## POOR DOCUMENT

THE EVENING TIMES-STAR, ST. JOHN, N. B., SATURDAY, JANUARY 12, 1924

### ENGLISH LAW AND AMERICAN ENACTMENTS

A British View of Criminal Procedure in the U.S. Crippled by Laws So Multiplied That Law Itself Is Cheap

(By Sir A. Maurice Low, Correspond- resort to any trick that, in its applient in Washington of The London cation, violates the spirit if not the He and Six Aldermen Electactual letter of the rules.

would be a hopeless endeavor.
Whenever anything becomes commont ceases to have value Or annual tendent in Frequently several pages of typewriting and involved tended with so much difficulty that the deal with so much difficulty that the tended with so much difficulty that the tended with so much difficulty that the work of the more gibly talk shout drafting a law in not only some thing mysterious but the work of the more gibly talk shout drafting a law in the work of the more gibly talk shout drafting is and or varied operation. No more gibly talk shout drafting is and or varied operation. No member of the things of the tendent would be a hopeless endeavor.

Whenever anything becomes common it ceases to have value. Our annual increase of laws is so small and is at-

can be too harsh—let me illustrate:—
In London a few years ago I
strolled into the law courts and by
chance went into one of the criminal
courts. A homicide case was on trial,
and a woman, of the charwoman class,
was in the witness box. The prosecuting barrister asked her whether on
the night of the homicide she was
drunk, which she denied. He then
asked her what she had been drinking.
She said beer, whereupon he pounced

asked her what she had been drinking. She said beer, whereupon he pounced upon her. At the Coroner's inquest she had testified to drinking ale, now what did she mean by saying she had been drinking beer?

At this stage the Judge interrupted. Turning to the witness, he asked her quietly whether she or any of the others in the room were drunk on that night, and she replied they had been drinking, but none of them were intoxicated. The Judge then asked her what they had been drinking, had they been drinking whiskey or gin or spirits of any kind or beer. She said none of them had drank spirits, only beer or ale. Turning to the counsel, the Judge said: "The witness has testified they were drinking, but none of them were drunk; they had no spirits, only beer. Now, what difference does it make whether it was ale or beer? You may go on."

You may go on."
I think this trivial incident in the day's work in an English court of law marks the difference between British and American judicial methods, and the difference is fundamental. In America the idea seems to be that the Judge is simply a referee, who sits mute unless appealed to. In England we proceed on the theory that the Judge is an umpire, whose duty is not only to keep the ring and see that no foul blows are struck, but who must disanction a player if he attempts to

# MAYOR CAMERON

managers. Americans are enmeshed in laws from the cradle to the grave and wander through life in a maze of statutes. They are fortunate if they are born legally or die lawfully. As for living in the fear of the law, I am convinced no American attempts it. It would be a hopeless endeavor.

Whenever anything becomes com-

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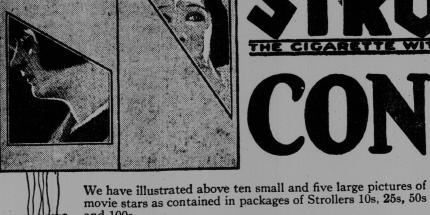
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