

that Frayne did not point the rifle at the lady, but at an apple a few inches above her head. The court held that the weapon being pointed at an object, and not at the person, the charge of manslaughter could not be sustained.

A still more unusual case is that of a man and his wife, who hearing a noise after they had gone to bed, suspecting burglars and observing that some one was prowling about in the street below, arose and decided to await developments. Their first act was to unbolt the outer door in order that the expected burglar might not injure the fastenings. After a time the man entered, was promptly seized and handed over to the police. Upon being taken before a magistrate, he was charged with house-breaking, although he did not break anything whatever, and was committed for trial. The grand jury, however, considered that entering a house by merely turning the handle of a door did not constitute house-breaking, and they threw out the bill. The defendant ought to consider himself lucky, for had the case occurred in the state of New York instead of England, (it happened at Manchester) another charge would most certainly have been placed against him.

The celebrated case of Mrs. Bush *versus* the Great Western Railway Company (of England) should, most assuredly, be cited as a remarkable instance of variations in judges' opinions.

The railway companies in the United Kingdom pay persons named "porters" to convey the luggage (baggage) of passengers from carriages, or other vehicles, to the cars. A railway in that country is constructed under a general (or special) act of parliament, one feature of the act always being that the corporation has power to make its own by-laws. But whether these by-laws are binding upon anybody, except the corporation, depends upon whether they are considered equitable by a law court.

Mrs. Bush went in a hack to the London terminus of the above named railway, having with her a "Gladstone bag." Being anxious to send a telegram, she gave this valise to a porter to be taken care of, telling him to meet her at the train. Having attended to her business, the lady got into the car, (the English call it a carriage) and looked out of the window for the porter. After a few minutes she spied the man, who, greatly excited, exclaimed, "Madam, I put your bag down upon the platform while I attended to somebody else, and it's gone; it must have been stolen!"

Mrs. Bush within a few days consulted her lawyers who made a claim upon the railway company for the

value of the bag and contents—some £17 (\$85.00). The company, however, repudiated all liability upon the ground that it was protected by its by-laws, and that notices were posted all over the station stating that the corporation was not liable for any goods left with its employees. In consequence of this interpretation of the liability of employers for the acts of their agents, an action was brought in the county court—a court for the recovery of debts of less amount than \$250. The case was tried, by consent, without a jury, the judge giving judgment for the defendant. The plaintiff thereupon appealed, and in due course the case was argued before the divisional court, which upheld the decision of the county court judge. Being still dissatisfied, Mrs. Bush appealed to the court of appeal. Here again, unfortunately, the majority of the judges were against the lady, and the judgment of the court below was affirmed. Still undaunted, this persistent litigant decided to take the case before the highest tribunal in the British empire, and, after the usual delay, the arguments were made before the judicial committee of the House of Lords. The judges, according to custom, took some time to consider such an important case, the point, apart from all technicality, being, is a corporation at liberty to make by-laws which conflict with the laws of the land in reference to the liability of the employer for the acts of his agent? Eventually the court declared that this question must be answered in the negative, and judgment was given for Mrs. Bush for the value of her "bag" and its contents, with costs. This decision, of course, finally settled the matter, and the fair litigant taxed her costs at something over £1,000 (\$5,000). It is probable that the costs which were not allowed upon taxation, and which the lady must have paid herself, would amount to several hundred pounds more.

LAWRENCE IRWELL.

LEWIS AND CLARKE.

The accompanying extract is taken from the report compiled by Captains Lewis and Clarke, dealing with their travels to the source of the Missouri river, thence across the continent to the shores of the Pacific, in the year 1805.

At the time this incident is recorded the members of the expedition were still visiting with the "gentlemanly Mandans" in their camp on the banks of the Missouri, in what is now North Dakota. It illustrates the childishness of these sons and daughters of the forest, apparent in the dying warrior, and the delegation which visited the "medicine stone."

"Wednesday, Feb. 20th. The day

was delightfully fine; the mercury being at sunrise 2 degrees and in the course of the day 22 degrees above zero, the wind southerly. Kagohmia came down to see us early; his village is afflicted by the death of one of their eldest men, who, from his account to us, must have seen one hundred and twenty winters. Just as he was dying, he requested his children to dress him in his best robe, when he was dead, and carry him to a hill and seat him on a stone with his face down the river towards their old villages, that he might go straight to his brother who had passed before him to the ancient village under ground.

"Ohenaw and Shahaka came down to see us, and mentioned that several of their countrymen had gone to consult their medicine stone as to the prospects for the following year. The medicine stone is the great oracle of the Mandans and whatever it announces is believed with implicit confidence. Every spring, and upon some occasions during the summer, a deputation visits the sacred spot, where there is a thick porous stone twenty feet in circumference with a smooth surface. Having reached the place the ceremony of smoking to it is performed by the deputies, who alternately take a whiff themselves, and then present the pipe to the stone; after this they retire to the adjoining woods for the night, during which it may be safely presumed that all the embassy do not sleep; and in the morning they read the destinies of the nation in the white marks on the stone, which those who made them are at no loss to decypher. The Minnetarees have a stone of a similar kind, which has the same qualities and the same influences over the nation."

LOCAL HISTORY.

Mr. E. E. Blackman of the State Historical Society is going to make a summer campaign of the Lewis and Clark route along Nebraska this year. The idea is to identify the landmarks described in the various journals of the expedition, locate all its camps and settle if possible all controverted points in regard to the route. Nothing systematic has ever been done in this line in this immediate neighborhood. Monona and Harrison counties, Iowa, have been studied and their stretches of the river platted as regards Lewis and Clark, but so far as we know nothing extensive in this line has been undertaken anywhere in Nebraska. We have frequently suggested that this would be good work for the high school pupils. They are good walkers, have more time than some people, and are besides generally intelligent and quick witted and ought to feel an interest in their home history. The journals of the first two or three organized parties that ever came up the Missouri are quite complete along here, and it would be interesting to study them and try to find the spots they describe.