The Legal News.

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Referring to the case of the prehistoric boat (*ante* p. 239), the *Law Journal* (London) says:—"In the case of *The Brigg Boat* Mr. Justice Chitty missed what appears the essential point of the case. The boat, although fossilized, is, it is admitted on all hands, a chattel. If not, the wigs and pairs of spectacles in the well at Buxton are realty. If it is a chattel, how does the owner of the land obtain the property in it? The learned judge lays down, on the authority of a criminal case, that the owner of the land had such possession of the boat as gave him a qualified property sufficient to support an indictment in his name. That may be so, but a qualified property, good against a wrong-doer, is not the same thing as the absolute property which the plaintiff claimed. So far as we know, the only process by which the property in a chattel vests in the owner of land on which it lies, is in virtue of an intention on the part of the owner of the chattel to affix it to the soil. There was not only no evidence of any such intention, but there was clear evidence of an intention on the part of the owner of the boat to abandon his property in it. There was no evidence of an intention on his part to abandon it to the owner of the soil. There was a general abandonment of it which inures to the benefit of the first finder, who were the defendants, the lessees. No doubt, if the plaintiff had not demised this land, no one but he could dig out the boat without committing a trespass, but in digging it out, the defendants were within their right, and were as much entitled to the boat as the street boy to the end of a cigar thrown away in the street. The boat was not in the nature of treasure trove, because the depositor of treasure, so far from abandoning it, hides it away in order to find it again. Treasure trove belongs to the crown, because not being abandoned it does not vest in the finder. If the decision be right, and the possession of the plaintiff gives him the property as against the lessee, the possession of the plaintiff's vendor would give him the property as against the plaintiff; the possession of his vendor's similarly, and so on, so far as the title can be traced. This endless prospect of litigation need not, however, be faced, nor need we look for the personal representative of the primæval Briton who left the boat where it is. This interesting savage evidently abandoned his property, to be found at last by a nineteenth-century gas company, who are entitled to rely on the principle of law in force through the ages that "findings are keepings."

The journal representing more especially the solicitor branch of the profession in England, contains some severe reflections upon the demeanor of the bench. Referring to a recent occurrence, it says:—"The exhibition of temper by Mr. Justice Stephen, at Nottingham Assizes, is one of those incidents which everyone must deplore. Mr. Stevenson, a solicitor, appears to have had a dispute with the judge's clerk, as to a document which, being held by both, came in two. The conduct of the solicitor does not seem to have been very reprehensible, and, indeed, it went wholly unpunished. But, verbally lashed by the judge, he mildly said that the members of his branch of the profession had a good deal to bear, which is perfectly true. This expression precipitated the judge into a flood of personal abuse, absolutely inexcusable, with the result that Mr. Stevenson must receive universal sympathy. Whether it is the distracting anxiety which Mr. Justice Hawkins says disturbs the judges, or the increased wear and tear of modern life, which is to be credited with the aggravated irritability which is to be found on the bench, we know not. But of this we are convinced that, if the judges are to retain the respect of the profession, they must not presume too much upon their position."

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In giving judgment in the case of *Banks* v. *The West Publishing Company*, Mr. Circuit Judge Brewer says that he finds that the English Courts have generally sustained the Crown's proprietary rights in judicial opinions, and then proceeds to state the authority upon the question as follows:—

The first case in the order of time was that of Atkins against Stationers' Company, de-