

The Legal News.

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In rendering judgment in the recent case of *Goldring & La Banque d'Hochelaga*, in the Court of Queen's Bench, attention was directed to the fact that since the decision in *Molson & Carter* (6 L. N. 189), no step has been taken by the Provincial Legislature to remedy the defect which was discovered to exist in the Code of Procedure. In *Molson & Carter* it was held, more than three years ago, that inasmuch as the Code of Procedure failed to attach any penalty whatever for not filing the statement required by Art. 766, the penalty provided by Art. 2274 of the Civil Code and by ch. 87 of the Consolidated Statutes of Lower Canada, sec. 12, s.s. 2, cannot be enforced. This decision has been confirmed by the Privy Council. It was remarked by the Chief Justice and Mr. Justice Ramsay that although numerous amendments to the Code of Procedure have been introduced at each session, no effort whatever has been made to remedy the defect then discovered. The inference is that the Legislature have acquiesced in the law as it was then stated, although the judges unanimously regretted that such a defect should have been permitted to exist.

The *Albany Law Journal* says:—"There is one species of Anglo-mania that ought to be encouraged in this country, and that is the imitation of the English dealing with criminals and their administration of criminal law. As we learn from the *London Law Times*, at the recent Lewes Assizes, Lord Coleridge made some observations as to the general diminution in crime in England and Wales, as shown not merely at these assizes, but by the returns for the last ten or twelve years throughout the country. 'When I recollect,' said his lordship, 'what assizes were when I was a young man, and observe that notwithstanding the more frequent gaol deliveries, the actual number of persons in the prisons of England has for the last ten or twelve years steadily declined, it is a matter

on which we may heartily congratulate ourselves. We must not make too much of it, as it may have arisen from a concurrence of causes which may not be permanent; but for the present, at all events, it is satisfactory to find that upon returns which cannot deceive, and which include the whole of the prisoners in England and Wales, there has been a steady diminution in crime for the last ten or twelve years.' Mr. Justice Denman also, at Derby, said that judges in many parts of the country had noticed that crime was diminishing in England. So far as the Midland Circuit was concerned, he was happy to give the strongest confirmation to that view. If he might judge from what had happened in every one of the counties in which he had been holding assizes during the last month or so, it was certainly the case that the fewness and mildness of offences, as compared with other occasions within his memory, gave every reason for congratulation."

THE LAW OF EVIDENCE.

The following communication from Mr. Justice Ramsay appears in the *Gazette*:—

SIR,—In your issue of this morning you give the result of the division on Mr. Cameron's bill, "An act further to amend the law of evidence in criminal cases," with an amendment, proposed by the author of the bill, to the effect that "in case the accused does not tender himself as a witness, no observation shall be allowed to be made by the prosecutor or prosecuting counsel upon that fact to the prejudice of the accused." The bill evidently recommends itself to a certain class of minds, because it is a novelty. It is against the whole experience of the world. We can scarcely hope to rescue "remote antiquity" "from the ravages of modern ingenuity," and still less to induce abstract theorists to follow a general argument; but it is worthy of note that Mr. Cameron, by his amendment, has admitted a great mischief that would arise from his reform, and he suggests a remedy to the inconvenience which is unpractical in the extreme. How is it possible for the prosecution to be prevented from intimating to the jury what the law is on such a point? If the prosecution