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## Nothing New Under the Sun

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and modernization of archaic codes of criminal procedure may serve to make the criminal law what it is intended to be, 'A sword for the guilty and a shield for the innocent'." To anyone familiar with criminal procedure, there comes the realization that our past tendency has been to safeguard the criminal against society by placing all sorts of technicalities and obstructions in his hands. It is high time that we now safeguard society against the criminal, and give both society and the accused an even break.

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## NOTHING NEW UNDER THE SUN

*By HON. FOSTER CLINE, of S. E. C.*

Since I am no longer in general practice and very seldom file pleadings of any kind in the courts, it may be safe for me to submit for your consideration as an interesting article for DICTA the following quotations from a decision in 1568 concerning the great length of pleadings, in which the Chancellor observed:

"that the said replication (i. e., the pleading) doth amount to six score sheets of paper and yet all the matter thereof which is pertinent might have been well contrived in sixteen sheets of paper . . ."

and gave order

"that the Warden of the Fleet shall take the said Richard Mylward (the culprit pleader) alias Alexander into his custody and shall bring him into Westminster Hall on Saturday next about 10 of the clock in the forenoon and then and there shall cut a hole in the midst of the same engrossed Replication which is delivered unto him for that purpose, and put the said Richard's head through the same hole, and so let the same Replication hang about his shoulders with the written side hanging outward, and then, the same so hanging, shall lead the said Richard bare-headed and barefaced round about Westminster Hall whilst the Courts are sitting, and shall show him at the Bar of every of the three Courts within the Hall, and then shall take him back again to the Fleet, and keep him prisoner until he shall have paid  $\text{£} 10$  to her Majesty for a fine and 20 nobles to the defendant for his costs in respect of the afore-said abuse."

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"All we know of freedom, all we use or know  
 This our fathers bought for us long and long ago;  
 Ancient right, unnoticed as the breath we draw  
 Leave to live by no man's leave, underneath the law;  
 Lance, and torch, and tumult, steel and gray, goose wing  
 Wrenched them inch, and ell, and all, slowly from the King."