

ing many opinions of the minority of our supreme benches?

By the adoption of the rule which I have proposed, the great principle that no man's life, liberty, or property shall be jeopardized twice by trials in the Courts of justice, would become a reality. At least, the contrary would become a rare exception. Why do all our constitutions lay down the principle that no one shall be tried twice for the same offence? Because it is one of the means by which despotic governments harass a citizen, under disfavour, to try him over and over again; and because civil liberty demands that a man shall not be put twice to the vexation, expense, and anxiety for the same imputed offence. Now, the law says, if the jury finds no verdict it is no trial, and the indicted person may be tried over again. In reality, however, it is tantamount to repeated trial, when a person undergoes the trial, less only the verdict, and when he remains unprotected against most of the evils and dangers against which the Bill of Rights or Constitution intended to secure him. This point, namely, the making of the noble principle in our constitution a reality and positive actuality, seems to me a most important motive why we should adopt the measure which I respectfully, but very urgently, recommend to the Convention. So long as we retain the unanimity principle, so long shall we have what virtually are repeated trials for the same offence.

In legislation, in politics, in all organizations, the unanimity principle savours of barbarism, or indicates at least a lack of development. The United States of the Netherlands could pass no law of importance except by the unanimous consent of the States General. A single voice in the ancient Polish Diet could veto a measure. Does not, perhaps, something of this sort apply to our jury unanimity?

Whether it be so or not, I for one am convinced that we ought to adopt the other rule in order to give to our verdicts the character of perfect truthfulness, and to prevent the frequent failures of finding a verdict at all. I am, with great respect, dear Sir, your obedient,

FRANCIS LIEBER.

NEW YORK, June 26th, 1867.

## MICHAELMAS TERM IN ENGLAND.

November is not a pleasant month, either for contemplation in the prospect or to endure in fog. The month commences badly, for on the first of the month the municipal year begins, and civic strife is waged in a thousand boroughs. "Thus bad begins, but worse remains behind," for on the second day the legal world commences the year of litigation, and the Lord Chancellor gives a breakfast to Judges and Queen's Counsel. How pleasantly that breakfast passes off we are never permitted to know, for the institution is shrouded from the gaze of the profane, and even from the outer world that knows not silk at the bar. In public, lawyers attempt to make jokes, and sometimes a judge does really say something so funny as to cause a loyal laugh from the bar and a titter from the audience. Whether amongst themselves the lawyers joke, whether they are as grave as judges and advocates profess to be on criminal trials, or whether Mr. Sergeant Eglantine and Mr. Pipkins do say the sharp things which they occasionally inflict upon juries is beyond our knowledge; and perhaps we are as well without the knowledge, for if it should cost as much to hear what is said on a festive occasion as it costs in Westminster Hall, the game would not be worth the candle. We are proud of our laws and our admirable system of jurisprudence, but we are not proud of our lawyers. Law is so cheap in theory, so costly in practice, that it would be the merest affectation of gratitude to say that we are proud of the officers of the law. It is doubtless a great profession, and has produced, or rather afforded a career for some very great men, but it is probable that men like Mansfield, Hardwicke, Lyndhurst, and Brougham would have carved out for themselves great names even if no such thing as law had existed. It is only fair, however, to admit that the lawyers will contrast favourably with the members of any other profession. They work as hard as medical men, except in the long vacation, very much harder than the clergy, and nearly as hard as the professional politician, when he is out of office. It is rather a mockery, certainly, that the great magnates of the law should begin with a breakfast and