

TESTIMONY OF PERSONS ACCUSED OF CRIME—LAW IN ROMANCE.

crimes, that the public anxiety and alarm stimulate detectives into extreme activity, and rouse up some witnesses into a degree of positiveness and firmness of recollection that may be quite unwarrantable. Fearful mistakes are sometimes made as to the identity of the person arrested and on trial with the actual perpetrator of some great outrage. But, in such cases, the mere denial by the accused would not be greatly re-enforced by his oath. It costs so little for a felon to deny his crime! Of course, he would deny it. The true protection is the discrimination and carefulness of the presiding judge, the zeal and energy of the counsel in defence, the fairness and integrity of the public prosecutor, and, last and best of all, the conscientious and wise caution of the jury.

To sum up, then, the objections to the new system of the administration of criminal justice, we take these points:—

It will be found to be compulsory in its operation, and will force defendants generally, in criminal cases, to take the stand as witnesses.

It will compel the guilty either to criminate themselves, or rely upon perjury for their protection.

It will, to a great degree, deprive all accused parties of the benefit of the presumption of innocence.

It will lead to such an accumulation of false and worthless testimony in the criminal courts, that there will be great danger that jurors will habitually disbelieve all testimony coming from any defendants.

It gives to persons who really are not guilty of any offence charged against them no substantial advantage over the presumption of innocence, and is wholly illusory as a privilege.

It tends to degrade the trial of a criminal case into a personal altercation between the prosecutor and the accused.

It is an experiment entered upon without necessity, not called for by the profession, not petitioned for by any body, demoralizing from its encouragement of perjury, and useless for the purpose of accomplishing any substantial good result.—*American Law Review*.

LAW IN ROMANCE.

The law is, after all, the most romantic of professions. Happily for its members, it is not entirely composed of sheepskin, and dust, and decided cases,—“quiddits and quillets, cases and tenures,” as Hamlet hath it,—of contingent remainders or executory devises. It hath its paths of pleasantness, which are not necessarily those of Ferne, Littleton, or Chitty, but are more akin to human nature. And when we say that law has its romantic side, we mean that it has more to do than any other profession with those striking episodes in men's lives of which writers of fiction have taken advantage, either to incorporate, in

making them the groundwork of their romances, or to imitate, in feigning similar events as occurring to the creatures of their fancy. The law sees men under the influence of powerful emotions, in the commission of terrible crimes. It sees the evil passions of suitors in conflict one with the other. It sees violent and sudden alternation from great riches to extreme poverty, and the reverse. It sees much suffering and much oppression. And in all these it knows and understands the motives, and sees the workings, of the minds of the actors. For these reasons have we termed law the most romantic of professions, and not only the vast collection of *causes célèbres*, but the myriads of unreported cases containing as much that is marvellous, prove this beyond peradventure. Hence it is not strange that writers of fiction, seeking where they can find what most will interest their readers, have often turned to the law, and invoked its invaluable assistance in compounding a plot, or inventing a striking episode. We propose, therefore, looking at law in romance, which is the shade or *εἰδωλον* of romance in law, which seeks to copy, if not to surpass, the reality in the extraordinary complication of events and episodes into which men may be led by crime, passion, or accident. Law, in this species of literature,—which, to separate from more orthodox law-books in buff, should be termed a sort of profane law,—may be divided into two classes: 1st, the cases where the plot turns on a legal point or proceeding in law; 2nd, where the circumstances of the tale culminate in a trial in court. Sometimes both are combined, and then there is law to the heart's content. It may be little pleasure to the tired lawyer, seeking relief in the literature of fancy after several hours' sharp engagement with Coke or Preston, to find their doctrines lying hid, like a snake, among the flowers of the imagination to which he has wandered for relaxation; and, on the other hand, to the hungry law-student, craving, with never-abated greed, the maxims of his profession, the law in fiction affords but an unsatisfying morsel.

Of the first class, the stereotyped instances are those where the plot turns on a disputed will, a forged deed, an altered marriage register, or a contested inheritance. The second is chiefly occupied by those cases where, after a variety of adventures, the hero or heroine is justly or unjustly accused of some crime, generally murder. In these cases, as a court-room during a capital trial is sure of a crowded and attentive audience, no matter how unimportant the person of the accused; so the author however dull may be the rest of his book, is sure of making one or perhaps two stirring chapters, and exciting a final interest in which his story may terminate. To a professional reader, however, this blaze of fireworks is apt to be rather tame, unless truthfully done; and the sticks of the rockets are painfully apparent, much as a diagnosis of the disease of which