

*JUDGES vs. JURIES.*

We have been favoured by Mr. John W. Hinsdale of Raleigh, N.C., United States, with a copy of his address to the North Carolina Bar Association, in which he discusses at some length two important questions:—

First. Whether jury trial of civil actions should be abolished, and if so, what is the best substitute.

Second. How can the system of trial by jury be improved.

After giving a sketch of the institution of trial by jury established, as generally believed, by Alfred the Great, the writer goes on to shew how, in times of oppression, jurors had often stood between the oppressor and the oppressed, though sometimes forced to become the weapon of the former. He concludes this part of the subject by saying, "the halo of glory which surrounds this institution by reason of the splendid conduct of juries in the state trials of past ages still dazzles us with its splendour, and unborn generations will cling to it, in criminal cases, with increasing tenacity, love, and admiration."

With regard to juries in civil actions the result is not so satisfactory. In some classes of cases, as for instance where a woman is a party, or where corporations are concerned, juries are apt to be guided in their verdict in the first case by chivalrous regard for the fair sex, and in the second by the opinion that, as between a corporation, especially a railway company, and a private person, the latter is the one to whom favour should be shewn. He refers to the courts of equity, as they formerly existed, in which so wide a jurisdiction was exercised by the judge alone, and where it so seldom happened that juries were called upon to decide questions of fact. He also quotes at length the opinion of the Hon. J. H. Choate, who puts the case this way: "If jury trial is so good, why not extend it to the numerous class of cases in which it is not taken advantage of? Why not extend it to courts of equity, of admiralty and of divorce?" If, he says, "jury trial is such an admirable