

## The Legal News.

Vol. XIV. AUGUST 15, 1891. No. 33.

An Act (54 and 55 Vict., ch. 23) passed by the Imperial Parliament during the last session, makes an important change in the law with reference to juvenile offenders who through some offence, attributable perhaps to their surroundings, find themselves inmates of a reformatory school. The Act provides in effect that if a youthful offender detained in or placed out on license from a reformatory or industrial school conducts himself well the managers of the school may, with his own consent, apprentice him to, or dispose of him in, any trade, calling, or service, or by emigration, notwithstanding that his period of detention has not expired, and the apprenticing, &c., is to be as valid as if the managers were his parents. By a proviso the consent of the Secretary of State is made necessary where the child is to be disposed of by emigration, and in any case, unless he has been detained for twelve months.

Dr. Abbott, late Head Master of the City of London School, on page 86 of a recent work "Philomythus," furnishes the following definition of legal proof:—"What is 'legal proof?' It is simply proof of the ordinary kind, by evidence direct and indirect, but stronger and stricter. Legal proof, being seldom required except where facts are affirmed and denied by interested parties, requires (in a greater degree than ordinary proof) that the evidence shall be deliberate, hence the use of the oath; free from exaggeration or misunderstanding, hence the rejection of hearsay evidence; consistent and truthful, hence the demand that every witness shall undergo cross-examination; free from suspicion, hence the preference of evidence as to character (and even of evidence as to facts) coming from witnesses who have no interest one way or the other, in the ultimate decision. Occasionally, in the excessive desire to serve order, law has unfairly favored despotism, and in the excessive

desire to be fair to the accused it has foolishly excluded evidence that might have fairly helped the accused. But, on the whole, it may be said that legal proof is of the same kind as ordinary proof, only superior in degree."

The English Parliament, in its last session, passed an Act by which for the first time an imputation on a woman's chastity is made actionable without special damage.

Lord Bramwell, in a letter to the *Times*, complains bitterly of habitual unpunctuality on the part of the Brighton Railway Company, which he asserts to be, on a certain branch line, "constantly after their time from causes which they know will make them so." The learned judge has even "thought of an indictment of the directors for obtaining money under false pretences," but sees "some technical difficulties in the way."

The licensing justices who appeared by counsel in defence of their decision in *Sharp v. Wakefield*, and who were sustained by the House of Lords, found themselves in a difficulty as to costs. Probably because it was impossible to recover from the other side they incurred a liability of £550. Sir Wilfrid Lawson, himself a justice of the peace, took up the matter, and the result of his appeal was that the amount was quickly subscribed. The position of a justice would be rather a disagreeable one, if obliged to liquidate costs out of his own pocket, while maintaining a principle of the greatest public importance. The decision in *Sharp v. Wakefield*, says Sir Wilfrid Lawson, in his letter to the *Times*, settles once for all, "beyond the possibility of a doubt," as Lord Macnaghten expressed it, that "the licensing justices" possess "the same discretion in the case of an application for what is now termed a renewal as in the case of a person applying for a license for the first time." He also remarks that very nearly 500 years ago justices of the peace were intrusted with the direct veto on the liquor traffic. They were enjoined, in the year 1496, "to put