

## UNANIMITY OF JURY VERDICTS—SUPREME COURT RULES.

be to increase the number of applications for new trials. It was assumed that the verdict of the majority would not carry the same moral weight as that of the twelve, and that the result would be such dissatisfaction as to lead to an increase in the number of motions for new trials. The unsuccessful litigant might possibly be comforted by the fact, that the whole twelve were against him, but it almost always leaks out, that one or more were of a different way of thinking, so that even this comfort is practically denied him. But the question whether a new trial should be moved for, does not depend upon the feelings of a suitor. It depends upon his means, and the advice of counsel. The judges would not be influenced by the fact that three men on the jury had differed from the remaining nine; neither would counsel, and they are supposed to interpret the views which the judges will be likely to hold.

A similar law has been in force in the Province of Québec since the time of George III., and we are informed on good authority that it has been found to answer well.

Some seventeen years ago, Hon. James Patton introduced, in the old Legislative Council of Canada, a Bill somewhat similar to that we have been considering. When referring to it at that time, in the pages of this journal, we deprecated any change in the system, especially in view of a then recent alteration in the jury law, and of the too great impatience for change in the legislation of the country, and suggested delay, that the subject might be more fully discussed. There has since then been no lack of impatience, but there has been some useful discussion, and the feeling in favour of doing away with the necessity for unanimity is much stronger now than when Mr. Patton first broached the subject.

The time has come for a careful consideration of this question, and that in the

interest of the whole jury system. The arguments of the present day in favour of the change not only seem to us to outweigh those against it, but there is the additional consideration that some such change would seem desirable to prevent violent hands being laid upon an institution which we deem of too great value to be put in jeopardy.

We have not the least sympathy with those whose avowed object is to get rid of juries altogether. Such persons overlook entirely the great political value of the institution. In giving litigants the choice between trial by jury or by a judge alone, we have gone as far as we ought to go in *that* direction. But we ought not to be afraid of effecting improvements in the jury system, when it is clear that an improvement can be made. We ought to perfect the system in every detail, so that it may be enabled to command popular reverence for all time.

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### THE SUPREME COURT.

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THE following are the Rules made by the Judge of the Supreme Court, providing for the procedure in that Court:—

#### *Appeals.*

1. The first proceeding in appeal in this Court shall be the filing in the office of the Registrar of a case, pursuant to section 29 of the Act, certified under the seal of the court appealed from.
2. The case, in addition to the proceedings mentioned in the said section 29, shall invariably contain a transcript of all the opinions or reasons for their judgment delivered by the judges of the court or courts below, or an affidavit that such reasons cannot be procured, with a statement of the efforts made to procure the same.
3. The case shall also contain a copy of any order which may have been made by the court