vengeance upon those whose words have so important an influence upon their fortunes. Although police magistrates and others filling subordinate positions are from time to time menaced or actually assaulted by refractory prisoners, serious attacks upon Judges holding high judicial office are almost unheard of. One has to go back to the seventeenth century for precedents. In the year 1616, Sir John Tyndal, one of the Masters in Chancery, was killed by a shot fired at him while entering his chambers at Lincoln's Inn, the assassin being a man named Bertram, against whom Sir John had given a judgment. Bertram shortly afterwards committed suicide. This is the only instance of assassination on record. In 1631, Chief Justice Richardson, who was holding the Assizes at Salisbury, was assaulted by a convict who threw a brickbat at him. Those were days when prompt justice was meted out. The right hand of the prisoner was forthwith struck off, and affixed to a gibbet, on which he was afterwards hanged in presence of the Court. These two cases seem to be the only instances furnished by the judicial history of more than two centuries. Anonymous letters of a threatening character have probably been more common.

DOUBLE APPEAL.

In the case of *The City of Montreal & Devlin*, a singular anomaly has presented itself. Each party being dissatisfied with a judgment of the Court of Queen's Bench in appeal, the *City of Montreal* desired to appeal to the Privy Council in England, while *Devlin* wished to take the case to the Supreme Court of Canada. While the motion for an appeal to England was pending, Devlin obtained leave from a Judge in Chambers to appeal to the Supreme Court. Subsequently the motion for an appeal to England had to be disposed of, and the Court held that although leave to appeal to the Supreme Court had been properly and of necessity granted, yet the other party was equally entitled to obtain leave to appeal to the Privy Council. Thus there would be simultaneous appeals in the same case to two different tribunals, and perhaps contradictory decisions. We print the observations of Chief Justice Dorion, calling attention to this singular anomaly.

SHOULD UNANIMITY BE REQUIRED IN JURY TRIALS?

The case of Reg. *v.* Truelove, tried in the Queen's Bench the week before last, raises this much debated question once more to that prominent position amongst questions of legal reform which it has often before occupied. So much has been written and spoken in praise of the institution of trial by jury, that it has become a sort of habit to look upon it as it now exists as an institution almost free from imperfection, and one to meddle with any part of which would be a dangerous tampering with those liberties, the possession of which we in a great measure attribute to it. None indeed of our institutions have been described by writers in terms of such unbounded panegyric as this, from the time of the authors of our earliest law books down to that of Blackstone, who, in reverence for what he declares to be "the palladium of British liberty, the glory of the English law, and the most transcendent privilege which any subject can enjoy or wish for," stands foremost of all. The effect of all this has been to cause attempts at reforming any part of the institution to be looked upon with disfavor and suspicion, however apparent the necessity for improvement may have shown itself; and such few reforms as have been made have been of such slow growth as to have been brought about almost imperceptibly. Still, however, it has not remained in all respects unchanged from its commencement. In fact, the rule requiring unanimity is one which came into existence long after trial by jury became an established fact. According to Lambard, in a jury of twelve the verdict of eight was to prevail, and from Bracton and Fleta it would appear that the practice in their time was for the judges, when the jury could not agree, to add to their number until twelve out of the entire number could be got to concur in a verdict. In the time of Edward I., the judge exercised the option of doing this or of compelling the original twelve to agree by starving them into it. Later it would appear that the option was always exercised in one way—the latter—and so the practice of starving a jury into unanimity became established. A note to Hale's Pleas of the Crown, vol. 2, p. 296, states that the ancient practice