

that the juryman was intoxicated, counsel offered to go on with the trial with eleven jurors if the services of the erring juror were dispensed with. The counsel for the defence said if the juror was withdrawn by the plaintiffs he could not help it, but it must be with the usual consequence: *Gibbs v. Talph*, 14 M. & W. 804.

Under these trying circumstances, the plaintiff had to go on with a much disgruntled juror as one of the twelve. My recollection is, that the jury was adverse, and the court subsequently refused to grant another trial, although satisfied that the plaintiffs were entitled to a verdict.

Perverse juries are not uncommon in criminal cases. One L. was charged with forgery of two notes for one thousand dollars each. Prisoner had applied to a maiden lady for a loan of two thousand dollars. She referred him to a neighbour who was supposed to be a good business man and he advised if the prisoner's father and brother, both substantial men, would join in the note that the loan would be safe. The prisoner returned in a day or two with two notes purporting to bear the signature of his father and brother, and the money was advanced. On the maturity of the note, defendant could not pay. The father and brother repudiated all knowledge or liability on the notes. Prisoner was arrested. Evidence sufficient to commit him for trial was given, and, on the statutory caution being read to him, prisoner signed a statement that he had forged the names of his father and brother. The trial came on before Sir W. B. Richards, C.J. The forgery was proved by the father and brother and by expert witnesses on comparison of signatures. The prisoner's signed statement of guilt before the magistrate was proved. Evidence of insolvency at the time he obtained the money was given. The only pretence for a defence which the late M. C. Cameron, afterwards Chief Justice Cameron, could offer was, that the man hoped to be able to pay the money. Chief Justice Richards said to me that he did not think it necessary that I should address the jury for the Crown and charged