

THE SUPREME COURT OF JUDICATURE BILL—JURIES.

tablished.—Lord Romilly considered the Bill was the first which effectually grappled with the evils which had to be remedied, and he would, therefore, give his cordial vote in its favour. He, nevertheless, did not concur in that part of the measure which retained the jurisdiction of the House of Lords in appeals from Scotland and Ireland, nor did he approve the proposition that there should be no appeal from the new court to the House of Lords, for in cases of peculiar difficulty it was sometimes desirable to have a second appeal, and the second appeal, if it should be allowed, ought to be made to the House of Lords, which had the advantage of being composed of a mixture of legal men and laymen.—Lord Salisbury hoped the Lord Chancellor would scrutinize most carefully those parts of the Bill whose object was to fuse together the Courts of Law and Equity, for he feared that the Bill as at present framed would divide them by as broad a line of demarcation as at present. With regard to the jurisdiction of the House of Lords, he was compelled to confess that it appeared to him impossible that things could remain as at present, but he thought the proposed new Court of Appeal would benefit as well as the Legislature if the members of the Appeal Court were made peers, with the right to sit and vote in Parliament. He regretted the exclusion of any appeals, and especially of ecclesiastical appeals from the new court.—The Lord Chancellor expressed his satisfaction at the manner in which the Bill had been received. He acknowledged that valuable suggestions had been thrown out, and they would receive due consideration; but it must be borne in mind that in a process of transition it was necessary to move by practicable steps, and avoid passing from one system to another with a violence which would prevent success. He showed, by reference to various clauses of the Bill, that the statement that the provisions of the Bill would give to the several divisions of the court separate and distinct jurisdictions was incorrect. With regard to the appellate court, it had been suggested that ecclesiastical appeals should be subject to its jurisdiction, and, if their Lordships concurred in the proposals, he should have no objection to its adoption. His reason for retaining the jurisdiction of the House of Lords in the case of Scotch and

Irish appeals was, because there might be serious constitutional objections to the transference of those appeals to an English Court created by Act of Parliament. If the new court of appeal should recommend itself to the Scotch and Irish people, a further development of the measure might be looked forward to in course of time.—*Law Times*.

JURIES.

Mr. J. W. Erle, associate in the Court of Common Pleas, has sent to the *Times* some observations on the Juries Bill; and, as our readers are aware, no man is more capable of dealing with the subject. The points discussed by Mr. Erle are the number of jurors and the question of unanimity. We are pleased to observe that there is a substantial agreement between the views of Mr. Erle and the views we lately set forth.

Mr. Erle argues for the reduction of the number of jurors from twelve to eight, mainly on the score of convenience. He shows by reference to the early history of juries, that there were reasons for the larger number that no longer exist. The functions of a juror were different to what they now are. He was not exclusively or principally the judge of the facts, but he was a witness on the trial, and each juror "was advisedly selected and summoned as having a personal knowledge of the facts in dispute." Under such circumstances, it was desirable to have as many jurors as could conveniently be brought together; but now, when the juror is not a witness, but only a judge of the fact, it is desirable to have as few jurors as will insure an acceptable verdict. Will not the opinion of eight or seven men upon evidence that has been reviewed by counsel and reviewed by the judge, be satisfactory?

But Mr. Erle does not advocate a reduction in the number of jurors because he objects to twelve, or because he has any special liking for eight. If we had an abundant supply of jurors, we apprehend that Mr. Erle would not ask for a change. It happens, however, that the supply of jurors is inadequate to the demand, and the duty has become a serious tax upon the time of merchants, shopkeepers, and other busy men. So great