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and those who rely on it the PREPARED BY DR. J. C. AYER, Practical and Ampletical Chemist, Lowell, Mass

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To 43

a Criminal Case not waive his righ

COURT OF APARALS al of Cancemi for derson had commen at one of the jury ha cfore he was sworn i moved from the pan onsented that his trial aly eleven jurors. H writ of error was bro The epinion of the Con-clivered by STRONG. very full statement of t rial and subsequently, re said-

But it is insisted, th or might waixe his ri ry of twelve persons, a so, the trial and convi alid. The researches enabled them to refer directty in point, eith his proposition, nor : any such case : and h ined and decided in t and such analogies as There is, obviously,

distinction between prosecutions, as to th fendant to waive stri ence to the establishe

tory and common law dicial proceedings. T from the great differen cases, in respect to th and the objects to be parties against whom individual rights which dividual control, and with at their pleasure suits is the inforceme ligations and duties. legal rules in the con the consent of the def voluntary relinquishn the defendants exclus is manifest propriety such censent to have it in most cases, as to risdiction of the cour cognize the doctrine tent: in some instance ration of constitution (Embury vs. Conner, vs. The Rochester at Company, 18 Barb., 5 settled that in civil confer jurisdiction of and where such juriso may be so extensive from a judicial proce tration, (Green vs. 293; Silvester vs. Re derick's Admin. vs. 1 substantial constituti and the fundamental are not within the po was deemed necessar ent constitution a p vil cases in the mann to authorize even the right to dispense with This is a solemn jud;

that, without such a

by jury in cases whe been used, could not

Criminal prosect wrongs-"a breach a rights and duties"community, consider its social and aggregi Com., 2, 4, id. 4. view is the preventi not atonement or exp (Id. 11:) ments, for the enforce s means to the end, cretion or control of no one has a right, b to sufrender his liber The State-the publi the preservation of the of the citizens, and v be taken away "with (Const. art. 1, sec. 6 they may be, as a p criminal prosecution tion of such a forfeit them, must be ascert the law prescribed. page 189, says: "in the preservation of again, in vol. 1, page life, being the imm great Creator, cann or destroyed by any the person himself reliancements." fellow-creatures, me thority." These co parent that the righ criminal prosecution the conduct of the more limited than in