers:—

Most of the earlier dictionaries, as far as they present material derived from law-books or supported by law, were mere lexicons or glossaries. Their chief function was to set out and very liberally to translate the many Saxon, Latin, and Norman phrases which, in the period of transition to English as the official language, composed a large portion of the text of antecedent and contemporaneous writers, many of them obsolete at the date of compilation. Useless as such matter was to those and to succeeding generations, notably to men born since 1750, it was nevertheless embodied word for word in later dictionaries. That the expressions here excepted to were never recognised as legal terms will appear at a glance. The majority of the men who originally incorporated them into their 'dictionaries,' 'lexicons,' and 'glossaries,' did not describe them as legal expressions. Why any compiler reproduced them is not apparent, unless for the reason that some former man had, and he was not to be outdone as a collector. No copyright protecting the matter in the old books, time and again have they given up their substance to the purveyor for antiquarians. So that to-day we see worthy gentlemen claiming the distinction of having collected more such dead things than any other compiler, forgetting that, practically, there is no limit to the heaps of disintegrating leaves anyone may gather in out-of-the-way places; and that, in view of the comparative uselessness of any such windrow, whether it be to one's credit that he has raked over a larger surface than some supposed rival may well be doubted.

The following is a list of the principal compilers of dictionaries:—

In 1527, John Rastell printed at London, in one volume, 16mo, 'Expositiones Terminorum Legum Anglorum et Naturæ Brevium,' culled from the books of Littleton and others. In 1572,

there appeared, in octavo form, at London, 'Termes de la Ley; or certain and obscure words and terms of the common and statute laws expounded and explained in French and English,' a work probably composed in French by the same author, and, after his death, translated into English by his son William.

In 1599, John Skene brought out at London an octavo work called 'De Verborum Significatione; the exposition of the termes and difficile words contained in the foure buiks of Regiam Majestatem and uthers, in the acts of Parliament, etc.' The matter in this book was printed at the end of a collection of the laws of James I., and, in 1838, was largely incorporated into a 'Dictionary and Digest of the Laws of Scotland,' by William Bell.

In 1607, John Cowell published at Cambridge, in one folio volume, his 'Nomothetes: The Interpreter, containing the genuine signification of such obscure words and terms used either in the common or statute laws of this realm.' This work is useful chiefly as a glossary to Littleton and earlier writers.

In 1626, Sir Henry Spelman, 'an eminent antiquary,' put forth at London, vol. i. (A—L), folio, of a 'Glossarium Archaiologicum continens Latino-Barbara, peregrina, obsoleta, et novatæ significationis Vocabula.' Vol. ii. (M—Z) was prepared from 'undigested manuscript notes' left by Sir Henry, by William Dougdale (and the decedent's son John), and published in 1664.

In 1656, Thomas Blount issued in one volume, at London, 'A Glossographia, interpreting such difficult and obscure words and terms as are found either in our common or statute, ancient or modern laws.' Blount 'was never advantaged in learning by the help of an university,' and transcribed many expressions from his commonplace book of things new to him alone.

In 1749, Giles Jacob gave to the waiting world a 'Law Grammar,' and in 1729, in two quarto volumes, 'A New Law Dictionary; containing the interpretation and definitions of words and terms used in the law, as also the law and practice under the proper heads and titles; together with such learning as explains the history and antiquity of the law, our manners, customs, and original government.'

The eleventh edition of this work, which appeared in 1797, was edited by Sir Thomas E. Tomlins as 'The Law Dictionary: explaining the rise, progress, and present state of English law, defining and interpreting the terms or words of art; and comprising copious information on the subjects of law, trade and

government.' It was stated in the preface that 'the principle of this dictionary is to convey to the uninformed a competent general knowledge of every subject connected with the law, trade, and government of these kingdoms. . . . . Information of which nature must interest every man of liberal education in whatever sphere; . . . . by lawyers it will, doubtless, be applied to as a digest of learning previously obtained.' Tomlins asserts that he 'detected and amended many thousand errors' in the tenth edition of Jacob's work.

In 1764, Timothy Cunningham published at London, in two volumes, 'A New and Complete Law Dictionary,' or a general abridgment, treating, by preference, 'obsolete words in charters, &c.'

In 1779, Robert Kelham published, at London, 'A Dictionary of the Norman, or old French Language,' not distinctively a law-book.

In 1785, Richard Burn, LL.D., died, leaving for his son John to publish, in two volumes, at London, 'A New Law Diction ary, intended for general use as well as for gentlemen of the profession.'

In 1803, Thomas Potts issued in one volume, at London, 'A Compendious Law Dictionary, containing both an explanation of the terms and the law itself: intended for the use of the country gentleman, the merchant, and (incidentally) the professional man.'

In 1829, one James Whishaw published, at London, in one volume, 'A New Law Dictionary, containing a concise exposition of the mere terms of art and such obsolete words as occur in old legal, historical, and antiquarian writers.'

A French book largely quoted is the 'Glossarium ad Scriptores mediæ et infimæ Latinitatis, editio locupletior, opera et studio monachorum ord. S. Benediciti: a Carolo Dufresne domino Du Cange.' Commonly cited as Du Cange; published in 1733, in six volumes folio, at Paris. A similar work, 'Ad scriptores mediæ et infimæ Græcitatis,' in two volumes folio, was published in 1688. Dufresne had studied law, but subsequently devoted himself wholly to history and philosophy.

The German work most largely cited is that of Johannes Calvinus: 'Lexicon juridicum juris Cæsarei simul, et canonici; feudalis item, civilis, criminalis, theoretici, ac practici; & in schola, & in foro usitaturum, ac tum ex ipso juris utriusque corpore, tum

ex doctoribus & glossis, tam viteribus, quam recentioribus collectarum vocum penus.' Folio, Coloniæ, 1653; Genevæ, 1670, 1689. This Calvin was a professor of law at Heidelberg.

Another class of book-makers who have furnished much material for modern law dictionaries are the earlier compilers of maxims: Halkerston, Lofft, Branch, Bacon, Wingate, Noy, and Finch.

In 1612, Henry Finch wrote 'A Description of the Common Laws of England, according to the Rules of Art,' &c., consisting of 113 principal maxims. First published in French; translated into English in 1759.

In 1634, Wiliam Noy, who had been a member of Parliament and Attorney-General, died, leaving 'A Treatise of the Principal Grounds and Maximes [48] of the Lawes of this Kingdome,' published in 1641, at London, in quarto form. That a law student compiled a considerable portion of this work seems probable.

In 1658, Edmund Wingate's 'Maxims of Reason, or the Reason of the Common Law of England' (about 3,800 propositions under 214 maxims), were published in one quarto volume, at London. Wingate excelled as a writer upon mathematical subjects, but found time to instruct the legal profession upon principles of law, and his sapient utterances, when text-books were rare, were sometimes quoted.

Lord Francis Bacon's 'Maxims of the Law,' printed in his Law Tracts in 1737, in one volume duodecimo, at London, had been previously published (1636), ten years after his death, as his 'Elements of the Laws of England,' and consisting in part of 'A Collection of some (25-30) Principal Rules and Maxims of the Common Law, with their Latitude and Extent.' The tracts are still occasionally cited or quoted upon a few subjects.

In 1753, Thomas Branch published, in duodecimo form, 'Principia Legis et Aequitatis; an alphabetical collection of above 2,000 maxims, principles, or rules, definitions, and memorable sayings, in Law and Equity.' In 1823 there appeared a fifth edition, with additions, and the Latin maxims and notes translated.

In 1776, Capel Lofft's 'Maxims and Rules of the Law of England and Principles of Equity' was issued in one folio volume at London, as a part of his reports of cases adjudged in the Court of King's Bench. Formerly he was cited to a very limited extent,

notwithstanding that his deductions are as unsupported as his reported cases (12 to 14 George III.) are unreliable, and neither is now referred to in reports or text-books. 'He published legal, theological, political, poetical, and other works, of which almost all are forgotten.'

In 1823, Peter Halkerston, LL.D., published at Edinburgh, 'A Collection of Latin Maxims and Rules in Law and Equity, selected from the most Eminent Authorities on the Civil, Canon, Feudal, English, and Scotch Law.' The book contains about 1,500 maxims, with translations, in alphabetical order.

The pages of the earliest commentators, tract-writers, 'note-takers,' and digest-makers seem to have been industriously gleaned for Latin, Anglo-Norman, Anglo-Saxon, Norman-French, and Early English phrases, as the preferred material for the work of dictionary editors.

As regards the character of the expressions culled from them for explanation, a fact seemingly overlooked by the profession is, that while the number of the expressions runs into the thousands, the principle of selection is not discoverable, for there is a vast multitude left unrendered, all calling, one would think, for the elaborate explanation bestowed upon the favored ones not of a technical legal signification. Upon almost every page of Littleton, of Coke upon Littleton, and of the older text-writers and case-collectors, are expressions nowhere explained in the dictionaries, yet absolutely essential to an understanding of passages; and hence, as appropriate in such compilations, if any non-technical expressions can be, as those explained at length.

Many phrases explained in the lexicons are rendered *in loco* by the original writers. Others are self-interpreting to the intelligent reader, to whose presumed knowledge of elementary Latin at least something must be credited. A great number are peculiar formations not found outside the publication of perhaps one early writer or of one careless copyist of unofficial notes of cases increasingly enriched by 'clerical' interpolations. Moreover, it is safe to conjecture that these oldest phrases are understood, without reference to dictionaries, by the few men who, in their researches, find it agreeable to go back to the beginning of the reportorial epoch and to the oldest treatises.

Still another fact revealed by a study of these compilations is that they contain not a few phrases for which no authority is given, but which seem to have been originated by some coiner

of titles and copied, unchallenged, by later collectors; so that also these phrases, long and short and diversely iterated, are not 'encountered' outside of certain dictionaries and glossaries.

Yet more. Later compilers took matter from the earlier compilers without verifying authorities; without question or discrimination. Several of these 'authors' seem to have had or to have exercised no judgment of their own whether particular expressions were fit for insertion in a law dictionary, and would naturally be looked for in a book of that character; but were content to reproduce what their predecessors had inserted, on the good-natured assumption that no former compiler had erred, or was sophomoric, or was actually dishonest in his designs as to the size of his 'work.' In other words, the real mission of particular books seems to have been, and of others to be, to perpetuate all the blundering, all the pedantry, all the ignorance, as well as all the crudities, embodied in earlier so-called dictionaries; while the professed mission has been, or is, 'to exclude terms foreign to the proper function of a law lexicon.'

Knowledge of such things is not knowledge of law. Misconception on this subject has led word-collectors for new dictionaries into very remote solitudes, and ready acceptance of the fruits of these expeditions by inexperienced students and a few instructors has encouraged them boldly to reproduce *ad libitum* variations of archaic expressions, without question as to the character of the materials so accumulated; and, inferentially, with knowledge that the claim that those things are a part of useful old law is a pretence. From this criticism are excepted a few old terms still employed with meanings traceable to Norman or Saxon usages, and valuable as preserving the lines by which a very small portion of living law has descended. Many good lawyers express the conviction that there are myriads of old things in English law a knowledge of which is of no use except to the antiquarian, and the terms by which they were expressed have no claim to a place in a modern book; that a canvasser for a city directory might as well poll the cemeteries.

Argument will not be required to convince the thoughtful reader that in the selection of terms, phrases, maxims, &c., for purposes of definition, translation, explanation, and illustration in any work of the nature of a law dictionary, all non-legal entries must be rigorously excluded, else the compiler will be found to have lost his reckoning and his rudder, and to have drifted aim-

lessly over the limitless sea of expression, and to have multiplied columns by inserting words of whose right to a place among legal terms he is the proud discoverer. It will be generally admitted that, in addition to strictly legal words and phrases, proper for insertion as legal matter are common, unusual, or peculiar expressions found in wills, agreements, deeds, ordinances, statutes, instructions, findings, &c., and which any Court of record has construed by direct decision. In every volume of the reports of each State are cases involving a ruling upon the precise scope of one or more familiar words. To collate these cases under appropriate heads is to render the profession a highly useful service.

With respect to the important subject of authorities, I cannot refrain from digressing to say that one well-known dictionary-maker in his preface candidly states, what an inspection of his pages abundantly confirms, that 'he desires not to be understood as professing to cite cases always exactly in point; on the contrary, in many instances the authority will probably be found to be but *distantly connected* with the subject under examination, but added in order to lead the student to matters of which he may *possibly* be in pursuit.' (Italics by the writer.)

The really useful matter on some pages of these books is a good deal like Gratiano's reasons: as two grains of wheat hid in two bushels of chaff.

THE ELOQUENCE OF SILENCE.

"Soon after I had commenced the practice of my profession in Boston," said Mr. Webster, "a circumstance occurred which forcibly impressed upon my mind the sometimes conclusive eloquence of silence, and I wondered no longer the ancients had erected a statue to her as to a divinity.

"A man in New Bedford had insured a ship, lying at the time at the wharf there, for an amount much larger than its real value, in one of our insurance offices at Boston; this ship had suddenly taken fire and been burned down to the water's edge. It had been insured in the Massachusetts Insurance Company, of which General Arnold Wells was president and myself attorney.

"General Wells told me of the misfortune that had happened to the company in the loss of a vessel so largely insured, communicating to me at the same time the somewhat extraordinary manner in which it had been destroyed.

"'Do you intend?' I asked him, 'to pay the insurance?'

"'I shall be obliged to do so,' replied the General.

"'I think not, for I have no doubt, from the circumstances attending the loss, that the ship was set on fire with the intent to defraud the company of the insurance.'

"'But how shall we prove that? and what shall I say to Mr. Blank, when he makes application for the money?'

"'Say nothing,' I replied, 'but hear quietly what he has to say.'

"Some few days after this conversation, Mr. Blank came up to Boston, and presented himself to General Arnold Wells at the insurance office. Mr. Blank was a man very careful of his personal apperrance, and of punctilious demeanor. He powdered his hair, wore clean ruffles and well-brushed clothes, and had a gravity of speech becoming a person of respectable position. All this demanded civil treatment, and whatever you might think of him, you would naturally use no harsh language toward him. He had a defect in his left eye, so that when he spoke he turned his right and sound eye to the person he addressed, with a somewhat oblique angle of the head, giving it something such a turn as a hen who discovers a hawk in the air. General Arnold Wells had a corresponding defect in the right eye.

"I was not present at the interview, but I have heard it often described by others who were. General Wells came out from an inner office, on the announcement of Mr. Blank's arrival, and fixed him (to use a French expression) with his sound eye, looking at him seriously, but calmly. Mr. Blank looked at General Wells with *his* sound eye, but not steadily—rather as if he sought to turn the General's right flank.

"They stood thus, with their eyes cocked at each other, for more than a minute before either spoke, when Mr. Blank thought best to take the initiative.

"'It is a pleasant day, General Wells, though rather cold.'

"'It is, as you say, Mr. Blank, a pleasant though rather cold day,' replied the General, without taking his eye down from its range.

"'I should not be surprised, General,' continued Mr. Blank, 'if we should have a fall of snow soon.'

"'There might be more surprising circumstances, Mr. Blank, than a fall of snow in February.'

"Mr. Blank hereupon shifted his foot and topic. He did not feel at ease, and the less so from his desperate attempts to conceal his embarrassment.

"'When do you think, General,' he replied, after a pause, 'that Congress will adjourn?'

"'It is doubtful, I should think, Mr. Blank, when Congress will adjourn; perhaps not for some time yet, as great bodies, you know, move slowly.'

"'Do you hear anything important from that quarter, General?'

"'Nothing, Mr. Blank.'

"Mr. Blank by this time had become very dry in the throat —a sensation, I have been told, one is very apt to feel who finds himself in an embarrassing position, from which he begins to see no possibility of escape. He feared to advance, and did not know how to make a successful retreat. At last, after one or two desperate and ineffectual struggles to regain self-possession, finding himself all the while within point-blank range of that raking eye, he wholly broke down, and took his leave, without the least allusion to the matter of insurance.

"He never returned to claim the money."—*The Green Bag.*

GENERAL NOTES.

EXTENSIVE OPERATIONS.—Ernest Hassberger, a Dundee merchant, was recently brought before the Dundee sheriff charged with forging bills to the extent of 112,000*l.* A plea of guilty was put in.

A WARNING.—An habitual criminal who has just been sentenced, not for the first time, by the Dusseldorf tribunal, will probably reflect during his retirement upon the saying that a still tongue shows a wise head. He was arrested on suspicion of an intent to commit a burglary. Although he was well known as an old offender, the magistrate did not see his way to convict, as there was really no evidence in the case before him. However, before discharging the prisoner, he asked him whether he had anything to say. 'Only that I hope you will let me off as lightly as you can,' was the reply. As this was considered equivalent to a plea of guilty, this extremely indiscreet offender was thereupon sent to prison for nine months.—*Daily News.*