

The Legal News.

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"Student" makes an enquiry with reference to statements by prisoners who are represented by counsel. It must be remembered that Mr. Justice Stephen's opinion, to which he refers, is not generally concurred in by his brethren on the bench. The practice in Canada and England has, we believe, been similar, viz., that where a prisoner is represented by counsel, any statement he may desire to make to the jury should be presented through his counsel. Mr. Justice Stephen and some other judges in England have admitted a statement by the prisoner, even when represented by counsel, and possibly, under Sect. 45 of our Criminal Procedure Act, judges might consider that they have a discretion to grant the prisoner a similar privilege in this country. We do not know if the question has ever been formally presented to the Court, but some of our readers may be in a position to furnish information on the point.

The *Law Times*, referring to another effusion of the same Judge, says:—"Mr. Justice Stephen has not, we think, sufficiently considered the tendency of some of the language he has used in his recent article in the *Nineteenth Century* on Lord Bramwell's Criminal Evidence Bill, with regard to the frequency of perjury. When a judge of the High Court informs the public that "there are temptations under which almost everyone would lie," he does not make it easy for himself or his fellow-judges to inflict a proper penalty upon perjury in the rare cases in which it is not merely demonstrated beyond reasonable doubt, but actually brought home by legal proof. We think, too, that when the learned judge goes on to express his opinion that the feeling prevalent amongst "honorable men in common life," that "it would be morally impossible for them to tell a willful lie on a solemn occasion like a trial in a court of jus-

tice * * * proceeds much more than they suppose from the fear of being contradicted and found out," he casts an unnecessary slur on the veracity of his countrymen in general. That perjury, or at least untrue evidence, is a matter of "daily experience" in British courts of justice is unfortunately only too true. But it must not be forgotten that those who swear to a bad case are, in a large proportion of cases, men who have already shown themselves to be devoid of a nice sense of honor, inasmuch as their false evidence is given in the attempt to bolster up a case which they are unconscientiously maintaining, whether as plaintiffs or defendants. That amongst those who will set up an untruthful claim or defence, as the case may be, for the sake of a personal advantage, there are few who will stick at a safe perjury, is no doubt true, just as it is true that any vulgar thief will readily perjure himself, if he can so escape punishment. And it is also true that many men will maintain a lawsuit with the object of retaining or getting possession of property which does not rightfully belong to them, who would not think of committing a theft. But these men, though they may generally be looked upon as honorable, only show by their conduct that their sense of honor is superficial and conventional; and to draw conclusions from the prevalence of perjury amongst this class as to the conduct of Englishmen in general, is to build an inference upon far too narrow a basis."

OFFICIAL LAW REPORTS.

The by-law of the General Council, imposing an additional fee of \$15 per annum for an official law report, merits attention. A meeting of the Montreal Bar was convened on Saturday last to consider the scheme, and this meeting almost unanimously declared against the by-law, and demanded its repeal. So strong was the feeling that a proposition for an adjournment was voted down by a large majority. The objections to the by-law seem to have been based on several grounds. In the first place, there were some at least who frankly admitted their objection to be taxed to the proposed extent. There are some of the younger members who have