for food; though they were quite anxious that food should be had, but only on the sly; and between the two parties the girl died.

It is somewhat as if she had been lying in a room with two doors, a front door and a back. A. locks the back door, but would admit any amount of food by the front. B. bars the front door, but tries his best to smuggle food in by the back. Between them the patient dies. Who killed her, A. who locked the back door, or B. who barred the front? If that were all, it would be difficult to say, that either did so singly. And, therefore, so far, the jury were probably right in acquitting the doctors, nurses, and the rest of any criminal liability. But in the actual case, B., who represents the father, not only barred the front door, but was also a consenting party to the locking of the back, trusting, it would seem, to his own ingenuity to evade the vigilance of his rivals and open the door on the sly. And upon this ground the jury may have been right in their finding against the father.

There is another possible view of the case however. It may be said that both parties combined to carry on a contest of wits, a sort of game of chess, over the girl, which was from the first manifestly likely to result in her death, and which, in fact, it did do. If it be maintainable that those concerned were upon this ground guilty of manslaughter, which we by no means say is the case, then it seems to follow that both parties to the contest are in the same position, and both or neither ought to be indicted.—*The Solicitors' Journal & Reporter.*

RIGHTS OF THE PROFESSION.

Lawyers have rights for which they pay dearly, but which are sometimes ignored. The persons who pass by the name of agents or "clerks" often do the work that it is the entire privilege of the lawyers to do. We are happy to say that at last something is being done to protect the profession. Elsewhere we publish section 70 of the new Bankruptcy Act, which forbids any persons but barristers and solicitors to practise in the court, and an order of the Worship Street Police Court, forbidding any persons but barristers and solicitors, and, under certain circumstances, articled clerks, from practising. These are steps in the right direction. Will not county court judges lend their aid to this reform? In county courts agents, instead of lawyers, appear, and not only defraud the profession but waste the time of the judge and do injury to their clients. Surely the county court judges might do something to discountenance this practice, if, indeed, they have not the power to put an immediate and entire stop to it.—*The Law Journal.*

ONTARIO REPORTS

PRACTICE COURT.

(Reported by Henry O'Brien, Esq., *Barrister-at-Law.)*

Edwards et al. v. Bennett.

Ejectment—Defendant retaking possession.

Under the circumstances set out below a new writ of *hab. fac. pos.* (the first having been executed and returned) was refused. *Wilson* v. *Chanton*, 6 L. T., N. S., 255, followed.

[Practice Court, Michaelmas Term, 1869.]

Osler, obtained a rule *nisi* last Term, upon the 19th November, calling upon Henry Bennett and James Erwin, to shew cause why an order should not be made on them to leave or give up possession of the east half of Lot No. 23, in the 2nd Concession of the Township of Woodhouse, and to restore the possession thereof to the plaintiffs, and why a writ of attachment should not issue against them, for having *illegally re-entered on the said lot against the plaintiffs' will*, directly after the Sheriff had ejected them under the process of the court.

The affidavits in support of the motion stated that a judgment for want of appearance had been obtained against the above defendant, Henry Bennett, at the suit of the above plaintiffs, in September, 1868: that thereupon a writ of *hab. fac. pos.* was issued upon the 21st July, 1869: that this writ was fully executed by the sheriff upon the 24th July, 1869, by the sheriff removing Mary Bennett and James Erwin, her son by a former marriage, and his brothers and sisters, Mary Bennett having after the decease of her first husband married the defendant Henry Bennett, who at the time of the commencement of the action of ejectment was not living on the premises; and by his nailing up the door and window and giving possession to one Davis, who resided on the adjoining lot, in the west half of the same lot. The affidavit of Davis which was also filed upon the motion stated that the writ having been executed on Thursday the 24th of July in the above manner, he observed smoke issuing from the chimney of the house on the following Tuesday, and that upon going to the house he found Mary Bennett and her son James Erwin in possession, and he suggested that Mary Bennett only could have got possession by striking off the board which had been nailed across the window. There was no allegation of any forcible taking possession, or any expulsion of Davis from his possession, nor was it stated that he in fact was in visible occupation. It appeared further that the writ had been duly returned by the sheriff as fully executed by him on the said 24th July.

J. A. Boyd, shewed cause, and filed affidavits of Mary Bennett and James Erwin, wherein it was sworn that Thomas Erwin, the father of James Erwin and the first husband of Mary Bennett, about twelve years ago died seised in possession of the premises in question, of which he had and retained undisputed possession for seventeen years or thereabouts before his death: that he died intestate, whereupon his estate and