lay their heads on their virtuous pillows at night with the proud consciousness of having rightly discharged their duties. And here let us observe, that the compliments of his honor to the grand jury are nothing to the flattery and eulogy which the counsel pour upon the heads of the petit jury. If a man wants to find out what a surprisingly clever and estimable fellow he is, let him get himself impaneled. But as there is no rose without its thorn, so the jury are not exclusively treated to these sweets. The denunciations which the counsel respectively avow themselves ready to heap on their heads, supposing them so lost to honor and rectitude as to decide against their client, are almost as fearful to contemplate as the curse of the Catholic church upon backsliders and heretics, and it is to avoid this awful contingency, perhaps, that juries so frequently disagree. This is the way in which these things strike a layman, but we suppose that among the profession they are all received in a Pickwickian sense. After the jury have been thoroughly kneaded in this way, the judge flattens them out with his rolling-pin of law, and stamps them with almost any tin pattern he pleases, in the shape of a charge. The counsel then have a sharp encounter with his honor, to entrap him in some erroneous charge or a refusal to make some proper one, and thus obtain an exception on which to found a successful appeal. The jury then retire in charge of one of the paralytics and a pole, and are kept in strict seclusion on a light diet of water, until they agree, or until in case of disagreement the judge chooses to release them. The propriety of starving a jury into a verdict is one of the good jokes connected with the law, which it would take us too long to explain. The English of old times, having a much keener sense of humor than ourselves, used to cart the jury around, following the judge on his circuit, until they should agree; and it is even said, that some intensely witty and pleasant fellows, like Scroggs and Jeffries, when the wretched creatures proved unyielding, would sometimes get rid of them by dumping them into some convenient ditch. It is true that now-a-days the counsel usually consent that the jury may be fed, but the *theory* of the law is now, just as it was under the aforesaid humorous judges, that they are kept "without meat or drink, water excepted."

And this is the ordinary course of a trial at law. In all these proceedings, that which strikes the spectator most forcibly is the prevalence of forms. Some of these forms are as old as the common law itself, and as little varied by lapse of time as the street cries of London. These seem singular, but are necessary. Legal affairs must be transacted in some settled and unvarying method. The error is in not accomodating these forms to the growing intelligence and civilization of the age, and in preserving in the nineteenth century the quaint practices of the sixteenth. For instance, it would be difficult to assign any good reason for the practice of starving a jury into agreement, and as the practice has fallen into disuse, why should we preserve the theory?

Another striking feature of trials at law is the apparent equality of the contest. An unsophisticated observer would suppose, that as one side must be right and the other must be wrong, it would clearly and speedily appear which is right and which is wrong. But two skillful lawyers are like two experts at any game of skill or endurance, and the result is that the clearest case becomes at least somewhat doubtful, and the event quite problematical. The arguments on both sides seem irrefragable as they are separately presented. The advocates elude one another's grasp like weasels. They are lubricated all over with the oil of sophistry and rhetoric. It is quite as difficult to put forward a suggestion that is not plausibly answered, as it is to make a run at base ball, or a count at billiards after a skillful player has left the balls in a safe position.

Another conclusion forced on the mind by observing the proceedings of courts is, that advocacy is much more easy than impartiality; that it is almost impossible for man to divest himself of prejudice and to overcome the force of habit and education. There is only one judge who is impartial, and even he has strong leanings against the wicked. So in almost every case we hear the judge discussing the facts, and arguing on probabilities and credibilities, and, in the same breath, instructing the jury that these questions are their peculiar province and entirely outside his own. Human nature is alike all over the world, in all times, in all stations. Man is a disputatious animal, and logically dies hard. Adam must needs dispute with the archangel. Therefore we must not blame our judges for taking sides. The Irishman's hands itch for a "shillalah" when he sees a "free fight" going on between a few of his friends, not so much for love of either party as to gratify an innate pugnacity, and if his own skull is cracked in the encounter he bears no malice. So the judge, when he sees so much fine logic flying about the heads of the jury, yearns himself to have an intellectual whack at them, and sometimes in his ardor his reasoning recoils, like the eastern boomerang, upon his own reverend head.

But finally, the most remarkable sensation that courts of justice are subject to, is experienced at the sight of a pretty woman. Let a comely and well-dressed woman enter the court room, and at the first rustle of her silken gown every man present seems to lose his head. Talk of the equality of the sexes! A man stands no more chance in a lawsuit against a good-looking woman, especially if she is in weeds, than he does of being saved without repentance, or of being elected to congress without spending money. Portia would have been even more potent in petticoats. The lawyer who should undertake to cross-examine a woman sharply would be considered