

Trial by Judge vs. Trial by Jury.



AN increasing dissatisfaction with the present system of trial by jury has made itself felt of recent years in this country. That there is something amiss is frequently brought home to us when we read of some flagrant maladministration of justice in a jury trial; it may be a notorious fact that a decision is a mistake, to say the least, and yet it is difficult to place one's finger on some particular feature of the system and say, "This should be altered," while to abolish trial by jury altogether is out of the question. A short review of how it originated, however, may help to explain the cause of some of its shortcomings.

At first the jury was composed of twelve men who knew the parties in the case and understood the circumstances; they were, in fact, witnesses, and their decisions consequently were as a rule just and intelligent. But this has been changed. The juror of today is a man who knows nothing of the case and has formed no opinions; now in these days of newspapers, if there is any man who has not read the particulars of any important case and has formed no opinion on it, it is usually because he is too ignorant to form one. This is why our juries are so often composed of illiterate men.

This has resulted in the greatest evil of the jury system—lengthy trials, and consequently a long expense list for both plaintiff and defendant. The men of the jury are to pick out the important points in a tangled mass of evidence, sum them up, and then give an intelligent verdict solely on the evidence submitted—and for the untrained mind this may be a matter of minutes or of weeks according to the nature of the evidence. Now we shall see why big corporations oppose it. They do not mind the lengthy trials so much—usually they can stand them better than their opponent. But such is the prejudice of the average man against the large corporation or railway, that in ninety per cent. of these cases the verdict is brought in against it. Of course no corporation should be permitted to overrun the rights of the private individual; but no excuse can be offered for perjury and injustice, and that is what many of these decisions are.