

juries contribute to reformatory and industrial schools with a view to the prevention of crime, it would be but just that they should be authorised to assist Prisoners' Aid Societies.

What per-centage of total number of prisoners require the aid of Prisoners' Aid Societies? This can only be reached approximately. We may consider that the large number committed for drunkenness and common assaults, or such light offences, will seldom require such aid. Once a man gets work, it may be taken that he will obtain credit to support him. Each prisoner's cell should have a notice informing the occupant that the society will assist him when discharged.

Necessity for a system of guarantees to employers of discharged prisoners.

In the case of clerks, etc., persons whose mode of life involve a trust, the society should be prepared, when it sees occasion, to enter into temporary guarantees to employers.

General register.

A register should be kept in each society of every discharged prisoner, whose subsequent career should be observed, and correspondences with him or her encouraged.

IV.—*Some Grievances of Jurors.* By W. H. Dodd, M.A., Barrister-at-Law.

[Read Tuesday, 24th May, 1881.]

THERE is an old theory in the political and social system of these islands that a man when called upon to discharge a public duty must do so at his own charges. But, like all theories, it has undergone considerable modifications in actual fact. Theoretically, an advocate gives his services to his client gratuitously; but in fact he receives an honorarium or fee, though not a remuneration for his advocacy. A medical practitioner was originally supposed to act for the good of humanity, and it is only in comparatively recent times that he has been privileged to sue for remuneration for his work. A minister of the Gospel is still supposed to work for the good of his congregation, and the stipend which accompanies or flows from his work is rather the free-will offering of a grateful people than the remuneration of work paid to him in accordance with contract.

It so happens, then, in the administration of the law, that the only persons now who are not remunerated for their services are the high sheriffs, justices of the peace, and jurors. The position of high sheriff being one of dignity and honour, is one that does not bring with it any reward. The magistracy being also a position of some social importance, is supposed to be in itself a sufficient reward to the man who obtains it; and instead of receiving remuneration from the state, the happy candidate for it pays, in the shape of fees,

a consideration for his commission. The jurors of the country, however, cannot be said to receive either honours or social dignity from their position, and their services are the only services to the state that are now rendered, at considerable cost, both of time and money, without any direct or indirect reward save the consciousness of having discharged a public duty.

It is not unnatural, therefore, that they should occasionally grumble ; and they do complain that their time and their money are not economised as carefully as might be if their interests were more consulted by those who make arrangements for the administration of justice in the country.

Grand jurors do not suffer much. They are summoned twice a year from their homes ; but they meet in a county town in a kind of county club. They have, as a rule, a pleasant time of it ; and being gentlemen of independent means, and no special business or profession, their pecuniary outlay does not affect them much, and if it did they would be the last to say so.

Special jurors are in a different position. They, as a rule, are men engaged in some active pursuit either of business or agriculture, and they have a substantial grievance. They are often called upon to attend the assize town, to wait with patience the calling of their names aloud in court. If they do not answer they are fined £2, and when they have answered they are told there is no special jury case at the assizes, and they are accordingly discharged. As a rule, judges are considerate, and arrange to have the special jury panel called at the most convenient time for the jurors, and they lose, therefore, only their day and their expenses. It is not so much the money outlay in their case that is the grievance ; it is the loss of time.

The comparatively recent alterations in the jury laws of Ireland, made at the instance of the present Lord-Chancellor, were made for the purpose and with the object of preventing the possibility of jury-packing by the sheriff, and they have certainly accomplished that object. They were also intended to equalize the labour of serving upon juries over the entire body of qualified jurors in the country, and this, also, they have accomplished. But the summoning of a special jury, when no special jury is required, is no necessary part of either of these reforms. This special jury is, I think, universally summoned now ; but that, as it seems to me, is not required by the Acts now in force. The sheriff acts under the precept of the judge in summoning a jury. That precept is issued fifteen days at least before the opening of the commission, and it is enacted that the precept, " whenever the attendance of special jurors shall be required, shall further direct the sheriff to summon a sufficient number of special jurors." But when the precept is issued, it is not known whether special jurors will be required, for it is open to either party in an action to give notice to the sheriff, eight days before the opening of the commission, that the action is to be tried by a special jury ; and it is enacted that, if no such notice is given, no special jury need be summoned. The summons needs to be served only four days before the opening of the commission, and it

would seem that no special legislation is necessary to enable the sheriff to avoid summoning special jurors when there are no special jury cases to be tried.

Special jury cases often get settled shortly before the assizes commence, and in such cases, perhaps, it might be well to give the sheriff power to countermand, by post-letter, the summonses already sent, if it appeared that no case remained requiring their attendance. Special jurors sometimes complain of being kept waiting a long time in attendance upon the court. Common jurors being needed in both courts, and their duties being more protracted, judges, as a rule, struggle to release them from attendance before entering on the special jury cases; but this is not accompanied with much hardship to special jurors, for, after being called, they are released until notice is given in the papers requiring their attendance. I do not see why the summons could not be framed so as to prevent them coming until they got such notice, and they would be thus saved the necessity of attending merely for the purpose of hearing that they need not come back till they be sent for.

It is not, however, with the special jurors that the greatest grievance exists. As a rule they are not overtasked in Ireland, except, perhaps, in Dublin, and they generally look pretty well after their own interests. But the loss, both of time and money, to common jurors throughout the country is very great. It is a heavy tax on a farmer to be obliged, in the spring of the year, to attend in the county town for a week or ten days, doing public duty; and it is no less a tax on the shopkeeper of a country town. The mere money outlay is considerable for him, and his farm or his shop will likely suffer by his absence; and no one does a public duty with less public honour or applause. He has to do all the listening, and gets none of the talking. If he is not in court the very moment he is wanted, he receives a severe reprimand, or is subjected to a still more severe fine for keeping the court waiting, and there is generally one man who manages to be dilatory. If the verdict be not in accordance with what the judge thinks it ought to be, the jury often get a left-hand compliment on their honesty and integrity. In short, this trial by jury may be the palladium of British liberty, but very little homage is openly paid to the individual juror who makes part of the system. The sentimental part of the grievance does not, however, much affect the average juror, but what does seriously affect him is the amount he is out of pocket.

The question then arises, why should the jury be the only unpaid portion of the judicial system? Why should the judge, and the counsel, and the solicitor, and the crier, and the bailiff, and the officers of the court be paid and the jury left unpaid? I do not see any sound reason why it should be so. Of course it will be said it would be a great additional expense to the country in crown cases, to suitors in civil cases. Perhaps it would, and probably the result would be that in a short time there would arise a greater economy of jurors. If they had to be paid, we might find that we could get on with less than twelve. I daresay, in ninety-nine cases out of a hundred, the verdict of a jury in civil cases is the verdict of the

judge ; and yet, though there is power given, both by the Common Law Procedure Act of 1856, and by the Judicature Act of 1877, to have a case tried by a judge without a jury, if the parties consent, I do not know of any instance, except two, in which the parties agreed to dispense with a jury. Actions for obstructing access of light to a building are sometimes brought in the Chancery Division, and the parties are apparently well satisfied with the decision of a single judge, who does not see the place, and who is guided merely by a model, or by a map. But the similar actions are brought also in one of the Common Law Divisions, and in that the parties must have a full jury of twelve, and must further have the twelve inspect the premises. In criminal cases, again, of course a jury is pertinaciously clung to, and in such cases the verdict is more frequently, than in civil cases, directly in the teeth of the judge's charge. While litigants, therefore, are in nearly all county court cases, and in nearly all chancery cases quite content with the decision of one man on both law and fact, there is some mystery in a common law or criminal case which requires the assistance of twelve independent jurors—neither more nor less than twelve. Be it so. Why should the twelve not be paid ? Take, first, civil cases. The litigants desire to have a jury ; they may, if they like, dispense with it, and have the case tried by the judge ; but they prefer to have twelve men drawn from the body of the county. Well, if so, why should they not pay those men a reasonable remuneration ? I confess I cannot see why. It would add to the expense of law, it is said. It would ; but the party who insisted on having the jury might have the luxury of paying for it, save where the judge certified that it was a proper expense to be incurred. There are, no doubt, questions of fact, and questions especially as to damages, in which the opinion of independent men of business would be indispensable ; but is it necessary to have twelve ? If it is, let them be paid ; why should they work for other people for nothing ?

In criminal cases, however, the prisoner can hardly be expected to pay, and is the Crown to be put to additional expense in paying the jurors ? Assume, then, that in criminal cases there must be a jury of twelve ; does it follow that these twelve must necessarily assist in the administration of justice at their own charges ?

It used to be the practice that witnesses for the Crown attended and gave evidence at their own expense ; and, even yet, each witness who appears before a magistrate at the taking of informations is bound, under a penalty, to attend and prosecute at the trial. The first inroad that was made by legislation on the practice was—the witness was relieved from paying a fee on being discharged from his recognizances. Then, by subsequent legislation in England and Ireland, the Crown witnesses were eventually allowed their expenses of attending, and these expenses were paid out of the county funds.

Now, if we cannot afford to pay jurors for their services, might we not, at any rate, do as is done in the case of Crown witnesses, and pay the expenses of such jurors as are obliged to attend from a distance.

The only provision that is in force in relief of the juror is to be found in the 3rd sub-section of the 4th section of the Act of 1876:—

“Where a juror in attendance at any court shall have travelled a distance of not less than fifteen miles from his usual place of abode, for the purpose of such attendance, it shall be lawful for the judge of such court, in his discretion, upon the application of such juror, having regard to the time necessarily occupied and the expense necessarily incurred in such travelling, to grant to such juror a certificate of exemption for the next occasion, when such juror would, in the ordinary course, be selected to be returned as a juror on any panel for any purpose whatsoever.”

If it be lawful to have regard to the time necessarily occupied, and the expense necessarily incurred, the best regard would surely be to pay the juror for these. I find that in France jurors who have been obliged to travel more than two kilometres from their place of abode are allowed their travelling expenses; but nothing is allowed for any other cause whatever.

It would seem, then, that the payment of jurors is, in principle, admitted by the section of the Act I have referred to. It is practically conceded by the payment of the one guinea to the common jury, in civil cases, and the payment of the twelve guineas to the special jury; and I venture, therefore, to ask—

(1) Why in civil cases the fee of one guinea should not be increased, so as to give a reasonable remuneration to each juror? and

(2) Why in criminal cases should not the expenses out of pocket of each juror summoned on the jury panel be repaid to him?

V.—*The Substitution of Stock for other Forms of Local Indebtedness.*
By John Beveridge, Esq., Barrister-at-Law, Town Clerk,
Dublin.

[Read Tuesday, 24th May, 1881.]

THE substitution of debenture stock or consolidated stock for other forms of local indebtedness has already occupied the attention of this Society. I find that in July, 1871, Doctor Neilson Hancock contributed to its transactions a paper detailing the operation of the Acts of 1869 and 1870, under which the London Metropolitan Board of Works was empowered to issue consolidated stock for the other sureties then existing and for all future borrowing; and at the same time Dr. Hancock suggested a plan of applying such improvements in the management of town finance to the debts and borrowing powers of the Town Council of Dublin.

In briefly reviewing financial progress in this direction, Dr. Hancock pointed out how favoured as a security were the transferable annuities, and how by skilful financing and attending to differences of rates of interest and terms of redemption, the National Debt had been reduced in the period between 1816 and 1871 by 15 per cent.