

REVIEWS.

sent registry system. It speaks well for the forethought of the registrars of Ontario (who, we understand, framed the scheme which is embodied in our last Registry Act) that they have planned a system which is not only the most advantageous and easy of reference for the present time, but one which is likely to be efficient when we have cities rivalling New York in magnitude.

There are many hints scattered through this essay which will be useful to those engaged in the work of registration. We can speak favourably of it as the fruit of experience and much well-expended research.

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We welcome into the field of legal journalism a new venture, styled *The Maryland Law Reporter*, a daily paper, published at Baltimore. It certainly sets forth a most ambitious programme, and indicates a more advanced enterprise than any other professional publication. Whether it will pay or not, the future will prove; but if all subsequent numbers are like the first, which is before us (of date May 13th), we can be assured of one thing—that it deserves adequate pecuniary support. The legal news is varied and well selected; while in point of the early reporting of important decisions, it will be manifestly ahead of all its hebdomadal contemporaries. From its pages we make the following extract, which manifests how awkward it may be to have the progress of a criminal trial interrupted by Sunday:

“A remarkable legal point has been raised in the case of Marlow, the Jamestown murderer, who was to have been hanged a few weeks ago, but obtained a stay of proceedings, granted by Judge Barker of the Supreme Court. It appears that a Sunday intervened during the trial and after the evidence was closed. By order of the court the jury were kept together in the custody of the officers, who permitted them to attend the Baptist church in Maysville. This afforded an opportunity not to be neglected by the clergyman who officiated on that occasion, and he proceeded to preach a sermon having a practical application to the case which the jury had under consideration, taking for his text the words, “Release unto me Barabbas; now Barabbas was a robber.” During his discourse the minister said, “Some in this house may think I am pleading for mercy for the man now being tried for his life in this village. Such is not the case, for I believe the man’s hands

are reeking with blood; also his wife’s and her mother’s reeking with blood. I have read and carefully examined the evidence, and from that have come to this conclusion.” Marlow’s counsel very naturally assumes that it was not fair to his client that the jury should have been preached to in such a strain, and he has obtained a stay of proceedings on that ground.”

And also this other selection, which affords an apt illustration of the maxim, “*Summum jus, summa injuria*,” not commented upon in Broom, but which, according to Sir Henry Hobart, is “spoken of elegantly in Ecclesiasticus, chap. 19” (Hob. 125 a):

“A singular case has lately been decided in the United States Supreme Court. John Henderson had bought one hundred barrels of whiskey in a bonded warehouse, in Missouri, from the distiller, and had paid the regular Government tax on it. But after he had bought the whiskey and paid the taxes, and after the Government, through its collector, had received the taxes, a seizure was made of the goods, on the ground that their former owner, the distiller, in removing them from the distillery to the bonded warehouse, had intended to defraud the Government. It was not alleged that any fraud was accomplished, or that the owner of the whiskey, at the time it was seized, had been privy to the alleged unfulfilled intent to defraud. The goods were at no time beyond the supervision and control of the Government officers, and every dollar of taxes due on them had been paid by Mr. Henderson before removing them from the bonded warehouse. And yet, under the fourteenth section of the Internal Revenue Act, the collector declared the goods forfeited in consequence of an intention, not an act, of the previous owner; and the majority of the Supreme Court has sustained this proceeding. The result is, that the United States gets the full tax on the spirits and the spirits besides; the innocent owner loses his whiskey and the taxes he has paid on it; while the only person connected with the transaction who is charged with doing, or intending to do wrong, goes free and retains the money he received from Mr. Henderson for the whiskey which the Government has taken. The Chief Justice, Justice Field and Justice Miller dissented from this apparently unjust decision.”