

This is anarchy—"in those days there was no King in Israel, but every man did that which was right in his own eyes."

The other method is the submission of the determination and enforcement of rights to some tribunal—and that tribunal under whatever name it may be known, is in substance a court.

A court is organized and sustained to enforce the law; the law is composed of such rules of conduct as the community think it worth while to endeavor to compel obedience to—whether these rules of conduct come down from the forefathers or are prescribed by contemporary authority. The law is made effective by various sanctions, so that the violator shall pay in "meal or malt," in person or pocket.

A court may be called upon but to determine the law; that is, it may be that there is no dispute as to the facts and the sole question is, "granted that the facts are so, what rights does the law give to the contending parties?" But this is a rare occurrence in any court at which a medical man is likely to appear: the cases are by far more numerous in which the real dispute is "what are the facts?" not "what is the law?"—while most cases are contested both on the law and the facts.

It is the latter controversy only, *i.e.*, on facts, in which the witness plays any part.

In our system questions of law are for the judge alone; and with them the jury has nothing to do.

Questions of fact are determined either by a judge or by a jury. In certain classes of cases these questions must be determined by a judge unless the judge directs them to be brought before the jury—in certain other classes they must be determined by a jury if either party desires it—in most cases the determination may be by judge or jury. In this last-mentioned class, if either party wishes a jury, he serves a jury notice; but even then, the judge has the power of dispensing with a jury and trying the facts himself. Perhaps most civil cases are now tried without a jury by a judge alone. In the High Court and at the Sessions, criminal cases are tried by a jury. But whether civil or criminal, and whether tried by judge or jury, the rules are the same.

Certain matters need not be proved, *e.g.*, matters of common knowledge, that the week is seven days, the ordinary year, 365 days—that water runs down hill and smoke ascends—that per-