

case, wholesale robbery and many murders. I say then that it is not only the right, but the duty of government to protect its subjects from the repetition of such a dangerous offence by inflicting on its principal instigators the highest penalty recognized by law. To the airy philanthropist Mr. David's doctrine may appear a fine thing, but like many other sentimentalities it is anti-social.

There is but one argument for the commutation of Riel's sentence, that can be logically advanced, it is that he, and the population of which he is one, were suffering unendurable wrongs, and that the government provoked the outburst by its misdeeds. Of course this is a point on which ministers are perfectly informed; and if they are persuaded the accusation against them is true, their duty manifestly is to minimise the prisoner's punishment, regardless of the self-condemnation implied in so doing. So far as we know, however, there is nothing to support such a pretention. There was a good deal of declamation in Parliament about unsettled claims, and small individual grievances to be redressed, but no one ventured to suggest that there was any ground for absolving those who rose in rebellion on this account. Mr. Girouard, who seems rather favourably disposed towards Riel, says there is no ground for blaming the government in the matter.

Mr. Girouard has, however, drawn attention to one point hitherto unnoticed, or, at all events, not so definitely enounced, namely, that Riel could not be tried for treason under the statute giving criminal jurisdiction to a magistrate and six jurors. If there be anything in this objection, it will not be difficult to find lawyers in a position to assign causes of error on which the Minister of Justice will have to decide. Culpable as Riel notoriously is, he is entitled to a trial under the law, and those who most strongly condemn him, and who least sympathize with one, as solicitous about his own life as he was regardless of that of others, will be the readiest to say this inuch for him. But while doing so, public opinion should protest against any legal proceedings being made a loop-hole to get timid politicians out of a seeming difficulty.

R.

### MARINE ZONE.

In Mr. Henry's recent admirable book on Admiralty Jurisdiction and Procedure,\* the law in reference to the territorial coast-line is thus succinctly stated:—

"The territorial jurisdiction of a nation over waters within its jurisdiction, and within the three mile zone of the shore, does not extend to vessels using the ocean as a highway and not bound to a port of the nation. And a vessel may pass, in its voyage along the shore of another nation, without subjecting itself to the law of the littoral sovereign, and retain all the rights given by the law of its flag. This authority or claim of jurisdiction over the ocean within the three mile zone of the coast, is said and shown by Lord Chief Justice Cockburn to be a shrinkage of the claim of jurisdiction over the *mare clausum*, which was never acknowledged, and is now abandoned, and to exist only for the protection and defence of the coast and its inhabitants. Mr. Webster, in his letter to Lord Ashburton, quoted in Wheaton's Law of Nations, says:—'A vessel on the high seas, beyond the distance of a marine league from the shore, is regarded as part of the territory of the nation to which she belongs, and subjected, exclusively, to the jurisdiction of that nation. If against the will of her master or owner, she be driven or carried nearer to the land, or even into port, those who have, or ought to have control over her, struggling all the while to keep her upon the high seas,' she remains 'within the exclusive jurisdiction of her government.' This was written in the case of the Creole, an American vessel, carried into Nassau by persons who had been slaves in Virginia. The same reason which governs in the case of a vessel driven by weather or by violence within the three mile jurisdiction, applies to a vessel the necessities of whose voyage compel her to pass within the same zone."

The summary above given exhausts the subject in its relation to the civil side of admiralty. The probability, however, a few

\* The Jurisdiction and Procedure of the Admiralty Courts of the United States in Civil Causes on the Instance side. By Morton P. Henry. Philadelphia: Kay and Brother, 1885.