

the jury, except in such cases as were cognisable formerly by a court of error alone. The Court of Criminal Appeal has, of course, the power, which it has occasionally exercised, of quashing a conviction where misconduct of the jury may have resulted in a miscarriage of justice. In view of the rarity in recent years of trials in the King's Bench Division for misdemeanours, the right to grant a new trial for misconduct of the jury, or upon other grounds, has seldom to be inquired into. It should be observed that in criminal as well as in civil cases the court has always refused to order a new trial on the ground of the misconduct of the jury where such misconduct is suggested or proved only by evidence from one or more of the jurymen themselves. If power were given to the Court of Criminal Appeal to order a new trial in cases where they now have power merely to quash the conviction, these academic distinctions would probably soon be lost sight of, and become relegated to the back-shelf like many of the old legal fictions of the past.—*Law Times.*

APPOINTMENT OF NEW TRUSTEES.

It may be well to remove one or two erroneous impressions which seem to prevail with regard to the appointment of new trustees. One which is sometimes met with is that a trustee can retire without a new one being appointed in his place; but that is not so, except where there are more than two trustees, and one retires by deed with the consent of his co-trustees, and the person having power to appoint new trustees, under sec. 11 of the Trustee Act, 1893, or except by leave of the court, or of all the cestuis que trust if sui juris. Another mistaken idea which prevails with some practitioners is that a new or additional trustee can be appointed under the statutory or ordinary power to appoint new trustees although there is no vacancy in the office. That, again, can only be done by the court: (see sec. 25 of the Trustee Act, 1893). A further erroneous impression is that a trustee can never be removed against his will, except in an ac-