

of a lamb, which had been killed by defendant's dog. "In answer to his honor, the plaintiff said he could not prove that the defendant was aware that the dog was in the habit of biting other animals." "His honor thereupon remarked that by the law of England a dog was allowed his first bite. Assuming that the lamb did die through an attack made by the defendant's dog, plaintiff was not entitled to recover unless he could say that the defendant was aware that the dog had previously misconducted himself in a similar way. He, therefore, nonsuited the plaintiff, and advised the defendant to take better care of his dog in future." It is suggested by a correspondent of the *Solicitors' Journal*, that there is a statutory provision covering the case. In that case the Court may have erred, but it is to be assumed that he stated the common law correctly.

TRIAL BY JURY IN RUSSIA.—While some older countries have been debating the advantages of consigning the time-honored institution of trial by jury, Russia has been trying the experiment for the first time. It is barely ten years since it was introduced, and according to a correspondent of the *Times* it leads often to curious results. A prisoner after making a clean breast of it and confessing his guilt in Court, sometimes finds the jury differ with him, and a verdict of "not guilty" is returned. This arises in part, says the correspondent, from the rough-and-ready way in which a jury, especially if composed of peasants, will look at the prisoner and the whole circumstances, irrespective of evidence. A notorious offender should be punished—a decent citizen should be acquitted, they think. They listen but little to the advocate's eloquence, and fail to comprehend the need of him. "What difference is there between paying an advocate and bribing a judge?" they argue. Then again, the Russian criminal law fixes minutely the punishment for each item of the category of crime, and scarcely leaves any latitude to the judge for extenuating circumstances and the like. Now Russian juries have their own methods of looking at the various kinds of wrong-doing, and what the code defines as very sinful indeed and deserving of transportation to Siberia, or penal servitude with hard labor, may appear to the enlightened twelve a very minor offence, or no offence at all—a thing they would, under

certain circumstances do themselves. In many of these trials the jury will weigh its own plain common sense and kindly feeling for a fellow-creature against the clearest evidence, and will find the prisoner "not guilty." In all cases of assault, cruelty or dishonest dealing in matters commercial, the mind of a jury of Russian peasants inclines towards mercy. The position of women is so low in Russia that "husband's rights" are alone recognized, and these include the privilege of enforcing his will by chastisement if necessary; and no jury will convict unless the assault has been one of a serious kind indeed. Juries of all classes are, however, very severe in cases of "crimes against the Deity," as they are called. In conclusion, it must be borne in mind that the Ministry at St. Petersburg has all but unlimited powers and the so-called "independence of the judges" exists only in name.

NOTICES OF PUBLICATIONS.

BENJAMIN ON SALES.—A second edition of the "Treatise on the Law of Sale of Personal Property," by Mr. J. P. Benjamin, Q. C., has appeared in New York, the United States editor being Mr. J. C. Perkins. In this edition about five hundred new cases are added, English as well as American. A contemporary remark with regard to the author: "Mr. Benjamin is one of the products of the Southern States, which the profession and the country generally could not well afford to lose. At the close of the war, after more than thirty years of practice at the bar, service in the United States Senate from Louisiana and in the Cabinet of the Confederate States, he went to England, where his ability was at once recognized. Three years after, he was made Queen's Counsel, and in 1872 received a patent of precedence under the Great Seal. In 1868 he published his treatise on the Sale of Personal Property, which is a most valuable contribution to the literature of the law, as a full and accurate collection of cases, and a masterly deduction of principles. In 1873, the second English edition was published."

TO CORRESPONDENTS.—The opinion of English counsel in the case of *Brassard v. O'Farrell* will appear in our next issue.