dicts have supplied matter for the ridicule and contempt of trial by jury. In civil causes it is almost painful to see counsel and judges trying to make small farmers understand a commercial transaction of complexity. Even the expressions commonly used by lawyers are enigmas to these jurors, and the verdict is often a leap in the dark; at the same time, on their own ground, these jurors are admirable, and know how to deal with a matter of parochial law, of disputed boundary, of warranty in animals, and a variety of other rural cases. Thus we see that in trials at *nisi prius*, if we may still use that expression, there was little room for dissatisfaction with the conduct of jurors.

In criminal cases it is not quite so easy to know the evil from the good in juries. Every reader of a newspaper deems himself competent to find a true verdict in a prosecution, and thereby every one instinctively affirms the value of trial by jury. That country juries and town juries both make tremendous blunders now and then in criminal trials is certain. But our law is in no small degree responsible for this. We close the prisoner's mouth; and we also, in practice, prevent him from calling witnesses, so that not much more than half the case is put to the jury. When it is said that a prisoner is prevented by our practice from calling witnesses, it is meant that, whereas in a civil case it is very rarely wise to go to the jury on the plaintiff's case, in criminal cases it is very rarely wise to call witnesses for the defence. Thus, in civil cases, both sides are fully heard, because, if the defendant and his witnesses are not called, the jury is asked to draw a clear inference. But in criminal cases no such inference can be drawn, and, instead of the whole story being brought forward, only part of it is heard; and at the close of that, an astute and eloquent counsel does his utmost to confuse, confound, and mislead the jury. So, also, in civil cases there is such a thing as "discovery;" but in criminal cases every one combines to advise the prisoner to hold his tongue, and burn his correspondence. Giving credit, however, to all these incidents of criminal trials, we must admit that provincial juries, and even town juries, do not grapple with criminal cases as they ought. But it by no means follows that trial by jury in such cases should be abolished, for a remedy can be found in the substitution of a higher class of persons as jurors; yet, as one great virtue of justice is to seem just, prisoners might reasonably object to being tried in certain cases by men much higher in the social scale than themselves.

We have spoken of the past rather than the present in connection with the metropolitan special jurors. The present is by no means equally excellent. Instead of a system of selection by a competent officer acting for the sheriff, we have now a mere rating test of pounds, shillings and pence for special jurors; and a grosser blunder in legislation was never known. The change arose partly from a desire to increase the number of special jurors as the work became rather onerous to the selected persons, and partly from a concession to democratic notions. The result unquestionably is, that the special jurors in the metropolis have sunk very much indeed in the esteem of the bench and the bar; and this fall has induced the bench not only to treat verdicts with less respect than was formerly shown, but also to usurp the functions of the jury by giving indications, far too plain to be mistaken, as to which way the verdict ought to go. There are judges, not the least certainly among their brethren, who deal with their cases in a spirit of absolute loyalty to the constitutional theory, and who endeavor to assist without controlling the jury. But there are judges who seem to be just as eager to get verdicts on the bench as they were at the bar—in this sense, that, when they have arrived at a definite conclusion upon the evidence, they exert their immense powers to bring about the desired result by the verdict of the jury. So, also, rules *nisi* to set aside verdicts are granted somewhat freely, and judges are very prone to make such rules absolute where they run counter to the opinion of the judge who tried the cause. The new order that all rules *nisi* for new trials shall be moved in the division in which the judge who tried the action sits, is also indicative of the tendency of the bench to increase its control over verdicts; for it is manifest that the task of counsel in upholding or upsetting a verdict is enormously increased by the presence in court of a judge who at the trial has made up his mind as to the true verdict, and who seeks to guide the court to the result which he believes to be right.—*Law Journal* (London).