drags on, the unfortunate litigant thinks the arbitrator, who delays his case, rather more vexatious than the judge who refused to try it. Such a state of things surely calls for an amendment of the law."

Here is the way Yankee juries treat a recalcitrant juryman. In Rockland County, N.Y., during the Supreme Court Circuit, a jury went out to determine upon a verdict. After wrangling a whole day and failing to agree, they were discharged by the Court. Subsequently the following prayer for relief, signed by ten members of the jury, was solemnly preferred to the Court: "We the jurors in the above trial, hereby petition this honourable Court to order the name of —— out of the jury-box for the following reasons: In our opinion he is the most stubborn and contrary man that the Almighty ever made, and is not fit to sit as a juror in any case. He was never known to agree to any question of law with either judge or juror."—We have no doubt this persecuted citizen went home after the trial and told his wife that he had been struggling all day against eleven mule-headed men who would not listen to reason.

COURTS OF APPEAL.

The subject of appellate jurisdiction is one which is now attracting much attention, not only in England, but in the most important of her colonies. We print in another place the report of the Commissioners of Victoria, concerning the establishment of a Court of Appeal for Australasia. As to the Dominion, we gave our readers some time ago the draft of the Supreme Court Bill; but difficulties have arisen in the establishment of the Court from the fact that Quebec pursues a system of law different from that of the other Provinces. This is precisely the same difficulty in kind, though less in degree, which has long prevented the establishment in the mother country of a more satisfactory Court for colonial and other appeals than the Privy Council.

The Judicial Committee of the Privy Council as a Court of ultimate appeal has long occupied a very anomalous position. Its decisions, final and of supreme authority as regards the colonies, are yet not considered binding upon the superior courts of Great Britain and Ireland. Unlike the decisions of the House of Lords, as a Court of Appeal, which are authoritative declarations of the law to be followed in all Courts, not to be over-ruled by the House itself in subsequent appeals, not to be gotten rid of save by legislative interference; those of the Privy Council, while no doubt determining the particular case under appeal, are not necessarily to be followed in other cases involving the same point for adjudication.

That these observations may not seem exaggerated, let a few cases be noted as confirmatory of what has been advanced. Upon the construction of an Imperial Act of Parliament passed in 1861, giving the Admiralty jurisdiction in case of damage done to a ship, it was was held by the Privy Council that the term "damage" in the Act extended to a case of personal injury: The Beta, L. R. 2, P. C. 447. The Court of Queen's Bench declined to follow this decision, and have held upon demurrer to a declaration in prohibition that the term did not include injury of such a a character: *Smith* v. *Brown*. L. R. 6 Q. B. 729. So, on an earlier occasion, in *The General Steam Navigation Company* v. *The British and Colonial Navigation Company*, L. R. 3, *Exch.* 330, the majority of the Barons thought themselves not bound to follow a prior decision of the Privy Council on a question of pilotage as reported in The Stettin: Brow and Lush, 199, 203; 31 L. J., P. D., and Ad. 208 From this view Kelly, C. B., dissented, on the ground that he did not feel himself at liberty to depart from the law laid down "by the overruling authority of the Judicial Committee of the Privy Council, which, being a decision of a Court of last resort," should be taken to govern. Again: when upon the highly important question, as to whether Colonial Legislative Assemblies had inherent power to punish by imprisonment for a contempt committed outside the House, the Privy Council at first, in 1836, affirmed the doctrine that there was such a power: *Beaumont* v. *Barrett*, 1 *Moo.*, P. C. C. 59. But when, in 1842, another appeal came up, presenting the same matter for adjudication, the same Court delivering judgment through the same Judge, Parke, B., disaffirmed the existence of any such constitutional power as a legal incident in Colonial Houses of Assembly: *Kielly* v. *Carson*, 4 Moo., P. C. C. 63. This later opinion was adhered to when, for a third and last time, in 1858, the same question arose in *Fenton* v. *Hamilton*, 11 Moo., P. C. C. 347.