The Canada Law Journal.

Vol. XXVI.

NOVEMBER 1, 1890.

No. 17.

Within the last few months the subject of trial by jury has been discussed in almost all its bearings, and the pros and cons have been stated with great clearness. The letter of Mr. Jelf, which has already appeared in our columns (ante p. 435), has been the text upon which many sermons have been preached. The last information received comes from Mexico. In that country the Panel is composed of eleven "tried men and true," of whom a majority can convict, subject to review by an appellate court if the majority for conviction be less than eight. In order to provide for a possible vacancy in the panel by death or otherwise, two supernumeraries sit with the eleven throughout the trial. The impression that in many cases a jury might with benefit be dispensed with, appears to be growing in favor; but the idea, deep-rooted as it is in the Anglo-Saxon breast, that a man should be tried by twelve of his peers, will die hard.

Our confreres in the Prairie Province are just now struggling with the intricacies produced by the numerous decisions rendered since the passing of the English "Common Law Procedure Act, 1852." The Western Law Times in a recent editorial, piteous almost in its appeal for remedial interference by the legislature, calls attention to anomalies at present existing, which to us in Ontario have been for years unknown. When judgment is signed on a specially endorsed writ, execution cannot issue until eight days from the last day for appearance, thus giving the debtor, as our contemporary laconically temarks, "eight days to abscond with all seizable goods." The creditor can, it is true, bind his debtor's lands immediately judgment is signed, but why should distinction be made in favor of goods which so often are all that the unlortunate creditor might realize on? Another absurdity occurs in the case of a for service on a British subject out of the jurisdiction, when an order must be service on a British subject our factories, and a subsequent order must be obtained allowing the service, under which order a declaration must he filed in the prothonotary's office, but need not be served. Of great value this is, foroth, to the absent defendant! These instances are taken out of many, but they to the absent defendant! These mountained are taken as Surely our brethren to show the necessity of some new code of procedure. Surely our brethren to show the necessity of some new code of procedure. not do better than adopt our Judicature Act; it has its faults undoubtedly, but it has been pretty well hammered into shape.