ignorance of many earlier authorities which are most pertinent to the issue, the Court of Appeal has, we venture to think, treated the rulings made during the trial with far too much respect. Whether this be so, or not, however, Lord Coleridge certainly did not intend in this case, any more than in *Creen* v. *Wright*, to treat the ordinary doctrine as obsolete, for, during the proceedings he remarked that he would tell the jury that, "as the plaintiff was engaged for a year, primâ facie, the presumption was that it was a yearly contract." The direction he finally gave was, it is true, different from this, and we have already hazarded an opinion that it was inconsistent with a proper conception of the true dividing line between the functions of the Court and jury (sec. 9, *ante*). But there is no explicit retractation of the earlier remark, which must, therefore, be regarded as embodying his abstract views on the subject.

It would seem, therefore, that even the cases cited by the Court of Appeal itself for the support of its judgment do not, upon any reasonable construction, support its theory as to a modification of the law. But the most conclusive refutation of that theory is that the very latest decision on the subject by an English court of review shows quite clearly that the presumption which it is sought to consign to the limbo of discarded doctrines is still a living force in the law of the mother country. The hypothesis that there has been a modification of that law is deprived of its last prop when, so late as 1882, we find that the course taken by a trial judge in directing a verdict for the plaintiff on the ground that there was no evidence to rebut the presumption that the hiring, being general, was for a year certain, was approved by two such distinguished jurists as Justices Grove and Matthews. (*a*) The weight of this decision from our present standpoint is greatly increased by the fact that the familiar principle established by the older authorities, which are supposed by the Court of Appeal to have been discredited, is laid down without the smallest suggestion or hint that other cases such as *Creen* v. *Wright*, had introduced a different rule.

(*a*) *Buckingham* v. *Surrey, etc., Canal Co.*, 46 L.T.N.S. 885.