

If the parties to litigation waive their objection to a juror interested in the cause, no one else can complain, and the verdict will be valid. Dr. Rush, who alone was interested when he selected Mr. Williams, waived all objections on the ground of bias, and the complainants, whose rights, if any they have, subsequently attached, are not entitled to an impartial juror, though such be the common law right of contestants in a court of justice. Yet they demand the *blank* mind which in a neighboring state has brought such discredit upon the whole system of trial by jury.

With a juror the formation and expression of an opinion would disqualify. Would such an expression prior to Dr. Rush's death afford ground now for a motion to dismiss Mr. Williams from his executorship? No judge feels himself disqualified from sitting in review of cases decided by himself though sharing man's usual unwillingness to be proven in the wrong. As a juror could not do this, it is apparent that many objections are founded on arbitrary common law exemptions, not upon experience of fact.

Interest disqualifies a juror, not because of his inability to form a correct opinion, but through the fear that he will, in furtherance of his own private ends, give a verdict *contrary* to his judgment. Can we fear that a man, so sensible as Mr. Williams has shown himself, to the obligations of conscience, would, in violation of his sworn duty, though his judgment pointed to one side, disregard it for another? The same conscience which impresses upon him the obligation of a mere promise, would enforce upon him the still more solemn obligation of his oath.

3. Were the Library Company entitled to any better judgment than that possessed by the executor at the time it became necessary for him to exercise it?

We have already said that the measure of expediency