

The Legal News.

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ASSESSMENT ROLLS.

The two cases of *Baylis & City of Montreal* and *Bisson & City of Montreal*, decided by the Court of Queen's Bench last month, contain several points of interest. Both of these suits had reference to special assessments to defray the cost of improvements. In each case, the commissioners appointed to assess the cost of the improvement on the proprietors benefited failed to report within the time prescribed by the Court, and in each case the error was held to be fatal to the validity of the report. But in *Baylis & City of Montreal*, the plaintiff did not seek to have the roll set aside, but merely to be reimbursed the sums which he had paid thereunder. In this pretension he was supported by the majority of the Court. In the second case, the plaintiff, after bringing suit to have the assessment roll set aside, and to have the defendants restrained from proceeding to levy the assessment, actually paid the amount, in order to withdraw his effects from seizure. There remained then only his prayer that the roll be set aside, and the majority of the Court sustained this demand, the fact of payment after suit, in order to be liberated from a seizure, being held not to operate to his prejudice in any way.

There was another point of importance in the *Baylis* case. Interest was asked from the time the money was paid by Baylis to the city, but the judgment of the Court of appeal only allows interest from the date of the institution of the action.

THE TREATMENT OF PRISONERS ON TRIAL.

In a recent issue (p. 295) we had occasion to notice a case in which the rights of accused before trial were vindicated, even to the extent of forbidding the photographing of a prisoner without his consent. In New South Wales, the Legislature has been considering the treatment of prisoners during trial. A motion was made

in the Legislative Council, to the effect that prisoners on trial should not be compelled to enter a dock, unless there is reason to apprehend an escape or interruption of the ordinary conduct of the trial, and that in the opinion of the House, prisoners on trial should be at liberty to sit or stand, at their option. The motion was rejected by a considerable majority, only four members voting for it, and fifteen against it. The *London Law Journal* treats the motion as the fanaticism of philanthropy, and says that "there is no real hardship in an innocent prisoner being put in the dock. It is the place for all—the innocent, as well as the guilty—to stand during trial. In the dock the prisoner is free from crowding or molestation, and he can see and hear what is going on. It seems to us that the guilty, and not the innocent, would deem it a hardship to be so placed as to be within view of the judge and jury, and to face the witnesses for the prosecution." On the other hand, the *Albany Law Journal* considers the dock a relic of barbarism, and says that in the State of New York prisoners are allowed to sit with their counsel.

As for liberty to sit or stand, that is usually granted without difficulty, at the request of counsel. We do not know any reason why a prisoner should be compelled to stand for several hours, or several days; and certainly, where from weakness or other cause, such a position would be distressing or injurious to him, it would be hard to defend an order that he should be kept standing. We do not remember any case in which the court refused permission to the prisoner to be seated, on application being made. But the other matter discussed by the New South Wales legislature, it seems to us, is one of those grievances which are almost inseparable from the trial itself. If it be a hardship that an innocent man should be placed in a dock, it is a still greater hardship that he should be accused, or that he should be imprisoned until his trial takes place. But it is certainly desirable, in the majority of cases, that the accused should be assigned a position in court from which escape is difficult, and where he will not be closely hemmed in by the crowd of idle spectators who are attracted to such scenes. It is also desirable, and even necessary, that he should be placed so as to have an interrupted view, while the jury is being impan-