THE DAILY EVENING TELEGRAPH-PHILADELPHIA, FRIDAY, JANUARY 21, 1870.

THE FEBRUARY MAGAZINES.

"THE APLANTIC."

Turner & Co. send us the February number of the Atlantic, which has the following table of contents:-

"Joseph and his Friend," II; "Rhyme Slayeth Shame ;" "The Pressure upon Congress;" "Qnaff';" "Winter Woods;" "The Value of Accident;" "Father Meriel's Bell;" "The "Risk;" "The Street-Cries of New York;" "Among the Isles of Shoals," III; "The Way to Sing;" "Life in the Brick Moon;" "Wo Lee, and his Kinsfolk;" "Edwin M. Stanton;" "Reviews and Literary Notices."

From the paper entitled "The Pressure upon Congress," we quote as follows:-

A good deal of precious time is consumed by Congress in misgoverning the District of Columbia, or in doing just enough to prevent the people of the District from governing themselves. Who invented the District of Columbia? Why a District of Columbia? It is a joke in Washington, that for sixty-five years, Congress voted fifteen hundred dollars every session for the salary of the "keeper of the crypt," because no member had the moral courage to confess his ignorance of the meaning of the word. The jokers say that many members thought it was some mysterious object, like the mace, without which Congress would not be Congress. Certain it is that the money was voted without question every year, until in 1868 the item caught the eye of General Butler, and he asked members of the Committee on Appropriations what it meant. No one being able to tell him, he went down forthwith into the crypt of the Capitol in search of its "keeper." No such officer was known in those subterranean No such regions. After a prolonged inquiry, he discovered that soon after the death of General Washington, when it was expected that his remains would be deposited in the crypt under the dome, Congress created the office in question, for the better protection of the sacred vault. Mrs. Washington refusing her consent, the crypt remained vacant; but the office was not abolished, and the appropriation passed unchallenged until General Butler made his inquiry, when it was stricken out. Is not our District of Columbia a similar case? The district is instilled into the tender mind of infancy, and we have all taken it for granted. But what need is there of depriving a portion of the Ameri-can people of part of their rights, or of compelling them to travel across a continent to vote ? Why use an apparatus so costly, complicated, and cumbersome as the Congress of the United States to get a little paving done in Pennsylvania avenue, or some soup given out to a few hundred hungry negroes? Do California and Oregon send members across the continent to attend to the lamp-posts of a country town? Are honorable gentlemen to travel all the way from the extremity of Florida or the farthest confines of Texas to order some new boards to be nailed down on the Long Bridge ? Unable to answer such questions as these,

or get them answered, I thought that possibly there might be some military advantage arising from the system, which would serve as an offset to its manifest inconveniences. But the jurisdiction of Congress did not prevent officers of a hostile army from walking into the White House one very warm day in the summer of 1814, and eating Mrs. Madi-son's excellent dinner, while the soldiers under their command were ravaging the town and burning the Capitol. Nor was it the authority of Congress that kept the Confederate army on the other side of the Potomac after the battle of Bull Run. No harm appears to have come any inconvenience that would result if Congress were to restore to Maryland her sixty, and pay taxes on the property of the United States, like any other guardian or trustee. This is a matter of much importance, because there seems to be some danger of the Government's repeating the stupendous folly of creating a Federal city. No less distinguished a person than General Sherman appears to take it for granted that there is some necessity for the Government to be sovereign in a little principality around the public edifices. "In my opinion," he lately wrote, "if the capital is changed from Washington to the West, a new place will be chosen on the Mississippi river, seve-ral hundred miles above St. Louis. * * * * I have interests in St. Louis, and if allowed to vote on this question, I would vote against urrendering St. Louis city and county, with its vast commercial and manufacturing interests, to the exclusive jurisdiction of a Congress that would take these interests subordinate to the mere political uses of a Federal capital. Nor would any National Congress make the capital where it had not exclusive and absolute jurisdiction for its own protection and that of the employes of the Government. Therefore, if the capital be moved at all, it must go to a place willing to surrender its former character and become a second Washington City." This is an appalling prospect for posterity -a second Washington City! I could wish that General Sherman had given some reasons for his assumption; for while the good resulting from the jurisdiction of Congress is not apparent, the evils are manifest. The arriving stranger, who usually has the pain of riding a mile or two on Pennsylvania avenue, naturally asks why that celebrated street is so ill paved, so dusty, so ill lighted. It is one of the widest streets in the world; and as it runs two miles without a bend and without a hill, the winds rushing along it from the distant gap in the mountains raise clouds of dust that are wonderful to behold and terrible to encounter. At other times the street is so muddy that people call a carriage to take them across. In the evening the whole city is dim, dismal, and dangerous from the short supply of gas. Ladies who intend to give a party endeavor to select an evening when there will be no evening session; because when the Capitol is lighted the gasworks are so overtasked that every drawing-room in the city is dull. The dilapidation of the bridges, the neglected appearance of the public squares, the general shabbiness and sprawl-ing incompleteness of the town, strike every one who comes from the trim and vigorous cities of the North. In things of mora importance there is equal inefficiency. Since the war closed Washington has been a povertystricken place. The war gathered there several thousand of poor people, who became in-stantly helpless and miserable when the army was withdrawn, with its train of sutlers, storekeepers, embalmers, and miscellancous hangers-on. In one of the last weeks of the last session I remember the business of the nation was brought to a stand while a member coaxed and begged a small appropriation from Congress to keep several hundreds of colored people from starving. I myself saw the soup-houses surrounded by ragged, shiver-ing wrotches, with their pails and kettles, soon after ten in the morning, although the

charity of the city was even more overtasked than its gas works; and there seemed no way in which those peor people could be saved from starvation, except by a gift of public money—national money—the property of Maine, Oregon, Florida, California, and the other States. The absurdity of the act was undeniable; but when human beings are seen to be in the agonies of starvation, constitutional scruples generally give way. Con-gress might just as properly have voted thirty thousand dollars to relieve the suffering poor Con of San Francisco. The accidental proximity of those perishing people gave them no claim upon the national treasury which the poor of other cities did not possess.

The stranger, I repeat, observing these and many other evidences of inefficient government, naturally asks an explanation. The explanation is, that the unhappy city has two governments, namely, Congress, and its own Mayor and Aldermen-one very rich and close, the other very poor and heavily burdened with expense. Between these two powers there is a chronic ill-feeling, similar to that which might exist between a rich uncle and a married nephew with a large family and many wants-both living in the same house. The old man is under the impression that he makes his nephew a munificent allowance, to which he adds Christmas and other gifts on what he considers a liberal scale. His numerous other heirs and dependants share this opinion. They even reproach him for his lavish benefactions. They go so far as to say that he ought not to have paid that last heavy plumbing bill for letting the water into the house. The young man, on the other hand, so far from being grateful for his uncle's generosity, is always grumbling at his parsimony; and every time an unusual expense has to be incurred there is a struggle and a wrangle be-tween them as to which shall pay it. "Pay it out of your income," says Uncle Sam, "No. my dear sir; this is a permanent addition to your estate," replies the nephew. "You re-quire me," he continues, "for your own convenience and advantage, to reside in this huge, rambling, expensive mansion, far away from towns and markets; and I am thus compelled to live on a scale which is out of all proportion to my slender means. It is but fair that you should help me out." The old gentleman assents to the principle; but he never can be brought to come down as handsomely as the young nephew feels he ought. Hence, the feud between the two.

This state of things is injurious to both; but to the city government it is demoraliza-tion and paralysis. After many years of silent and of vocal strife, there has come about a kind of "understanding" that Congress is to "take care" of Pennsylvania avonue, and the city government is to do all the rest. But the real object of strife appears to be, which government shall most completely neglect the duty assigned it; and each excuses its neglect by pointing to the inefficiency of the other. The remedy appears simple and feasible. Let Congress restore to Maryland her sixty square miles, and pay taxes on the national property. By this inexpensive expe-dient, Congress would get rid of the troublesome task of misgoverning a small principality, and the city government would be put upon its good behavior, and supplied with adequate means and motive. The question of the removal of the capital is scarcely ripe even for serious consideration.

since we cannot know for ten years or more what effects will be produced by the Pacific railroads, built and to be built; nor whether the country is to extend northward, southward, in both directions, or in neither. If from giving back to Virginia the forty square miles which she contributed to the original hundred; and I cannot think of any evil or where near the city of St. Paul. If Cuba is to be ours, if the other large islands of the West Indies are to follow, if we are to dig the Darien Canal, and the United States is to compete with Great Britain for the commerce of the world, then the future capital may properly be an Atlantic seaport, New York perhaps. If we are to take upon ourselves the grievous burden of Mexico, and extend our empire along the Pacific coast, then some central city yet to be created may be the predestined spot. If none of these things is to happen, the beautiful and commodious city of St. Louis presents almost every advantage that can be desired. Many years must probably elapse before any of these ifs are out of the way. In the meantime no reason appears why Congress should not gladly permit the people re-siding in the District of Columbia to take care of their own municipal affairs. There would then be one committee the less, one lobby the less, one whole class of ill-defined and undefinable claims the less. It would not require ten years of lobbying, under that system, to get Pennsylvania avenue paved; nor would Congress have to spend precious time in providing soup for the poor.

soup was not distributed until twelve. Wash-ington, being peopled chiefly by under-paid clerks and their worse paid chiefs, the usual anusements. Suddenly a most brilliant and novel suggestion was made.

"Let us set winter at defiance !" exclaimed the noble Alexis Danielowitch Tatischehew. "Let frost and snow and ice combine to build a magic palace for the autocrat of the North

The suggestion was received with acclamation. The plan was laid before the Empress. She graciously smiled, and declared herself charmed with the idea. Lucky Alexis ! The Imperial Exchequer was ordered to provide the necessary funds, and the work began.

Some years earlier, in the year 1732, a grand military spectacle, on an imposing scale, had been held, during the severest frosts of the year, on the Neva, then covered with ice several feet in thickness. The Empress Anne had held a review of a military corps of many thousands of men on the river, On that occasion a large fortress of snow and ice had been built, attacked, and defended, according to regular military tactics; artillery had been drawn over the ice, cannon and mortars of heavy calibre had been discharged, and the vast icy field held firm under all this mockery of war. It was now pro-posed to build the Magic Palace of Alexis Danielowitch in the same way, over the frozen waters of the Neva.

The site was chosen, and the workmen began their labors. The purest and most transparent ice of the Neva was chosen for the quarry; large blocks were then out and squared by rule and compass, then carved with ornamental designs, as carefully and as skilfully as if they had been so much mar-ble. Ere the walls had been raised many feet, however, the alarm was given: the ice beneath had cracked, the foundation was breaking away! The noble Alexis Tatischchew threw on his robes of fur. and drove to the spot in his sledge. He found the report correct; the Neva refused to bear the weight of his palace. The fortress of 1732 had probably been built chiefly of snow. The difficulty was laid before the Empress. She ordered her new palace to be built on the land, and pointed out a spot between her winter palace and the admiralty, sufficiently near the Neva to facilitate the transportation of the novel building material. On this more favorable ground the work

began anew. Still greater care was taken in preparing the blocks of ice, which, as in the first instance, were all quarried from the Neva. After they had been cut and carved, with the greatest accuracy, each block was raised by crane and pulley. At the very moment of lowering it to its destined position, a small quantity of water was thrown on the block below. The precise quantity of water was regulated as if it had been so much mortar; if too much were used, the symmetry of the work would be injured. As the water froze, the different rows of blocks became so closely connected together, that, when completed, the whole building became one compact mass, looking as if it were chiselled entire from one icy mound. The dimensions of this palace were not large; it was, indeed, a sort of petit Trianon. The front was fifty feet in length, simple in character, and divided into seven compartments by pilasters. In six of these compartments were large windows, the framework of which was painted to imitate green marble. The ice took the paint perfectly, The panes were thin sheets of ice, beau tifully smooth and transparent as the most costly glass. The central divison projected, to represent a doorway, surmounted by a Roman arch and appropriate architectural ornaments. On either side of the door stood a statue of ice, on a high pedestal, and in front was an approach of several steps. This apparent door was in reality, however, but another and a larger window, level with the

marble, supporting a handsome clock, whose icy wheels, daintily cut, were seen beneath the transparent case. Large statues filled the corners of the room. Settees and sofas, handsomely carved, stood on either side; nor, were chairs, footstools, and other smaller pieces of furniture and other smaller pieces of furniture wanting. The sleeping-room, or what appeared such, on the opposite side of the vestibule, was even still more luxu-riantly furnished. There was a grand state bedstead, with its appropriate bed, pillows, counterpane, and, above all, finely-woven ourtains, apparently of lace! There was a dressing-table with its mirror, and many nicknacks, iars and battles for movders and nicknacks, jars and bettles for powders and perfumes, with cups and boxes for trinkets. This table was supported by pretty little caryatides. On the right was an elegantlycarved chimney-piece, and on the hearth were laid logs of wood, ready to kindle ! Here and there wreaths of icy flowers hung in festoons. Conceive the delight of the Empress and her court at the magical beauty of their toy. There was no happier man that day at St. Petersburg than the successful architect, the noble Alexis Tatischchew. And still the enchantment increased. At her arrival the Empress had been received with a salute. At her departure another salute was fired, with still greater effect. In the first instance a ball of hard tow had been well rammed into the cannons; but the imperial lady now desired that iron balls should be tried. The experiment was made, and the artillery of the Magic Palace was actually fired with a charge of powder of a quarter of a pound, and with iron balls. The salute was entirely successful the balls piercing a strong plank two inches thick, at a distance of sixty paces; and the

carnons remained uninjured. An evening visit followed. By night the enchantment appeared still greater. All the windows were illuminated with colored transparencies, and nothing could exceed the beautiful effects of the light which filled not only the windows, but the transparent walls of the building itself, with a delicate, pearly glew, even more beautiful than the opal tint by day. The pyramids were also illuminated with revolving transparencies at the oval windows. The elephant was now seen spouting a stream of burning naphtha. a fire-like spray, high in the air, while a man concealed within the hollow body of the creature, by blowing pipes succeeded in imitating the roar natural to the animal. Within the palace the icy candles, smeared with naphtha, were lighted, without melting, and the icy logs in the fireplace were kindled in the same way!

A beautiful moonlight view, on still another occasion, was most charming, from the crystal-like character of the palace, and its garden reflecting a thousand silvery rays. Then again, fresh falls of snow gave a new charm to the spectacle, as every architectural ornament, every twig and leaf, was daintily marked by the soft feathery flakes, of a white even more pure than that of the ice on which they fell.

Through the long winter of St. Petersburg, from January to the equinoctial days of March, that icy wonder stood on the banks of the Neva. Before April it had vanished, and disappeared again in the bosom of the stream from whence it arose. We are not told at what cost to the treasury

this dream of a courtier became a reality-"A scene Of evanescent glery, once a stream, And soon to glide into a stream again.

The coldest day of that winter at St. Petersburg was February 5, when the thermometer stood 30 deg. F. below zero. The same winter was very severe throughout Europe. At London the mercury fell to 8 deg. below zero.

TRIAL BY JURY, BY W. T. DAVIS.

It is common learning to every student of

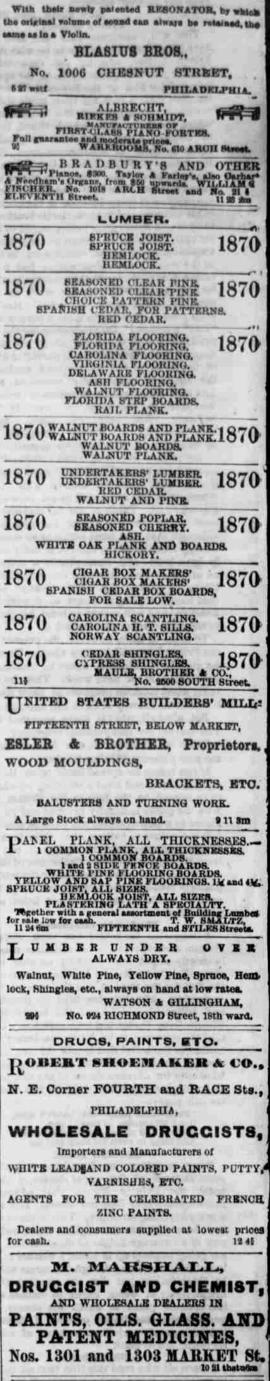
case to ignorant jurors directed by a skilful judge, than to judges a majority of whom are imperfectly acquainted with jurisprudence and with the laws." He would have better expressed the preference of a very large number of American lawyers, had he written: —"I would rather submit to the judgment of a single skilful judge, in a civil cause, than to the verdict of twelve ignorant jurors, who being unaccustomed to the application of the rules of svidence, and without experience in analyzing, arranging, and combining masses of intricate and perhaps conflicting testi-mony, are made the victims of their sympathy and impulse, and moulded by the skilful advocate, as clay in the hands of the potter. In the trial of civil causes, the objection to

In the trial of civil causes, the objection to a single judge is not felt to be so forcible as in criminal trials. It very rarely happens that the controversies of private individuals are such as to tempt the integrity of the judge, who is usually a discerning man, practiced in sifting the true from the false, and accus-temed to texting the sight a civit in the the tomed to testing the rights of parties by the cold, inflexible standards of the law. If such a judge may "direct" or control the verdict of a jury, there is no good reason why he may not himself decide the cause at once in those cases where the public interest is not at stake. Nay, there are apparent many reasons why it were better so.

1. For example, jurors, if not always igno rant, are at least generally unaccustomed to performing judicial functions, and are as untrained for and unskilled in that kind of labor as the judge who "directs" them is in building steam engines. Now, there is no appropriateness in taking men from every calling in every walk of life to perform, without previous training, one of the most delicate and difficult functions of governments, except it be, as we have before said, in those cases of public concern in which political considerations outweigh all others. Yet it is often, nay, generally, done. On the other hand, judges, if not always skilful, are always of respectable standing in a profession

which is trained in the study and practice of the law; and they are not seldom men of unsullied honor and profound sagacity. 2. Jurors may be, and often are, imposed upon and misled by the artful sophistries of an advocate, if he be a popular favorite. Judges are rarely deceived by the tricks of the trade. 3. In theory of law jurors are judges of

fact only: in practice they are many times judges of both law and fact, receiving the charge of the court with becoming meekness, and then deciding according to their own notions of law and right. This is especially so in civil causes, where the government or a great corporation is a party against private individuals. In such cases it is often nearly impossible to obtain a fair and impartial verdict. We could name a county whrre a railroad company was never known to win the verdict, no matter what the law or the evidence might be, or how often the verdict might be set aside, or judgments reversed by the superior tribunals. and railroad cases are of common occurrence there. We could name another county in which verdicts have been set aside and judgments reversed by the higher courts no less than eight times in a single case, and still the popular element continues to speak through the jury against the solemn judgment of some of the purest and best men on the bench. Yet this is a mere civil action for damages, in which the public have no interest whatever; but there is a popular jealousy of corporations to be gratified; and so, right or wrong, the verdict is always for the plaintiff. Such abuses can only become frequent under the jury system, and could hardly occur with any judge who has any professional pride, to say nothing of hon-



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"PUTNAM'S."

The February number of Putnam's Maga sinc has the following table of contents:--

"A Woman's Right," a novel, II, Mary Clemmer Ames; "Virginia, Old and New," H. T. Tuckerman; "The Magic Palace," S Fenimore Cooper; "Ben," Rebecca Harding Davis; "Trial by Jury," W. T. Davis; "Father Hyacinthe's Predecessor," W. C. Wil-kinson; "Concerning Charlotte," II, author of "Still Life in Paris;" "The African Exo-dus," J. M. Cazneau; "American Railway Travelling," a Cosmopolitan; "Sketches in Color," III, Eliz. Kilham; "Wind of the Southland," A. W. Bellaw; "The Great Gale at Passamaquoddy," Sidney Hyde; "The Death Bell," Alfred Ford; "The Story of Crazy Martha," Henry Coppee, LL. D. "Weapons for Combat with Fire," C. W Weapons for Combat with the, Wyckoff; "My Notion About the Human Ear," George W. Bagby; "Brevities;" "Hial-mar Jarl," William Wallace Young; "Table Talk," Charlton T. Lewis; "Literature at Home," R. H. Stoddard; "Literature, Science, and Art Abroad," Bayard Taylor; "Current Events," F. B. Perkins.

We quote the following articles:-

THE MAGIC PALACE, BY S. FENIMORE COOPER.

In the year 1739 the Empress Anne, niece

of Peter the Great, reigned in Russia. Her court was a gay one, with the kind of halfbarbarous splendor which shone in the palaces of the Czars at that period. The brief autumn of those extreme porthern regions was rapidly passing away, and while statesmen were knitting their brows over political stratagents, or military campaigns, for the new year, the courtiers were eagerly planning amusements to enliven the heavy gloom of the long winter, already drawing near. Balls, masquerades, concerts, and other entertainments of the usual courtly routine, were lightly talked over. But of these the proud gallants and jewelled dames were very weary. Honest labor knows of no fatigue so exhausting as the satiety of idle pleasure. Courtly gayeties often become exceedingly dull and wearisome -a heavy burden, in fact-to those most frequently taking part in them. There was a

floor. An ornamental balustrade surmounted the front, with an architectural ornament rising in the centre, above the doorway and the window on either side of it. The roof was sloping, and marked in lines, to reprasent tiles; there were also chimneys, all in ice. The height of the building was twenty-one feet; its depth was eighteen feet.

But the palace itself was not the only wonder: the accessories were very complete, and all so much frost-work. A handsome balustrade, apparently of marble, with statues and architectural ornaments, completely surrounded the palace, being eighty-seven feet in length and thirty-six in width, enclosing a sort of garden or court, with two handsome gateways in the rear. It was through these gateways that the building was approached. Orange-trees, nearly as high as the building, bearing fruit and flower, with birds on the branches, also adorned this court or gardentree, flower, fruit, leaf, and bird being all delicately chiselled out of the same magic marble as the palace itself.

The front approach was guarded by six cannons, regularly turned and bored; they stood before the balustrade, three on either side of the doorway. These were also of ice. They were of the calibre which usually receives a charge of three pounds of powder. In addition to these cannons there was also a large mortar on each side of the entrance, of a size prepared for shells of eighty pounds. In advance of these mortars stood two neatlycarved dolphins on pedestals. Still farther in advance, two pyramids, nearly as high as the chimneys, had been erected on carved pedes-tals. Each was surmounted by an ornamental globe, and had an oval window in the centre.

To the left of the palace stood an elephant, large as life; on his back was a man in a Persian dress, while two similar icy figures, one bearing a lance, stood near the animal. Thus it was that the approach to the Magic Palace was guarded by other magic wonders.

Such was the aspect of the famous palace of ice, when, early in the winter, the Empress and her court came to admire the work of that enchanter, the noble Alexis Tatischehew. The court itself must have been a very curious spectacle to foreign eyes, so quaint and so gorgeous were the peculiar costumes collected there from different regions of the Empire. In no other country of Europe was there a pomp so Asiatic in lavish display of genus and jewels, of the richest furs and the costlicst manufactures. The effect was most brilliant. The palace itself shone like one vast gem of opal, so perfect was the transparency, and so peculiar the blue tint of the fabric. Every part of the building, the statues, the dolphins, the elephant, every leaf, flower, and bird, ay, the solid pyramids, the very cannon, were glittering with the ever-changing brilliancy of the many-colored prism, with its crimson,

green, golden lights. As the Empress approached, wonders increased. A salute was fired from the icy cannons, and the mortars threw their shells high in the air ! Yes, real fire and smoke issued from the magical artillery; and at the same moment the marble-like elephant threw up a watery spray higher than the roof of the palace.

The enchanted portal opened, and the Empress entered a handsome vestibule, whence appeared a lofty room, on either side. In the drawing-room stood a table, apparently of

the law that the right of trial by jury was guaranteed by the great title-deed of English liberty, and that by the Constitution of the United States and the Constitutions of many, if not all, of the individual States, it is se cured to all persons charged with crime, and to a very large class of civil causes. But the origin and nature of the institution, with its practical working as an instrument in the administration of justice, are not generally known or thought of among the intelligent and respectable class of citizens who are oftenest called upon to sit in the capacity of jurors. The feeling that it is one of the most effective safeguards against aggressions of centralized power, together with a rich experience of its salutary influence in time, of local or national political excitement, has brought both Briton and American to eling to it with uncommon tenacity. The Englishman and American have thus learned to regard it as a thing too sacred to be tampered with, and hence to view every sug-gestion for its modification with the keenest jealousy.

If we regard the trial by jury merely as a olitical institution, it undoubtedly deserves the encomium of De Tocqueville, who, speaking of it in that character, says .- "He who punishes infractions of the law is the real master of society. Now the institution of the jury raises the people itself, or at least a class of citizens, to the bench of judicial authority. The institution of the ury consequently invests the people, or at least that class of citizens, with the direction of society. * * * The system of the jury as it is understood in America appears to me to be as direct and extreme a consequence of the sovereignty of the people as universal suffrage. These institutions are two instruments of equal power, which contribute to the supremacy of the majority."

We repeat that this high praise of trial by jury as a political safeguard is just, for there has never been invented another such protection of the life and property of the citizen against the servile judge of a tyrannical government. It disposes of the cause of the pa-triot by the sympathetic judgment of twelve of his peers. They know the wants, the desires, and the hopes of the masses; they partake of them, and guard it as you will, in the end they will reflect the popular feeling. Their verdict will be the verdict of the popu-

But however favorably it may operate for the commonwealth in cases of great and gene-ral public interest (and in this category we may include all prosecutions for crime), it needs no argument to show that neighborhood prejudices and sympathies will not always, nor oftener than not, qualify jurors to make up a satisfactory verdict in matters of private ifference. Indeed, the same susceptibility which renders the jury the palladium of our liberties may in a majority of civil causes entirely disqualify them from rendering a carefully-considered and thoroughly-impartial verdict

This brings us to our main purpose, namely, to point out some of the defects of trial by jury as a judicial institution. Upon this ground the distinguished author, whom we have already quoted, admits hat its utility might fairly be contested. Nevertheless, he is an advocate of trial by jury in both civil and criminal causes. "For my own part," says he, "I had rather submit the decision of a

should attempt it and persist in it would be speedily impeached and removed. 4. Jurors are beyond the reach of impeach-

esty. That kind of contumacy amounts to a species of nullification, and any judge who

ment because their office ends with the finding of the verdict. Not only so, they are practically beyond the reach of any punishment for a false verdict. In the olden times a writ of attaint lay to inquire whether a jury of twelve men gave a false verdict, and if the grand jury of attaint found the verdict to have been obtained by corruption of the jury, the jurors were outlawed and made forever infamous, and were also punished by confiscation and imprisonment. If this remedy was ever adopted in this country, it long since fell into disuse. Jurors now sit and determine the rights of parties without any responsibility to the law except for perjury and taking bribes, and these charges, and particularly the first, from the very nature of the case, can with difficulty, and only at rare intervals, be substantiated. The defects which have been enumerated,

and they are not all that could be mentioned are not accidental, but essential defects of the system. They are defects which may well be tolerated in causes of a public nature for the sake of insuring the perpetual sovereignty of the people; but which in the trial of private suits are a burdensome and growing evil. "After all," says Blackstone, "it must be owned, that the best and most effectual method to preserve and extend the trial by jury in practice, would be by endeavoring to remove all the defects, as well as to improve the advantages incident to this mode of inquiry. If justice is not done to the entire satisfaction of the people in this method of deciding facts, in spite of all encomiums and panegyrics on trials at the common law, they will resort in search of that justice to another tribunal; though more dilatory, though more expensive, though more arbitrary in its frame and constitution. If justice is not done to the crown by the ver-

dict of a jury, the necessities of the public revenue will call for the erection of summary tribunals.

It remains to be noted that trials of civil causes before a court without a jury is no untried experiment even in this country and England. The immense commercial and international interests which are adjusted in the admiralty courts are not less wisely nor less satisfactorily determined because they are decided upon without the intervention of a jury. It is believed that the important and oftentimes complicated cases which are decided in chancery are as conscientiously decided upon the facts as in the common law courts, and even more impartially. We have never heard that the safety of our political rights is endangered by this single judge jurisdiction. But we are certain that it is a frequent remark among lawyers that it is a good rule to submit a righteous cause to the court, and to try a bad one before a jury.

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