

*The Legal News.*

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Mr. Justice Miller, of the United States Supreme Court, has contributed to the *American Law Review* an article upon the system of trial by jury, some portions of which will be found in the present issue. The experience of this learned judge supports the opinions which have been expressed on the same subject by eminent members of our own bench. The topic came up at a recent gathering of the Ohio State Bar Association. Judge Harris, one of the speakers, believed that the jury was an indispensable agency in judicial administration, though he admitted that sometimes jurors were encountered who had peculiar notions of justice. He related an incident of a Bohemian oats case in which the bench instructed the jury to the effect that a farmer who signed a note for \$160, in payment for oats, was legally bound to pay it, but that if the holder was guilty of swindling the farmer, the note could not be collected. The jury returned a verdict for \$80 in favor of the agent for the oats, because the foreman of the jury was once swindled himself in the same way, and had settled for fifty cents on the dollar, and he persuaded his associates that such a settlement was about right.

Judge Harris was disposed to think that women should be allowed to act as jurors, but Judge Green by no means entertained this opinion. He had had experience, he observed. He had had an associate justice all through his married life. Upon one occasion he came home late at night with an important case upon his mind. His wife asked him what was worrying him. He replied that he was undecided in regard to a case in which was involved a national bank and a pretty woman whom he knew. "There is no question at all," replied his wife, "the bank ought to have it." The judge was inclined to think, therefore, that the strong prejudices of ladies disqualified them from acting as jurors.

The recent decision in *Redgrave v. The Canadian Pacific Railway Co.*, which is concluded in the present issue, will be found useful in giving a *resumé* of the cases in which railway shipping notes and the conditions printed thereon are concerned. The condition in this case was maintained, and the company relieved of responsibility, though the findings of the jury were favorable to the plaintiff.

## PUBLICATIONS.

WAIFS IN VERSE, by G. W. Wicksteed, Esq., Q. C., Ottawa.

Mr. Wicksteed, in the enjoyment of well-earned repose, after filling for 58 years the arduous office of Law-Clerk of the House of Commons and its predecessors, has found pleasant recreation in re-editing and publishing a number of fugitive pieces written at various periods of his career. Though the author is now past the venerable age of eighty-seven years, some of the "Waifs" bear comparatively recent dates, chief among which is the Jubilee Poem of 1887, briefly noticed on page 233 of our last volume. Mr. Wicksteed, in an "Apology for my Waifs," justifies his poetic effusions by weighty authority and ample precedent. We fancy, however, that his readers—and, we trust, they are many—will not require any apology, for many of these verses have, apart from their poetic merit, a special interest from their connection with noteworthy incidents in the history of our country. A poet or author who has counted among his tried and honored friends, men like Papineau, Viger, Vallières, Lafontaine and Cartier, not to mention others who are still among us, can hardly fail to hold the attention of the reader. On their own merits, however, the "Waifs" will be acceptable, for the muse of Mr. Wicksteed is both witty and scholarly, and we hope that Time, which has dealt so kindly by him hitherto, will spare him to make still further additions to his interesting collection.

## MR. JUSTICE MILLER ON JURY TRIAL.

I must confess that my practice in the courts, before I came to the bench, had left upon my mind the impression that as re-