The Legal News.

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HODGE v. *THE QUEEN—OPINION IN ENGLAND.*

The *Law Journal* (London), in its issue of March 29, refers to the judgment of the Judicial Committee in this case, which was criticized by "R." (7 L. N. 49), and appears to entertain the same doubts as to the correctness of the opinion expressed by their lordships on the question of "imprisonment" including imprisonment with hard labour. The observations of the *Law Journal* are as follows:—

"Criticisms on the decisions of a Court of final appeal are mainly of value for the purpose of bringing home to the appeal judges the remembrance of the fact that they are subject to criticism. We confess that the observations made in Canada on a part of the decision in *Hodge* v. *Reginam*, 53 Law J. Rep. P. C. 1 (to appear in the April number) are not without weight. It is held by the Judicial Committee of the Privy Council that under the words 'punishment by fine, penalty or imprisonment' in section 92 of the British North America Act, 1867 (30 Vict. c. 3), the provincial legislatures of the Dominion of Canada have power to impose imprisonment with hard labour. By a well-known rule of construction, the word 'penalty' cannot include a particular form of imprisonment, because imprisonment is expressly mentioned. The word 'imprisonment,' therefore, is held to include imprisonment with hard labour; does it also include imprisonment with solitary confinement? The learned lords say that hard labour is generally incident to imprisonment; but ought it to be assumed that an Act of Parliament which creates a constitution and begins upon a *tabula rasa*, intends one form of punishment to be included in another because they are often in other laws and other constitutions associated together? The judgment was delivered by Sir Barnes Peacock, and so has perhaps the weight of his high authority. How many of the lords differed from the opinion given to the Crown it is impossible to say. From the peculiar practice of the Judicial Committee in giving judgment, the weight of their decisions on professional opinion is dissipated. To give to the world a decision of the majority of five lawyers is to give a decision which has the authority of not even one of them."

LIBERTY OF THE PRESS ABUSED.

The writer of an article in a recent issue of the *Manhattan* laments the degeneration of the great journals of New York within the past twelve or fifteen years. Newspapers give less attention than formerly to topics legislative, educational and scientific, and feed their readers on the unwholesome diet of sensationalism—divorces, the phases of illicit love, and similar scandals. This is not a healthy symptom of the times, and Mr. Smalley, the writer referred to, will have the sympathy of every right-thinking person in the protest which he makes against this abuse of a noble profession. Unfortunately, it is not confined to one city, nor to the American continent. The same spirit is prevalent in England, where journals mushroom-like are springing up and sustaining a feverish existence by the total disregard of the decencies of life. The columns of rubbish published lately about a breach of promise case, apparently because the defendant is the son of an ex-Lord Chancellor, afford one illustration. Another remarkable instance is the recent publication, in a journal like the *Pall Mall Gazette*, of the story that Lord Coleridge had made an offer of marriage to Miss Mary Anderson, the actress. Surely the editors of the *Pall Mall Gazette* were perfectly aware that this was a pure fabrication, without a semblance of plausibility to take it out of the mess of inane clatter which daily finds its way into print. Miss Anderson has publicly expressed her pain at the report, as well as her indignation that statements of this description should be disseminated without inquiry. Lord Coleridge also has deemed it to be his duty to meet the rumor by a flat contradiction, which he does in these terms, in a letter addressed to the editor of the *Pall Mall Gazette:*