It has recently been decided in a French provincial Court that a hotel keeper is bound to wake a traveller who desires to leave by a train during the night. If the host refuses or neglects, he is liable to pay damages. The judge animadverted in strong terms on the practice of some landlords, who wilfully delayed the departure of travellers in such circumstances, and thereby secured the price of an extra day's board and lodging.

There was rather a curious case some months ago at an Assize on the Western Circuit, which we do not remember to have seen noted, and which, though now stale, may be worth referring to. A man was tried the previous year for shooting with intent, &c., and sent to the penitentiary for three years. The man he shot then sued for the assault, and the convicted man was brought up to give evidence for himself. Neither he nor his wife could be called on the former trial, and both could be heard on the civil case. They were the only two who saw the act except the prosecutor and his son. If the testimony of the latter did not defeat the action it would seem hard to keep the man in prison.

We are not aware what the result of the case was, but it points to a somewhat curious phase of the law of evidence.

Application was made in Common Law Chambers lately to a case of *Roy* v. *Turnbull* for a *certiorari* to remove a cause from a Division Court. The suppliant at the feet of a Judge of the Queen's Bench complained that a certain Deputy Judge, not a hundred miles from the head of Lake Ontario, had failed, after three several attempts, to do justice, or at all events, equity, between the parties. The case would seem to have been tried three times before the Judge, and with a varying result each time. Doubtless the Judge looked upon himself as a jury, and of course, three different juries, and felt that it was his privilege, being three successive juries as aforesaid, to alter his mind and arrive at three different results, as well might, and probably would, the three sets of five men each, if it had been a "jury case." Whether, in truth, the evidence varied on each occasion whereby a different conclusion was properly arrived at, does not appear. The learned Judge of the Queen's Bench, Mr. Justice Wilson, did not seem to think the different judgments arose from any difficult questions of law being involved, because there were no points of law particularly about it. He ordered the case to stand over until the Judge below was heard from, remarking, however, that the mere fact of a Division Court Judge not always promulgating good law, is no ground for removing a cause from his jurisdiction, and an appeal from his decision cannot be had by a side wind. One cannot always expect to get good law in Division Courts. In fact one does not go there for that, for these Courts are more Courts of equity and good conscience than anything else; though, even in this matter, some men's notions of equity are so crude and so peculiar, that an adherence to common law would, perhaps, in most cases be preferable, and more appreciated by suitors.

That time-honoured palladium, trial by jury, was not, of course, without its incidents on a recent occasion. In an action of libel, part of the complaint being that the plaintiff was wrongly charged with having acted in a manner not professionally reputable, "twelve good and lawful men" were placed in the perplexing position of