

on appeal is indemnified for the damages sustained by him. Likewise a person who has been kept in custody but has been set free again, either because further criminal proceedings against him have been given up or because he has been acquitted by the final sentence passed at the trial instituted against him, may claim damages from the Treasury for the injury sustained by him. If, however, the matter be merely due to the finding that the Penal Code does not contain any provisions applicable to the acts of which the person is accused and is in fact guilty, or to the fact that liability to punishment is, on account of other legal provisions, excluded in that particular case then the indemnification is not looked upon as the right of the prosecuted, but it is left to the Court to decide whether under the circumstances, it ought to be granted. We observe an exceedingly well written article upon the "Methods of Review in Criminal Cases in the United States," by late assistant United States District Attorney Kohler of New York.

On the whole the book is one that we can heartily endorse as a worthy addition to the many works treating of celebrated trials.

The Necessity for Criminal Appeal as Illustrated by The Maybrick Case and the Jurisprudence of Various Countries. Edited by J. H. Levy. P. S. King and Son, Westminster, Eng., publishers. For sale by G. P. Putnam's Sons, New York. \$4.20 nett.

In the present work the author has drawn a strong arraignment of existing criminal law in England and an eloquent plea for a right of review in criminal cases.

The three causes celebres of the present century may we think without question be said to be the Tichborne, Dreyfus, and Maybrick trials. Concerning the first two many histories have been written, but the present work, so far as we have been able to discover, seems to be the only entire account of the latter. The author has, it appears to us, accomplished his aim in a way that leaves but little to be desired. Beginning with a statement of facts as they existed before the trial, he takes up the cause in logical sequence giving the testimony of each witness, addresses of counsel and charge to the jury. Then follows certain evidence accumulated by the prisoner's friends upon which numerous applications for pardon have been based, together with the decisions of the various Home Secretaries.

Mr. Levy argues strongly in favor of the innocence of the accused and points out with much clearness and vigor many apparent fallacies in the reasons relied on by the Home Secretary in commuting the sentence from death to imprisonment for life. The course of Mr. Matthews seems to have been based upon the fact that "although the evidence leads clearly to the conclusion that the prisoner administered and attempted to administer arsenic to her husband with intent to murder, yet it does not wholly exclude a reasonable doubt whether his death was in fact caused by the administration of arsenic." The author very justly observes that the prisoner was in reality convicted by the Home Secretary alone of an attempt to commit a crime only, an offense of which she had never been found guilty. Mr. Matthews seemed to have proceeded upon the assumption that he alone constituted a court before which any prisoner who might appeal for clemency might be retried and found guilty of a separate and distinct offense.

Under the heading "The Reparation of Judicial Errors" the latter part of the work is taken up with a discussion of the right of criminal appeal and the law regulating compensation to persons unjustly confined, which is in force in various countries. In Norway in particular a person convicted by a sentence reversed