

every-day life of Jurors, without even an excuse for "laying down the law," may be suggestive, if not edifying; and if the old adage about teaching one's grandmother crops up in the mind, who can wonder? The Judge who prefers Law to Facts, as a mental study, will inevitably have a tendency to see the one terminate, and the other begin, at the wrong spot. Then chaos comes again; the litigant who has the facts in his favour is usually the sufferer, and he naturally concludes that the maxim, "every wrong has its remedy" is a delusion and a snare. In Criminal trials, the influence of the non-Jury Judge is less baleful. He leans to mercy's side; and if, as often as not, he selects for an illustration of the stock-in-trade proposition "every man is to be deemed innocent until he is proved guilty," some downy pale-face in the dock who has, to the knowledge of the bystanders, passed his best years in the Penitentiary, what matters it? The maxim is noble in itself, and it, as well as other old saws, may be pathetically repeated, in season and out of season. If the guilty do escape occasionally (!), it is comforting for Society to reflect (their missing forks and spoons to the contrary notwithstanding), that

While the lamp holds on to burn,  
The greatest sinner may return.

The administration of the Criminal Law by a Judge who never framed an Indictment, or took bail in a criminal trial, is anomalous, to say the least of it. The frequency with which professional criminals "decline to elect" before Police Magistrates has method in it. There are Judges and Judges, and whether escape is more probable in the minor tribunal or in the other, depends. The criminal takes time to consider.

The Ontario Bench is replete with able Judges; but, for a time at least, the vacancies existing and imminent should be filled by lawyers of extensive Nisi Prius experience. Questions of law, except such as are well defined, and easily solved, arise only in a small percentage of the civil suits tried and disposed of at the various assizes. It is unfortunate for the litigants when the experience of the counsel in dealing with conflicting evidence, with the character of witnesses, and with the tendencies of jurors, in different classes of cases, is greater, in the rates of ten to one, than that of the Judge. It behoves those who have to determine the judicial character of the Bench to preserve a wise equilibrium, in keeping with the requirements of the different *fora* in which Justice is sought and administered.

#### MEMORABILIA.

### THE POLICE AND THE PUBLIC.

THE Hamilton Police Commissioners have been considering the case of a policeman who arrested a well-known citizen of that town who had followed a friend under arrest to the station with a view of giving bail for the friend's appearance to answer the charge for which he was arrested. The evidence, as given by the local press, would seem to establish that upon asking the reason for the arrest of his friend the information was given, but upon becoming importunate for details, hot words passed; the "citizen" shook his fist in the policeman's face, and used the word which Captain Corcoran is said to have "hardly ever" spoken. An arrest followed, incarceration in the cells, and a speedy release. A complaint was made to the police commissioners.

Upon the investigation, the policeman was represented by counsel, who, naturally enough, expected that his client was being tried by a tribunal which was both judge and jury, and who, while anxious to conserve the liberty of the subject, would take some account of the duty of the guardian of the peace. But it seems this was all a mistake; the commissioners held the constable to as rigid law as if he had been a criminal on trial. Indeed, presumably the most learned of the commissioners thought he ought to be held to a more strict account than the average criminal, and boldly said so, basing his judgment mainly on that ground.

Forced into this corner, counsel for the accused raised three points:

1. That no person has a right to ask any information at a police station as to the cause of arrest of any person there in charge.

2. That it was proved by great preponderance of evidence, that the complainant had shaken his fist in the face of the policeman in a threatening manner, accompanied by threatening words; that under such circumstances the constable was justified in arresting the complainant, a breach of the peace having been committed. In support of this, counsel cited *Timothy vs. Simpson*, 1 C. M. and R. 757, and cases there collected, and *Price vs. Seeley*, 10 C. and F., House of Lords cases, 28.

3. That under 19 George II. Cap. 21, Ss. 3 and 7, the constable was bound to arrest.

The preamble to the statute of George seemed to afford the County Court Judge much food for mirthful scorn and sarcasm. His Honour thought that, in the present enlightened age, no one would be found to

believe that, in the words of the statute, Divine vengeance would fall upon the profane swearer. But at all events that "Damn it" or "Damn you" was not profane swearing. It would be unjust to suspect his Honour of a critical knowledge of language, and it would never do to suggest that "profane" was simply "profanum"—without the temple, and simply meant an imprecation—a calling down of the divine wrath without religious or judicial sanction. The assault was ignored, or rather the commissioners chose to record elaborately that profane language was not a breach of the peace. The constable was fined \$10, and it has gone forth that, before a constable makes an arrest, he should be quite sure he is within the law. If he have a doubt, of course he must give it in favour of the supposed law-breaker. If he should arrest a person who may happen to be acquitted, by the art of an advocate, or the lenity of a tribunal, he is liable to a keel-hauling by the Police Commissioners, followed by a substantial fine. Whether this will conduce to the efficiency of that most excellent of police forces which looks after law and order in Hamilton, remains to be seen.

OUTIS.

### CORRESPONDENCE.

#### NOTICES TO CORRESPONDENTS.

TEMPERANCE.—Your letter next week.

W. H. STEVENS.—"The Last Kick" is unavoidably crowded out. Shall appear in our next.

#### AUDI ALTERAM PARTEM.

To the Editor of The Week:

SIR,—As an ultra temperance citizen I endorse "Brewer's" argument about the dollar that goes into the liquor dealer's till and goes out again, it may be on its mission of love. But what does he give in exchange for the dollar? This is the question. Let "Brewer" prove that the tragedy at Kingston, of the 19th inst., was caused by drinking too much cold water, or that the poor fellows daily appearing before Dennison are victims of the electric light. His plea for the dollar is wide of the mark. We are not fighting because the dollars go into his pocket—they may go in and stay, for all we care—but because we believe he gives misery-producing returns for these dollars.

Toronto, May 20th.

J.

#### PLATFORM WOMEN.

To the Editor of The Week:

SIR,—May I ask for the insertion of the following culling from the "Manchester Woman's Suffrage Journal" as a partial reply to the paper on "Platform Women," by Margaret Lonsdale, which appeared in a late issue of *The Week*?

Mrs. Frank Morrison gave a highly-successful "At Home" the other day, at the South Kensington Hotel, for the principal supporters of women's suffrage. There was quite a brilliant company assembled. All the speakers were good, and the audience delightfully sympathetic. Mr. Woodall, M.P., was in the chair (the member who is going to bring our Bill before the House for us), and the principal speakers were Miss Frances Power Cobbe, Mrs. Ashton Dilke, and Mrs. Charles M'Laren, Miss Becker, and Mr. Seymour Trower. Mrs. M'Laren is a delightful speaker, and is thoroughly mistress of the subject. Miss Cobbe was the first speaker, and delighted the audience very much. She commenced by poking a little good-natured fun at Miss Lonsdale's recent article on "Platform Women," in the *Nineteenth Century*. She said she felt a certain awkwardness in speaking after the severe things Miss Lonsdale had said of platform women. Miss Lonsdale had said that public speaking "rubbed the bloom off" women. "What a dreadful thing," said Miss Cobbe, "to appear without one's bloom!" But the idea of what robbed the bloom of a woman, said Miss Cobbe, was an idea that varied with the century; what was considered very shocking by one age was thought quite proper by the next. Many years ago, her dear old friend Mrs. Souverville was considered to have rubbed her bloom off because she had written a book on astronomy, and if Miss Lonsdale had lived in those days she would have been supposed to have lost hers because she had written an article in the *Nineteenth Century*! Miss Cobbe spoke of the good work which was done in the world by such women as Miss Octavia Hill and of the desire which every woman ought to feel to throw her weight into the scale in the direction of righteousness and goodness. Miss Cobbe was very much applauded on the conclusion of her speech, which, whilst decidedly enthusiastic, was also temperate in tone.

I am, Sir, Your obedient Servant,

ZINGARA.

S. A. CURZON,

President Canadian Women's Suffrage Association.

### MUSIC AND THE DRAMA.

"Ye Olde Folkes' Concert" is announced to be given in the Pavilion of the Toronto Horticultural Gardens to-morrow (Friday) night.

MR. RAFAEL JOSEFFY'S Piano Recitals, which will take place early in June, are expected to be the grandest ever given in the city. Selections will be given from Beethoven, Schumann, Schubert, Chopin, Franz Liszt, Schubert Liszt, Mendelssohn, Haendel, Martini, Bach-Tausig, Pergolesi, Gluck Joseffy, Raphael Joseffy, Bargiel, Bach-Joseffy, Boccherini &c.

CLAXTON'S Orchestra are announced to give a subscription concert early in June. The orchestra programme will include:—Overture, "William Tell," *Rossini*; Waltzes, "Brunette and Blonde," "Violet Waltz," *Waldtenfel*; Andante, "Fifth Symphony," *Beethoven*; Overture, "Banditterstreich," *Suppe*; Selections, "Chimes of Normandy," *Planquette*; Polonaise in A Major, *F. Chopin*; Racohzy, "Damnation of Faust," *Berlioz*. The four solo numbers will be announced later. Miss Agnes Corlett, soprano, and Herr Jacobsen, violin virtuoso, will assist, and Mr. E. F. Moore will conduct.