The 2nd section of the act as to the costs of issues following the finding is a repetition of part of the 110th section of the Common Law Procedure Act, and adds thereto a new provision, allowing the judge who tries the cause to certify against the allowance of such costs. This is perhaps not so much a new provision as a restoration of the power conferred by 4, 5 Anne, c. 16 s. 5. Under this statute the cases show that the judge might certify even after the taxation has begun; see *Robinson* v. *Messenger*, 6 A. & E. 602, and *Cobbett* v. *Grey*, 4 Exch. 729.

In our next issue, we shall review the remaining clauses of the Act.

Why is it that Courts of Appeal are always so unsatisfactory? The following growl comes from the antipodes. The *Melbourne Argus* says:

The Judicial Committee.—What we have to consider is whether we shall finally settle our own appeals or send them to England. The answer to this question really depends upon the improvements that can be effected in the Judicial Committee. If our appeals can be promply despatched by such a court as one of the two highest courts in England ought to be, we should feel very little inclination to attach weight to the reasons urged in favour of a local tribunal. But there is no doubt that a strong feeling of dissatisfaction with the present machinery for finally disposing of colonial appeals is rapidly growing in this country. It is too bad that the most important cases should be left untouched for two, for three, or even for four years. When at length the time for hearing arrives, there is no security that a court will be formed such as the colonies have a right to expect. A couple of retired Indian judges, an ex-Chancellor of Ireland, whose physical infirmities necessitated his retirement from the bench of that country; perhaps, if fortune favours us, a law lord or a judge who has contrived to steal an hour from his own work—such are the usual components of a Court whose decision in all colonial cases is final and unchallengeable. . . . . We earnestly trust that neither pains nor cost will be spared to provide a fitting organ for the greatest appellate jurisdiction in the world. We look, therefore, with the deepest interest for the news of the promised law reforms of the Lord Chancellor. All that we ask is that our suits shall be decided by a fully-organized English Court, and not by some stray legal casuals. We think that the colonies are worth the salaries of three or four Judges, even if the expenses of the Court should mount up to £20,000 or £25,000 a year. Such a sum does not seem unreasonable for the dignity and efficiency of the oldest jurisdiction in the kingdom, and we may fairly add, the greatest; and if England is so poor as to be unable to provide for the due performance of the Queen's primary duty, it will be well worth our while to contribute towards a Court which shall be fit to advise the Queen how to do right towards all her subjects who dwell beyond the limits of the British Isles.

SELECTIONS.

THE LAW OF DISTRESS.

It has been said that no subject has given rise to more legislation than that of distress: 3 Reeves' English Law 555 n. (last ed.). We may safely affirm that there are few branches of the law in which legislation is more urgently required. We need hardly remark that this state of things is a perfectly natural result of our system in framing legal procedure. Instead of inventing an original remedy, we usually prefer to give a new scope to an old process. Instead of revising the details of such process, we leave them untouched until their inconvenience becomes intolerable. A measure is then hastily passed to redress the most pressing grievance, but no attempt is made to remove less obvious anomalies, or to bring the ancient remedy into complete accordance with the wants and ideas of the modern society. Of this method of legislation the law of distress affords an admirable illustration. Originally derived from the Gothic nations of the Continent: (Spelman Gloss: tit. Parcus, p. 447;) this process was employed by our Anglo Saxon ancestors to compel the appearance of a debtor in court. Under a law of Canute, passed to prevent the unfair exercise of this power, the defendant was to be thrice summoned to submit to the judgment of the hundred, and a fourth day of appearance was to be fixed by the shire; after which, if the misguided man still continued contumacious, the complainant might seize his goods: 1 Palgrave's Rise, &c., of the British Constitution, 180. From a very early period, by the custom of the realm, as Fleta tells us, a man might seize and impound beasts which he found trespassing upon his land, until he received compensation for the injury: Fleta, 101. After the introduction of the feudal system, distress became the ordinary means of compelling tenants to perform the services and to pay the fines and amerciaments incident to their tenure: Britton, liv. I, ch. 28, 58. The barons found the seizure of the tenant's goods a more speedy and effectual mode of obtaining satisfaction than the forfeiture of his feud. Moreover they discovered in the new remedy an instrument of oppression of which they were not slow to avail themselves. They dis-