

Tuck, C.J.]

HESSE v. ST. JOHN RAILWAY CO.

[Jan. 4.

*Making cause a remanet—Withdrawing record.*

Where notice of trial has been given, and the cause has been entered, a motion to make the cause a remanet cannot be allowed, if opposed, and plaintiff not wishing to proceed to trial must withdraw the record.

*R. F. Quigley*, for the plaintiff. *H. H. McLean*, for the defendant.

## ST. JOHN COUNTY COURT.

Forbes, Co. J.]

FORSTER v. BUZZARD.

[Dec. 20, 1898.

*Arrest—Claim for interest—Affidavit—Independent causes of action.*

The affidavit for defendant's arrest set out in one paragraph a good cause of action upon a bill of exchange. Another paragraph was as follows: "That the said B. is also indebted to me in the further sum of three dollars and ninety five cents for money payable by the said --- to me for interest upon money due from the said B. to me and foreborne at interest by me to the said B. at his request.

*Held*, that it should have appeared how the claim for interest arose, and that it did not sufficiently appear that the interest was claimed in respect of the bill of exchange, but that the affidavit stating one good cause of action, the arrest should not be set aside.

*Mullin*, for the plaintiff. *Kelley*, for the defendant.

## Flotsam and Jetsam.

At the Madras High Court, one Bonamali Naik, a Temple servant, appealed against the sentence of death passed on him by Mr. Wolfe Murray, the Sessions judge of Ganjam, for having murdered one Keshatria Naik, who succeeded the accused after he was dismissed from his appointment. The accused got rid of his rival by throwing him into a well, so that deceased died of asphyxia. In the course of his judgment the Sessions judge quoted the following couplet (from W. S. Gilbert's "The Wreck of the Nancy Bell"):

He up with his heels  
And smothered his squeals.

Their Lordships, while confirming the conviction and sentence, observed that the Sessions judge ought to have used serious and proper language in disposing of a serious and grave crime, and was not justified in quoting the couplet he had done. -- *Advocate of India*, Bombay.