

of law, and although the language of the statutes prior to the reign of Richard III. is generally in Latin or French, all the statutes of Richard III. are in English, and so they continue to be drawn in all subsequent periods. Mr. Justice Darling, who pronounced the sentence, should first have delivered the sentence in English, and then, if thought proper for the benefit of the prisoner, have interpreted it to him in French.

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We notice in the issue of the *American Law Review* for August last a discussion by our esteemed contributor, Mr. C. B. Labatt, as to the right of employers to carry on their business with extra-hazardous appliances. The author notices a fact which, so far as we know, has not received as much attention as it deserves, viz., that the period which witnessed the earlier stages of the development of the doctrine of assumption of risks was absolutely dominated by the ideas of the laissez faire school of political economists, and that the more rigorous applications of this doctrine are merely a juridical deduction from the theories of non-interference by the state, and of the sanctity of freedom of contract. It is argued, in the article referred to, that, as those theories have been rudely shaken by the logic of events which have shown conclusively that unrestrained competition cannot be safely trusted to produce the best social results, the law finds itself in the awkward position of administering principles which depend upon discredited hypotheses. It is almost universally admitted by modern thinkers that the state cannot, without serious injury to itself, hold aloof altogether from the struggle between capital and labor, and it is a decided anomaly that the judiciary should be unwilling to recognize this fact. Never, perhaps, has the operation of the rule of stare decisis been productive of greater mischief than it has been in fettering the American courts to precedents resting upon these antiquated theories of the relations between employers and employed. As matters stand, legislation probably furnishes