

The Legal News.

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THE LAW REPORTS.

The January parts of the series of Reports announced some time ago will be issued Dec. 6. They have been held back somewhat longer than at first proposed, partly because it was thought desirable to make the date of issue more nearly agree with the date which the numbers bear, and partly in order that some of the latest decisions of the Court of Queen's Bench sitting in appeal might be included in the first issues. We are grateful to a number of esteemed correspondents for the commendation they have bestowed upon our undertaking, and we have given due consideration to such suggestions as have been made. Of these the only one to which we need refer here was that the decisions of the City of Quebec should be included in the system. We do not think this advisable at present. A complete report of the Quebec cases would involve extra volumes and an additional staff of reporters at that city. We do not think it wise to imperil the success of the undertaking by giving it too great an extension at the outset. The Quebec cases, however, as far as they can be obtained, will be published in the *LEGAL NEWS* as heretofore.

PRISON DISCIPLINE.

The *Manitoba Law Journal*, in reference to the case recently noticed in our columns, points out that there does not appear to be any statute, order-in-council, or rule which assumes to permit the whipping of prisoners. The punishments enacted (under the authority of a local statute) for breaches of prison discipline, are (1) The hard bed; (2) Bread and water diet; (3) The dark cell, and ball and chain; (4) Chaining to the floor. Not only is corporal punishment not mentioned anywhere, but Rule 21 provides another punishment: "Prisoners attempting to escape and thereby endangering their lives will be subject, under the statutes, to a further term of imprisonment." The prisoner is,

therefore, entitled to a trial before he can be punished for an attempt to escape. This is the course adopted in this Province. Several prisoners were tried for attempt to escape at the last term of the Court of Queen's Bench in this city. On conviction, they were sentenced to an additional term of imprisonment, with forfeiture of good conduct privileges.

Apart from this absence of authority there is the question whether the local legislatures have the right to make laws awarding hard labor, flogging or other degrading punishments. This question has already been discussed at considerable length in our pages. See pp. 49, 121, 169 and 177 of this volume.

THE "MIGNONETTE" CASE.

The following is the special verdict found in the case of Thomas Dudley and Edwin Stephens, tried before Baron Huddleston, Nov. 6, at the Exeter assizes:—

'That, on July 5, 1884, the prisoners, with one Brooks, all able-bodied English seamen, and the deceased, an English boy, between seventeen and eighteen, the crew of an English yacht, were cast away in a storm in the high seas 1,600 miles from the Cape of Good Hope, and were compelled to put into an open boat; that in this boat they had no supply of water and no supply of food, except two 1 lb. tins of turnips, and for three days they had nothing else to subsist on; that on the fourth day they caught a small turtle, upon which they subsisted for a few days, and this was the only food they had up to the twentieth day, when the act now in question was committed; that on the twelfth day the remains of the turtle were entirely consumed, and for the next eight days they had nothing to eat; that they had no fresh water except such rain as they from time to time caught in their oilskin capes; that the boat was drifting on the ocean, and was probably more than 1,000 miles from land; that on the eighteenth day, when they had been seven days without food and five without water, the prisoners spoke to Brooks as to what should be done if no succour came, and suggested some one should be sacrificed to save the rest, but Brooks dissented, and the boy, to whom they were understood to refer, was