

to the physical training and control, as well as to the moral and religious discipline, of the greatest lawgiver and teacher of hygiene of any age. But the cleaning up and weeding out of the slave stock, and the training of the "fit" survivors, on that occasion, is an event not possible of repetition in these days. The sociologist must therefore look elsewhere for a remedy. The time may come when something along the line indicated above may take more definite shape.

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*HARD LABOR IN COMMON LAW MISDEMEANORS.*

May not the convictions in the ballot fraud cases, which have recently given a malodorous reputation to Toronto municipal history, be impeached on the ground that hard labor attaches to the sentences of the various offenders sentenced to detention in the Central Prison?

The Crown, it is now understood, is driven to argue that a misdemeanor at common law appears. That being the case, the punishment, whether fine, or imprisonment, or both, is according to the books, in the discretion of the Court. And it would seem to be no part of that discretion to weight a prisoner's confinement in gaol with hard labor, if indeed, the place of custody may be other than the common gaol. This accessory of hard labor, it should be observed, is a matter of course, in respect of imprisonment in the Central Prison, by virtue of sec. 955, s-s 5 of the Code, which provides that "imprisonment in a penitentiary, in the Central Prison for the Province of Ontario, . . . shall be with hard labor, whether so directed in the sentence or not." Sub-s. 6 reads, "imprisonment in a common gaol, . . . shall be with or without hard labor, in the discretion of the Court or person passing sentence, if the offender is convicted in indictment, or under the provisions of Part LIV (Speedy Trials), or Part LV, (Summary Trials.)" The section, judged by its opening clause, rather makes against the notion of its having to do with any punishments but those awardable between a maximum and minimum—such, in other words, as hamper the Court's discretion.

The evolution of hard labor, as a concomitant of punishment by restraint of the person, is interesting to follow. It was first warranted by the statute 5 Ann, c. 6, but was restricted to con-