

friends of the prisoner there seems to be no reason why they should not be provided with innocent amusement.

SHOULD TRIAL BY JURY IN CIVIL CASES BE ABOLISHED?

Every now and then it is suggested that trial by jury in civil cases ought to be abolished. It is a point upon which there is great divergence of opinion. Although theoretically the right to have a jury is absolute in *nisi prius* cases, in practice although a jury has been summoned the parties often agree to try before a judge alone. On the other hand, it sometimes happens that when a non-jury case comes into Court, the judge intimates that he would like to have a jury and adjourns the case in order that one shall be summoned.

The "right to a jury" has, of course, existed from time immemorial, and those who would answer the question—Shall the right be abolished? in the affirmative ought to be asked whether they can suggest a better tribunal. A distinguished professor of mathematics at Cambridge refused to vote for the abolition of compulsory Greek until the abolitionists were able to shew that there was a subject of equal educational value ready to hand. So those who would leave everything in every case to the decision of a judge alone must be prepared to shew that questions of fact are better decided by a judge in every case than by a jury.

SHOULD LAWYERS ACT AS JURYMEN?

That mere lawyers should not act in the capacity of jurors as judges of fact, appears to have been long since recognised by the legislature.

By the Juries Act, 1870, the following are amongst the persons who are exempt from jury service: "Sergeants, barristers-at-law, certificated conveyancers, and special pleaders if actually practising; attorneys, solicitors and proctors, if actually practising and having taken out their annual certificates, and their managing clerks, and notaries public in actual practice." This does not mean that such persons *may* not serve as jurymen; it only means that they need not. Occasionally the name of a man entitled to exemption is entered, by inadvertence, on the jury list. He may