

OUR JURY SYSTEM.

After two trials consuming a very large amount of public time, the case of Regina v. Smith stands as before. Both juries have disagreed as to the guilt of the accused, and the prosecution has so far failed. There is something exceedingly interesting to a student of human nature in the results of the two verdicts. Twelve men are placed in a jury-box, take an oath to give their verdict according to the evidence, and hear the witnesses and the arguments on both sides; eleven of the twelve come to the conclusion that the prisoner is guilty and the twelfth maintains that he is innocent. A second trial takes place. A fresh jury is empanelled; and although the same testimony and pretty nearly the same arguments are forthcoming, the decision of the jury is reversed. Ten men are in favor of acquittal and two are for conviction. How shall we reconcile such a conflict of opinion on the same subject under the same circumstances, and almost at the same time? Do our jurors take different views of their duties, or is the difference of opinion confined, merely to the ordinary diversity of human judgment? Does that which looks black to one man appear to another the appearance of white? Is there really in the natural state of things such an oscillation in the judgment of four and twenty men as we have here indicated? If there is we are afraid the Attorney General will have to give up the prosecution; for if he waits until twelve men are unanimous for either an acquittal or conviction, he will have to wait until he and the witnesses have advanced far into the red and yellow leaf.

Our jury system is, in fact, as we have shown before, a perfect absurdity and a grave stumbling-block in the way of justice. We want twelve men who are sworn to give their decision according to the evidence, to agree in their opinions of the reliability of the witnesses, and because they do not agree we look them up; or in other words punish them for exercising an honest judgment. If a man, immediately after hearing the testimony, the lawyers' arguments, and the judge's charge, considers the prisoner guilty, what sort of a verdict do we obtain when, after an incarceration of several hours, he says the prisoner is innocent? The torture of the Inquisition was very successful, no doubt, in forcing an answer from the reluctant victim; but in nine cases out of ten, the shrieking response was false. Our jury coercion is a valuable leaf taken from the wisdom of the middle ages. We must not interfere with the system, therefore, for age and infirmity have made it sacred, and we have too much of the Chinese characteristic in our composition to look with anything but superstitious awe on the work of our ancestors. There is a talismanic influence in the "unanimous twelve." If the number were nine or thirteen the law of gravitation would be surely suspended, and chaos would once again.

We have asked, "Do our jurors take different views of their duties?" and we can only reply in the affirmative. It would be a matter of some curiosity to interrogate every jurymen privately as to his ideas of the functions of a juror. We would have one man affirming that his decision was to be based on the law of the case as laid down by the judge, another that he was only bound to give a sincere verdict, no matter whether it was in accordance with the evidence, and a third that evidence, and it alone, should be his guide. When we see how the law itself often makes the blunder of calling testimony evidence, and how turbid are sometimes the charges of judges to jurors as to their duty, we are not at all surprised that the jurymen should be often thrown upon questions entirely outside the issue. The juror is called upon to give his decision according to the evidence, and what is the evidence? Why, the impressions made upon the witnesses by the acts of the accused. The jury, therefore, has really nothing to do with evidence whatever; its functions are altogether confined to judging of the witnesses' testimony. It has nothing to do with the prisoner's character or the serious or frivolous crimes with which he is charged, yet how often do we see these considerations taken into account, and verdicts given accordingly. It is only a few weeks since that a criminal case was tried in Montreal, in which the prisoner, through the exercise of his right of challenge and the influence of his personal character, obtained a jury that acquitted him. The case was so clear, however, against the accused that a second trial was, on certain grounds, obtained, and the prisoner's challenge restricted to a single jurymen. The result was a verdict of guilty. We cannot sweep away all the evils of our jury system at once; nor can we make obtuse intellects clear; but we can at least, by making the English jury system apply to our criminal law procedure—by adopting the three-fourths verdict of a jury of twelve—save the community a great deal of valuable time, the court a great deal of scandal, and society much injustice.

ST. ANDREW'S FESTIVAL.

The anniversary of Scotland's patron Saint was celebrated last night by a grand dinner at the Colonial Hotel. About 60 gentlemen sat down; the chair was filled by J. G. Shephard, Esq., President of the Society, and the vice-chairs by D. M. Laing, Esq., and Geo. Crickbank, Esq. His Excellency the Governor and Chief Justice Cameron sat on the right of the President and His Worship the Mayor and Chief Justice Begbie on the left. A large number of the hon. members of the Legislative Council and Assembly, Lieut. Com. Verney and other naval officers and many of our most prominent citizens were present. The President stated that letters had been received from Admiral Denman and Capt. Tarsor of H.M.S. Charlydia, apologizing for their non-attendance. After the dinner the business of the evening commenced by the President proposing the toast of the Queen. Drank with all the honours. The Prince and Princess of Wales and other members of the Royal Family, by the President. Music—"Rule Britannia." French with all the honours, by the President in a few laudatory remarks, alluding to the active part taken by His Excellency in opening up the Sooke mines which had been received with more than usual heartiness, and it was the more gratifying as he knew that they had now had time to discover his shortcomings. (Applause.) It was ever his most pleasing duty to do everything to promote good will and kindly feeling in the community, and he felt sure the best way to fulfil the wish of his Sovereign was to promote the interests of the colony. (Applause.) Alluding to the Sooke mines His Excellency disclaimed the credit of their development, attributing it to the energy of the Exploiting Committee. His Excellency thanked the company for the good will shown him and assured them that everything he could do for the benefit and support of their Society should be done. (Applause.)

The Army, Navy and Volunteers, by Vice President Crickbank, who remarked that the wording of the toast, according to the usage in the London clubs, should be slightly altered, as the navy was the senior branch of the service. The Vice-President paid a warm compliment to our small but gallant contingent of Volunteers. Lieut. Com. Verney, R.N., responded for the Navy. He was sure that the early history of the Colony would always be identified with the navy, whether with the movements of the larger ships, the ubiquity of the gunboats, or the steady labors of the sailing ships. He remembered sitting down at St. Andrew's dinner here which reminded him of the country advertisement of Hamlet with the part of Hamlet left out, as during the whole time he was not a word about St. Andrew was mentioned. The toast naturally set him to work to find out what St. Andrew was, and his connection he had with Scotland. He found that St. Andrew had two points of connection with Scotland, one chivalrous and one anatomical. (Laughter.) The chivalrous one was that St. Andrew was the patron saint of the Crusades, while the English chose that of St. George. The anatomical connection was through an arm, two fingers, and three toes of St. Andrew crossed on a shield on the shores of Scotland in an approved position. The gallant Lieutenant said his own connection with Scotland was rather anatomical, as he was only half a Scotchman. But he believed Scotchmen were famous for claiming kinship on very slight grounds. (Laughter.) He would say, however, that he was proud of his Scotch blood, and he could say this of Scotchmen, that they could always be gentlemen when they liked. Lieut. Com. Verney said in a few months probably leave the colony, but he would ever remember the agreeable meetings he had had with the Sons of St. Andrew. (Applause.)

The Ladies.—Proposed by Mr. James Lowe, responded to by Mr. Blair. "Green Grow the Rashens O."

Several volenteers' toasts followed, among which was the health of Sir James Douglas, the Patron of the Society, which was received with great applause.

The gathering after joining in the well known strains of "Auld Lang Syne" broke up shortly after 12 o'clock, having spent a very pleasant evening.

George Thompson, orator, philanthropist, and ex-M.P., has settled down in America, and is making a fortune there, having the patent for manufacturing Bryant and May's celebrated matches. He gives his manager a salary of £800 a year.

HOLLOWAY'S PILLS.—Dyspepsia, indigestion, flatulency, heartburn, biliousness, nausea, vertigo, palpitation, and all the ailments of the stomach and bowels, are cured by the use of these pills. They are the most powerful and most reliable of all the remedies for these ailments. They are the only pills that will cure these ailments without doing any harm to the system. They are the only pills that will cure these ailments without doing any harm to the system.

THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY.—The President, Mr. Shephard, presided over the meeting of the Legislative Council and House of Assembly. The business of the evening commenced by the President proposing the toast of the Queen. Drank with all the honours.

THE PRINCE AND PRINCESS OF WALES.—The President proposed a toast to the Prince and Princess of Wales, and it was drunk with all the honours.

THE ARMY, NAVY AND VOLUNTEERS.—The Vice-President proposed a toast to the Army, Navy and Volunteers, and it was drunk with all the honours.

THE LADIES.—The Ladies proposed a toast to the Ladies, and it was drunk with all the honours.

SEVERAL VOLUNTEERS' TOASTS.—Several volenteers' toasts followed, among which was the health of Sir James Douglas, the Patron of the Society, which was received with great applause.

THE GATHERING AFTER JOINING IN THE WELL KNOWN STRAINS OF "AULD LANG SYNE" BROKE UP SHORTLY AFTER 12 O'CLOCK, HAVING SPENT A VERY PLEASANT EVENING.

CONSOLE OF THE UNITED STATES OF AMERICA.

NOTICE IS HEREBY GIVEN that the death of CORNELIUS HALEY, formerly of the Colony, having died intestate, and his estate being in the hands of the Administrator, the same is now being administered in the District of Columbia, and all persons having claims against said deceased, or who are entitled to the same, are requested to present the same for settlement.

ALLEN FRANCIS, U. S. Consul.

FRAUDULENT TRADE MARKS.

Having received information that certain unprincipled persons in the United Kingdom have been and are shipping Galvanized Iron, or Galvanized Tin, from inferior quality, bearing our Names and Trade-Marks, and in fraudulent imitation of the goods manufactured by us, to the serious injury of the purchasers thereof, we hereby give notice that in order to protect ourselves and the public, all goods manufactured by us, from and after this date, will be marked.

TUPPER & COMPANY, MANUFACTURERS, 61a, Moorgate Street, London.

DRUGS AND CHEMICALS.

George Curling & Co., Wholesale Druggists, 18 CULLUM ST., FENCIBLE ST., LOND.

PHARMACOPŒIA PREPARATIONS, Photographic Chemicals and Apparatus, Newly Discovered Chemicals, Cod Liver Oil and Castor Oil, in Bottles.

THE BEST REMEDY FOR INDIGESTION, GEORGE CURLING & CO. ONLY.

CAMOMILE PILLS, ARE confidently recommended as a simple but powerful and gentle aperient; are mild in their operation; safe under any circumstances, and thousands of persons can now bear testimony to the benefits derived from their use.

ELEY'S AMMUNITION, Sporting or Military Purposes, Durable Waterproof Central Fire Caps, Best Wadings for Killing Game, &c., at long distances.

DR. J. COLLIS BROWNE'S Chlorodyne, CHOLERA, DYSENTERY, DIARRHŒA, CRAMP, AGUE, FEVER, RHEUMATISM, CONSUMPTION, ASTHMA, COUGH, &c.

SAUCE—LEA AND PERRIN'S Worcestershire Sauce, EXTRACT OF A LETTER FROM A MEDICAL GENTLEMAN TO HIS BROTHER.

CAUTION, Beware of cheap imitations of the genuine Worcestershire Sauce, and in no case purchase any of the name of L. & P. Perrin.

Ask for Lea and Perrin's Sauce, Sold Wholesale and for Export by the Proprietors, Messrs. Lea and Perrin, and by Grocers and Oilmen generally.

Fire-Proof Brick Store To Let, 25 feet front by 45 feet long, on Langley Street, near the corner of Dean Street, Melbourne. Possession given within three weeks. Apply to A. DOUGLASS.

THE SUFFERER'S BEST FRIEND!



HOLLOWAY'S PILLS.

All Disorders affecting the Liver, Stomach, and Bowels. These Pills can be confidently recommended as the most simple and certain remedy for indigestion, flatulency, acidity, heartburn, colic, constipation, stomach or bowels in all diseases of primary importance to set the stomach right. These pills are the only pills that will cure these ailments without doing any harm to the system.

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THE NEWS.

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