only; but by 34 Vict. c. 5 (D), a bank may take one directly.

The provisions of 34 Vict. c. 5, relating to warehouse receipts, do not invade the functions of the Provincial legislature, by an interference with "property and civil rights" in the Province.

Two of the warehouse receipts stated that the coal was in sheds, and two others that it was in bins, "separate from, and will be kept distinguishable from other coal." Other coal was received during the year, and was mixed with the coal under warehouse receipt. The quantity in store, at the time of the firm's insolvency, was less than the quantity there at the time of the receipt.

Held, that the plaintiff, the assignee in insolvency, could be in no better position than the insolvent as against the bank, and that the Bank was entitled to any coal of the description specified in the warehouse receipts that might be found in the warehouse.—*Smith* v. *The Merchants' Bank*, (May 21, 1881.)

RECENT CRIMINAL DECISIONS.

Burglary—Intent alleged must be proved.—The indictment charged that the defendant broke and entered a certain building belonging to the Warren Institution for savings, "with intent then and therein to commit the crime of larceny, and the property, goods and chattels of the said Corporation in said building then being found, then and there in said building, feloniously to steal, take and carry away." At the trial the evidence was that defendant broke and entered the basement of the building in question, and worked his way into part of the first story, occupied by the United States for a post-office; and that the sole intent of the defendant was to steal some postage-stamps belonging to the United States. *Held*, (by the Massachusetts Supreme Judicial Court) that there was a fatal variance between the indictment and the proof. The intent with which the defendant broke and entered the building is an essential element of the crime, and must therefore be alleged in the indictment, and must be proved as laid. A charge of breaking and entering with intent to steal the goods of one person is not supported by proof of breaking and entering with intent to steal the goods of another. Jenk's case, 2 East's P.C. 514—*Commonwealth of Massachusetts* v. *Moore*, 23 Alb. L. J. 298.

GENERAL NOTES.

There are fourteen judges of English County Courts whose united ages amount to 1,065 years, with an average of 76 years. Of these, five were appointed judges in 1847, on the passing of the first County Court act; they will, therefore, complete thirty-four years' service this year—more than twice the time required for a judge of the high court to earn his retirement. These venerable gentlemen can only receive a pension on being "afflicted with some permanent infirmity disabling them from the due execution of their office."—Ohio *Law Journal*.

W. H. Seward's First Case.—Mr. Seward, in his Autobiography, gives the following account of his first case in court:—"My *début* at Auburn obtained for me a reputation which, though I was thankful for it at the time, I had no reason to be proud of. A convict discharged from the State Prison there in the morning was warned to leave the town immediately. Reaching the suburb, he discovered an open door, entered it, and proceeded to rifle a bureau. Taking alarm, he rushed out, carrying with him only a few valueless rags. He was indicted for this petty larceny, which, being a second offence, was punishable with a new term in the State Prison. I was assigned by the court to the defence of the unfortunate wretch. The theft and the detection were complteely proved. The stolen articles lay on the table. The indictment described them as 'one quilted holder of the value of six cents,' and 'one piece of calico of the value of six cents. I called upon a tailor as an expert, who testified that the holder was sewed, not 'quilted,' and that the other article was white jean, and not 'calico' at all. The bystanders showed deep interest in the argument which the defence produced, and were gratified when they found that the culprit escaped a punishment which they thought would be too severe for the transgression."

In the Queen's Bench division recently, says the *London Times*, the time of the Court was largely occupied at the instance of a solicitor who appeared in person to protest against disallowance on taxation of certain items in a bill of costs to recover which he had brought an action against a former client. The items in dispute were of the most trifling character, but, notwithstanding the patience and consideration of the Court, nearly the whole morning was consumed in a desultory and somewhat irregular argument. Ultimately, after the matter had been disposed of, and during the progress of a fresh case, the solicitor in question rose again to address the Court. Mr. Justice Denman desired him to sit down. The appellant, however, persisted, complaining that he had been ill-treated, whereupon Mr. Justice Denman warned him that if he persevered in his contempt he should be obliged to send him to prison. "Send me to prison, my Lord?" said the solicitor, defiantly. "Then the sooner the better." Mr Justice Denman—"No, I shall not send you to prison, but I fine you £5, and if you do not immediately leave the Court the fine will be increased." The solicitor then withdrew, and the business before the Court was proceeded with.