

The Legal News.

VOL. V.

JUNE 3, 1882.

No. 22.

PRIVILEGE OF THE ACCUSED.

In the case of *Blackwell v. State*, a case tried before the Georgia Supreme Court in December last, and reported in 3 Crim. Law Mag. 393, the privilege of the accused not to give evidence against himself was expressly extended to the point of not requiring him to do anything that may serve as evidence against himself. Blackwell was on trial for murder; the tracks and signs indicated that the assassin had but *one leg*. A witness, testifying as to the impressions made on the ground, was asked by the Court: "How much of his leg has the prisoner had cut off?" Answer—"I don't know, Sir. I just know he is one-legged—I can't see." Here, by order of the Court, the prisoner stood up, and showed his leg, and then the witness answered: "His leg is cut off below the knee." The Supreme Court held this to be error, observing: "Let it be borne in mind that a most material and important part of the testimony against the prisoner was the character of the track and signs made the night of the murder by the one who, in the dark, approached the house where deceased was, and fired the fatal shot that caused her death. The track and signs indicated that the assassin had but one leg, but the character of the other print upon the ground depended materially upon the character of the amputation of the other limb, and it, no doubt, was to establish the correspondence between the amputated limb and the signs on the ground as testified to by the witness, that influenced the Court to order the prisoner to make profert of his limb to the witness testifying, and necessarily to the jury." This seems to be going rather far, for it may be asked whether the jury in the discharge of their duty have not a right to see the prisoner, without their view being obstructed by intervening desks, chairs, or other articles, and whether the place of amputation of the prisoner's leg is not a fact which they may be allowed to observe as well as the color of his hair, or the fact that he has lost an arm, &c.

LOCAL JURISDICTION.

In the case of *Richelieu & Ontario Navigation Co. & Durnford*, the Court of Queen's Bench sitting in appeal (Monk & Ramsay, JJ., not sitting) has unanimously affirmed the right of the local legislatures to exact license fees on the sale of liquors on board of steamers navigating the St. Lawrence. The pretension of the company was that being a federal corporation, and their steamers plying between places in different provinces, the local legislature had not the right to compel the payment of license fees. The decision follows *Parsons & The Queen Ins. Co.*, (*ante*, p. 25) and other cases.

NEW PUBLICATIONS.

NOTED FRENCH TRIALS—IMPOSTORS AND ADVENTURERS, by Horace W. Fuller. Boston, Soule & Bugbee, Publishers.

In this little work some of the *Causés célèbres* of France are presented in English dress, and in the style of easy narrative. The book is evidently intended for a wider circle than the profession, but it will also be of interest to lawyers, especially those who practice in the Criminal courts. The cases included in the present volume are "The False Martin Guerre; The Woman without a Name; Collet; The False Dauphins; The Beggar of Vernon; The False Caille; Cartouche; and Mandrin."

The narratives have all the attraction of the most sensational class of literature, but are based upon the official records. The work is issued in a popular form and will no doubt have a wide circulation.

THE EARLY JURIDICAL HISTORY OF FRANCE.

[Conclusion, from p. 166.]

The Ecclesiastical Law of France, therefore, at the period above mentioned, although it recognised the Papal Canon Law, comprehended the parts only of that system which had been received by the Gallican Church, under the sanction of the Sovereign, expressed in letters patent, or implied from immemorial usage. No Papal constitution, decree, decretal, epistle, rescript or bull, no canon or decree of any Council of the Church œcumenical, national or provincial, had, at that time, or afterwards, in France the effect of Law, until published by the Clergy in their respective Dioceses; and