

earth were out of course," and that honesty and industry were very poor equipments for the battle of life.

But surely the teaching of all the wisest and best and happiest of men is that happiness is not dependent upon riches, nor the things that money will buy, although no doubt these may be a means of happiness, howbeit far from an indefectible means.

Christianity takes up all these "broken lights" of the world's wise men, and gives them a perfect expression in the life and teaching of Christ. From this we infallibly learn that Blessedness (a far nobler word than happiness) is dependent upon self-mastery and self-sacrifice, and the acquisition and cultivation of the Christian graces of humility, meekness, purity, patience, a forgiving spirit—in one word, love.

I do not deny that money troubles are very great, perhaps the greatest of all troubles. But I do believe there are multitudes amongst us, who are contented with a competency, and far more earnestly "hunger and thirst after righteousness" than for "thousands of gold and silver."

HERBERT SYMONDS.

Ashburnham, Nov. 16, 1895.

THE HYAMS' TRIAL.

SIR,—Probably the Hyams' trial will be terminated before this letter is in print, but even otherwise, as the jury-men are hermetically sealed up, the legitimate criticisms of outsiders cannot have any influence in shaping the result.

The objects I have in view are (1) to draw attention to what in the opinion of intelligent outsiders was an error in excluding very important testimony from a case of such involved circumstantial evidence. (2) Also to show how, in time past, great judges have disregarded precedents which handicapped justice, and have made new and common-sense law. (3) The unwisdom of underpaying the judges of our superior courts which prevents our getting the best men. (4) The necessity of having jurymen of greater intelligence in difficult cases. From a common-sense point of view it is absurd to ask an average farmer—a man of muscle, but not of brains—to judicially weigh conflicting evidence, extending over days, and after being befogged by counsel. Their eloquence occasionally recalls Sir G. Rose's versified report of a Chancery case in Lord Eldon's time.

"And Mr. Parker made the matter darker
Which was dark enough before."

All intelligent newspaper readers are aware of recent instances where the administration of justice has been unsatisfactory. In a great murder trial, in which the proof was the clearest that has ever been known in cases of circumstantial evidence, the prisoner was acquitted. In another case, a man who had committed a lesser crime was pronounced to be guilty of murder, although there was no real evidence against him; and it was mainly through the arguments of the Toronto Mail that justice was saved from a case of judicial murder. These instances could be added to; and suggest that (1) there ought to be a more intelligent class of men selected as jurymen in difficult cases; and (2) that by our system of inadequate salaries we often fail to get the best men for judges. With lawyers like the great English judges, to fearlessly mass the facts and inferences, in a clear manner to a jury, it would be difficult to get twelve men to say, on their oaths, that black was white; or that a tarnished white was black: the marvel in such cases is that there should be no dissentients among the twelve.

The following case proves the necessity for taking more care in selecting jurymen. Many years ago I was conversing with a small country-wheelwright who had served as a jurymen on common jury cases. He thus reported his experience to me: "Well (complacently) we gave verdicts for the plaintiffs in the first three cases, and then we thought that the defendants ought to have a turn, and so we gave them some."

On the other hand, London Special Juries are the best in the world, and so far as they are responsible, it is doubtful if there has been a single failure of justice during this generation. By "failure of justice" I mean all the twelve going wrong; solitary cranks—causing disagreements—are always possible.

In the Hyams' case the theory of the crown is that the prisoners caused heavy insurances to be placed on the life of

Wells, the policies being in favour of his sister Martha, who was being courted by one of the prisoners; that they murdered him; and that the greater part of the money was ultimately received by one or both of them. Of late years as all are aware, there have been many instances of insurance murders. As evidence bearing upon the case the crown proposed to prove that the prisoners, just previous to their arrest, had tried to insure the life of Martha Wells, then Martha Hyams, for \$200,000—requiring a premium of \$7,000 per annum—the first payment to be by notes. Mr. Osler's words were (see Mail of Nov 13th): "I propose to tender evidence to show that the accused, or one of them, had proposed to place an insurance of \$200,000 on the life of Mrs. Harry Hyams involving a yearly premium of \$7,000. This proposal was part of a conspiracy to engage in insurance frauds." He urged that the evidence was part of the case of the crown. Deputy Attorney-General Cartwright also urged the admission of the evidence. But Mr. Justice Ferguson, without calling on the defence, said: "I have read and re-read the cases and am of the opinion that the evidence ought not to be received here at this trial." The report adds: "The prisoners were visibly pleased at this ruling." If Mr. Justice Ferguson had admitted the evidence, one of two things would have happened: (1) If the statement as to the \$200,000 insurance turned out to be mere imagination, then the inference would be irresistible that there was malice, and it would weigh with the jury in the prisoners' favour. (2) But if it proved to be true, then it would make clear much that otherwise might possibly be doubtful. Suppose a man is being tried for arson, and that the evidence is wholly circumstantial; common-sense would teach that other attempts by the same prisoner to commit the same crime—whether abortive or successful—ought to be received as evidence; but law is one thing and common-sense is another.

I contend that everything that really throws a light upon the case in hand ought to be admitted as evidence, and that justice ought not to be handicapped. Excluding the light may help either side, but admitting the light makes for the truth, which should be the goal of a court of justice. It is not fair to ask a conscientious jurymen to decide upon a case of life or death, and at the same time to tell him, "We will not allow you to hear some of the most important evidence." At the first trial before Mr. Justice Street (when the jury disagreed) more than one informed newspaper reporters that they thought that this insurance evidence should have been received.

Compare the ruling of Mr. Justice Ferguson with that of Lord Chief Justice Mansfield, the great English Judge, in 1772. The philanthropist, Granville Sharp, sought to free a negro slave who had been brought from the West Indies to England. In 1729 the then Attorney-General, and also the Solicitor-General, had held that a slave in the West Indies was still a slave when in England; but Lord Mansfield rejected those and all other similar precedents, and decided that as soon as a slave set his foot on the soil of the British Islands he became free. Thus he ruled in favour of justice and common-sense, and that is how justice-fettering precedents should be dealt with.

In the English Superior Courts the salaries of the judges are more than four times greater than those in our courts, consequently they can get the best men for the bench. An effort should be made to increase our judges' salaries, then we also should get our best men.

Toronto, Nov. 16.

FAIRPLAY RADICAL.

MUSKOKA—THE PLACE FOR A SANITARIUM FOR GENERAL PURPOSES.

SIR,—Much has been said and written with respect to the establishment of a Sanitarium for persons afflicted or threatened with consumption. The writer is not posted with regard to all the steps which have been taken to accomplish the desired result. It is now some time since Mr. Gage made his offer to bestow a considerable sum of money, under certain conditions, for such an institution. It is supposed that the Government has agreed to allow a grant of money in support of the movement, and it is known that a committee was appointed to select a place of habitation for the institution. Several places in different parts of the Dominion have been spoken of in this connection as suitable for the