

can scare up are brought to bear, in order that there shall be not that quiet examination by the people into an offense which it is alleged has been committed against the majesty of the people which is the theory of a criminal trial. Woe to that prosecuting attorney who imagines that the words "against the peace of State", are the same as "against the peace of the State". That extraordinary ingenuity, that uncanny subtlety of the criminal lawyer—I do not mean the lawyer who is a criminal; I mean one who defends criminals—can only be arrived at by a life-long, microscopic study of documents, such as the Constitution of the United States, and of the States; this, as it seems to me at all events, is the only thing which can bring about this cunning, acuteness, and subtlety.

We are told that a very large per cent of the cases tried are set aside by reason of these very technicalities, which should have no more to do with the trial of a case than they would have with the relations between man and man in business. There is no more reason why a criminal trial should not proceed on common sense principles, than there is that a farmer should not cultivate his land on common sense principles. That, however, is what this State of "Weiss-nicht-wo" has not yet arrived at.

Then time is not the essence of a criminal trial in that State. It is all very well in monarchical countries, England or Canada, where we are ground down under the iron heel of the despot, to finish a murder case in two days. I have known in all my experience only one murder case to last more than two days; and in all the cases I have tried, none has lasted over a day and a half. It is all very well in countries where they do not know better; but in this land, if that were the rule, what would the voluminous newspapers do to fill their columns? A ship does not sink every day; candidates for the presidency do not change their politics *every* fortnight, and the great metropolitan newspapers would find it a very cold day if they did not have something to say about a "Thaw".

But, when all is said and done, your courts are familiar and homelike, even in this State. The language is the same, the familiar rules of law and equity are the same and set out in the same language, and applied in the same way. The Latin is the same—I mean the pronunciation. I have said more than once,