

heritage as to compel the learned chief justice, doubtless with many tears, to declare that the verdict of the jury in the case in which the panygeric was uttered "was so palpably against the evidence" that a new trial had to be granted. Poor "old bulwark"!

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THE same learned chief justice must, we think, have had his eye on a further term when, in the same judgment, he got off the following solemn warning to obey the law as it "stands on the statute book." He says: "If we cut loose from its restraints, we expose ourselves to the tempests of human passion and human prejudice, and, like a ship at sea without a rudder or compass, will surely be dashed on some of the many shoals which are found all along the voyage of life."

We seriously think of asking him to take charge of our staff of poets, which, we regret to say, is not only increasing in number, but becoming very unmanageable.

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PRISONERS GIVING EVIDENCE ON THEIR OWN BEHALF.—The Bill to Amend the Law of Evidence in Criminal Cases, which has just been introduced into Parliament by Lord Herschell, purports to remove from our criminal procedure the anomalous rules which still practically debar a prisoner, or the wife or the husband of a prisoner, from giving evidence on his behalf. Unlike its contemporaries in France and Germany, the criminal law of England is essentially contentious in character. A criminal trial is not so much an investigation instituted by the State and conducted by a State official appointed to inquire into and ascertain the guilt or the innocence of a prisoner as a suit, with the prosecutor for plaintiff, the accused for defendant, and the judge as a mere official arbiter charged with the duty of holding the balance between them and seeing that the issue is fairly contested. Hence it comes to pass that the judge has no independent inquisitorial powers, and the seal of silence is placed on the lips of the prisoner, lest his voice should contribute to the proof of his guilt, which his accuser is bound to establish; and that, on the other hand, the prosecutor has the benefit of those rigid rules of evidence which, in civil causes, used to exclude from the witness-box nearly all interested testimony. Whether this is or is not a complete historical explana-