

CAUSERIE.

Cut, and come again !

CRABBE.

Thank you, good sir, I owe you one !

GEORGE COLEMAN, JR.

BLACKSTONE AND THE PLENA PROBATIO.—Sir William Blackstone, great and scholarly legist as he was, had a very inadequate conception of the philosophy of the Civil Law, and this, coupled with his sturdy British prejudice against it on general principles, caused him to be badly unhorsed in some of his tilts with the Corpus Juris Civilis. Therefore those whose regard for the celebrated commentator has weathered the storm and stress of the hypercriticism (emanating in the main from Bentham, and somewhat from Bedlam) to which he has been subjected, feel much countenanced when he succeeds in scoring a point against some, to use Dr. Maitland's phrase, "Romanesque institution." We subjoin an instance in which he was felicitously victorious.

By the rules of the Civil Law two witnesses were required for the establishment of any material fact not made out in writing or by the solemn admission of the parties in Court (Dig. Lib. 22, tit. 5, I. 12 ; Cod. Lib. 4, tit. 20, I. 9 s. I) "To extricate itself out of which absurdity," says Blackstone (Com. Bk. 3 p. 370) "the modern practice of the Civil Law Courts has plunged itself into another. For, as they do not allow a less number than two witnesses to be plena probatio, they call the testimony of one, although never so clear and positive, semiplena probatio only, on which no sentence can be founded. To make up, therefore, the necessary complement of witnesses when they have only one to a single fact, they admit the party himself (plaintiff or defendant) to be examined in his own behalf; and administer to him what is called the suppletory oath; and if his evidence happens to be in his own favour, this immediately converts the half-proof into a whole one. By this ingenious device satisfying at once the forms of the Roman law, and acknowledging the superior reasonableness of the law of England, which permits one witness to be sufficient where no more are to be had."