

possession of the execution debtor at all, but in possession of his wife; and if they were not actually owned by the claimants themselves, they were owned by the wife, and that there was between her and them a bargain such as to give them an equitable right to the goods. The trial judge ruled that under the form of the issue the claimants could not give evidence to show that the property was in the debtor's wife.

Held, that the ruling was too strict; that the claimants should not be shut out from adducing in evidence the whole facts about the transaction; and that the issue should be amended so as to let in the question of the *jus tertii* for the benefit of the claimants and their privity therewith, and also the claim of the wife, and that there should be a new trial.

Per BOYD, C.: Not the form of the issue, but the substance is to be looked at. It is competent for the claimant to show any facts warranting him in interfering with the process of execution, even if the property in the goods be in another; provided that this will not work a surprise upon the execution creditor, and that the claimant appears to be in privity with or claiming under the real owner.

Per FERGUSON, J.: The reasoning of some of the cases that the claimant, having caused the issue by asserting his right to the goods, ought not to be allowed to set up a case showing that the goods belong to a third person, who has not interfered in the matter at all, can only apply to a case in which the claimant does not profess to claim title under the third person.

Aylesworth, Q.C., for the plaintiffs.

Shepley, Q.C., for the defendant.

FERGUSON, J.]

[April 20.

IN RE CANNON, OATES *v.* CANNON.

Reference—Delay—Rule 51.

The object of Rule 51 is to protect the court and its officers from undue delay in the prosecution of references.

Where there has been undue delay in the prosecution of a reference, the party having the conduct of it should not be refused a warrant to proceed if he applies therefor before any action has been taken by the Master under Rule 51, and there is nothing but delay to interfere with the granting of it.

Arnoldi, Q.C., for W. P. Howland & Co.

Flotsam and Jetsam.

EXTRACTS FROM OLD STATUTES.—No person shall put to sale any pins, but only such as shall be double-headed, and have the heads soldered fast to the shank, and well smoothed; the shank well shaven; the point well and round filed, canted, and sharpened. (34 and 35 Henry VIII., cap. 6.) All persons above the age of seven years shall wear upon Sabbaths and holidays, upon their heads, a cap of wool, knit, thicked, and dressed, in England, upon pain of forfeit for every day not wearing, three shillings and fourpence. (13 Eliz., cap. 19.)

THE following anecdote of a minor light of the Irish Bench, though not precisely a "bull," pure and simple, belongs more or less to that fertile family. A wife had suffered untold cruelties at the hands of a barbarous husband, and in self-defence she "took the law of him"; but just before the time she relented, and told the judge she wished to leave the punishment and the case to God.

"I regret, my good woman," replied the great official, "that we cannot do that; the case is far too important."—*Green Bag.*

AN incident that is certainly uncommon, if not unprecedented, occurred in South Wales recently. In the County Court at Bridge End, before Judge Williams, a case was heard involving £50 (\$250), which was claimed as compensatory damage for injury caused by careless driving. Judge Williams was compelled to leave by train at the regular hour for the adjournment of the court, and could not therefore postpone the case until the next day. As the case was not ended at that time, at least one important witness remaining to be examined, Judge Williams, with the lawyers and other witnesses, took the train and travelled to Llantrissant. During the journey the case was proceeded with, the remaining witnesses being examined. On arriving at Llantrissant, the party adjourned to the station-master's office, where Judge Williams gave a verdict for the plaintiff in the amount claimed.—*Green Bag.*