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REFORM THE JURY SYSTEM.

On What Lines the Work Should Be Carried Out.

DISCUSSED BY EMINENT MEN.

The Views of Judge Noah Davis, Judge Arnoux, Frederic R. Couderc, Neal Dow, Heber Newton and Others.

Views of Eminent Men.

There are few men in this country better qualified to discuss the jury system than Judge Noah Davis. His experience on the bench and at the bar has been wider than that of most jurists, and besides he has made a close study of our system and its needs.

The conclusion that this eminent lawyer comes to is that our jury system needs a complete overhauling. In fact, Judge Davis goes so far as to say that we should amend the constitution and reconstruct the whole system.

"The jury system as it now stands is entirely unsatisfactory," said Judge Davis. "Nothing but a complete and radical overhauling will have the desired effect."

"What is the cause of the present discredited condition of the jury system?" this judge was asked.

"It arises from a variety of causes," was the reply. "In the first place it is now too easy for men to escape performing jury duty. There are too many loop holes for escape. Men of business who have a certain amount of influence can escape performing jury duty upon a variety of pretexts. Now, as a rule, these very men who are so anxious to escape performing what is their duty are men who would make the very best sort of jurors. As they escape the service that they should perform the judges in our courts are compelled to fall back upon an inferior sort of men, and to accept the best sort of material at hand for jurors. You can readily see that this is in itself sufficient to lower the standard of our modern jurors."

"You would not then extend the rule of exemption from jury duty as has been suggested?"

after the jury have been out for a certain time, the court will accept the verdict of eleven jurors, and, for a certain length of time, one of the most accomplished members of the bar has lately proposed to have the law so amended that when the jury stands eleven to one the court may demand the reasons of the dissenting juror and pass upon him. There certainly ought to be some method devised by which a jury should not be hung up by any obstinate, prejudiced, unreasoning or corrupt juror.

3. In the matter of challenges, which are liable to be greatly abused.

WILLIAM H. ARNOUX,
President of the New York State Bar Association.

Reformation of the System Easy.

The jury system does need reformation. Upon the whole it has worked and still works singularly well, all things considered. No one in this state would abolish so far as the jurists in criminal cases, although there seems to be a growing feeling that the system is cumbersome and imperfect in the determination of civil causes.

Trial by jury in criminal cases is, by common consent, the only method that our people would tolerate of disposing of questions of fact. It has long been considered one of the bulwarks of our free system of government; it is jealously guarded and is jealously inserted in our state constitutions, and it may be safely said that no man, or body of men, or political party has been or now is strong enough to venture upon the dangerous ground of seeking to abolish it.

As to reforming the system, that to my mind, would be easy. The system (I am now speaking for criminal cases) is in theory admirably adapted to securing its proper and just end, viz: the punishment of the guilty and the preservation of the citizen from the oppression of corrupt or partisan judges. But the excellence of the system in fact depends upon so long as the jurists are honest and the jury box not attractive and the surroundings not very agreeable to the senses, but there is a majesty about the office of trying a fellow being for his life or liberty which is sufficient to deter any man (Query: If the juror was admonished to wear a uniform, to call himself "Honorable" and to sit for a term of years, would the attraction be a juror not become more general? We jurists would be the last to object to that. How we are to get them is another question that I have no time to answer here; one observation I may make, however. So long as intelligent men read the newspapers, so long as they are intelligent on what the road, and so long as the formation of an opinion is a legal ground of exclusion from the jury box, so long will it be difficult to fill that box with our best men, at least in cases of public interest. In civil cases ten ought to decide and their verdict is recorded in spite of the dissenting two. There should be more stringency in compelling service. This would of itself make the duty lighter by more general distribution, I should not advocate in the trial of felonies less than a unanimous verdict. Some effort should be made to shorten trials, by limiting the boundaries of cross-examinations. The prospect of sitting four or five weary weeks in a box, and then being excluded from his home, does not increase the average citizen's love for the system.

Much more might be said, but time and space forbid.

F. R. COUDERC,
President of the New York City Bar Association.

Should be Modified, Not Abolished.

The growing dissatisfaction toward our jury system indicates that the time for a change has come. Unless a means is found for the more swift and certain operation of justice under the jury system, it is likely to become ever more rife than it is now. Why, then, should not the petty jury system be modified, both to ally this popular discontent and the more effectually further the ends of justice? Progress implies not only the application of new means to the machinery of social order; it also includes the readjustment of old methods to new conditions. There is nothing to indicate that trial by jury has yet crystallized into a completed shape. Unknown to Asiatic races, it only reached its present state of development in England in the thirteenth century, and after a long evolution; and since that period has been abolished in Scotland without injurious results.

The idea of jury should represent the opinion of the public, supporting the public to be thoroughly informed concerning the law and the facts in the case. But if the public were to decide upon such complete information it is altogether unlikely that the verdict would always be unanimous. Why then require such unanimity from its representatives, the jury? In spite of their unanimity many verdicts have proved to be notoriously unjust. Would they have been more just if decided by a majority of the jurors alone? As the matter now stands justice may be and often is traversed by a single stupid or prejudiced juror.

capital conviction when the case turns solely upon circumstantial evidence. Nine should suffice in other cases involving the capital penalty, and a right in all other trials by jury, whether in criminal or civil actions.

The general diffusion of news by the press has so altered former conditions that no man sometimes mentally unfit to serve as a juror who has no knowledge or opinion whatever concerning a widely known case. Hence some modification of the usual practice in such instances has become essential if we are to have intelligent as well as impartial juries.

Jurors also need to be more thoroughly educated as to their duties. They should distinctly understand that they have no legislative functions. Having sworn to render a verdict upon the facts as related to the law their private opinion of a law objection to themselves are entirely outside of the decision they are required to reach. Delay in arriving at a verdict would often be shorted were jurors better informed on this point.

Before we talk of abolishing trial by jury why is it not expedient, then, to attempt first the effect of some such modifications as are herein suggested?

S. G. W. BENTLEY,
Ex-Minister to Peru.

Higher Scale of Intelligence Demanded.

The great need of our jury system, as it seems to me, is that some mode should be devised whereby unintelligent and ignorant men should be excluded from the panel. As our juries are now made up of a miscellaneous group of men among their members some are men who would be unfit to decide the right or wrong of a dispute involving only the ownership of a cart, or a cow or dog. Yet juries of such men form a part, are often called upon to determine questions involving large sums of money, most important rights of parties and even liberty and life. I suggest a plan by which only intelligent, well informed and upright men shall constitute the jury.

The rule by which verdicts can be rendered only by unanimous consent of the twelve men making up a jury is often objected to. No doubt there are frequently serious inconveniences attending this plan, but it is not all bad. It often happens that an intelligent, upright and impartial juror refuses to consent to an unjust verdict, to which the eleven seem to be obstinately committed. It often happens that such a juror secures a verdict nearly approaching what it ought to be—and then consenting to a compromise which he believes to be in the interest of the parties, rather than leaving them to continued, costly and vexatious litigation.

THE CITY OF BUENOS AYRES.

Conventional Ideas of It are Wide of the Mark.

A COUNTRY OF RICH RESOURCES.

Its Financial Policy, However, is Very Weak and a Crash is Imminent—Manufacturers are Badly Needed.

In Sunny South America.

BUENOS AYRES, Dec. 14.—Special to THE BEE.—To the ordinary American the city of Buenos Ayres is an aggregation of surprises. If he has formed any conception of the city before visiting it, it has been gleaned from the familiar geography illustration of a ferocious-looking horseman galloping over the plains after a drove of those cattle, which are said to run wild over the pampas, and from the text accompanying the picture, which usually consists in the statement that Buenos Ayres is a city of 240,000 inhabitants, and that shipping wool and hides form the chief occupations.

But all these visions are dispelled on arrival. Today the residents of Buenos Ayres never see a faded horseman, and the description in the geography long ago laid to rest. For twenty-five years the gaze of the United States has been turned from her sister republic in South America to her own growth elsewhere, and during that twenty-five years the Argentine Republic has merited the attention of the world more than ever before. Her capital has become a port of the first importance; more deep water sailing vessels can today be found in the harbor than in any other in the world. Twenty-one lines of steamships connect her with the ports of Europe, and two lines of refrigerators place her fresh beef and mutton in English markets at what is quite the American price to transport to the seaboard. In the month of November, 1889, the number of immigrants received into the republic was 35,000, showing a greater per centage of growth than that of any other country. The city population has increased from 240,000 to 500,000, and her commercial competition can no longer be despised.

The river Platte, on which Buenos Ayres is situated, is 100 miles wide at its mouth, and is a deep water harbor, resembling the Mississippi. It is full of shoals, and although its Spanish name—"Rio de la Platte"—means "The River of Silver," it might more appropriately be called the River of Copper, or the River of Gold. The city, for that is exactly the color of its waters. The city may be styled a self-made one, for not only are there no natural resources to fertilize its growth, but it is not so well located for shipping as the port of London, or any other ordinary strip of sandy beach. Vessels are compelled first to anchor in the middle of the river, out of sight of the city. From thence they are towed to within perhaps a mile of the shore, where they remain one to two weeks awaiting their turn at the wharf. When at last they are in a position to unload they are still four miles below the city proper, at a spot called the Boca, and which happens to have a deeper water wharf than the other. Steamships remain where they first anchor, and passengers are carried to the shore in brightly painted little steamboats. The government several years ago contracted with an English firm to build a new harbor in the city. The work was begun in 1884, and will be completed in 1892. Its cost will be \$20,000,000, and it is claimed that when it is finished vessels can land as easily as at Philadelphia or New York.

When we remember how speedy has been the transformation of Buenos Ayres from contented drowsiness to bustling prosperity and the lack of conservatism, which is a Spanish characteristic, the fact that the government is now in a bad financial condition is not surprising. "Sudden good fortune turned the nation's brain. It would have nothing to do with prosperity, and it is now in a predicament of prosperity over which it must shortly fall. The import trade during the last few years has increased beyond all proportional dimensions, thus sending most of the gold out with an English firm, which the government three years ago established a national bank system copied after that of the United States, but unfortunately they forgot to copy its most essential feature, the issue of paper money, which is a metallic basis with a cash similar to that in the United States in 1870. Despite the weakening effect which this must of course have, it can only check and cannot stop the country's growth. Her prosperity has been no gas-inflated boom. It stands and has grown upon solid commercial ground, and the present condition must be charged solely to bad management. The nation is like the individual. The Argentine would expend his last cent to save his skin, but the Argentine government would have less hesitation in going into bankruptcy to celebrate the death of some saint who died a thousand years ago.

The government did succeed in making gold money recently when it discharged the "agents" which it had been employing to solicit European immigration. These agents were paid a certain amount per immigrant, and as they allowed no patriotic desire for the welfare of the country to interfere with their profits, those whom they secured have almost invariably been of the lowest and least valuable class. To illustrate the enterprise of these men of business, a story is told of a soapmaker who found when he returned to Italy, although a poor man he was doing a reasonable business, had already saved a little money, and expected to be able some day to retire from business and live upon the earnings of his hard work. But alas! the voracious and insatiable agent discovered the soapmaker and painted for him an inviting picture. He said that the inhabitants of the Argentine Republic were unusually fond of the use of soap and he always wished they might enjoy it, but that unfortunately there was not a soapmaker in the entire country, and they had no means of procuring it. The Italian need only go there and begin business to find himself dodging the dollars that would pour in upon him. The result was that the unfortunate victim of an unfortunate system exchanged all his savings for a ticket to the Argentine Republic, only about a week after his arrival he had left an established business to begin anew, in a country where they seem to be as well supplied with his commodity as is the ordinary civilized community.

That which the country most needs now is manufacturers with capital, and to such the most tempting inducements are offered. Every steel rail, every yard of cloth, every agriculture implement, every pin is brought from abroad generally from England. The people are extravagant buyers, and up to a certain point the more they pay for an article the better they liked it; but so far the only extensive manufacturers are those of matches and of condensed milk. The fact that so many articles are imported wrenches prices out of all symmetrical proportion. Vegetables sell for New York prices; a quarter of beef may be had for 50 cents in the city, and in the country, and everything made from wool, including tailor-made clothing, costs only two-thirds what it does in North America. On the other hand, the cost of furnishing a house is crushing, and rents are so high that few can convey no idea of their magnitude. Still, I believe that, all things considered, modest housekeeping costs no more in this than in cities of equal size in the United States.

RAILROADERS' ODD MOMENTS.

Stray Gossip of the Local Depots and Headquarters.

THE NEWS BUREAU FEATURE.

Work of the Railway Scissors and Paste Pot—Faster Time to the Coast Under Consideration—Working Theatres.

Shuntings.

"Things have changed wonderfully in the past ten years," said an old ticket agent in reply to a reporter's invitation to disgorge any fresh information he might happen to be in possession of. "There was a time when it would have cost an employe of a railroad his job to be caught talking with reporters, especially if he should be so indiscreet as to give out any news. But it is different now, and we go along just as well if not better, for you fellows are bound to get the news regardless of our wishes. I have frequently noticed therefore that much more satisfactory results are obtained when you find officials willing to give it to you reliable and straight. This reminds me that the railroad department has recently become one of the most interesting features of every first-class newspaper and in order to keep abreast of the times what we call a news bureau has recently become a prominent feature of every well regulated general passenger office. Take for instance the Union Pacific; Mr. Loux has a young man under him who does nothing but read exchanges and clip the railroad news from them. The job is not an easy one, either. The number of papers received at that office daily is sufficiently large to keep him busy from morning till night. All the latest most important news, such as is found in every issue of the Omaha, Chicago, St. Louis, Kansas City and Denver papers must be pasted on cardboard tablets, which are sent to the vice president, the general traffic manager and general manager of the Union Pacific-Northwestern to play around with them and do a little better."

"If forced into such a contest," said a Union Pacific representative, "we can quicken the time of our fast mail, which now goes through from Omaha in sixty-three hours, very materially. In this case the reduction in time has all been made between Omaha and Ogden, because the Central Pacific folks refused to make any change in their winter schedule. They have agreed to revise it next spring. By meeting us half way on their old of the run, I am satisfied we can establish a fifty-five hour record, possibly by shaving fifty hours, and thus knock the Santa Fe out on any bluff it may attempt. With fifty-five hours from Omaha to the coast and a corresponding reduction on the part of the Northwestern, in its time between Chicago and Omaha, we could easily make the Chicago-San Francisco run in thirty-eight hours and there is not a road in the country that will admit of faster speed than that. It would be an average, including stops, of forty miles an hour."

Whether the Santa Fe carries its proposition into effect or not the Union and Central Pacific lines propose, probably on March 1, to adopt a new time table, and that will make a number of important changes.

A gentleman high up in railroad circles made rather a startling declaration relative to the withdrawal from the Inter-State Commerce Railway association of the Union Pacific and Northwestern roads. Said he: "Ever since the draw combination between these two corporations the 'Gentlemen's agreement,' so-called, has been a dead duck and all freight men will tell you so. I believe that deal was made purposely to kill it, and nothing in my experience ever succeeded so neatly. Chairman Walker's decision could not have been different in its effect. Had he decided against the complaining lines the result would have been the same, only that then, instead of the Union Pacific and Northwestern, it would have been the Milwaukee, Rock Island, Burlington and Santa Fe which would have withdrawn."

"Call it a conspiracy or anything else you please, but I am satisfied all the western roads were accomplices and knew before they opened fire on one another that they were going to be."

A Milwaukee representative asserts that the Union Pacific-Northwestern combination has proven the best thing for his road that ever happened. "Ever since it was made," said he, "our road has been taking more tons of freight east from the Missouri river than the Northwestern, which is proof enough that the alliance has not got such complete control over the Rock Island, and some people might suppose."

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