

George H. Williams Advocates Abolition of Jury System

EXTRACTS FROM JUDGE WILLIAMS' ADDRESS.

I shall not undertake to trace the history of jury trials. Their origin is obscure and traditional, but it is evident from what is recorded about them that their chief object and use were to prevent acts of oppression and injustice upon the common people by an arbitrary government and privileged classes.

and attentive, and others dull and sleepy; some understand or comprehend the testimony in one way, some in another, in consequence of which they refer to consider of their verdict a struggle ensuing over the evidence, resulting oftentimes in a disagreement of the jury or a compromise verdict.

I have known of cases in which men were tried for murder. Some of the jurors were foreign born, some were illiterate, and they finally compromised on a verdict for manslaughter, for which there was no law or evidence in the case.

Try Something New. If we are to have a change, it seems to me that we had better try something new and not be constantly tinkering with an old worn-out system. I am no alarmist, but I am a radical.

Makes Radical Address. I propose to make a radical address. I mean by that to state my views in favor of a radical change in the administration of law by the courts of this country.

Experience With Mobs. Speaking of mobs, my experience with one may be of interest. Two men were partners in a wharfboat at a little town called Moberly, in the Mississippi river in Iowa.

When the verdict of a jury is returned it is almost the invariable practice for the defeated party to move to set aside the verdict. This is the right of the party to do this is universal.

Cause Delay and Expense. One serious objection to jury trials is the opportunity they afford to create delay and expense.

Formation of a Jury. Every lawyer of much experience knows that there is a point to be gained in the formation of a jury. An acute lawyer will judge of the appearance of a juror—the manner in which he answers the questions—his associations and temperament whether or not it will help his side of the case to accept or reject the juror.

Responsible for Crime. This language of the Secretary is pretty strong, but there is little doubt that it is reasonable for the increase of crime in our country. When a crime like murder is committed the newspapers publish the circumstances; these are discussed by the people; opinions are formed, and consequently it takes a long time to find 12 men ignorant enough to try the case.

Uninformed Men Serve. Juries are generally made up of men who have little or no experience in law and frequently they are compelled to sit for days, sometimes for weeks, to hear the testimony of witnesses, depending upon their memory for what these witnesses say.

When a case is on trial, each lawyer raises all the points of law he can with a view to an appeal to the Supreme Court if he is defeated.

Judge Could Take Time. When a case was tried, the judges could take time to consider the law of the fact, the evidence should be reduced to writing, and the case would not be rushed through pell-mell to a decision.

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Method in Germany. I do not know as I would go as far as they do in Germany, where they have no rules of evidence in their courts, but I would liberally adopt our rules so that everything might come into a case that would elucidate its justice.

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