

the evidence against him. No oath is administered to the accused, and he is not bound to answer. The Court and the Jury (if any) may nevertheless draw such inferences from his answers or refusal as they think just.

In order to prevent technical objections and the splitting of split hairs, the Court may alter the charge at any time before the verdict of the Jury is returned or the opinions of the assessors are expressed. Amendments must, of course, be explained to the accused, and the trial may thereupon be proceeded with, if not likely to prejudice either side.

As indicating some of the difficulties India magistrates have to encounter, I may, in passing, refer to a curious criminal case I was engaged in a few years ago near Calcutta. A Hindoo was maliciously charged with the murder of his daughter, Kaminee. The *corpus delicti* was not forthcoming. Equal, however, to any emergency, a native policeman produced "some poor fellow's skull" as that of the murdered girl! Another member of the same fraternity, animated by a laudable spirit of rivalry, brought forward a second and smaller skull. It was seriously argued that the girl's skull must be either the one skull or the other. Fortunately for the father, the girl herself arrived in the Magistrate's Court at this critical juncture. On being questioned she told a plaintive tale to the effect that she had been wooed by a Parawala (village policeman). He, finding her father obdurate, had one night secretly sent her up the country by rail, promising to follow. In answer to further questions, the girl declared that neither of the two skulls on the bench was *her* skull. Tableau! The father was, of course, honorably acquitted, and the wicked swain properly punished.

In the High Court, "special" or "common" juries of nine persons assist at every criminal session. Trials before the Court of Sessions at the head station of each district, take place either with a jury (consisting of an uneven number of men, not being less than three or more than nine) or by aid of assessors.

Challenges without grounds are allowed in the High Court as to eight jurors on the part of the Crown and to a like number by the person charged. Besides this in all Sessions cases, objections are allowable "for cause" on various grounds, such as that the juror is under 25 or over 60 years of age; presumed partiality; holding office in or under the Court; being entrusted with police duties, or any other circumstance assigned which, in the opinion of the Court, renders him improper as a juror.

In criminal trials the presiding Judge, at the close of the evidence, after both sides' pleaders have been heard, sums up to the jury the principal points in evidence, explaining how they bear for or against the accused, and, without expressing any opinion, renders them every assistance in coming to a right conclusion.

Nowhere in India is unanimity of the jury required. On the contrary, in Presidency towns, if six out of nine jurors agree, and the Judge concurs, he delivers judgment in accordance with such opinion. In the Court of Sessions the verdict of the majority of the jury prevails when the Judge agrees, but if he disagrees with the jury, or the majority of them, power is given him to refer the whole case to the High Court, which possesses large power of revision. Such a