

our courts to prevent any "outside" influence being brought to bear upon a jury which has been empanelled to try a provincial case. Whilst expressly disclaiming any imputation upon the conduct of the learned clerk of assize in respect of his action, the Court of Criminal Appeal held that the fact of his having answered the questions put to him by the jury after they had retired in itself vitiated the verdict. From very early times it has been a misdemeanour indictable at common law to attempt to bribe or corrupt or influence a jury by any means whatever other than by evidence or argument in open court, so as to induce them to favour one party to a judicial proceeding. A similar, and equally salutary, rule prevailed, and still prevails, in the case of a witness.—*Law Times*.

JUDICIAL JOKING.

"The Court is very much obliged to any learned gentleman who beguiles the tedium of a legal argument with a little honest hilarity," Chief Justice Erle told a member of the Bar who apologized for a sally that set the Court in a roar of laughter. To judge from the protests which are being made against judicial humour, there are persons who regard even a "little honest hilarity" as something quite alien to the serious work of the Courts. They would not object to a flash of wit from the witness box; they might even tolerate a witticism from the Bar; but they appear to think that the dignity of the Bench requires that a Judge, no matter how mirthful or tedious the proceedings over which he presides, should sit all day "like his grandsire cut in alabaster." Judicial joking may, no doubt, sometimes be carried to excess. An incident in the judicial career of Sir James Fitzjames Stephen—by no means, in the ordinary sense, a "judicial humorist"—indicates its dangers. He was trying a slander case in which both the parties were Billingsgate salesmen, and the counsel for the defendant did not fail to take full advantage of the humour of the situation. Mr. H. F. Dickens, who represented the plaintiff, seeing the Judge, as well as the rest of the Court, impressed by the jocular aspects of the case, made a strong effort to bring out the serious injury that had been inflicted upon his