

Canada Law Journal.

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DIARY FOR DECEMBER.

18. Sun.....4th Sunday in Advent.
21. Wed.....Shortest Day.
24. Sat.....Christmas vacation begins in H. C. J. and C. C.
25. Sun.....Christmas Day. Sir M. Hale died 1676, æt. 67.
27. Tues....J. G. Spragge, 3rd Chancellor, 1869.
30. Fri.....Holt, C. J., born 1642.

TORONTO, DECEMBER 15, 1887.

As usual we publish with this number the index for the current volume. The sheet almanac for 1888 will be ready in due course. Arrangements have been made for an addition to our editorial staff, and features of interest will be added to the Journal during the coming year.

WE learn from our namesake in England that "the right of appeal in *habeas corpus* is now definitely put beyond question by the decision in *Cox's Case*, unless the House of Lords, which we suppose will be appealed to as a matter of course, should take a different view. It was not intended by the Judicature Acts to take away a right of appeal, and yet an appeal for all practical purposes, by the prisoner, existed in the practice of allowing him to move four courts in turn for his release. If there is an appeal to the Court of Appeal at all, there must be an appeal by the prosecutor as well as by the prisoner. There is, therefore, this dilemma, either that there is an appeal on both sides, or the prisoner's rights are seriously interfered with. The only *tertium quid* is that the jurisdiction of the Courts of Queen's Bench and of Chancery survive in the corresponding divisions of the High Court, just as Terms still exist as a measure of time. This would be highly inconvenient, and contrary to the whole scheme of the Judicature Acts."

OUR cousins to the south of us are, as a rule, rather prompt men of business, and those who live under the jurisdiction of Judge Lynch have a pretty summary mode of administering criminal justice in a crude and an ancient fashion. How then are we to account for the fact that eighteen months elapsed between the massacre of policemen in Chicago by the anarchists, and the execution of four of the criminals who planned and put it into execution? We do not remember exactly how many months it took to bring Guiteau to justice, but it was a long time. In fact it took nearly as long in these cases to empanel a jury as it did for us to try, convict and hang Riel, though his offence was surrounded with many more difficult legal questions than either of the above cases, and the crime was committed in a unorganized territory where the law was in a very unsettled condition, and the practical difficulties in obtaining evidence and getting the trial enormously greater. The extent of the delay in the case of the Anarchists seems to have directed the attention of legal writers in the United States to the matter referred to. Can any reader answer the conundrum?

A DECISION of some interest in relation to the law of extradition has recently been given by Chief Justice Taylor in the Province of Manitoba. The prisoner, one Fant, was arraigned at the Winnipeg assizes last month on the charge of assaulting the chief of police with intent (as stated in the newspaper report) to feloniously murder him. It appears that the chief went to arrest Fant on the suspicion of stealing cattle, and brought him to a stable near the police station in a buggy, when the prisoner jumped out and