

tice in criminal matters: "The devices of the profession in criminal practice are the scandal of the age. Murder is committed in open day for greed, hate, or revenge. The astute lawyer pleads emotional insanity, or finds justification in the barbaric instincts which still linger in the human breast, and the murderer goes unhung. The constant acquittal of criminals, through technical objections to the record, and by emotional appeals to the jury, are the deepest stain on the profession. A few years ago a school teacher in Chicago, standing in his home, in the presence of his wife, in broad daylight, was shot dead by a ruffian who bore against him a personal grievance, and had come to his home for the express purpose of murdering him. Eminent counsel was retained for the defence, and an acquittal secured. It was spoken of as a great professional triumph. But the assassin should have found a grave beneath the gallows, and the lawyer expelled from the Bar. A few years ago the Chief Justice of Kentucky was murdered by a man against whom the Supreme Court had affirmed a judgment. The assassin is free, but, unfortunately, murder is so common there, that the fact of his freedom is no reproach to the State. But these cases are but two in hundreds. Shall a prisoner then be tried without counsel? No; but if guilt is certain, let the facts and the law be stated, and the accused put upon the mercy of the court. The law should be vindicated, even at the expense of an ancient legal maxim; and if I can secure that dominion of the moral sense for which I contend I will risk the lawyer doing justice to his client when there is reasonable doubt of his guilt. There are omens in the air which indicate that the people are not satisfied with certain conditions of law, nor with the present course of the administration of justice. Most of them may be traced to the want of moral purpose and patriotic spirit among lawyers. It is well that we should heed them."

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TELEGRAMS AS EVIDENCE.—In the case of *The Anheuser-Busch Brewing Company v. Hutmacher*, 21 North-Western Rep. 626 (Ill.), Judge Bailey in delivering the judgment of the court uses the following language: "The position taken is that the papers delivered by the telegraph company to the plaintiff are only copies, the originals being the telegrams signed by the defendant, and delivered by it to the telegraph office from which the message was sent, and it is urged that such originals should have been produced, or some proper foundation laid for the introduction of secondary evidence of their contents. The application of the rule of evidence here contended for must depend upon whether the messages delivered by the telegraph company to the plaintiff, or those delivered by the defendant to the telegraph operator, are, as between the parties in this suit, to be deemed the originals. In *Durkee v. Railroad Company* (29 Vt. 127) the rule which we consider the most reasonable one is laid down, viz.: That the original, where the person to whom it is sent takes the risk of its transmission, or is the employer of the telegraph, is the message delivered to the operator; but where the person sending the message takes the initiative, so that the telegraph company is to be regarded as his agent, the original is the message actually delivered