

upon which Sir Henry Maine has thrown so much light. Thus Judge Sulzberger has written upon the Hebrew Parliament, and Mr. David W. Amram, in a series of articles in the *Great Bag*, and his book 'Leading Cases in the Bible,' has shewn how the Hebrew legal system was developed from the patriarchal type, and founded upon the family as the social unit, which like a corporation survived the death of its head. We find among the ancient Hebrews the blood feud, the liability of the head of the family for the crimes of his children, the correlative power which the family head had over the children even to deprive them of life and liberty; these archaic ideas and the corresponding status of women, the custom of polygamy, the rights and obligations of inheritance which are described in the Old Testament have their counterparts in the ancient laws of the Romans, the ancient Aryans and our own ancestors."

PROPER PRACTICE IN CHARGING JURIES.

In some of the States the legislature has forbidden the judge, in a trial with a jury, to charge upon the evidence or express any opinion upon the value of the testimony, and he is expressly required to confine his instructions to a barren, and to the jury, often unintelligible, statement of the law of the case. In one of his lectures in Yale University, Judge Dillon remarked that such legislation "implies a distrust of the capacity of the judge to deal with the evidence in summing up so as not to be likely to do more harm than good, and it overlooks the need on the part of the jury for intelligent judicial instruction and guidance. . . . Taking the judges as they run, I very much doubt whether such legislation has the approval of the body of the Bar of the States which have adopted it. It has, doubtless, often originated, not in a public demand, or in any demand on the part of the Bar at large, but with some lawyer in the legislature who likes to control juries by declamatory rhetoric, and who has been disappointed by the conscientious discharge on the part of some independent judge of his whole duty. Under the practice required by these stat-