

## The Legal News.

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It is to be hoped that the request for additional terms of the Court of Appeal will not be pressed by the Bar. The judges are fully occupied at present—perhaps even over-worked, and to impose additional terms would be simply to deprive them of the time required for the proper examination of the cases heard during the terms as they are now established. It may be remarked that no increase of arrears was shown by the March list, and there did not appear to be any extraordinary anxiety on the part of the Bar to go on with cases, for the thirty-second on the list was reached on the fourth day, a great many of the previous cases having been passed over at the request of counsel.

Notwithstanding this disposition to suspend cases, the arguments last term were unusually brief and to the point. If the improvement in this respect continues, there is a chance of reducing the list without extra terms. The arguments last term averaged about three per day, deducting the time occupied by rendering judgments. At this rate the Court would soon get the list under control, but it is obvious that the more cases heard, the less time there is for deliberation, and the less room for interposing additional terms between the ordinary ones.

It is very remarkable that so many cases in which the amount is very small and the questions unimportant—often mere matters of fact—are brought up to the Court of Appeal. These petty cases are so numerous, and occupy so much valuable time, that we believe considerable relief might be afforded to the Court by a slight readjustment of the conditions entitling the party to an appeal. For example, the appeal might be taken away in all cases under \$250, unless it appeared to a judge in chambers that the case presented a question of law of sufficient importance to be considered by the full court.

As to cases under \$250, the party would still have the right of Review before three judges whose decision should be final.

In *Kleeman v. Kemmerer* (Common Pleas, Equity, Pennsylvania), a curious question was raised between tenants. The plaintiff was the lessee of a suite of rooms on the third floor, and defendant was the lessee of a suite of rooms on the second floor, of a certain building. There was a single front door, hall and stairway, common to both suites of rooms. Defendant claimed and exercised the right to keep the front door locked, thus compelling the plaintiff and members of his family to unlock it when they wished to enter or admit visitors. The plaintiff prayed for an injunction. The Court held that the parties had a common right of way as to front door, hall and stairs, which, however, each was bound to exercise reasonably; that keeping the front door locked at all hours was undoubtedly a serious inconvenience and injury to the plaintiff, and, therefore, an injunction should be granted to restrain the defendant from keeping the door locked, except at night between the hours of 8.30 p.m. and 6.30 a.m.

A question was raised here not long ago as to the value of the evidence of unchaste women. (8 L.N. 121.) In *Seibert's Estate* (Philadelphia Orphans' Court), 17 W.N. Cas. 271, this was one of the points considered by the judge. It was a question of proving a marriage. There was a great deal of very emphatic but irreconcilable testimony. And as to direct evidence the judge said: "The single witness to the marriage ceremony admitted that she herself lived in a house which, by a figure of elegant irony, is sometimes described as of 'doubtful' reputation. We concede that this confession will not destroy the competency of the witness, and there is high authority for doubting whether it will even impeach her credibility. In his note to the text of Baron Gilbert, Capel Lofft, after saying that incontinence is a ground of excommunication, and therefore of exclusion from the witness stand, exclaims: 'As if being unguardedly awake to the impression of nature demonstrated an insensibility to the voice of truth!'"