

becomes at variance with his surroundings, and its natural physical and psychical influences. Lowering and changing the degree of health and functional activities makes him more intolerant of the divergent views of others. After the second or third day of the trial, appeals to these conceptions, and efforts to make some facts apply along these lines, are always effectual. Emotional, impulsive men, who are controlled largely by the surroundings, are always objects of concentrated interest by shrewd lawyers. In the first part of the trial they are not so influential as later, when the mental status has dropped down; then they may become infused with certain conceptions of the case, particularly for punishment or acquittal. The morals of a jury on a long trial are lowered markedly near the end of the case. If undue influence is used or if such influences are purchased, the time to do this is when the effects of confinement, bad air, food and derangement of the physical system appear. However honest a jury of average men may be, a change of

surroundings and physical vigor will react on their conceptions of right and wrong, and strangely incapacitate them. If any of the jury are invalids, or have been confined with dietetic or neurotic diseases, in the past, the changed conditions of the jury room are very likely to bring out some entailments of this condition, still further complicating their mental soundness. Pessimistic men who are in ill health, are always ready to recognize guilt and inflict punishment in every case. Their ideas of justice are always based on vengeance and punishment. The suspicion of crime is always a reality and evidence to the contrary is deception. Many of these men in excellent physical surroundings would act and reason with fairness, but change the surroundings and degree of health and they are unsound and unreliable. The psychology of a jury on a long trial, furnishes a range of facts that, when understood, the verdict of these men could be predicted with great certainty, no matter what the evidence may be.

PROGRESSIVE CONSERVATISM.

Law, as an abstract principle, uncontrolled by elements which war against good government, is conservative. It is without sentiment or feeling, or prejudice or passion. It is calm and indifferent and cold. It underlies all relations between man and man, between man and men, and between the individual and the state. The simplest of all principles, it is considered by many to be the most complex.

This conservatism is not stagnation, nor fixedness nor unchangeableness. On

the contrary, it is progression, in the truest and most healthful sense in which the word progression can be used. It is governed by the principles that control progression in the natural world, the principles of evolution. These include natural selection, the struggle for existence and the survival of the fittest.

The theory of evolution finds no stronger confirmation than in the exactness of laws, when the law-making power is intelligent and incorruptible. Necessity always exercises its inexorable