2nd. If a case is tried by a jury, even though all the evidence may be reduced to writing and transmitted to the Supreme Court, that court cannot revise the judgment on the facts, as the Supreme Court of Louisiana does. This decision is based on the 7th amendment of the Constitution of the United States, which provides "that no fact once tried by a jury shall be otherwise re-examinable in any court of the United States, than according to the rules of the common law." 3 Pet. 433.

3rd. When the judge passes on the law and the fact, if a jury trial is not claimed, the judge must find the facts, and the Supreme Court must treat such facts as conclusively settled and, therefore, cannot revise the case on the facts, even though the evidence on which the judge based his findings is transmitted in the record. 7 How. 838.

4th. The practice of the courts in Louisiana as to giving reasons for judgment, which the Louisiana law requires under penality of nullity, and as to the form and effect of verdicts of a jury, is governed by the acts of Congress, and the rules of the common law, and not by the laws of the State. 12 How. 39.

It is therefore perceived, that, so far as practice is concerned, in the courts of the United States, but little is left of the State laws with which these courts are to conform. If the case is an equity case, the pleadings and rules of evidence are the same as those in the courts of the State; the method of trial, and preparing a case for the appellate court, the form of the verdict and judgment, and the effect of the verdict are totally different. I do not perceive that the judicial acts of 1872 have made any material changes in the particulars I have mentioned.

The act of Congress, approved June 8th, 1872, departs from the practice of the State Courts as to the number of peremptory challenges in civil cases; in the State Courts four peremptory challenges are allowed, while only three are permitted in the Federal Courts. The same rule applies to criminal cases, except in trials for treason and felony. The act of Congress approved June 1, 1872, merely requires the practice, pleadings and forms of proceedings, in other than equity and admiralty causes, to conform to the practice, pleadings and forms of proceedings in the State Courts. This act seems to adopt the views of the Supreme Court of the United States, in regard to the process act of 1824, as it expresly excludes "equity causes" from its operation.