Canadian Parliament abolished the authority of the old "Laws of Canada," and declared that in all matters of controversy relative to property and civil rights, resort should be had to the English Laws, as the rule for the decision of the same. None of the ordinances saved by sec. 4 of this act, related to other than mercantile matters. Sec. 6 provides that "Nothing in this act shall vary or interfere with, or be construed to vary or interfere with any of the subsisting provisions respecting ecclesiastical rights or dues within this Province." See Con. Stats. U. C. cap. 9, preamble.

The list of those who passed the examination for call and admission, and for the law scholarships, during this Michaelmas Term, received too late for insertion in this number.

SELECTIONS.

TRIAL BY JURY.

(*Continued from page 261.*)

A word concerning trial by jury in the British colonies and dependencies. Some of them possess the system, others do not. Those which have it are, generally speaking, the most peaceful and flourishing, but the subject is too lengthy for more than a passing remark, on account of savage races of men being mixed up with the white inhabitants in questions concerning land, &c., as in New Zealand, the Cape of Good Hope, &c. The subject of trial by jury in foreign countries does not admit of detail on account of the limits prescribed to the essay. Neither does this branch of the question affect the arguments concerning the institution in Great Britain. The civil or Roman law, in fact, the institutes of Justinian, to this day, furnish the basis of legislation to continental Europe. In England, the protectorate of the common law has raised an impassable barrier to the invasive spirit of the civil or Roman law. Trial by jury, it is true, does exist in many European nations; but they have at the same time many other laws which take away from its value. In France, for example, the "*loi de suspect*" enables a man to be arrested, imprisoned, or transported, merely at the discretion of the authorities, if they *suspect* he may *intend* to commit any act, which they might not approve of. In Germany, Italy, the United States, &c., the violent agitation which led to the recent wars, produced many acts of lawlessness and oppression. It is useless, in a short essay like this, to allude to trials by jury in such countries. It is to be hoped that if peace continue, the inhabitants of these countries will seek to work out more carefully the principle of trial by jury, which is the "keystone of British liberty." It is true that in Great Britain and Ireland, when an Act of Parliament suspends the *Habeas Corpus* Act, persons can be detained in prison without being tried and convicted; but this measure is in force for a limited period only, and in the disturbed part of the kingdom mentioned in the Act of suspension. Moreover, the representatives of the people in the House of Commons would never sanction the suspension of the *Habeas Corpus* Act, were it not necessary for the safety of the realm. It may be as well to explain to the general reader, that *habeas corpus* is the name of a writ, by which every person who is imprisoned before trial, &c., may demand to be brought before some competent court, that he may be either convicted or liberated.

Respecting the beneficial influence of trial by jury on the public, as a national institution—politically, socially, morally—the preceding part of our essay sufficiently explains the political branch of this subject. We shall now proceed to the consideration of the beneficial influence of the institution.

I. The beneficial influence of trial by jury on the judges must be evident to every person who has considered the subject in the spirit of a free-born Briton. It is an old proverb "that two heads are better than one." Solomon, the wise man, has written—not once but twice—that "in the multitude of counsellors there is safety." The strain upon the intellectual faculties of the judges if they were to unite the functions of judges and jurors, would be undesirable for many reasons. The value of the division of labour is acknowledged in most pursuits, and it is not improbable that if the minds of judges were continually overtaxed, they would not be able to follow all the facts of the multifarious causes brought before them with the same energy as jurymen, whose minds would be less fatigued. Then again, there is the responsibility. Twelve men who can share it between them, are less troubled by the weight of it than one or two men who have to bear it, especially in very perplexing cases—in which the life, or the character, or the fortune of a fellow-creature, depends upon the issue. In such cases, it is not unlikely that a judge of a severe disposition would be too severe, and that a judge of a mild disposition would be too lenient; thus justice would not be so well meted out. In a jury of twelve men it is to be supposed that there is a greater chance of obtaining men of various positions, which would serve to counteract the tendency to an excess of either undue severity or leniency. "In acting for the public," said a magistrate, "he regretted that the case could not be sent before a jury—for it was always more satisfactory to him to have the opinion of twelve men, than to take the responsibility of deciding himself."

To prove that in certain cases one man is not equal to twelve men to decide a cause—suppose a jury to consist of *one* man? Is it