

punishment were sanctioned, attempts to escape would be very frequent, the number of prison guards would have to be doubled, and the prisoners kept under much closer restraint. These considerations may have some force, but, on the other hand, an ignominious punishment ought not to be inflicted without grave cause. In all the well-known history of Latude's escapes from the Bastille and other French prisons he was never punished in this way. A distinction might well be drawn between an ordinary evasion and the case where the prisoner commits a murderous assault in his attempt to escape. In the former case some other kind of punishment might and should be substituted for the degrading infliction of the lash. We are not sufficiently informed as to the facts of the Winnipeg affair to judge whether it was a proper punishment or not. It had the approval and countenance of the attorney-general of the Province, but there is no mention in the accounts which we have seen, that the prisoner did more than take advantage of the negligence of his jailer, and we doubt very much whether prison rules should be permitted which make this an offence punishable by the lash.

So much for the expediency of the punishment, but as we go to press the *Manitoba Law Journal* for November comes to hand, in which the legality of the flogging is questioned. Notice of this point must be reserved until our next issue.

#### MASTER AND MARINER.

It must be accepted as evidence of the more tender regard of the law for the servant in the present age that an offence which formerly would hardly have excited a murmur, is now severely punished. The master of a vessel which came into the port of Montreal was proceeded against for cruelty to seamen, the charge being that he had tied some of his men up by the thumbs, their toes alone touching the ground. It appeared that the seamen had refused to execute orders, and had been tied up until they consented to obey. They had previously been placed on short allowance, the ship's provisions having run short. The men stated that they were weakened by this deprivation of food, and

unable to work. For the captain it may be said that he had put himself on the same allowance as his men, and that no injury seems to have resulted to the men from the punishment, which, moreover, it was in their own power to have terminated at any moment by consenting to return to duty. These considerations were deemed insufficient to justify the conduct of the captain. He was condemned, and the men released from their engagements. It is apparent that if a captain, from desire to economize, or other motive, half-starves his men, it is no answer that he has treated himself in the same way, and it was proved that he had opportunities to put into port for provisions. Then, again, it is quite conceivable that under certain conditions grave and permanent injury might result from the method of punishment adopted, though the injury might not be apparent at the time. These unusual forms of punishment should not be countenanced, especially where the subject has no appeal nor means of obtaining relief, as on board ship. The case resembles that of a charitable institution in Montreal, which lately attracted much notice. The children in this institution were treated to mustard plasters on various parts of their bodies. The old-fashioned methods of punishment may have their phase of brutality, but they can hardly be replaced by such devices.

#### A GOWN DISPUTE.

It is an extraordinary fact that a majority of the students of the law faculty of Laval University in Montreal should make the request to wear gowns while attending lectures *a casus belli* with their Alma Mater, and even submit to expulsion rather than comply with the obnoxious regulation. The gown will be the honorable distinction of these young gentlemen hereafter, while engaged in the exercise of their chosen avocation. Youth is generally impatient of delay in assuming the distinctions of manhood, rather than disposed to say of them "Sufficient unto the day is the evil thereof." The judges of the Court of Appeal at Albany recently agreed to wear gowns, from a conviction that such a costume was appropriate to high judicial officers as well as conducive to decorum in