

the jurors are chosen by ballot, and each is furnished with a printed copy of the indictment, with paper, pen and ink to write notes of evidence as it proceeds. The trial begins by the clerk of the court reading the indictment, by which means the exact nature of the accusation is openly and clearly defined, and there is no need for a lengthened prefatory harangue by counsel for the prosecution. The indictment being read the evidence is at once proceeded with. Any one can compare this precision with what occurs, and is occasionally complained of in England. A Scottish jury may give a verdict of guilty, not guilty, or not proven, this last alternative being adopted when the evidence appears to be incomplete. There is no such alternative in England. In English criminal procedure the jury consists of 12 men, who must be unanimous in their verdict of guilty or not guilty; when not able to agree, after hours of wrangling together, they are dismissed, thereby occasioning a new trial. In Scotland the thing is conducted more in accordance with human nature. The jury is composed of 15 men, who, if not unanimous, may decide by a majority, such as 8 to 7, or possibly 14 to 1; by which means a juror with twisted notions, resolved on being singular, as often happens, is unable to thwart the ends of justice. The decision by a majority is accepted without demur. In the trial of civil cases, a latitude is also allowed. The jury consists, as in England, of 12 men; but if they have been in consultation for three hours a majority of nine is sufficient for a verdict. If after nine hours there be not a majority of nine, the jury may be dismissed. These Scotch arrangements seem to be in all respects more rational than the practice prevalent in England and Ireland. No one ever heard of a miscarriage of justice, civil or criminal, in Scotland, owing to decisions by a majority. The accurate and impartial method of summoning Scotch jurors, special and common, in itself merits commendation.

—*The Albany Law Journal.*

**ADVOCATE'S OATH.**—The following is the form of the advocate's oath prescribed by law, adopted by the representative council of Geneva, June 20, 1834: "I swear before God, to be faithful to the Republic and Canton of Geneva; never to swerve from the respect due to the tribunals and to the authorities; not to advise or maintain any cause which does not appear to me to be just or equitable, unless in

the defence of an accused; not to employ knowingly, in order to maintain the causes which shall be confided to me, any means contrary to the truth, and not to attempt to deceive the judges by any artifice, or by any false exposition of facts or of law; to abstain from all offensive personality, and not to advance any fact against the honor and the reputation of the parties, unless it be indispensable to the cause, with which I shall be charged; not to encourage the commencement or the carrying on of any process, from any motive of passion or of interest; and not to refuse from any personal considerations, the cause of the feeble, the stranger, or the oppressed."

**SINGULAR CASE OF DISPUTED IDENTITY.**—A court-martial sitting in Paris has sentenced to five years' penal servitude a man named Charles Drouhin, who was convicted nine years ago of having given information to the Germans during the siege, and who, having escaped from prison during the Communist insurrection, was re-captured under very peculiar circumstances. When the insurrection was over, Drouhin had disappeared, and nothing more was heard of him until last year, when an old man with a long white beard came to the office of the registrar of the court, and asked to be allowed to consult some of the documents filed in connection with the case, alleging that he was the eldest brother of Drouhin, who had died in an hospital a short time before. The registrar let him have the documents, but it suddenly occurred to him that the visitor must be Drouhin himself. Inquiries were made, and Drouhin, who was found begging at the porch of a church in the Rue St. Honore, was arrested. He stoutly denied the accusation. When confronted with the warders of the prison in which he had been confined nine years ago, none of them recognized him, and everything pointed to an acquittal at the trial, when the officer presiding ordered that the prisoner be taken out and shaved. He protested energetically, declaring his occupation as a model would be gone if he were deprived of his flowing white beard; but the court was inexorable, and when he emerged from the barber's hand the warders recognized him at once. He still protested that he was the brother of the man they took him for, but the barber's razor removed all doubt, and Drouhin went back to prison to serve the remainder of his term.