

never publicly known, as the jurors are not polled. Accused parties have the right to challenge peremptorily nine jurors, and so has the state, but neither, strange to say, may challenge for cause. When the jury happens to be equally divided upon the verdict the accused enjoys the benefit of the doubt, and is entitled to instant discharge. In criminal trials—I do not say this in a spirit of criticism—it is a striking fact that the accused can be, and usually is, constrained to testify, and even to incriminate himself.

“Upon the whole, a consideration of the entire French system forcibly leads the mind to the conclusion that lawyers in this country are, as a rule, men of great learning and ability, the equals of the lawyers of any other nation, and that both criminal and civil justice is administered as impartially and as correctly as human wisdom allows.”

#### CHARACTERISTICS OF ORATORS.

Shiel would rush to the clerk's desk and pound it.

Mr. Gladstone “pounds the box,” as it is called in England.

Fox used his fist; “It is necessary to pound it into them,” he said.

Burke often lost his temper; Disraeli lost his very rarely; Pitt, never.

Daniel Webster's nerves were like iron. He was cool, calm, collected, under all the circumstances of debate.

Grattan gesticulated so violently that “it was not safe for any member to sit within reach of his right arm.”

Cicero, according to Pliny, began to speak with timidity, and trembled until he struck the earnest current of thought.

Chatham was noted for his distinct articulation. His whisper penetrated everywhere, and his full voice was overwhelming.

Alexander Duffy held his left coat-tail under his left arm, and sometimes bit his finger nails in the midst of an oratorical fight.

Tierney, one of the most ready and fluent debaters of his day, said that he never rose

to speak without feeling his knees knock together.

Charlotte Cushman once said: “I don't know what elocution is. I never studied it. God simply gave me a mouth of peculiar conformation.”

Lord Clarendon's brilliancy was lost in his sluggishness. “A little more rapidity,” some one has said, “and Lord Clarendon might have died prime minister.”

Lord Derby often held a roll of paper in his right hand, which he repeatedly raised and brought down into the palm of his left hand with a resonant whack.

Archbishop Whately wrote an essay on rhetoric, yet he was so inanimate and so inaudible that it was sometimes said “his grace seems to be half asleep when speaking.”

The famous Curran had a sensitiveness in public speaking which often hindered his success. He was painfully affected by any mark of inattention in his audience. If any one slept, or gazed vacantly around the room, his eloquence began to flag, and much of his power was lost.

Lord Derby said that his principal speeches cost him two sleepless nights—one in which he was thinking what to say, and the other in which he was lamenting what he might have said better.

Mirabeau depended very much for oratorical success upon his excessive ugliness. He had the ferocity of a polar bear, and yet, as Mme. de Salliant says, he was but “an empty bugbear.”

When Disraeli rose to speak he took out his handkerchief and shook it in a careless way. More frequently he thrust his hands into the pockets of his coat tails, so as to extend them at an angle.

Wendell Phillips' force was in his self-reliance. He ruled the minds of men by his rhetoric. He was a born agitator—exclusively strong in that, and almost correspondingly weak in controversy.

Chancellor Thurlow made up in physical earnestness for what he lacked in intellectual force. He “rushed like Achilles into the field and dealt destruction around him more by the strength of his arm, the deep tones of voice and the lightning of his eye than by any peculiarity of genius.”—*F. H. Stauffer in the Epoch.*