

in refusing to permit a revenue collector to come into the bank and look over the checks which had been paid in, to see if he could find any which had no stamp on.

**THE BANKRUPTCY LAW.**—There is the same dissatisfaction in the United States with respect to the bankruptcy law that exists in Canada. The *Albany Law Journal* remarks: "There is no disagreement in regard to the proposition that it is in many features not what it ought to be, and that its operation is not productive of as much good as could be wished; but as to the remedy for these things there is a want of harmony. We believe, however, that outside of a small body of interested persons, there are very few, either lawyers or business men, who would mourn over the absolute repeal of the law."

**FEES OF PHYSICIANS CALLED TO TESTIFY AS EXPERTS.**—The Supreme Court of Alabama has decided in the case of *Ex parte Dement*, 6 Cent. L. J. 11, that a physician, like any other person, may be called upon to testify as an expert in a judicial investigation, whether it be of a civil or criminal nature, without being paid for his testimony as for a professional opinion, and upon refusal to testify may be punished as for a contempt. This seems hard upon professional men, but the *Albany Law Journal* remarks that "the conclusion is supported by authority. In *Collins v. Godefroy*, 1 B. & Ad. 590, plaintiff, an attorney, who had attended six days on subpoena as a witness for defendant, to testify in respect to the negligence and unskilfulness of another attorney, sued for a fee of six guineas, which there was evidence that defendant had agreed to pay him. The Court of King's Bench said: 'If it be a duty imposed by law upon a party regularly subpoenaed to attend from time to time and give his evidence, then a promise to give him any remuneration for loss of time incurred in such attendance, is a promise without consideration. We think such a duty is imposed by law, and that a party cannot maintain an action for compensation for loss of time in attending trial as a witness.' But see *Webb v. Page*, 1 Carr. & Kirw. 23, where it is said: 'There is a distinction between the case of a man who sees a fact and is called to prove it in a court of justice, and that of a man who is selected by a party to give his opinion about a matter with which he is peculiarly conversant

from the nature of his employment in life. The former is bound as a matter of public duty to speak to the fact which happens to fall within his knowledge. Without such testimony the course of justice must be stopped. The latter is under no such obligation. There is no necessity for his evidence, and the party who selects him must pay him. And in *Matter of Roelker*, Sprague's Decis. 276, the Court says: 'When a person has knowledge of any fact, pertinent to an issue to be tried, he may be compelled to attend as a witness. In this all stand upon equal ground. But to compel a person to attend merely because he is accomplished in a particular science, art or profession, would subject the same individual to be called upon in every cause in which any question in his department of knowledge is to be solved.' See, also, *Loneragon v. Royal Exch. Ins. Co.*, 7 Bing. 731; *Elwell Med. Juris.* 592; *Ordronaux Juris. of Med.* § 113; *Lyon v. Wilkes*, 1 Cow. 591. In a paper on the 'Testimony of Experts,' read before the Academy of Arts and Sciences, the late Professor Washburn said: 'Nor do I understand that a party has a right to call upon a man of skill or science to exercise these in the trial of an ordinary question involving the right to property, or damages of a personal character, by simply summoning him, and tendering him the ordinary fees of a witness in court.'"

**EXECUTIONS IN THE UNITED STATES.**—During the past year 83 men were hanged in the United States. One woman, Louisa Lawson, of Virginia, was sentenced to death, but the sentence was commuted by the Governor. Of the whole number of men who suffered the extreme penalty of the law, 47 were whites, 34 were blacks or mulattoes, one was an Indian and one a Chinaman. Several persons were lynched, generally for crimes which would have ensured their legal execution, but of such cases no statistics are kept. The executions were thus distributed among the several States and Territories: Pennsylvania, 16; South Carolina, 12; North Carolina and California, 5 each; Missouri, Maryland, Georgia and Virginia, 4 each; New York, Louisiana, Arkansas, Nebraska and Tennessee, 3 each; Mississippi and Ohio, 2 each; New Jersey, New Hampshire, Delaware, Alabama, Kentucky, Texas, Utah, Dekotah, Oregon and Wyoming, 1 each.