to be imagined that the results would be as satisfactory to the public, as though the jury were to consist, as at present, of twelve men? Would the *one* juryman have in all cases the same clear views of the causes?—would he discriminate with the same accuracy?—would he decide with the same amount of judgment?—would he be able to sift the true from the false with the same nicety—since one mind, instead of twelve minds, would be engaged in weighing the evidence, and, in all probability, would not be competent to take so extended a view of the case, and unravel the complications that might exist? It is to be remembered that some cases are very intricate—not only from the result of circumstances, but from artfulness, or fraudulent designs. In a word, would the public have the same confidence in the soundness of the verdict of this one juryman, as in that of twelve jurymen? If you—I say to the reader—were a plaintiff or defendant in a cause, would you *prefer* your cause to be decided in this manner? If anyone would not prefer one juryman instead of twelve jurors, why should he prefer one judge to act alone, instead of twelve jurymen, with a judge to assist them and the case? The same argument will hold good respecting one or two, or more jurymen or judges, deciding causes, instead of the present number as established by law. It may be said that judges are more able and learned in the law than jurymen; and this leads us to the consideration of the question, whether one or more judges to decide trials would not be preferable to having any jury at all—in fact, to abolish the use of a jury, and allow the judges to adjudicate. It has been argued, judges are learned, and jurymen are often, comparatively, very ignorant, or, at all events, they are inferior to the judges in legal lore. It is preferable, some may say, to rely upon the decisions of men profoundly skilled in the law. Sir John Hawles, who was solicitor-general in the reign of William III., observes in a celebrated work of his:

"Though judges are more able than jurymen, yet jurymen are likely to be less corrupt than judges—especially in all cases where the powers of the prerogative and the rights of the people are in dispute. * * Less dangers will arise from the mistakes of jurymen than from the corruption of judges—besides improper verdicts will seldom occur; since juries will avail themselves of the abilities and learning of the judges, by consulting them on all points of law—and thus, to the advantage of information will be added that of impartiality. * * Had our wise and wary ancestors thought fit to depend so far upon the contingent honesty of judges, they needed not to have been so zealous to continue the usage of juries." "Although we live at present under a benign government," says a modern writer, "and our Crown lawyers—Liberal or Conservative—are pre-eminent for private and public integrity, yet Lord Brougham and Lord Lyndhurst, and other great statesmen, have warned us that it 'may not always be so." *Trial by Jury, the Birthright of the people of England*, p 81

The salutary effect of juries saving judges from the temptations and unpleasant positions which might occur to them if they were allowed to decide all cases without juries, could be proved in many ways. When judges were removable at the pleasure of the Crown, history records that many judges were not exempt from the human infirmity of preferring their own personal interests to those of justice and of the public. They feared to lose their places. It is far from satisfactory for a judge to decide, in times of great political excitement, in trials for political offences. In the trials of the Fenian conspirators, for instance, what a benefit it was to the judges to have a jury to decide upon the facts of the cases. Trial by jury serves, in a great measure, to protect the judges from the imputation of partiality, and in any case, does not require them to act contrary to the wishes or political bias of the government which appointed them. If they were to have the power to acquit, they might offend the government, or the class to which they socially belong; if they could convict, they might become odious to a large section of the people. It may be said that as a judge is not in the present removable, he has no inducement to act otherwise than with strict impartiality; but he may have sons and daughters, the sons to advance through interest in high quarters, and the daughters to marry in a certain class. There would be high-minded judges to despise all unworthy acts, but the cases of two of the king's justices, Empson and Dudley, together with the infamous conduct of Judge Jeffreys, are warnings not to expose even judges to unnecessary temptations. Some of the judges themselves have given a convincing practical proof of the superiority of trial by jury over that by judges only. "In 1620," relates a writer, "the conduct of Chief Justice Holt and his brethren in the Queen's Bench was called in question by Lady Bridgeman for an alleged illegal act in the course of a suit. These judges were summoned to appear before the House of Lords. They refused. Why? They denied the jurisdiction of the House of Lords, and insisted upon their undoubted rights as Englishmen to a trial by jury of their equals, in case they in anything were accused of having done wrong, and claimed the benefit of being tried according to *the well-known course of the common law.*"* If judges have thought it not prudent to be tried except by a jury, it is certain that other persons ought to think the same.

II. The effects of serving on a jury upon the class from which common jurymen are taken, must be very advantageous to the well-being of a nation.

We suspect that a free constitutional country could not continue to exist in the same state of freedom and order, if the practical education which serving on a jury confers,

* "Trial by Jury, the Birthright of the People of England," p. 106.