men, are liable to be mistaken in estimating the effect of evidence. Every one thinks himself competent to express an opinion on a mere question of fact, and would not hesitate to comment freely and with acrimony upon the decision of a judge which, on such a question, happened to be at variance with his own. The judge would incur much odium, and lose much respect, if, in the opinion of the public, he had decided wrong on a matter of fact about which they believed themselves as well able to determine as himself. This kind of attack is now saved him by the intervention of the jury. He merely expounds the law and declares its sentence, and in the performance of this duty, if he does not always escape criticism, he very seldom incurs censure. And it may be said that the tendency of judicial habits is to foster an astuteness which is often unfavorable to the decision of a question upon its merits. No mind feels the force of technicalities so strongly as that of a lawyer. It is the mystery of his craft, which he has taken much pains to learn, and which he is seldom averse to exercise. The jury acts as a constant check upon, and corrective of, that narrow subtlety to which professional lawyers are so prone, and subjects the rules of rigid techicality to be construed by a vigorous common sense.

And DeTocqueville is right when he says, in substance, that the jury, which seems to restrict the rights of the judiciary, does, in reality, consolidate its power; and in no country are the judges so powerful as where the people share their privileges. It is especially by means of the jury, in civil causes, that the American magistrates imbue the lower classes of society with the spirit of their profession. Thus the jury, which is the most energetic means of making the people rule, is also the most efficacious means of teaching it how to rule well.

The members of the legal profession ought to be the last to denounce the jury system, or to wish to see it in any way impaired. They, more than any other class of men, have been the leaders and rulers of the people of this country. They have been enabled to do this by their influence upon the minds of men; and the most abundant source of their authority has been. and is, the civil jury. Through this medium they are in constant intercourse with the people; and, to their honor be it said, they have, in that intercourse, so impressed the people with their ability, culture, honor, integrity, and fitness to rule, that they have willingly chosen them as their law-makers and rulers.

Of the abuses of the jury system we have not space to speak. Every good citizen is interested in exposing and crushing them. The *Globe-Democrat* of this city for once deserves well of this whole community for the thorough and fearless manner in which it has made known to the people the abuses of trial by jury in this city. If the other great daily journals of the country would, in a like manner, point out these abuses, and demand their immediate correction, it would be but a short time before they would be entirely reformed. If error, abuse and wrong have crept into the system, the true remedy is, not to abolish it, but to vigorously go about abolishing the error, abuse, and wrong.—*Southern Law Review*, (St. Louis).

GENERAL NOTES.

Some Recent Cases.—In vol. 6 of *Daly's Reports*, being reports by the Chief Justice of the Court, of cases argued and determined in the Court of Common Pleas for the city and county of New York, several points of interest occur, among which may be noticed the following:—*Smith* v. *Reed*, p. 33; A boarding-house keeper was held liable for the loss of a boarder's property by theft, committed by a stranger permitted by a servant, in the employ of the boarding-house keeper, to go into the boarder's room. *Hoffman* v. *Gallaher*, p. 42: Plaintiff agreed to paint a portrait of defendant, which should be a likeness satisfactory to his friends. In an action for the price of the portrait, *held* that it was not competent to exhibit the portrait to the jury to enable them to determine if it was a satisfactory likeness. *McGuire* v. *N. Y. C. & H. R. R. R. Co.*, p. 70: In an action for personal injuries for negligence, a stipulation by defendant's attorney as a condition for postponement, that the action should not abate if plaintiff died, *held* valid and enforceable. *Matter of Fincke*, p. 111: The court may summarily order an attorney to pay to his client money collected in a suit, and if the attorney claims a lien for professional services, he is not entitled to a jury to determine his claim.