

But it is said that "the duty of a judge is to do justice." Undoubtedly it is, and it is to enable him to do justice that laws are enacted. It is the law that gives them the power to act, that defines the crime, and the mode of dealing with it. Every civilized community makes the same distinction between the enactment and administration of the law, and nowhere are those to whom the latter is entrusted allowed to meddle with the former. Were it otherwise law would cease to exist, and the individual opinion of the judge would take its place, and chaos would reign.

Of course no one would dissent from the principles here laid down, and we have only re-stated them because there are people, from whom better things might be expected, who are heaping invectives upon judges who have acted upon them, and are complaining because a man, who, it is urged, ought to have been convicted, had escaped the punishment due to his offence. He escaped, it is said, upon a technicality which the judges, in order to do justice, should have disregarded. But it is vastly better that one guilty person should escape than that there should be uncertainty as to what the law is, with the resultant that more guilty persons should escape and possibly innocent ones punished.

In the case referred to, that of a man named Sinclair who was convicted of an offence under the election law, the full Court of the North-West Territories, consisting of five judges, unanimously held that the conviction was illegal, and quashed it accordingly. We know not, nor care not, who Sinclair was, or what his offence was, but, assuming that the judges were right in point of law, as probably they were, they were only doing their duty in acting as they did.

DAMAGES FOR NERVOUS SHOCK.

The Supreme Court of New Jersey recently held that where a person suffers physical injury, damages might also be had for the fright occasioned thereby. This is the case of *Porter v. Delaware L. & W. Railroad Co.*, 63 Atl. Rep. 860. The facts were as