obtained. Children and infants soonest sleep, and those the most quickly who find their rest at regular intervals, and about whom soft influences are brought; and just so the sick and the well will sleep, who best obey those conditions for repose.—*C. E. Miles, M.D., in Home Knowledge.*

Trial by Newspaper.

THE moral effect of the conviction of the New York Aldermen is weakened by the prominence of an evil almost as dangerous to our institutions as bribery itself. The efforts of their accomplices to excite a reaction of public opinion in their favour are encouraged by the resentment felt by many thoughtful men at the conduct of the press during these trials. The safeguards of innocence, which are the distinguishing feature of Anglo-Saxon jurisprudence, are in need of defence, if our people desire their preservation. Else trial by jury will, in cases that attract public attention, be wholly superseded by trial by newspaper.

The facts that bribery is a crime of all others the most dangerous to the body politic, and that few trained to weigh the value of testimony doubt the guilt of the Aldermen who have been convicted, do not justify the attendant circumstances. Those who feel the most horror at the cause of the public clamour should be the most anxious to secure fair play for the accused. Martyrs, as well as criminals, have been executed after conviction at the bar of public opinion, and the hanging of Mrs. Surratt is a proof that here in this century, as in France during her great revolution, in England after the tale of the Popish Plot, and in Salem, during the ministry of Cotton Mather, the roar of the populace may demand the blood of the innocent. That in peace men should prepare for war is a proverb better observed in Europe than upon this continent. The example of Marshall, when Burr was on his trial, should teach this people, at least, that the Constitution deserves the most respect when its observance blocks the satisfaction of the people's demand for vengeance.

That control over the press which our courts inherited from England was too severe, and was, therefore, long since abrogated. It is high time to consider whether a part of this should not be restored. The extent of the power and the justification for its existence are well stated by one of England's greatest chancellors, Lord Hardwicke: "There are three different sorts of contempt. One kind of contempt is scandalizing the Court itself. There may be likewise a contempt of this Court in abusing persons who are concerned in causes here. There may be also a contempt of this Court in prejudicing mankind against persons before the cause is heard. There cannot be anything of greater consequence than to keep the streams of justice clear and pure, that parties may proceed with safety to themselves and their characters." For this reason two enlightened advocates of liberty of the press, Lord Erskine and Chancellor Kent, inflicted punishment upon those who sought, by words in a newspaper or pamphlet, to influence the decision of a pending cause. With the sentiment expressed by Hardwicke all must agree, however they may differ as to the means which should be employed to purify the streams of justice. The exercise, now and here, of the full power of the English judges would not be tolerated a month. There, a judge imprisoned a litigant for advertising for a witness to a fact at issue in a pending cause. Exercise of arbitrary power under much stronger provocation has frequently caused outbursts of public indignation in this country. Without the State of New York, almost every impeachment of a judge has arisen from his alleged infringement of the liberty of the press. Twice in Pennsylvania has a majority of the judges of a single court been tried at the bar of her Senate for such an exercise of the power to punish contempts. From this resulted the enactment there of the first statute limiting the authority of judges in this direction. The failure of the Senate of the United States to find Judge Peck guilty of an impeachable offence in severely punishing a member of the Missouri bar for a temperate criticism of one of his decisions was the cause of the enactment of the law, proposed by Buchanan, afterwards President, then Manager for the House of Representatives, which prevents the Federal judiciary from again thus offending with impunity. New York probably borrowed her law from Pennsylvania. A court in this State can punish an editor for the "publication of a false or grossly inaccurate report of its proceedings." Attempts to influence the action of judge or jury upon a case on trial, and criticism of them after they have rendered a decision, are in the eyes of our present law equally innocent.

It would be unwise, were it not impossible, to restore to our judges the full power exercised by the English Chancellors. The fate of the party which, despite its glorious history, was destroyed through the indignation engendered by the sedition law, illustrates the abhorrence of the American people at the infliction of special penalties upon *scandalum magnatum*. The common sense of the common people is not at fault. The history of the past, if not of the present, shows that it is well for the bench, as well as the legislature, to be subject to criticism. Though the dignity of our most eminent judges may suffer in the eyes of the vulgar, through the scurrility heaped upon them when their opinions, the results of years of study and experience, do not win the approval of some gentleman whose researches in jurisprudence were confined to his observation while reporting divorce trials and proceedings in police courts; and though that dignity may sink lower in the estimation of men educated to expect a higher standard of judicial decorum, when, to escape attack or to curry favour with the press, judges describe to reporters for publication, the impressions made upon them by the incidents of trials at which they preside; the histories of George Jeffreys, Samuel Chase, and George G. Barnard are enough to prove the insolence of judicial power, not tempered by moral rectitude, when unbridled by respect for public opinion. One of the last attempts of the ring to perpetuate its misrule in New York city was the introduction of a bill at Albany to allow judges to punish, as a contempt of court, criticism of their judicial conduct. Had the bill been introduced a few years earlier, it might, perhaps, have passed, and thus prevented the splendid aid given by the newspapers to their allies at the bar, when the government was saved from that band of thieves.

The aid of newspapers in ferreting out criminals and in compelling prosecutions have been also indispensable to the public weal. In many recent cases has the perpetrator of a crime escaped the researches of the official detectives, only to be discovered by the ingenuity and energy of a reporter. And to the persistency of the New York *World* is due that legislative investigation which obtained the first evidence for the conviction of the aldermen. In many cases, also, although not under the administration of Mr. Martine, would the hand of justice have been stayed, did not the public prosecutor fear the censure of the press. Thus, those who control and conduct our great organs of public opinion render invaluable service, more now than ever before, in the detection, the punishment, and, consequently, in the prevention of crime. The same motives which inspire them to this have of late driven them beyond the point where their efforts can do good. In the work of a detective and of a historian they excel, but they step beyond their province when they undertake to try causes pending in the courts.

The effect of their efforts in this direction is growing daily more apparent. It is already the recognized duty of those who manage litigation in matters of public interest to see that so much of the evidence as is in their favour is given due prominence in the newspapers. This is effected sometimes by paying the publishers for its insertion in the columns of news; more often by influence, social or political, upon the proprietors, editors and reporters. It is still considered unprofessional by most who adhere to a high standard of professional ethics, for lawyers to attempt to influence the bench by procuring the publication of editorials affecting pending litigation; yet this has been done of late by many who occupy high positions at the bar, and profess an exalted standard of morality. And many of our most eminent counsel have recently given opinions for publication in the newspapers concerning questions pending on appeal. These, let us hope, were printed for their effect in Wall Street, not at Albany or Washington.

Is it not time to pause? Is there not a mean between a return to the tyranny of the Star Chamber and the retainer of an editor as associate counsel in each case