

## The Legal News.

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### CIRCUMSTANTIAL EVIDENCE.

A peculiar case of judicial error recently came to light in Austria. A strolling beggar, named Knapp, was tried and convicted of a double murder, accompanied by robbery. The charge was supported only by circumstantial evidence. Knapp had been seen near the scene of the murder on the day the crime was committed. The *alibi* which he attempted to establish was shown to be unfounded. He also gave an incredible explanation with respect to the money found on his person. The case seemed clear to the jury, and Knapp was condemned to death. Finding that there was no hope left, he made a revelation which wholly changed the aspect of the case. He confessed that it was he who had committed a burglary which had occurred on the day of the murder at a distant place, and the details which he gave respecting the affair were corroborated in various ways and proved to be correct. The money found on his person was thus accounted for, his previous false story having been concocted to avert suspicion as to the crime of which he was really guilty. But as the burglary took place at the same hour as the murder, and the distance was so great that it was impossible that the same person could have participated in both affairs, the authorities were forced to come to the conclusion that Knapp was innocent of the crime for which he was under sentence of death. The judgment was therefore annulled. A new trial took place, at which he was convicted of the burglary, and sentenced to nine years' imprisonment.

### BREAD STAMP.

The bakers of Toronto have raised a constitutional question. Wm. Nasmith, a baker of that city, in a case before the Queen's Bench Division, questioned the validity of sub-section 2 of clause 1 of by-law 1,128 of the city, which provides that on every loaf of bread sold or offered for sale in the city of Toronto there shall be stamped the weight of such loaf. A motion to quash was made on four grounds: (1) the by-law was *ultra vires*; (2) it was in

restraint of trade; (3) it was unjust; (4) it was impracticable. The Queen's Bench Division gave judgment (Feb. 13) disposing chiefly of the question of practicability, on which the argument turned, and holding that the stamping is practicable, and that the motion must fail and the by-law be upheld.

### DECISIONS IN APPEAL, 1882.

The following is a statement of the business disposed of by the Court of Queen's Bench sitting in appeal during the year 1882. [For similar statements for 1880 and 1881 see 4 Legal News, pp. 41, 66, and vol. 5, p. 49.]

The total number of judgments rendered at Montreal in civil cases in 1882 was 144, against 116 in 1880 and 131 in 1881. It appears, therefore, that the increase in the number of judges and terms has been attended by a corresponding increase in the number of decisions, the increase of 25 per cent. in the number of terms, and of 20 per cent. in the number of judges having produced an increase of about 20 per cent. in the number of judgments.

Of the 144 decisions in civil cases, 107 were confirmations and 37 were reversals. The proportion continues about the same as in 1880 and 1881, the chances of obtaining a reversal being only about one to three. It must be observed, however, that under the head of confirmations are included all cases in which the appeal has been discontinued, or dismissed for failure to proceed. So that the proportion of confirmations to reversals of cases actually argued would probably be not much greater than two to one.

We have arranged the names of the cases alphabetically, as follows :

#### CONFIRMED.

Archambault & Cie. Typographique, Cantons de l'Est, S. C., St. Francis.  
 Arnoldi & Refuge Ste. Brigitte, S. C. M.  
 Baby & Lavolette, S. C. M.  
 Bain & City of Montreal, S. C. M.  
 Baker & O'Halloran, S. C., Bedford.  
 Barnes & Barbeau, S. C., St. Hyacinthe.  
 Beausoleil & Normand, S. C. M.  
 Beemer & Devlin, S. C. M.  
 Bickerdike & Murray, S. C. M.  
 Blouin & Brunelle, C. C., St. Francis.  
 Bourbonnais & Bourbonnais, S. C. M.  
 Bowen & Gordon, S. C., St. Francis.  
 Brady & Church, S. C., Ottawa.  
 Brankin & La Banque du Peuple, S. C. M.  
 Brien & Charron, S. C. M.