

OFFICIAL COSTUME.

sey, 3 F. & F. 287), where a man, by setting fire to a stack of straw, had accidentally killed another who was in an adjoining outhouse, and was indicted for murder, it is amusing to see how ingeniously Lord Justice Bramwell put the case to the jury in favour of the prisoner, who, it appeared, had been much shocked and surprised to find that any one was in the flames, and when he saw and heard the deceased endeavoured to save him. His Lordship said that "the law laid down was that when a prisoner, in the course of committing a felony caused the death of a human being, that was murder, even though he did not intend it. And though that may appear unreasonable, yet as it is laid down as law, it is our duty to act upon it. The law, however, is that a man is not answerable except for the natural and probable result of his own act; and therefore if you should not be satisfied that the deceased was in the barn or inclosure at the time the prisoner set fire to the stack, but came in afterwards, then as his own act intervened between the death and the act of the prisoner, his death could not be the natural result of the prisoner's act. And in that view he ought to be acquitted on the present charge." This reasoning, which we venture to pronounce not altogether unworthy of the author of the theory of constructive murder, though righteously employed on the side of humanity, resulted in a verdict of not guilty.

Though lawyers are proverbially conservative, we think that it is a matter of some wonder that this doctrine, condemned as antiquated and incongruous by the Criminal Law Commissioners as far back as 1834, should have been permitted to survive to the present day, and more, that it should have been in terms preserved in the Amendment of the law of Homicide Bill, submitted to Parliament by Sir J. Eardley Wilmot, in 1876. But its days are now numbered, for though in the recent Criminal Code it is enacted that "Homicide is unlawful when death is caused accidentally by an unlawful act" (Ch. 19, sec. 133 c), there is no place for constructive murder in the following two definitions:—"Murder is unlawful homicide committed with, (a) An intention to cause the death of or

grievous bodily harm to any person whether such person is the person actually killed or not; or with (b) Knowledge that the act or omission to discharge a legal duty which causes death will probably cause the death of or grievous bodily harm to some person, whether such person is the person actually killed or not; although such knowledge may be accompanied by indifference whether death or grievous bodily harm is caused, or not, or by a wish that it may not be caused" (Ch. 20, sect. 134).—*Law Times*.

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The County of Derby has been thrown into a ferment by the action of Mr. Justice Hawkins towards the High Sheriff. It seems that the High Sheriff duly met Mr. Justice Hawkins and Mr. Justice Fry at the railway station, and conducted them to their lodgings, but failed to conform to the regulation that the High Sheriff should appear in uniform or Court dress. In fact, that great functionary was attired in ordinary morning costume. Thereupon Mr. Justice Hawkins, as the Senior Judge of Assize, made a communication, through the Under-Sheriff to the High Sheriff, to the effect that the latter must appear in Court either in uniform or Court dress. The High Sheriff pleaded, first, that he was not a deputy-lieutenant, and so was not entitled to wear a costume very familiar to all circuit-goers; second, that it was not the custom in Derbyshire for the High Sheriff to appear in uniform—in fact, that plain clothes were almost invariably worn. This latter right, which has, we believe, been more than once advanced in Leicestershire, resembles somewhat the claim of Baron Kingsale to wear his hat in the presence of the Sovereign; although even in the case of his lordship's claim King William III. expressed a hope that the privilege would not be exercised in the Queen's presence. However, Mr. Justice Hawkins displayed no sort of inclination to give way either to the plea of 'no uniform' or immemorial custom, and informed the Under-Sheriff that a fine of 500*l.* would certainly be inflicted on the High Sheriff in the event of that gentleman ap-