

The Legal News.

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The vacancy in the Court of Queen's Bench caused by the death of Mr. Justice Manisty, has been filled by the appointment of Mr. R. V. Williams, Q.C., son of the late Mr. Justice Williams, of the Court of Common Pleas. The new Judge was born in 1838, educated at Oxford, and was appointed Q.C. last year. The *Law Journal* says that at the bar Mr. Williams speedily earned a name for hard work. "The Bankruptcy Act, 1869, by overturning the whole of the previous practice, afforded an opening of which he promptly availed himself, and his work on Bankruptcy, which appeared in 1870, was completely successful, and pronounced not unworthy of its dedication to the eminent writer and ex-judge, his father. Nearly twenty years of steady plodding in the interests of his clients, varied by the chief part in the labour of producing successive editions of his own work on Bankruptcy and of the standard work on Executors which is his by descent, have caused his appointment to the vacant judgeship, to be looked on by the profession as the just reward of conscientious toil."

The *Law Journal*, referring sarcastically to the mode in which cause lists are sometimes slaughtered, observes:—"There ought to be a *tertium quid* between the two extremes of painful deliberateness and speedy execution. It may perhaps be useful now and then to remind our judges that the few litigants who still resort to the regular tribunals of their country are not satisfied with having their cases disposed of, and prefer to have them tried."

THE CRIMINAL LAW OF CANADA.

Criminal Law as a substantive branch of jurisprudence is of comparatively modern growth. The early tendency of law-givers was to punish offences against the sovereign

power by executive or legislative acts merely designed to meet the particular occasions which evoked them, while offences against individuals—such as homicide or theft—although endangering the public welfare, were treated as civil injuries to be requited by pecuniary damages. In the Roman Law, acts which are now regarded and punished by all civilized nations as crimes were defined as *delicts* or wrongs, and instead of being corrected by the intervention of the state, were left to the prosecution of the injured parties, or their representatives. Hence the *corpus juris civilis*, which formed so rich a store-house to the nations of modern Europe in establishing their several systems of private rights and remedies, afforded no guidance to them in formulating laws for the repression of wrongs which menaced the security of the state. The first attempt to promulge a criminal code was the "Constitutio Criminalis Carolina" of the Emperor Charles V, of Germany, which was the forerunner of the present German penal code,—"*Strafgesetzbuch für das Deutsche Reich.*" It was not until 1810 that France adopted her *Code Pénal*, which afforded an exemplar long looked for by the Latin races of the continent, and which they were quick to profit by. Even so late as the year 1845 the criminal law of England was in so loose and unsatisfactory a state that an eminent legal author of that period was forced to admit that "no candid commentator could pronounce upon it a quite unmixed encomium." But there has been much accomplished in the way of legal reform since that time, and, as the utility and ethical significance of a code as applied to criminal law has now taken strong hold upon the minds of English lawyers, before very long we may expect to see a legislative adoption of the Draft Penal Code which has been under the consideration of the Imperial Parliament for some time past.

In giving us a Digest of the Criminal Law of Canada,* based upon Sir J. F. Stephen's

* A DIGEST OF THE CRIMINAL LAW OF CANADA (Crimes and Punishments) founded by permission on Sir James Fitzjames Stephen's Digest of the Criminal Law, by George Wheelock Burbidge, A. B., D. C. L., Judge of the Exchequer Court of Canada. Toronto, Carswell & Co., 1890.