

FLOTSAM AND JETSAM.

On the first case being opened, which came before the Court on "demurrer" to portions of the plaintiff's statement of facts,

MELLOR, J., observed that the demurrers were what might be called "niggling demurrers"—that is, demurrers rather to the mode of stating the case than to the case itself, and

QUAIN, J., quite concurred in the observation.

Benjamin, Q.C., and *Cohen*, Q.C., the leading counsel in the case, said that they quite agreed in this view, and proposed to strike out the "demurrer," except on the broad ground that the action was not maintainable, which was assented to, and the case, which turned on the construction of a contract, was argued and decided on that footing.

On the next case being opened, which also came before the Court on "demurrer" to the statement of claim—the same counsel being concerned in the case—the same course was taken.

Benjamin said the demurrers were "ridiculous," and the best way would be to strike them out and let the case go to trial, when the broad question could be raised upon the real facts—not the pleader's facts—whether the action was maintainable.

MELLOR, J., observed that this tended to show that demurrers had better be abolished altogether, the only really substantial ground of demurrer being that the action was not maintainable, which could be raised on the real facts stated in a case.

QUAIN, J., observed that this had been found to be the proper course to be pursued under the Common Law Procedure Act—a quarter of a century ago—long before the Judicature Act, and it was strange that under the Judicature Act the old obsolete method of "demurrer" should have been returned to.

It was agreed to strike out the demurrer, and send the case to trial.

"JUST A DREAM, MY LORD."—There is something very beautiful in the exclamations and reflections occasionally given vent to by prisoners on hearing the sentence of the law after their conviction for the offences they have committed. For instance, what can be more touching than the utterance of a man named James Brown, who, at the Dundee Circuit Court, recently, was charged with having (1), on the 8th February, stolen a pair of trousers, a pair of braces, and

penknife from an inn at Letham, (2), with having stolen a filly from a farm at Dunnichen; and (3), with having committed a peculiarly aggravated assault on a woman in the parish of Dunnichen? Brown, against whom there were previous convictions for theft and assault, having pleaded guilty to two out of the three charges now brought against him, was sentenced to fifteen months' imprisonment by the judge, who remarked that "short sentences did not seem to have any effect on him." "Fifteen months," ejaculated Brown, "is just a dream, my lord." The dreams of Brown evidently, like those described by the poet,

"Repeat the wishes of the day.
Tho' further toil his tired limbs refuse,
The dreaming hunter still the chase pursues;
The judge abed dispenses still the laws,
And sleeps again o'er the unfinished cause."

HOW SERGEANT BALLANTYNE MANAGES.—A correspondent of the *Scotsman*, referring to the debate on the rejected Barristers' Fees Bill, says:—The stories throughout the debate were as numerous as they are at any bar mess, but they did not include one which is fathered on Sergeant Ballantine. This distinguished barrister, as the story goes, was travelling down to his suburban house one night, when a friend asked him how it was that he managed to overtake all his work, and especially how he got on when two cases were called in different courts at the same time. "Well," replied the learned and witty sergeant, "I will give you a sample. To-day I was just in such a fix. One of my clients was a clergyman and the other a railway company, and I thought the best thing I could do was to stick by the railway company, and leave the clergyman to Providence. I won my case." The occupants of the carriage in which they were riding were amused at the division of labour, and were laughing at it somewhat immoderately, when a mild looking stranger in a white neckcloth interposed, and said, "And perhaps you will allow me to add, Mr. Sergeant that we lost ours."

LAW BUSINESS IN ENGLAND.—The *Law Times* says:—When sitting in the Court of Appeal up in a committee room of the House of Lords (where the drawing of corks in the refreshment bar adjoining was distinctly audible), Lord Chief Baron Kelly remarked that we want three more judges and five more courts. We do not