verdict. There was other evidence corroboratory of this. The Court held that the verdict so arrived at was void. A like result was come to in *Harvey* v. *Rickett*, 15 Johns R. 87, and in *Roberts* v. *Failis*, 1 Con. 238. So also in *Warner* v. *Robinson*, 1 Root. 194.

There was a distinction, however, made in *Dana* v. *Tucker*, 4 Johns. 487, as follows: that if the jurors previously agree to a particular mode of obtaining a verdict and abide by the contingent result, at all events, without reserving to themselves the liberty of dissenting, such a proceeding would be improper; but if the means adopted is for the sake of arriving at a reasonable measure of damages without binding the jurors by the result, it is no objection to the verdict. In that case, the jury, after deliberation, agreed unanimously to find for the plaintiff. Each juror then privately marked the sum he was inclined to give. These sums were added together, divided by twelve, and after the result of the division was known, they individually assented to that sum as their verdict. The Court thought that the verdict had not been improperly obtained, and declined to interfere. Reference may also be made to *Grinnell* v. *Phillips*, 1 Mass. R. 541, and *Cowserthwaite* v. *Jones*, 2 Dall. 55.

The latest case we have seen is the *Illinois Central R. R. Company* v. *Abell*, reported in the *Chicago Legal News*, vol. iv., p. 176. That was an action for damages. The jury differing widely on the amount, it was agreed that each man should privately write upon a slip of paper the amount to which he thought the plaintiff entitled, and place the slip in a hat. The amounts were then to be added together, the total divided by twelve, and the result was to be adopted as their verdict. The Court was of opinion that while juries may resort to a process of this sort as a mere experiment, and for the purpose of ascertaining how nearly the result may suit the views of the different jurors, yet the preliminary agreement to adopt such a result as the verdict vitiated the finding *in toto*.

CONSTITUTION OF OUR APPELLATE COURTS.

We have already incidentally referred to the present constitution of the Court of Error and Appeal, and when again speaking of it, we do so on the understanding that such a court is in existence, and for the moment ignore the important question whether it would not be better, when the Supreme Court is organised, to do away with the Court of Error and Appeal in Ontario altogether. When this is in contemplation, some other considerations would come under discussion. Some think —and there is both force and logic in what they say—that there should be but one Court of Appeal in Canada from the Superior Provincial Courts, of such strength and weight as to command the respect and confidence of all sections of the Dominion, with, of course, an ultimate resort to the Throne, and that we should not waste material in an intermediate Court of Appeal only having jurisdiction over one Province. As to the present court, we have expressed our belief that it would have been more satisfactory had it been composed of the chiefs of the three Superior Courts of Law and Equity, presided over by its own Chief Justice, the duties of the judges being appellate only. The disadvantages of the present system are many, and the belief is becoming general in the profession that it is a mistake. To the selection of the judges who have been appointed to the Court, no exception has been taken. Our remarks only apply to matters for which they are not responsible, and over which they have no control.