Armes (1882) 107 U.S. 519; accord, *Phelps* v. *R.R. Co.*, supra. The two, however, are quite distinct.

The undeniable reactionary tendency in New York, revealed in the minority reasoning, is prevalent, also, at present, in a few other jurisdictions, and it is the more remarkable, perhaps, because of a recent liberal treatment of this evidence in Massachusetts itself. *Flaherty* v. *Powers* (1896) 167 Mass. 61; *Spaulding* v. *Lithograph, etc., Co.* (1898) 171 Mass. 271. Such a reaction seems unfortunate. It might, however, be noticed that a total absence of proof of recency or of similarity of conditions seems to discredit the actual result reached by the majority.—*Columbia Law Review.*

The preservation of the sacredness of the persons and personal liberty of the King's subjects has always been one of the boasts of the British Constitution; and this is something which should not be lightly encroached upon. It is not in these times of peace, plenty and prosperity that the need for such a safeguard is much in evidence as it is in the troublous times that have been, or in the troublous times that may be hereafter. Whilst this is so there is much in what was graphically said by Mr. Justice Riddell in a judgment recently delivered by him in the case of *Rex* v. *Leach*, on an application for a habeas corpus. He said: "It is to be hoped that the courts may long be spared the disreputable spectacle of a litigant claiming an advantage from an alleged irregularity in which he himself participated. A defendant has, undoubtedly, the right to place his back against the wall and fight with every advantage; he has, I think, no right, if he come out from the wall, to complain that his adversary gets behind him. And the rules in favour of the accused, derived from the bloody days when the mother was hanged for a petty theft to stay the hunger of her famishing brood, are not to be extended or applied where not reasonably applicable." But the pendulum may swing too far the other way. The liberty of the subject is a valuable relic.