

The Legal News.

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An Act of the Imperial Parliament (50 & 51 Vict., ch. 25), which received the royal assent on Aug. 8, is of some interest. The object is to permit the conditional release of first offenders in certain cases. It applies to convictions for larceny or false pretences, or any other offence punishable with not more than two years' imprisonment before any Court. If no previous conviction is proved, and it appear to the Court that, having regard to the youth, character, and antecedents of the offender—these conditions are cumulative and not alternative—to the trivial nature of the offence, or to any extenuating circumstances, it is expedient that he be released, he may be released on recognisances, with or without sureties, to come up for judgment and be of good behaviour, but he may have to pay costs. It is provided that the offender or his surety must have a fixed place of abode or regular occupation.

In the case of the convict Lipski, cable despatches made it appear that the Home Secretary had been overruled by the Queen, and his discretion interfered with. The *Law Journal* puts the matter in its true aspect: "The appeal made to the Queen personally on behalf of the condemned person was a much more serious subject of regret in the case. It met, as might have been expected, with the rebuff it deserved—that is, it was referred to the proper quarter like a misdirected letter. Any personal interference by the Sovereign with the exercise of the prerogative of mercy is now altogether unconstitutional. An invitation to Her Majesty, however well meant, and however palliated by the desperate nature of the occasion, to exercise her prerogative in accordance with her own personal feelings, is to insult the Sovereign's appreciation of her duties." The *Law Journal* makes the suggestion that the Home Secretary should have the power of treating acts prejudicial to the exercise of his jurisdiction in these matters as contempts of Court.

A correspondent of the *Law Journal* gives the following information concerning Crown windfalls:—A remarkable return recently presented to the House of Commons, styled 'Crown's Nominee Account,' shows the receipts and expenditure of the Treasury solicitor during the past year in the administration of estates reverting to the Crown by reason of the owners thereof dying intestate without known kin, from lapsed legacies, etc. The receipts amounted to £148,789 10s. 6d., the largest sum yet received in one year since the passing of the Treasury Solicitor Act, 1876, under which these estates are administered. The totals for the ten years amounted to nearly one million sterling, thus:—

	£	s.	d.		£	s.	d.
1877...	127,876	9	11	1882...	141,077	10	8
1878...	139,769	9	3	1883...	45,414	14	4
1879...	140,879	3	5	1884...	64,093	17	5
1880...	56,448	13	11	1885...	67,218	19	8
1881...	64,827	5	10	1886...	148,789	10	6

THE LAW OF NEGLIGENCE.

The case of *Wakelin v. The London and South-Western Railway Company*, 56 Law J. Rep. Q. B., 229, is one of those cases on evidence which are worth reporting when they reach the House of Lords, but not before. Dealing as it does with negligence, a subject on which opinion is very apt to vary according to the temperament of those who discuss it, at the hands of lawyers coming from the three corners of the United Kingdom, it suggests that, in spite of Lord Selborne and other reformers, the existence of the House of Lords as a final tribunal is a very great advantage to English law. On a subject of this kind, the Irishman is apt to be sympathetic, the Scotchman to be hard, and the Englishman to be business-like; and it is useful to have representatives of all those qualities when questions have to be decided which, although they are laid down by judges, really are questions of fact. In this case there was no conflict of nationality as there was in *Walker v. The Midland Railway Company*, when the law lords last year were divided, Irishmen against Scotchmen and Englishmen, on the question whether a man who walks into a service-room in a hotel, and falls down a lift, has any case against the innkeeper. The present case deals