

The Legal News.

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UNANIMITY OF JURIES.

We reproduce in the present issue an article from the London *Law Times*, on the inconveniences resulting from requiring unanimity in juries. The case of *Regina v. Truelove*, referred to by our contemporary, was one in which no determination was reached, simply because one of the jury would not accept from the Court the law applicable to the case, but preferred to act upon his own view of what it ought to be. This is an incident by no means of rare occurrence, though it seems on the present occasion to have excited more than usual attention. Possibly the result may be a modification of the existing law. We notice that a bill has been introduced in the Legislature of New York, providing that the verdict of nine jurors shall be sufficient in civil cases. It may be interesting to our contemporaries in that State to know that a similar law has long existed in Lower Canada, now the Province of Quebec. The verdict of nine jurors is received, and as soon as that number are agreed, the jury return into Court. We are not aware that this modification of the English rule has occasioned any particular inconvenience or dissatisfaction. But it must be remarked that the profession of the Province do not favor jury trials at all as a mode of getting their cases decided. Jury trials are only allowed by law in matters of a commercial nature or in actions for personal wrongs, or injuries to moveable property. Yet, although thus restricted, members of the bar are by no means eager to avail themselves of the option permitted in these classes of actions. As a rule they prefer to leave their cases to the determination of a single Judge of the Superior Court, who has both to find the facts as a jury would do, and to lay down the law applicable to the facts so found. The exceptions are actions against insurance companies, and actions for the recovery of damages resulting from personal wrongs, such as breach of promise and the like. In these classes of actions there seems to be a strong conviction that a jury is more generous than a Judge, and the plaintiff usually declares

his option to have his case tried by jury. Yet, so few are the cases which actually come to trial, that in Montreal, the commercial metropolis of Canada, the jury trials, during the last twenty years, have not amounted to half a dozen per annum, and in the country districts jury trials in civil cases are almost unknown.

Reason seems to dictate that unanimity ought not to be required in civil cases. Why compel twelve citizens to be unanimous in their appreciation of damages, when, as in this Province, three or five Judges, having to pass upon the same facts, are permitted to differ, and to state their reasons of difference at length? We are curious to know on what grounds such an anomaly could be defended. Where the jury have to award a specific sum of damages, there is much greater probability of a fair award if the verdict of nine is sufficient. For where unanimity is exacted, one obstinate and ill-disposed juror can override the votes of the other eleven, or else prevent a determination. But where nine can give a verdict, the voice of such a man, or of two or three such men, sinks into insignificance. They are rendered harmless, and the majority are generally able without much delay to arrive at a figure which meets their views, and gives as much satisfaction as can be hoped for in litigated matters.

ASSAULTS UPON JUDGES.

It appears that Dodwell, the disappointed suitor who attempted to assassinate the Master of the Rolls a few weeks ago, is a clergyman. According to the *Solicitors' Journal*, he is the ex-chaplain of a workhouse in Sussex, who was dismissed from his position by the guardians. He presented a petition of right with a view to his being reinstated, but this was summarily dismissed by Vice-Chancellor Malins, and also by the Court of Appeal. Soon afterwards he was heard of at Bow Street Police Office, where he made application for a summons against Lord Justice James and other Judges for calling him "a perjured man."

Judges, as a matter of every day duty, have to give decisions which involve perhaps the whole fortunes of suitors, or at least materially affect their prospects. It is creditable to the gentlemen discharging this responsible duty, and creditable also to human nature, that so few disappointed litigants are moved to wreak