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FICTITIOUS APPEALS.

The number of genuine suits and appeals in the present age is so overwhelming that it is quite natural for courts and judges to condemn severely the attempt to inflict dummy litigation upon them. We do not know whether New Zealand has yet attained a fair share of legal business, or whether the judges of that colony have still leisure for imaginary controversies, but the *New Zealand Jurist* states that there were four dummy appeals heard at a recent sitting of the New Zealand Court of Appeal. The solicitors, it appears, for mere display, set the cases down after they had been settled; and the judges, though aware that there was no *bona fide* controversy, heard the cases and decided them. Our contemporary is incensed at this proceeding, and cites precedents to show that in England attorneys bringing up dummy appeals would be considered guilty of a contempt of court. Litigation for the mere fun of the thing cannot be too severely repressed, yet cases frequently arise in which it is convenient for parties to obtain the opinion of the Court on a doubtful point of law without the bitterness and ill-will which usually attend an ordinary suit. We presume the *New Zealand Jurist* does not mean to include such cases in its censure. If there is a useful object, no contempt of court is intended, and it would be harsh to infer it.

STAYS v. *STRAPS.*

A novel illustration of contributory negligence has figured before the Supreme Court of Pennsylvania, the title of the cause being *West Philadelphia Passenger R. R. Co.* v. *Whipple*. A woman, while being conveyed in one of the company's cars, and unable to find a seat, was thrown down and injured by the sudden stopping of the car. She sued for damages, but the company contended that she had been guilty of contributory negligence in not taking hold of the hand straps with which the car was provided. The woman answered that she could not conveniently have done so, as it would have disarranged her dress, and she had taken hold of the hand of a friend. At the trial, the question of negligence on her part was left to the jury, with the instruction that if they found she could not conveniently reach the strap, and so took hold of the hand of a fellow passenger, it was for them to say whether this was a sufficient precaution. The Supreme Court very properly held this instruction to have been correct, and added that "possibly a woman may be so fantastically and foolishly hooped, wired, and pinned up, as to deprive her of her natural power to help herself; but, if so, the question is one of fact, and not of law, and so we incline to leave it, instead of imposing upon our brethren below the difficult duty of prying into the artificial stays of the plaintiff's case."

A PROTRACTED SUIT.

We do not think that law suits in the present day are spun out to such interminable length as was often the case in times gone by. Few litigations attain the longevity satirized by Dickens in *Jarndyce* v. *Jarndyce*. In Canada, assuredly, law is not only cheap but expeditious, and as a rule two years measures the life of the hardest fought case on this side of the Atlantic. In England, too, great efforts have been made to oil the wheels of justice, and cases progress much more rapidly than of old. In the United States the machinery is probably upon the whole not less expeditious, but our contemporaries there have discovered one case, *Yale* v. *Dederer*, reported in 68 N. Y., which seems to be a remarkable exception. The action was brought to charge the estate of a married woman with a promissory note signed by her. The note was payable 1st May, 1854, and the suit was instituted soon after. In August, 1855, it was heard by the Special Term of the Supreme Court (21 Barb. 286). It made a first appearance before the Court of Appeals in December, 1858 (18 N. Y.), when the Court held that a promissory note did not charge the separate estate of a married woman, unless she *intended* that it should have that effect. The case went back for re-trial, and came up before the Court of Appeals a second time in 1860 (22 N. Y.) The Court on this occasion held