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NOTE AND COMMENT.

THE LAW REVIEW.—With this number publication will, as usual, be suspended until the opening of the Department in the fall. The next number will appear November 1.

CONSTITUTIONAL LAW—COMPELLING ONE TO BE A WITNESS AGAINST HIMSELF—COMPARING DEFENDANT'S SHOE WITH FOOTPRINTS.—Reference was made in a recent number (I MICHIGAN LAW REVIEW, 500) to the case of *State* v. *Height* (1903), — Iowa —, 91 N. W. Rep. 935, wherein was discussed the question of the violation of constitutional rights by compelling one to furnish evidence against himself. Since that time, the supreme court of Wisconsin has had occasion to deal with the same general question in *Thornton* v. *State* (1903), — Wis. —, 93 N. W. Rep. 1107. The party complaining here had been arrested, charged with crime. After his arrest his shoe was taken and compared with tracks in the snow at the place where the crime was committed, and evidence was admitted upon the trial as to the results of the comparison. The admission of this evidence was alleged to be error.

The constitution of Wisconsin expressly provides that no one "shall be compelled in any criminal case to be a witness against himself," and that the "right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated." It was held, however, in an elaborate opinion, that neither of these provisions had been violated by the proceedings complained of. As "an approximate guide" at least, the court adopted the principle "that such portions of the person or attire of an accused as are customarily open to observation, are legitimate sources from which witnesses may give testimony of the result of such obser-