

THROUGH A MONOCLE

JUSTICE FOR JURORS.

SIR LOMER GOVIN proposes to pay jurymen more. I hope that this idea spreads. The jury is still one of the bulwarks of liberty; but it is being undermined by the steady friction of ridicule, the growing belief that it hinders and does not help justice, the exasperation of most citizens of standing who are compelled to serve, and the reputation for stupidity earned by the juror "type." One of these days we will wake up and find the jury gone. Some parliament of lawyers will take advantage of an especially gross and outrageous case of "bad verdict" to abolish it. We will all laugh a little, feel relieved that never again can we be called upon to sit in a jury-box and listen to a case for which we care nothing while our own business goes to smash, and conclude that the judges will give us better justice without the intervention of hurried citizens and sleepy loafers.

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NOW we have about the best judiciary in the world. I do not think it has an equal, except in Britain. We do not know what it is to hear charges of corruption or favoritism on the Bench. Our judges are immeasurably superior to the average juror in every quality which is of value in a court of justice. But it is nevertheless true that we would soon begin to miss the jury, with its "human" point of view and its extra-legal way of looking at things. The judge knows the law; but cases constantly arise when we do not want law—we want justice. The very fact that the judge is so good a lawyer makes it difficult for him to forget what the statute says and to deal with the case on lines of human feeling. That is a factor which the jury-box contributes to the trial of cases; and it is a factor which we will miss just so soon as cases of fact cease to go to juries. A law is only the attempt of Parliament to generalize about a whole class of cases. It may do well for an average; but like all averages, it misses twice as often as it hits. Now a jury bends the law to suit the windings of each case. A judge would commonly die first.

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I WOULD not deal with what would happen us if we ceased to have our splendid quality of judges. That contingency seems too remote for "practical politics." But I should think they would consider it very carefully across the border where their system of electing judges exposes them to all

sorts of perils. What I will say, however, is that our judges will suffer themselves from the disappearance of the jury. To-day they are saved from the delicate and difficult task of deciding, as a rule, on questions of fact. When two witnesses swear to exactly opposite stories, they are not called upon to say which is the perjurer—they pass that problem on to the neighbors of the witnesses who sit in the jury-box. These neighbors are probably far better judges on this sensitive point than the stranger on the Bench. Moreover, the judge escapes criticism which would surely come to him if he had to make such a decision. He may know the law; he may be a good judge of human nature; but he seldom knows the witness. This is one advantage which the County Court Judge has over his brother in the Superior Court. He possibly knows the man who is telling the story.

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THE jury carries a lot of responsibility away on its shoulders to-day which I am always glad to see the judge escape; for I want to keep the judge above such criticism as is within the competency of the average court-room "loafer." When the aforesaid habitue of the court-room remarks that the judge is "off on his law," we just smile. But if he could say that the judge was a learned man and all that, but "he sure didn't know a liar when he saw one," and if we thought the loafer was right, we wouldn't like the incident. Then a judge cannot possibly know all the details of the life of the neighborhood which the average local jury can fill in so easily, and which so often seriously affect the right of the case. Moreover, there is something in the claim that a man should be tried by a jury of his "peers." The judge is practically always on a much higher social grade than the men before him; while a jury will likely contain some persons who can tell to a nicety just how they live, feel and reason. This makes the jury a better judge of the facts—the judge now looks after the law.

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NOW it would be easy to get good jurors and keep the jury system going if we only treated the problem with a little common sense. We should begin by paying jurors enough to make the job at least not a financial sacrifice to the average citizen—not to the millionaire or the big merchant—but just to the plain working citizen. Then we should remove the exasperating feature of compulsion. None of us like to be compelled by the police to do

anything. We wouldn't like this compulsion even if we wanted to do the very thing desired. I would be willing to wager that, if the police tried to compel men to serve as city aldermen, they could not get a solitary candidate who would not feel that he was a victim of intolerable tyranny. Jury service should be purely voluntary. "But no one would serve"—you object. That is a delusion which has grown out of the compulsory system. Even under the compulsory system, rural juries usually can be got to serve without much trouble. The farmers like the visit to the County Town where their board is paid at the hotel, and they are entertained at the Court House.

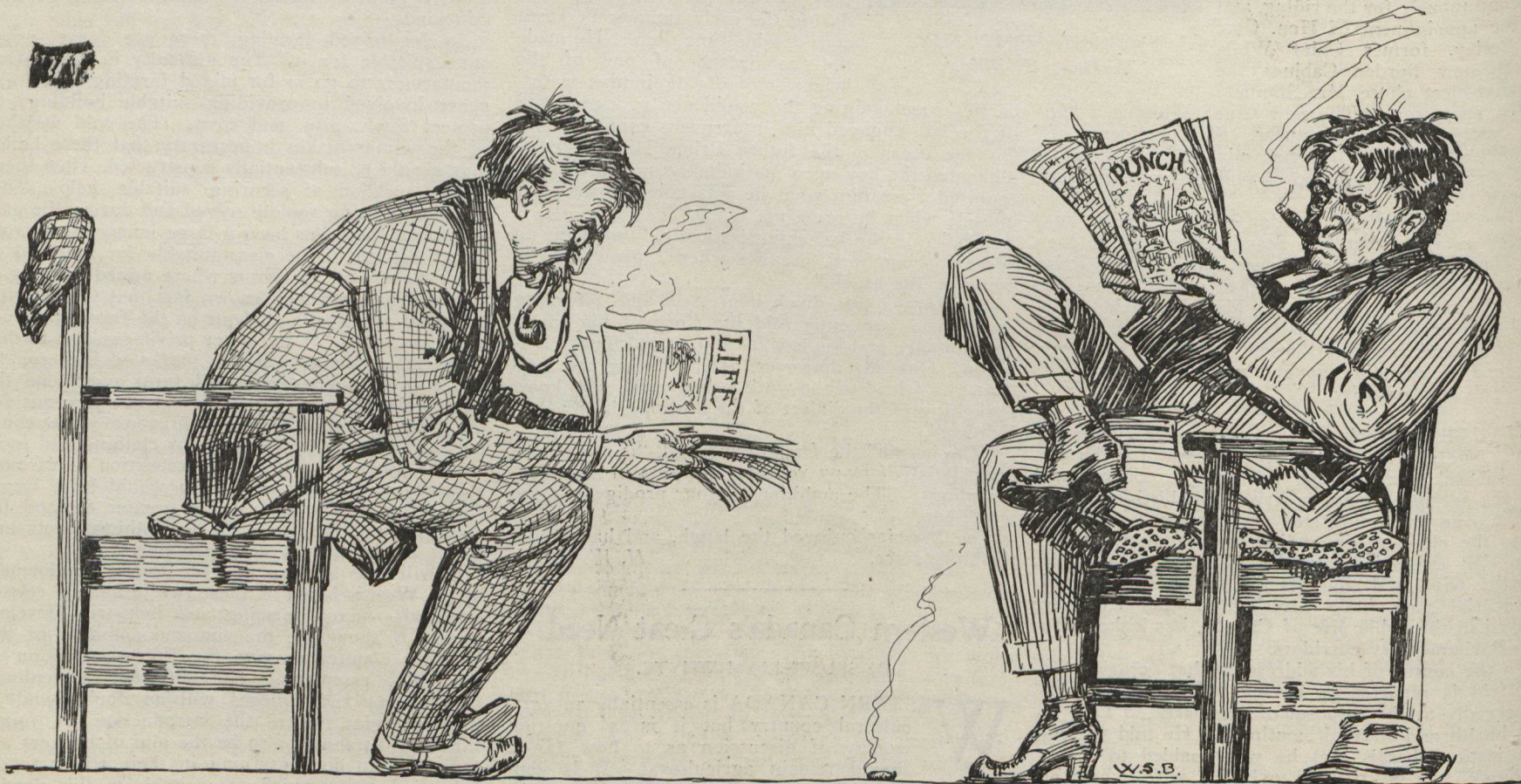
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JURY service, stripped of the humiliation of being classed with the prisoner and paid for adequately, would become an honour which many men would like. Then we would get attentive intelligence in the jury-box, and this ancient institution would be safely founded in the esteem of the community.

THE MONOCLE MAN.

Training the School Boy.

COL. HUGHES' taking up of the cadet movement and dovetailing it into the defensive system of the country will, if a sufficient number of the right kind of instructors are provided, set up currents of reform permeating the entire tissue of the national life, says the *Toronto Mail and Empire*. In the first place, it will establish a more wholesome way of life for the boyhood of Canada. There is need for such a change. There is now too much pampering of the young, too much allowing them their own way, too much reading of pernicious literature, too much idling and pleasure seeking. It is not the boys' fault. The man in them gives them something of a bent towards a more Spartan discipline than they are getting. If more of their training was left to men than to women, and if more of it were carried on in the open air, their moral qualities would be greatly strengthened. In the second place, such training as they will get in the camps of instruction will build them up physically, and give them a pride in keeping themselves fit. Of course, their improved stamina reacts favorably upon their moral character. They will make incomparably better citizens than they would if such physical training were not afforded them. To make democracy the success it is capable of being, the youth of the country should be habituated to public duties, to obeying orders, to maintaining self-control, and to orderliness and seemliness in all their proceedings.



THE POINT OF VIEW

The Englishman } (Together)—"And they call this humour?"
The American }

Drawn by W. S. Broadhead.