

The Legal News.

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A petition having been presented by seventeen members of the bar, practising in the district of Ottawa, praying for incorporation as a separate section of the bar, a proclamation has been issued under the authority of 44-45 Vict. c. 27, granting the incorporation prayed for by the petitioners. The Act referred to enacts that "whenever the members of the bar, duly qualified to practise and practising in any new district, exceed fifteen, it shall be lawful for them to constitute themselves into a section of the bar, in and for such district, and such corporation shall be formed as follows: a petition shall be signed by at least fifteen of the members of the bar of such district, and transmitted to the Lieutenant-Governor in Council who shall issue a proclamation constituting such corporation. From and after the date of such proclamation, the members of the bar of such district shall constitute, under the name of 'the Bar of' (adding the name of the district), a separate section of the bar, and all the provisions of this Act respecting sections shall apply to such section."

Mr. Hopwood, Q.C., Recorder, in charging the grand jury at the Liverpool Quarter Sessions, entered into a long defence of his lenient sentences, which have been the subject of considerable comment. He said "he disapproved of long sentences based on previous convictions, for which adequate punishment had already been suffered, as they were cruel to the prisoner and injurious to the community. His rule was to have regard mainly to the offence before him, and his opinion in this matter had been formed after much deliberation, and with a deep sense of responsibility, aided by his experience at bar, at sessions, and at assizes. The theory that long sentences would afford time for reflection, education, and reform had not worked out successfully. Severe sentences only made the criminal class more violent

and cruel, while lengthened imprisonment was a source of large and unnecessary cost to the taxpayers, and he was convinced that the course he was following was for the benefit of the community." It is no doubt true that the reform of a prisoner is seldom brought about by imprisonment. But, on the other hand, it being common experience that many of the worst crimes are committed by discharged convicts, some of whom have already served several terms, the protection of the public surely requires that some attention should be given to the fact that the prisoner is a confirmed law-breaker, for the shortening of his sentence simply means that he will be afforded an earlier opportunity to repeat his offence. The argument as to cost, if it be worth anything, is rather against short sentences, for they multiply trials, with the inevitable expenses attending them.

The increase of the sentence on one Buckley, at Toronto, because of former convictions, shows that Chief Justice Galt does not sympathize with the opinion expressed by Mr. Hopwood. This case is sufficiently novel to deserve notice. Buckley had been convicted of causing the death of one Bertha Robinson. At the trial, no reference whatever was made to previous convictions. The Judge, in ignorance of the prisoner's record, sentenced him to five years' imprisonment. When the assize Court opened on the 13th instant, the Crown Prosecutor, Mr. Æmilius Irving, Q.C., moved for a reconsideration of the sentence, and in doing so pointed out that the prisoner's previous record, which included twenty-nine convictions and terms in the penitentiary and Central Prison, had not been taken into account, and that as the assizes had not yet closed it was quite in accordance with the law for the Judge to reconsider and to alter any sentence passed. Mr. Durand, on behalf of the prisoner, opposed on the ground that these alleged convictions should be proved, the prisoner having denied them. His Lordship stated that the Crown prosecutor, not to prejudice the jury against Buckley, had avoided making the slightest reference to his previous infamous career, and that he supposed