

Wilson dissenting) That, "inasmuch as the bent of the curriculum was towards a chronic idiocy, so it could not be contended that this case was peculiarly excusable, no special circumstances having been put in evidence."

BOOK IV., CHAPTER VII.
OF EVIDENCE AND HEARSAY.

Now, there is no branch of all the law wherein there is greater uncertainty and conflict of opinion than that which pertains to the rules of evidence observable in the Mufti's court, and yet none wherein there should be greater strictness and consistence. Of this confusion, perhaps, there has been no more fruitful source than the introducing of the uncouth principles of the English Criminal Law into a jurisprudence of such nicety and refinement as the Law of Hazing. When we pause to remember that in the one system all proof must be directed in the first place to the establishing and fixing of guilt, while in the operation of the other and more enlightened code guilt is self-evident and almost irrebuttably presumed, so that innocency may in the one case be worn as a wig to cover bald iniquity, and in the other case humility and self-abasement must be strictly evidenced and proven. When we pause to consider this fundamental divergence of systems we are led to the resolve of deducing the maxims of initiatory law from the body or corpus of that law and none other. Accordingly the following rules have been extracted from the numerous decisions to be found in the volumes of McKim's Reports:—

I. *Guilt is presumed always.*—To even the unthinking it must be self-evident that the bare laying of a charge by a senior against a freshman ("man" being by philologists reckoned euphonic for "thing" or "it") is sufficient proof of that charge. For it is not to be presumed that a senior in such matters would speak falsely or inconsiderately; rather is the contrary presumed, and with good reason, for, elsewhere, how could we believe a senior. But here the encroachment of the common law has greatly marred the severe simplicity of this rule, several grave judges having required *viva voce* testimony of guilt to be adduced; nay there have even been *dicta* in favor of the accused confronting the accuser, which confrontation was surely sufficient guilt. To what length judges are prepared to go is uncertain, but this far at least the mischief is irreparable, that since the entertaining of Common Law doctrines there hath been not a single case where, on the unsupported charge of a senior, the court has caused the infliction of capital punishment. It is surely not too much to hope that future legislation will mend the breach opened by judicial error.

II. *Hearsay evidence will not be taken.*—Of all the technical words that ever perplexed students, and even grave justices, there is none that has been more abused than this word "hearsay." It is capable, however, of a correct definition, and simple. In the important case of *Vandur vs. Work*, it has been ably said that "hearsay is that which has been tainted by conduct through a freshman. For it is manifest that were A, a senior, to communicate truths to B, a senior, who transmits again to C, a senior, and so on to Z, a senior, the chain of evidence is thus intact—or, rather, the stronger, for its many links; for each successive senior will sift the truth through the meshes of wisdom, rejecting what is unlikely and adding what is probable. But should the stream pass through a freshman how can it be but that it should be tainted with falsity; and little matter if it hath run from far or near, it will still carry the impurities of its bed."

Other and more recondite maxims of evidence-law may easily be drawn from the many existent decisions; but to me it doth appear that by the faithful application of the above rules all difficulties will be abated and all crimes more certainly established to the sure confoundment of evil doers,

LXXX. HUNTER.

GOWNSMEN'S CHORUS.*

Gownsmen, circle round in chorus,
Sing as sang our Dons before us,
Quaff your glasses, raise your voices,
To our *Alma Mater* free!

Scenes by rosy boyhood haunted,
Joyous hearts, high hopes undaunted,—
To each early fond remembrance
Fill a brimming glass of glee!

To all lovely maidens fill we!
Chaste as charming may they still be!
Pour a sparkling bright libation
To the maids of Varsity!

To Our Mother's sons who love her
Fill a bumper flowing over,
Men who stand and fall for freedom,
Canada, who fell for thee!

Men who moved our hearts to duty,
Taught us wisdom, showed us beauty,
Whom we honor, whom we follow,
Fill to them with three times three!

Friends whom Fate from friends hath riven,
To hot suns or cold skies driven,
Far from home new homes creating,
Bless them Heav'n, where'er they be!

Gownsmen whom no sorrows cumber,
Cradled in death's dewy slumber,
Pour to them this pure libation—
May they sleep and dream of us!

And when life's true joys are blended
In a life that's never ended,
Gownsmen shall meet brother gownsmen,
And remain forever thus.

When we cross the dismal ferry,
Trusty Charon, in thy wherry,
O then one last draught restoring
Give for our last obolus!

Berlin.

J. KING.

EXCHANGES.

A glance through our exchanges leaves the impression that this will be an easy winter for the professional joke writer. The Fall Poet has broken out with violence, and the revision of the Spring Poet jokes up to date will keep the wolf from many a door.

Whether it is the saddening influence of falling leaves and moaning winds, or of the gruesome sights so often attending football games, the contemporary collegiate fiction is of a most lugubrious type. We have wandered through the *Nasseau Lit.*, *Red and Blue*, and other welcome visitors to our table, but nowhere do we find a happy pair of lovers; with our consent they pine away and die.

Lippincott's for November comes with a bright story, "The Duke and the Commoner," by Mrs. Poulteney Biglow. It is a charming description of New York life, and presents in Diana Jackson a new, if decidedly unpleasant, phase of that much studied character, the American Girl. The Commoner is a charming young widow, who very strongly resembles the typical English widow, perhaps because she has the advantage of possessing a Bostonian sister-in-law. At any rate she is pretty and sweet, and holds the reader's interest to the very last page.

The *Yale Record* is a comic fortnightly, which in general appearance and style may be classed with *N. Y. Life*. The illustrations are particularly fine.

* *A la German Commers-Lieder.*