

SHALL A JURY DELIBERATE.

In one of the Valley counties a prominent man recently tried upon a criminal charge and was found guilty. A day or two afterward a local paper made the verdict the occasion for discussion of the duties of jurors, the verdict in this instance being criticised. It was stated that on the first ballot one or more of the jurors were for acquittal, but afterward agreed to a verdict of guilty. The position taken by the critic was that a juror should adhere to his views even if by so doing he prevents the jury from reaching a verdict. In other words, the idea advanced was that the twelve men should go into the juryroom, take a ballot and each man stubbornly adhere to his first opinion, whatever the other jurors might think of the case and whatever arguments they might offer to convince him that he was wrong. To any reasonable man it will at once be apparent that adoption of such a practice would lead to the grossest abuse and make jury trials a farce.

In the jury-room more than in any other place is there demonstration of the truth of the old saying that a wise man changes his mind; a fool never. Every one has heard the story of the jurymen who, after remaining out many hours, were called in and asked by the judge whether they could not agree upon a verdict. One replied that he could, but that the other eleven were too stubborn. This story fairly illustrates the view of a juror's duty maintained by the paper which criticises men because they change their attitude after the first ballot. If such a plan of procedure were contemplated by law, there would be no need for a jury to retire to a jury-room, but a ballot could be taken in the jury-box, and if the twelve men did not agree they could be discharged at once. The sole purpose of sending them to the jury-room is that they may deliberate, and deliberation means that they must discuss the case and form their opinions according to the weight of the evidence as it then appears to them.

The requirement that twelve men shall join in a verdict is not in the interests of justice. It is almost as absurd a provision as the old system of trial by fire, when an accused man was subjected to intense heat upon the theory that if innocent he would be unharmed, and if guilty he would be burned. It is scarcely to be expected that twelve men, of different temperament, of different habits, of different character and widely varying degrees of education, should be of the same opinion upon a question which admits of dispute. In a large majority of cases where there is room for discussion at all, if a verdict is to be reached it is almost certain that some members of the jury will give up their opinions with some feeling of doubt as to the correctness of the verdict. When they do so, they assume that a large majority is more likely to be right than a small minority, and they put into practical effect the method of arriving at a verdict which should be authorized by law. A three-fourths majority—nine out of twelve—should have the power to find a verdict, except, possibly, in capital cases.

Nearly every lawyer of extensive experience knows men who delight in hanging juries. They first ascertain how the other members stand, and then take an opposite view and refuse to listen to reason. There is another class of men who lack assertiveness and who

ascertain how the others stand, and then quietly fall in line regardless of the judgement they would form if the decision rested with them. But in almost every instance a large majority of the members of a jury are reasonable men, and the verdict they will agree upon will be as near an approach to justice as human infirmity can attain. When one unreasoning man can prevent eleven men from agreeing upon a verdict it is certain that injustice will frequently be done.

In no other department of government do we require unanimity in reaching a decision. Public officers are elected by majority vote. Laws are enacted by a majority vote of the Legislature. A bare majority of the judges of a state or United States Supreme Court can decide a case over the opposition of a strong minority. It is only in the jury-room that we expect all men to be of one mind. Some time we shall abandon this ancient and absurd requirement and permit a jury to agree upon a verdict, notwithstanding two or three of its members cannot see the facts as the other nine or ten see them.—Oregonian.

A Busy Ten Dollar Bill.

Mr. Brown keeps a boarding house. Around his table sat his wife, Mrs. Brown, the village milliner, Mrs. Andrews, Mr. Black, the baker, Mr. Jordan, a carpenter, and Mr. Hadley, a flour, feed and lumber merchant. Mr. Brown took \$10 out of his pocket and handed it to Mrs. Brown with the remark that there was \$10 toward the \$20 he promised her. Mrs. Brown handed the bill to Mrs. Andrews, the milliner, saying: "That pays for my new bonnet." Mrs. Andrews in turn passed it to Mr. Jordan, remarking that it would pay for the carpenter work he had done for her. Mr. Jordan handed it to Mr. Hadley, requesting his receipted bill for flour, feed and lumber. Mr. Hadley gave the bill back to Mr. Brown saying: "That pays \$10 on my board." Mr. Brown again passed it to his wife, remarking that he had now paid her the \$20 he had promised her. She in turn paid Mr. Black to settle her bread and pastry account. Mr. Black handed it to Mr. Hadley, asking credit for the amount on his account. Mr. Hadley again passed it to Mr. Brown, with the remark that it settled for that month's board, whereupon Mr. Brown put it back into his pocket, observing that he had not supposed a greenback would go so far.—Oscoda (La.) Sentinel.

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