

article sold, before the rule laid down can have any application. (y).

*Conclusion.*—We have studied the cases on this branch of the law with a view to deducing certain general rules on the subject and ascertaining the principle underlying the various decisions. We, however, are not so sanguine as to believe that perfect order has been wrought from such a chaotic mass of cases. The West Virginia court was not far from the truth when, to the question, "What is the test or criterion always applicable?" it answered, "Hardly any. Each case involving this nice principle must be largely its own arbiter."—*Central Law Journal*.

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(y) *Heiser v. Kingsland & Douglas Mfg. Co.*, 110 Mo. 605, 19 S.W. Rep. 630, 33 Am. St. Rep. 482, 15 L.R.A. 821.

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The arguments advanced in the United States in favour of limiting the right of appeal in criminal cases are not convincing. As to the contention that juries have a better opportunity to decide upon the credibility of the witnesses, it may be said that the truth that juries are the best judges of the facts is now sufficiently recognized by the judges who review cases on appeal. But every one knows that juries may come, and often do come, to erroneous conclusions, and it is but just that their verdicts should sometimes be set aside on the ground that they are contrary to, or unsupported by the evidence. Against the objection that a defendant who has the means to avail himself of an appeal may escape through technicalities, it may be answered that that is not a reason for taking away the right of appeal. It is rather a reason for amending the law with reference to the grounds upon which a new trial may be granted. There is a section in the New York Code of Criminal Procedure which provides as follows: "After hearing the appeal the court must give judgment without regard to technical errors, or defects, or to exceptions which do not affect the substantial rights of the parties." This might be improved upon by enumerating the technical errors which should be disregarded. The claim that the right of appeal gives a defendant of means an advantage over the poor defendant is undoubtedly well founded. It is most unfortunate, as are all the disadvantages of poverty.—*Law Notes*.