

jusqu'au terrain loué, que ne le requerrait le demandeur par son protêt et son action par laquelle il ne demande, pour cette partie, qu'une addition de 2 pieds à la largeur actuelle du passage;

Que après l'acquisition d'un passage d'une largeur déterminée le propriétaire du terrain enclavé n'en peut obtenir un plus large qu'en alléguant et prouvant qu'il a changé son exploitation du terrain enclavé, et que le passage acquis n'est plus suffisant pour cette nouvelle exploitation, et que loin d'avoir fait cette preuve, un des témoins du demandeur a prouvé que l'exploitation que fait le demandeur du terrain que lui ont loué les défendeuses est la seule dont le dit terrain fut susceptible;

"Infirme le jugement prononcé le 3 décembre 1890, par la C. S., district de Saguenay, et renvoie l'action du demandeur avec dépens tant en première instance qu'en révisiou."

*J. S. Perrault*, procureur du demandeur.

*Angers & Martin*, procureurs des défendeuses.

*Alphonse Pouliot*, conseil plaissant en révisiou.

(C. A.)

### MHLAKWAPALWA AT COURT.

[Concluded from page 224.]

Presently I saw something rising up from the table on my left where the gentlemen with the *mtika* were sitting; he rose as the *Nyushu* (cobra) rises in the grass when disturbed. After the rising was completed, I discovered I was confronted by a human being. He was a grand specimen, and it was difficult to believe that he was flesh and blood, everything about the room appeared so unnatural. He was quite as big a man as you find amongst the sons of Krel; and after looking at me in a supernatural way for some time, commenced to repeat to me what had been said at the Magistrate's Court concerning the burning of Nowayiti's hut. According to our Gcaleka custom I assented to each sentence with a loud "Ewe!" as we always do. No Gcaleka can go on talking to another person unless he receives some reply. He would cease speaking, and say it was no use addressing a deaf and dumb man. So when this long man with the *mtika* spoke to me, I assented in accordance with our custom, notwithstanding that he told me some things which I did not agree to. I answered yes as a sign that I was listening. I resumed, as is always the case in our Gcaleka Courts, he would presently sit down and tell me to go on (*Quba*); then would I thunder forth, in my best style, what I knew, convincing everyone in the Court that I was an orator and councillor of the chief. But it presently appeared such was not to be the case, for,

after repeating a few more statements to me, the gentleman in the *mtika* stared at me from under his eyebrows for a few seconds, shewed the whites of his eyes, shrugged his shoulders, said a few words to the judge in a despairing manner, and sat down. This puzzled me, but what followed puzzled me more. The Judge suddenly appeared to be moving, his face became red, he spoke to the old gentleman, and it was quite clear to me that he was very angry. The old gentleman then addressed me as follows, "The Judge says you are not speaking the truth; you made one statement before the Magistrate and now you make another. You are an old man, and it is correct to presume, as such, you would have more respect for the truth than a boy, but this does not appear to be the case. You are fortunate in escaping a prosecution for false swearing, and a long term of imprisonment. You may go, but consider yourself fortunate at being allowed your freedom." While all this was going on I was thinking of Vamsinya, how fortunate he had been in obtaining such good medicine, and how thoroughly by its use he had overthrown me.

As the old gentleman finished telling me what the Judge had said, I was raised roughly from behind by a white man, and hustled to the Court room door, which I reached after coming violently in contact with several obstructions in the way. It was a great relief to be in the open air once more. I sat on the grass some distance from the door, (taking care not to occupy the place I had before I went into the Court, as to do so would bring misfortune upon me and endless litigation before the Chief). After spending some moments in endeavouring to collect my scattered senses, I was astonished to see Vamsinya come swaggering out of the Court room; his eyes glared, and as he inflated his chest he cried out, "*Uvile? Thsotsho! Benditshilo! Kuvwe u Vamsinya! Ujobela ohamba nentakakazi. U niloyiya omanlantla u kosi lwakwa Twetwe umtendezi Wamfenyu aholayo!*" (You have felt it! You've got it! I told you so! Listen oh! Vamsinya. The jobela that flies with the female birds. The brave hawk and the eagle of the Twetwe [Twetwe forest] and the rescuer of the scattered Fingoes). By these words he glorified himself, and humbled me. I groaned with remorse and considered myself the child of evil fortune. I went to the river, pulled off my clothes, and started for home, miserable and heavy at heart.

So ended my case at the Butterworth Circuit Court. The people told me I lost it because I agreed to statements I knew to be incorrect. I could not help it. I am an old man and I know only of one way of conducting a case, of the new way I am ignorant.—*Cape Law Journal.*