The Legal News.

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A curious illustration of the supposed progressiveness of the age is supplied by the fact that the Supreme Court of the United States is about to adjourn for the summer with over a thousand cases unheard. Between three and four hundred cases are disposed of annually, so that there is work enough on hand for three years at least, and cases put on the roll now will have to take their turn at the end of that time. Why should a court adjourn for the summer under such circumstances? A great daily like the London *Times* does not adjourn for the summer, yet the work is as exhausting as that of a court. The continuity is preserved by increasing the number of those by whose joint effort the paper is produced. The same system applied to the Supreme Court would enable it to sit upon every lawful day throughout the year, or to prolong the daily sitting to ten or twelve hours.

Some of the "smart things" attributed to English judges smack of vulgarity—not to say brutality—which would not be tolerated on this side of the Atlantic. For example, the London *Jurist* has the following:—"Some amusement was recently caused by a retort made by Mr. Justice Chitty to a learned counsel. The barrister in question was arguing a case about the possession of agricultural implements and furniture, and when he had finished the first part of his argument, during which the judge frequently rebuked him for irrelevancy, he remarked, 'And now, my Lord, I will address myself to the furniture.' Mr. Justice Chitty: 'You have been doing that for a long time, sir.' If this be true, Mr. Justice Chitty is sadly in need of somebody to teach him manners, and if he were sitting in any Court out of England, would soon find an instructor.

A curious point, illustrating the subtleties of criminal pleading, says the *Jurist*, (London) was taken by a member of the bar as *amicus curiæ* at the late Stafford Assizes. Two men, named Jones and Stone, were indicted for that "they did together assault, with intent to rob," the prosecutor. At the commencement of the proceedings the counsel for the prosecution said he would offer no evidence against Stone, as there was nothing to identify him, and the learned judge (Mr. Justice Manisty) concurring in this course, a formal verdict of "Not guilty" was taken in his favour. The case against Jones was then proceeded with. But at the close of the case for the prosecution a counsel present asked to be allowed to take a point in the prisoner's favour, as he was undefended. Leave having been given, counsel then proceeded to argue that the indictment was laid under s. 43 of 24 & 25 Vic., c. 96, which ran, "Whoever shall .... together with one or other person or persons rob or assault with intent to rob any person ...." The indictment averred that Jones did this together with Stone, but Stone had been declared not guilty, and as the essence of the offence was the combination, it was impossible to convict Jones on that indictment; he should have been indicted separately under the s. 40. Mr. Justice Manisty held, after some argument, that the indictment could not be sustained, and ordered the prisoner to be discharged.

SUPERIOR COURT.

SWEETSBURG, April 5, 1887.

Coram TAIT, J.

WETHERBEE v. FERGUSON et al., and FERGUSON, Opposant.

Procedure—Opposition not contested—Proof—Costs—C. C. P. 586.

HELD:—*That on an uncontested opposition afin d'annuler based upon irregularities, the opposant has a right to make proof ex parte, and the plaintiff will be condemned to pay the costs.*

One of the defendants made an opposition *afin d'annuler* to the seizure made by plaintiff, alleging fatal irregularities on the part of the bailiff, and further, that a mass of goods had been seized belonging to defendants individually, without any specification as to the portion belonging to each; and that