THE Supreme Court of the United States has recently decided a most important constitutional question as to the limits of the power of either House of Congress to commit a contumacious witness for refusing to answer inquiries into his private affairs. The learned and elaborate judgment of Mr. Justice Miller is reported *in extenso* in the *Albany Law Journal*, (*Kilbour* v. *Thompson*, 23 Alb. L. J. 227,) and as his reasonings are based to a great extent either on decided English cases, or on general principles affecting the constitution and powers of representative assemblies, they are well worth the attentive consideration of our readers. The action was one of trespass for false imprisonment, brought against the sergeant-at-arms of the House of Representatives, and certain members of that House who had been appointed a Committee to inquire into the affairs of a bankrupt firm of which the United States was a creditor. The plaintiff, who had been subpœnaed as a witness by the Committee, refused to answer certain inquiries, and to produce records relating to the matters required of him.

The sergeant at-arms pleaded a special plea of justification founded on the fact that he had acted under the orders of the House of Representatives; and the other defendant pleaded a similar plea, except that they alleged that they were members of the House, and had acted in that capacity. To these special pleas the plaintiff demurred, and his demurrer has now been allowed by the highest legal tribunal, so far as the plea of the unfortunate sergeant-at-arms is concerned, while the other defendants who caused all the trouble escape under the friendly mantle of 'privilege,' which can apparently become on occasion as useful to over-zealous Congressmen as to obstructive Home Rulers. This, however, was merely a side issue, and does not touch the really important point decided by this case, which is that the House of Representatives can only punish a witness for refusing to answer inquiries which it is within their jurisdiction to make, and that private matters do not come within this category.

JUDICIAL CHANGES IN ENGLAND.

Sir Henry Jackson, Q.C., and Mr. Mathew were, on the 2nd and 3rd of March respectively, appointed to the vacant seats on the English Bench. On the 8th March Sir Henry Jackson died of heart disease, being not quite fifty years of age, and before he had taken his seat or been sworn in.

The appointment of Mr. Mathew is spoken of as another of the few instances of a member of the junior bar (*i.e.*, a stuff-gownsman), being elevated to the Bench. He had a large commercial business and did a large counsel business in Common Law Chambers.

Mr. William Lewis Cave, Q.C., has been appointed to fill the vacancy in the Queen's Bench Division caused by the death of Sir Henry Jackson. His appointment seems to give general satisfaction. A contemporary thus speaks of him:—"Mr. Cave is the editor of 'Addison on Torts,' of which the fifth edition was recently published, and of the titles from 'Indictment' to 'Promissory Notes' in 'Burn's Justice,' and has a high reputation as a lawyer; while the dignity of the bench, and the good feeling between the judges and the profession—no unimportant matters—are safe in his keeping. In point of age, Mr. Justice Cave is still young enough to have lost none of his freshness."

Vice-Chancellor Malins has retired from the Bench. The *Law Journal* thus speaks of his judicial career:—"The learned judge is justly most popular with the legal profession, and throughout his career on the bench has been guided by an earnest desire to do justice. He would have earned a higher reputation as a lawyer if he had lived in the times before the system which he had to ad-