

EDITORIAL ITEMS.

detention: *Bayley v. Lancashire Railway*, 18 Sol. J. 301.

A very sensible letter from "A Lawyer" is published in one of our English exchanges, upon "the lessons of the Tichborne Trial." He suggests the following important questions which the trial will probably bring on for Parliamentary discussion: (1). The shortening of the period of limitation. (2). The payment of jurors. (3). The pressing of witnesses with questions alleged to go to their credit. (4). Contempt of Court. (5). The shortening of the speeches of counsel, and, (6). The calling of material witnesses, called by neither party, by the Court itself.

Much solemn merriment appears to be occasioned in English legal circles by the fact that Lord Westbury's will is so difficult of construction, that it will consume no small portion of his assets in getting it into a workable shape. Already for the third time the Master of the Rolls has been invoked to construe a passage of this intricate production. He said that never had he seen a document more difficult to construe, and gladly would he have declined the task on the ground that it could not be construed. But upon the decisions of Lord Westbury himself, he was precluded from taking that course.

We publish in another place the report of a case decided in the Province of Quebec, to which we direct the attention of our readers, as to the jurisdiction of the local legislatures to impose fines and imprisonment conjointly for the same offence. The opinion of Mr. Justice Sanborn, in this case, is in conflict with the judgment of Drummond, J., and Torrance, J., in *Ex p. Papin*. The report of this last case in Chambers will be found in

8 C. L. J. 122. It is also reported in 16 C. L. Jurist 319. The question on the construction of this sub-section of the British North America Act has not arisen directly in this Province. The matter was referred to incidentally in *Reg. v. Boardman*, 30 U. C. Q. B., 555, and, from the language of the Chief Justice, it is to be inferred that he would agree with Mr. Justice Sanborn's reading of the Act. Richards, C. J., there refers to the difficulty of construing the Act in the rigidly technical manner that counsel pressed them to do in the argument.

There are counsel who will never give the Judge on the Bench credit for knowing anything. They go into the discussion of all questions exhaustively. Such an one was the eminent conveyancer, Mr. Preston. When called upon on one occasion to argue some question of real property law before the Common Law Court, he made his exordium by laying down the proposition that "an estate in fee simple was the largest estate known to the English law." "Stop a moment," said Lord Ellenborough, "till I take that down." And so while feigning with well-simulated earnestness to take down the observation of the counsel, the learned Judge was in truth taking down the counsel himself. An occurrence somewhat the converse of this happened while Lord Coleridge was presiding at the last Berkshire assizes. In an action of ejectment, his Lordship asked Mr. Bosanquet, one of the counsel, if he would kindly supply the defects of an Oxford education by informing him what measurement was represented by a perch mentioned in one of the leases produced in the course of the trial. Whereupon, amid some laughter, the learned counsel explained that a perch was not the same in all counties, but usually it was understood to mean sixteen feet.