

perpetual—but allow an occasional respite from the labours of the Judiciary. There are, as far as I can see, no greater drudges than the members of our city Bench.—*Spectator*.

From a recent discussion in the Ontario Legislature I observe that that Province adds a thousand dollars a year to the salaries paid by the Dominion Government. This is an unconstitutional attempt to recognize that the Judges of the Superior Courts are underpaid. It is unconstitutional, because under the British North America Act the Dominion Government alone can appoint and pay the judges. No Provincial Government should undertake to offer pay to the Judiciary. The Provinces have not the power to illegally dispose of money in such way—and the judge who receives it forgets his obedience to the law he has been called upon to administer. An upright judge should be placed beyond dependence of every kind, and it is not in human nature that a judge may not be influenced by the receipt of an annual income from an unauthorized source. Perhaps the salaries paid by the Federal Government are insufficient. If so, let the Dominion look to it that the hard-worked guardians of liberty and civil right are not overlooked. I cannot see why a Dominion Judge in Toronto should receive a thousand dollars a year more than a Dominion Judge in Montreal.—*Spectator*.

A late number of the *Revue Scientifique*, of Paris, gives some interesting statistics of crime in Europe. Portugal has just published an official report showing that the number of convictions for crimes and misdemeanors of all sorts in that country during the year 1878, was 10,472, or .22 for each 100 inhabitants. The convictions for heinous offences against the person, such as parricides, assassinations and infanticides, were in the proportion of 3.22 for every 100,000 inhabitants. The percentage acquitted and condemned of those accused, for the same year, was as follows:—Acquitted:—France, 20.63; Italy, 24.00; Spain, 25.80; Belgium, 27.20; England, 29.40; Portugal, 37.34. Convicted:—France, 79.37; Italy, 76.00; Spain, 74.20; Belgium, 72.80; England, 70.60; Portugal, 62.66. The greatest number of crimes are committed by persons between the ages of twenty and thirty years. The percentage of convicts who knew how to read stood as follows:—Germany, 95; France, 68; England, 66; Belgium, 61; Italy, 31; Portugal, 30; Spain, 27.

A curious incident lately took place at the Manchester Assizes. During the previous week Mr. Justice Field had sentenced Charles Moores to ten years' penal servitude for putting an obstruction on the Oldham, Ashton, and Guide Bridge Railway. His Lordship on the 2nd inst., some days after the sentence, declared in open court that "a neighboring magistrate had communicated with him, and had taken great pains to investigate the real circumstances of the case." His Lordship said he had, on the strength of the evidence so brought before him, come to the conclusion that the offence was an isolated one, and not the outcome of a criminal mind, so he reduced the sentence to five years' penal servitude. Later on in the day the learned judge informed the public that he had, within the last ten minutes, received "quite authentic information," which satisfied him that the

whole truth had not been told when the remission was applied for. His Lordship therefore restored the original sentence, leaving the parties to apply to the Home Secretary for any remission. We should like to know who was the magistrate who privately "interviewed" the judge and kept back part of the truth. And we must add, notwithstanding our great respect for Mr. Justice Field, that a private re-hearing of a case by a judge is not likely to be satisfactory to the public. We should have no objection to a public re-hearing, if the judge in any case thought it necessary.—*Law Times*.

OFFICIAL TRAPS.—UPON the question of official encouragement of the commission of crime, the London *Law Times* refers to the observations of a State Supreme Court, as follows:—

"With reference to the case of Thomas Titley, who fell into a trap set for him by the police, which appears not unlikely to be again brought under public notice, some observations of the Supreme Court of Michigan, *Saunders v. The People*, 38 Mich. 218, are worthy of reproduction. The Court says: 'Where a person contemplating the commission of an offence approaches an officer of the law, and asks his assistance, it would seem to be the duty of the latter, according to the plainest principles of duty and justice, to decline to render such assistance, and to take such steps as would be likely to prevent the commission of the offence, and tend to the elevation and improvement of the would-be criminal, rather than to his further debasement. Some courts have gone a great way in giving encouragement to detectives in some very questionable methods adopted by them to discover the guilt of criminals; but they have not yet gone so far, and I trust never will, as to lend aid and encouragement to officers who may, under a mistaken sense of duty, encourage and assist parties to commit crime, in order that they may arrest and have them punished for so doing. The mere fact that the person contemplating the commission of a crime is supposed to be an old offender, can be no excuse, much less a justification, for the course adopted and pursued in this case. If such were the fact, then the greater reason would seem to exist why he should not be actively assisted and encouraged in the commission of a new offence which could in no way tend to throw light upon his past iniquities, or aid in punishing him therefor, as the law does not contemplate or allow the conviction and punishment of parties on account of their general bad or criminal conduct, irrespective of their guilt or innocence of the particular offence charged and for which they are being tried. Human nature is frail enough at best, and requires no encouragement in wrong-doing. If we cannot assist another and prevent him from violating the laws of the land, we at least should abstain from any active efforts in the way of leading him into temptation. Desire to commit crime and opportunities for the commission thereof would seem sufficiently general and numerous, and no special efforts would seem necessary in the way of encouragement or assistance in that direction.'"