Comme il n'y avait pas de *précédent* à l'appui de la pétition, ses conclusions ne furent pas accordées. "All we can do", ajouta le Baron Parke, "is to recommend the petitioner again to apply to the judges of the Common Pleas, and to intimate to them that it is the opinion of their Lordships sitting here, as Her Majesty's Judicial Committee of Privy Council, that, *there being no motion in arrest of judgment*, it is the bounden duty of the court to give judgment for the Plaintiff."

*Ib.* Vol. 6, p. p. 419 et suiv: *Tronson*, appelant, contre *Dent* et autres, dans un appel d'un jugement de la Cour Suprême de *Hong Kong* sur le verdict d'un jury, juin 1853; "*Held*, that as the english practice prevailed at *Hong Kong*, the allowance of such appeal was irregular, being in effect, an appeal against the verdict of a jury, and that the proper course would have been to have moved the court below for a new trial, and to have appealed against the judgment refusing such motion."

Sir John Patteson, en prononçant le jugement, dit, entre autres choses: p. 442; "what is it that is appealed against? It is the judgment of the court. Now, the judgment of the court is manifestly a right judgment, so long as the verdict remains. If the verdict stands, no other judgment can be given, and, therefore, the judgment which is given by the judge appears to be the only act of the court, and it is only against an act of the court that an appeal lies. There is no other act of the court, the verdict is not the act of the court; the verdict is the act of the jury, and I do not find any where in the ordinances (1) that any thing is said about an appeal against the verdict of the jury. If that intervening step had taken place which I before alluded to, namely, that a motion had been made for setting aside the verdict and granting a new trial, then the refusal to do so on the part of the court, would have been an act of the court, and there would have been an appeal against that act; but I cannot see any where upon the face of these proceedings, or on the facts which are brought before us, how there is any appeal against any act of the court, otherwise than against a judgment of the court; then, if that be so, what is this appeal? Why, it is nothing more nor less than an application for a new trial; not an appeal against an act of the court, but an application to have the verdict of the jury set aside, and a new trial granted..... p. 446, "we think, therefore, that we cannot encourage such a proceeding, and that it would be very desirable to have it fully understood that no such application can be made by way of appeal to Her Majesty in Council, to set aside a verdict, and to have a new trial, unless there has been a previous application made to the court in which the trial took place, to have the verdict set aside and a new trial granted, on whatever grounds that motion might proceed."

Je trouve dans les "Condensed Reports of Louisiana vol. 1, p. 302," un cas analogue à celui-ci. Le système de procès par jury a été introduit dans la Louisiane. Là, comme ici, une cause peut s'instruire devant le juge avec l'assistance ou sans l'assistance d'un jury; et il y a appel. Dans la cause de Morgan et Bell, en 1817, un verdict avait été rendu en faveur du demandeur. Le défendeur in-

(1) Ordinances constituting the Supreme Court at *Hong Kong*.