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GRANT v. *BEAUDRY.*

Our readers will probably have come to the conclusion that this case has received sufficient attention, and we have no disposition to occupy further space with it. We notice, however, in the *Law Times* a temperate article—in refreshing contrast to the frothiness of its local contemporary—in which the editor seems to think that the explanation of the difference of opinion between our Court of Queen's Bench and Mr. Justice Gwynne is very simple. We quote the words of our esteemed contemporary :—

"We think a calm consideration of the whole affair will disclose a reason for the expression of opinion in the Court below, and a reason for the expression used by Mr. Justice Gwynne in the Supreme Court. 'R.' very clearly shows [6 Leg. N. 41] that the system of jurisprudence which obtains in Quebec permits the Court to express its opinion upon all the issues in a suit before the Court. On the other hand, it is just as clear that the system of jurisprudence which we enjoy in the Province from which Mr. Justice Gwynne comes, does not permit of this—that is to say, the utterance of the Court on a matter not necessary for the decision of the Court is uncalled for and is not authoritative. We may say it is unwarranted and extra-judicial."

Now, even admitting that our contemporary is strictly correct as to the system which prevails in Ontario, it is obvious that the above is about as severe a criticism of the learned Justice of the Supreme Court as anything which has yet appeared on the subject. Is it possible to imagine a Supreme Court working satisfactorily, if the judges of the Court are so wedded to their own local systems that they will undertake to censure a provincial Court for obeying the law as it exists in the Province for which the Court is constituted ?

MR. LANDRY'S BILL.

It is probably cases like the above which have moved Mr. Landry to introduce a bill "to restrict the appellate jurisdiction" of the Supreme Court. The measure provides that the appellate jurisdiction of the Supreme Court shall be abolished in all cases "where the matter in "dispute relates to property and civil rights in "any of the Provinces, and generally as to matters of a merely local or private nature and "coming within the exclusive jurisdiction of "the Legislature of any of the said Provinces, "according to the meaning of the British North "America Act of 1867 and Acts amending the "same." The Act is not to apply to cases decided by the Exchequer Court of Canada, nor to cases where the matter in dispute affects the constitutionality or validity of any Act or Statute of any of the said Provincial Legislatures, which cases shall continue to be subject to appeal to the Supreme Court. At the advanced stage of the session at which it was introduced the Bill will hardly come up for consideration by Parliament during the present year.

THE DEATH PENALTY.

Lord Justice Stephen is a man of considerable vigour of mind ; but his intelligence is apt to degenerate into what has recently been frequently termed "crankiness." His views as to the extension of the death penalty tend in that direction. The reason why the death penalty should be maintained in political offences of the graver sort is, certainly, to some extent, to teach people "that to attack the existing state of society is equivalent to risking their own lives," but it is also because it is difficult to know what else to do with political offenders except to execute them. The moral turpitude of political offences is very various. A man of the highest honour, cultivation and rectitude, may be, strictly speaking, a political criminal, and although a government is obliged to protect itself and its subjects against his enterprises, it would shock our ideas of decency to send him for life to pick oakum, or manufacture shoes in a blue and yellow garb of coarse freize. We therefore kill him, with great regret, as we slay the enemy we don't despise in battle. Again, there is a true idea in the *lex talionis*, but it is not the idea of revenge. It is that the penalty should bear some relation to the crime for which it is inflicted. Life for life, an eye for an eye, and a tooth for a tooth, strikes the imagination of the intending criminal, and warns him in his instant of power to be merciful. Thus flogging has been found to be a useful punishment for deeds of violence of an ignominious character. Possibly a punishment involving restitution would check crimes of fraud and theft.