SOME INTERESTING LEGAL DECISIONS.

In theory, everybody is supposed to be familiar with the laws of the country in which he lives, and to know exactly what he may do unto others, and what other persons may do to him. In practice, however, nobody can be said to know the law, because nobody is capable of remembering the law upon every subject. But lawyers are required to know where to find it, and, in cases where doubt exists, they are able to determine it, with the assistance of the courts—at the expense of their clients.

Among the numerous instances of apparently simple cases, which were disputed for something like a century, may be mentioned the controversy concerning the phrases "from the date" and "in and from the date." The English courts eventually decided that the phrases were synonymous. Equally important is the decision that the words "value" and "annual value" refer to net, not to gross value.

About a dozen years ago the Canadian Court of Queen's Bench was required to decide whether "Old Tom's" gin came within the definition of "spirits." A number of experts were of the opinion that it did not, since it was a composition of spirits, sugar and flavoring matter. The court, however refused, to agree with these experts, and held that "Old Tom" belonged to the "spirits" family, maintaining that any other view would be absurd.

Some names of perfectly well-understood institutions or customs are difficult of definition from a legal point of yiew. The term "saloon" is one of these. The following decisions were all given more than ten years since, and their interest is enhanced by the light of recent events.

In Michigan, a saloon has been defined as "a place for the sale of general refreshments." In Connecticut, the judges held that an inclosed park and an uninclosed platform where beer was sold were not saloons, houses or buildings within the meaning of the statute forbidding the sale of intoxicating liquor on Sundays. The legal luminaries of Texas were of the opinion that a saloon meant a place for the exhibition of works of art.

The New Hampshire courts at one time held that "spirituous liquors" and "fermented liquors" were different things.

In Massachusetts the evidence of a man who had merely smelt ale was accepted as tending to prove the alcoholic nature of the drink, but, in Indiana, the judges took the view that the mere opinion of a witness that a certain drink was intoxicating was insufficient, and that personal experience of the overcoming quality of the alleged beer was requisite. The law of Iowa at one time declared that wine was not an intoxicating drink if made from fruits grown in the state.

Some legal decisions illustrate the fact that common sense plays a very important part in the ruling of the judges. Here is a case in point. The relatives of a man who had been killed by a train while he was walking along the track, brought an action for ten thousand dollars as compensation for the loss which they sustained. The judge gave judgment in favor of the defendant—the railroad—upon the ground that the deceased had no right to trespass upon other peoples property, and that the train was in its proper place when upon the track. In other words, a railroad track is private property and if people trespass they do so at their own risk.

A subscriber to the telephone in Cincinnati was deprived of the privilege for which he had paid for a year in advance, because he frequently made use of the word "damn." He sued to be reinstated. But the majority of the court took the view that the word was coarse, unbecoming and profane, or, if not profane, improper. The rule prohibiting the use of improper language was a reasonable one. The telephone reached all classes of society, and it was quite possible for a communication intended for one individual to reach another. Moreover, the operators, often ladies, were entitled to be protected from insult; and the inventors were justified in their desire to have the instrument placed in a respectable light before the public, otherwise it might cease to be used. For all these reasons the plaintiff was non-suited, one judge dissenting. This learned gentleman held that the offensive word was not profane according to the decalogue, the dictionary, the common law, or the statutes.

The following point concerning telegraph companies and their methods may be of interest. Most—if not all—telegraph companies print upon their forms a notice disclaiming responsibility for errors, unless a message is repeated—At some cost to the sender—of course. In an action involving this point the court held that any regulation which sought to relieve a company from performing its duties with integrity, skill and diligence was contrary to public policy, and if it was necessary to repeat a message in order to secure its correctness, the company must do so at its own expense.

How a "vacant' house differs from an "unoccupied" house, appears to be of some importance. A gentleman owning a house in which he and his family lived from May to November, left it for the rest of the year to be attended to by a farmer who lived in the vicinity. The house was insured under two policies, the provisions of which were as follows: Policy number one undertook to make good what ever part of the house might be burned "unless it should become 'vacant *or* unoccupied.'" Policy number two relieved the company of the liability if the house became "vacant *and* unoccupied." The house was burned, and when called upon to pay, the insurance company repudiated all liability. An action being brought, the court decided that no claim could arise on the first policy, since, to be occupied, a house must have persons living in it, and using it as their usual residence. Under the second policy the court held that the company was liable, as the house was not vacant so long as it contained furniture and cooking apparatus.

A few English decisions may be worthy of attention. They are certainly curious and, in some respects, instructive.

What is "a date?" Certain persons who wished to vote in the part of London called Marylebone, sent in their claims to the proper official, duly signed, but dated "August, 1885." The law required that the claim should be made between the 1st and 25th days of August. The Revising Barrister, who attends to the revision of the lists of voters for members of parliament, decided that, as the papers were in the hands of the overseers, (the legally authorized officials) prior to the 25th day of the month, the omission of the exact date from the papers by the claimants was immaterial.

An English Accident Insurance Company, evidently anxious to escape paying a thousand pounds to the representative of a policy holder who was drowned near Birmingham, raised a novel question. The policy provided that no claim should arise except "for an injury from an accident." The company contended that the deceased fell into a shallow stream, and died from suffocation as a result of his inability to raise his head above the water, from exhaustion, caused by a fit, and that the company was not liable for any injury due to natural disease. The court determined that the man died from drowning in a brook while in an epileptic fit, and drowning having been decided to be an accident from outward and visible means, there must be judgment for the plaintiff.

An actor named Frayne, it may be remembered, was charged with the manslaughter of a Miss Behren, by shooting her on the stage, in attempting to perform William Tell's feat of shooting an apple which was placed upon a person's head. The defence was