flict separate injuries; and the application of this test, in *People v. Warren,* 1 Parker Cr. R. (N. Y.) 338 (1852), leads to the result that where two persons are killed by the same act of poisoning an acquittal of the poisoning of one is no bar to prosecution for the poisoning of the other, because there was a separate intent to poison each victim.

As to whether there may be more than one prosecution, as for separate assaults, where the defendant shoots at one person and hits another instead, there is another conflict of authority. For the view that such prosecutions would constitute double jeopardy, see *Spanell v. State,* 83 Tex. Cr. R. 418, 203 S. W. 357 (1918); for the contrary view, see *People v. Brannon,* 70 Cal. App. 225, 233 P. 88 (1925). The preponderance of authority seems to favor the former holding. (See also note, 2 A. L. R. 606, and cases cited.)

F. W. F. '27.

CRIMINAL LAW—SEARCHES AND SEIZURES—INTOXICATING LIQUORS.—Plaintiff arrested and part of his stock seized under warrant issued six days previously, with no evidence of any unavoidable delay in the service thereof. *Held,* that process must be executed in reasonable time where no time is named in process or law authorizing it, and intoxicating liquors seized under a search warrant so delayed in service is inadmissible as evidence. *State v. Wiedeman,* (Ill. 1926) 154 N. E. 432.

The matter of what constitutes a reasonable time is regulated in many states by statute, and penalties are imposed on officers who fail to comply with the requirement. In states where the period of reasonableness is not regulated by statute, it is determined according to the circumstances of the case, such as the distance to the place to be searched, the condition of the roads, the facilities for travel, and the demands made upon the time of the officer. If there is any delay, it must be entirely unavoidable. In *State v. Guthrie,* 38 Atl. 368, where the delay was three days, and could not be explained, the warrant was held void. In *Weston v. Carr.* 71 Me. 356 a delay of more than 24 hours was held unreasonable.

All searches and seizures must be reasonable (Const. Art. 2, Sect. 6), and a search made under a warrant which has become *functus officio,* by reason of its not having been served until six days after it was issued, is not reasonable. *Link v. Commonwealth,* 199 Ky. 778; CORNELIUS ON SEARCH AND SEIZURES, sect. 141. Where intoxicating liquors have been obtained under a search warrant not meeting the requirements of the Constitution, they will not be admissible in evidence. All the authorities seem to be agreed on these points, and the Supreme Court of Missouri unhesitatingly confirms them in *State v. Hude,* 297 Mo. 213.

D. C. J., '28.

EVIDENCE—EXPERT TESTIMONY—ADMISSIBILITY OF DECEPTION TESTS.—In a prosecution for rape the deposition of a doctor that he administered a "truth-telling serum" to the defendant and while under its influence the defendant denied guilt was offered in evidence on behalf of the defendant. The testimony was excluded. *Held,* the evidence was properly excluded as unworthy of consideration. *State v. Hudson,* (Mo. 1926), 289 S. W. 920.

The past two decades have witnessed increasing interest in the results of scientific study of human behavior. In the field of criminology only tentative deductions have been made and none of the deception tests yet devised support a claim of infallibility. Suggested tests are the "association word and time reaction"; the "respiration" or "internal excitement"; the "galvanometric"; and the "systolic and diastolic blood-pressures." For a discussion of these see, William M. Marston, "Psychological Possibilities in the Deception Tests," 11

JOUR. CRIM. LAW AND CRIMINOLOGY 551; John A Larson, "Modification of the Marston Deception Tests" 12 *ibid* 390; 13 *ibid* 121; John A. Larson, "The Berkeley Lie Detector and other Deception Tests," 47 AM. BAR ASSOC. REPTS. 619; and Herman M. Adler, "The Interests of Psychiatry in Criminal Procedure," 47 *ibid* 629. The "systolic blood-pressure" test, the theory of which is that truth is spontaneous and comes without conscious effort while the utterance of a falsehood requires a conscious effort was rejected in the case of *Frye v. United States,* 293 F. 1013. So long as experimenting psychologists admit the imperfection of their deception tests it seems proper to exclude such tests from evidence in criminal prosecutions. In view of the fact that in the instant case the test was not conducted by the prosecution the decision may be supported on the further ground of its operation as a self-serving declaration. T. S. '27.

INTOXICATING LIQUORS—TRANSPORTATION—SUFFICIENCY OF EVIDENCE—This was a prosecution for the illegal transportation of intoxicating liquor. The defendant was riding as a guest in the automobile of a third person. When approached by the sheriff the defendant threw a one gallon jug of intoxicating liquor from the car. *Held,* that this fact was insufficient to support a conviction. *State v. Duskin,* (Iowa 1926) 210 N. W. 421.

Statutes enacted by a number of states in the past few years have given rise to a great mass of litigation on the subject of transportation of intoxicating liquor. Many of these statutes are similar to the one in Missouri which provides: "The words 'transport" and 'transportation' . . . shall be held to mean and include every mode, method, or means of carrying or conveying, intoxicating liquor from place to place in any container or receptacle, of whatsoever kind or character, and by whatsoever means used, except carrying intoxicating liquor on person." Laws of Missouri, 1923, p. 242, Sec. 19. A question almost constantly arising under these statutes has been whether or not the evidence was sufficient to support a conviction. Upon none of the phases of the question is there unanimity of opinion. It has been held that to sustain a conviction it is not necessary that the defendant be owner of the liquor, *Green v. Commonwealth,* 195 Ky. 698, 243 S. W. 917; *Maynard v. State,* 93 Tex. Cr. 580, 249 S. W. 473; that he have any pecuniary interest in it or custody thereof, *Szymanski v. State,* 93 Tex. Cr. 631, 249 S. W. 380; or have the lawful possession of the vehicle used in the transportation, *Melcher v. State,* 109 Neb. 865, 192 N. W. 502. Convictions have also been sustained where the evidence showed that the defendant, while driving away from officers threw a jug of liquor from the car, *State v. Roten,* (Mo.), 266 S. W. 994; that two defendants when approached by officers got out of the car and ran and as they did so one of the defendants removed a gallon jug of whisky from under his clothing and broke it on a large stone, *Simpson et al v. State,* 195 Ind. 633, 149 N. E. 50; that defendants while fleeing from officers poured liquor from vessels containing it and threw a demijohn from the car, *State v. Habel, et al,* 134 S. C. 386, 132 S. E. 838; that defendant destroyed two jars, one containing water and the other whisky which belonged to the driver of the automobile, *Brooks v. State,* 93 Tex. Cr. 206, 247 S. W. 517; and that officers met a car on the highway and a few hours later found liquor in the same car which had parked in front of a house, *State v. Bennett et al,* (Mo.) 270 S. W. 295. The evidence has been held insufficient to sustain a conviction where it appeared that the defendant claimed no interest in whisky found in his son's car in which he was riding, or knew it was in the car or that he was driving the car at the time, *Panton v.* State, 99 Tex. Cr. 93, 268 S. W. 155; that defendant was seen with a suitcase to leave an automobile and a short time afterwards the suitcase containing whisky was found in an old house, *State v. Ridge,* (Mo.), 275 S. W. 59; that the occupant of an automobile took a drink from a bottle of whisky handed