tual provisions of our statutes must be interpreted by our former jurisprudence. And for a practical reason they declined to follow the French in *Jung* v. *Doriocurt*, 4 La. 175. In *McDonough* v. *Gravier's Curator*, 9 id. 546, such a jurist as Toullier did not affect the court except to admire his logic.

"The Englishman in Louisiana does not look back, but he has still the enviable mental quality of understanding that laws were made for men, and the logic of law is bad logic if it lack the element of common sense. Benjamin's great success here as well as in England was was due partly, as the *London Times* has truthfully said, to the legal education he acquired at the Louisiana bar, but mostly to his 'common sense logic.' The Louisiana student of law does not dare to risk his future upon any thing but a mastery of principle. His Code and his jurisprudence forbid it. His Code coming from Roman, Spanish, and French law, with some important common-law principles grafted on it. His jurisprudence, the magnificent result of grafting French system on the Anglo-Saxon practical temperament. The Louisiana lawyer if he hope for success must know common law, and common-law practice, including chancery and admiralty, Spanish law, Roman law, French law, because his own system comes from these four, and the necessities of his practice in the United States courts require his familiarity with admiralty, chancery and common-law practice. Louisiana presents an excellent field to the philosophical student. I have given the hints; I trust some abler pen will one day see the harvest here and gather it."

JURIES AND VERDICTS.

Several incidents of recent jury trials drop in this week from different quarters. In British Columbia the Chief Justice has had to do with a jury that would not convict. The evidence against a prisoner tried in Victoria was as strong, it is said, as evidence could well be, but the jury acquitted. Chief Justice Begbie told them their verdict was disgraceful, and added: "Many repetitions of such conduct as yours will make trial by jury a horrible farce, and the city of Victoria which you inhabit a nest of immorality and crime. Go, I have nothing more to say to you." Turning to the prisoner the Chief Justice said:—"You are discharged; go and sandbag some of those jurymen. They deserve it!"

In *State* v. *Cartwright*, 20 W. Va. 32, a conviction of felony was set aside, because one of the principal witnesses for the prosecution, who was an active participant in the fight which caused the indictment, was permitted to come into the juryroom, after their retirement, and play the fiddle for them for half an hour; although there was no conversation between the fiddler and the jury, and the jury all swore that the fiddling had no influence on their verdict.

In another case in the same State, *State* v. *Robinson*, 20 W. Va. 715, the jury were permitted to read newspaper accounts of the Guiteau trial, then in progress. The newspapers contained the evidence of Dr. Gray, examined as an expert on the subject of insanity, in which he ridiculed the idea that such a thing as "moral insanity" existed, and called "dypsomania" drunkenness. The jury into whose hands these newspapers fell were engaged in trying a case of murder, in which the defence was insanity, super-induced by long-continued habits of intoxication. The court adopted the view that the newspaper reports were calculated to prejudice the prisoner, and a new trial was granted.

In a case before the Supreme Court of New Mexico Territory, *Territory* v. *Kelly*, 2 New Mex. T. 292, the prisoner remained shackled while some of the jurors were being called and examined. The Supreme Court held that if the irons had remained on the prisoner during his trial, or for any considerable portion thereof, the Court would be compelled to reverse the judgment; but as it appeared from the record that they so remained for an inconsiderable time while a few only of the jurors were being called and examined, and before any of them had been accepted and sworn, the prisoner's rights of defence were not prejudicially affected thereby to an extent that would justify a reversal of the judgment on that ground.