

TREASON-FELONY IN THE NORTH-WEST—RECENT ENGLISH DECISIONS.

selected, would be a general one, and by the Militia Act, 46 Vict. c. 11, ss. 72, 73, 74, such courts are governed by the regulations made in like case for the regular army when not inconsistent with the Provincial Act. These regulations we have not before us, but by section 74 the sentence must be approved by the Queen; and by section 72 no officer of the regular army on full pay can sit on such court.

To sum up, Riel may be tried by court martial if the Governor pleases, the sentence only being subject to the Queen's approval, and we presume she can soften it if she pleases; or, he can be tried under the 31 Vict. c. 14 by a stipendiary magistrate with a jury of six, under 43 Vict. c. 25, subject to an appeal to Queen's Bench of Manitoba which may confirm the judgment or order a new trial, but cannot modify the judgment; if so confirmed the judgment would, we presume be subject to appeal to the Supreme Court under 38 Vict. c. 11, s. 49, unless the judgment of confirmation is unanimous; or the Governor may appoint a judge or judges to try the case, taking the precaution to make him or them also a stipendiary magistrate or stipendiary magistrates for the North-West Territory, and the foregoing remarks apply *mutatis mutandis* to cases of the other rebels.

It is desirable that justice should be meted out to Riel and the other leaders of the rebellion with as little delay as possible. Of course the cold-blooded murderer of Scott cannot now be tried for that crime, though the blood of his victim still cries for vengeance. There is, however, blood enough and to spare on his hands without that. In his case one cannot be said to prejudice in assuming that he will be found guilty of the highest crime known to the law, taken as he has been red-handed. At the same time let him have a fair trial; let it be conducted with due form and ceremony, with every oppor-

tunity of defence and without unseemly haste. If he is found guilty let justice swift and sure be done in the premises. Mr. Christopher Robinson, Q.C., and Mr. B. B. Osler, Q.C., have been retained by the Crown to conduct the prosecution.

RECENT ENGLISH DECISIONS.

The May number of the *Law Reports* include 14 Q. B. D. pp. 561-837; 10 P. D. pp. 61-99; 28 Chy. D. pp. 469-726.

JUDGMENT DEBTOR—ORDER TO PAY DEBT BY INSTALLMENTS—COMMITTAL.

Passing by two or three cases of merely local interest we come to *Ex parte Koster* (14 Q. B. D. 597), a decision of the Court of Appeal which may perhaps be useful to note as bearing on a branch of Division Court practice in this Province, the question being whether a judgment debtor who had been ordered to pay a debt by monthly instalments, had "the means to pay." It appeared that the debtor had had an allowance of £5 per week made him by his brother as a voluntary gift, and the Court was of opinion that in estimating the debtor's means of paying, money derived from a gift may be properly taken into account.

MEMBER OF PARLIAMENT—OATH OF ALLEGIANCE—SITTING AND VOTING WITHOUT TAKING OATH.

The next case we think it useful to note here is that of *The Attorney-General v. Bradlaugh* (14 Q. B. D. 667), which occupies over fifty pages of the Reports. The action was in the nature of an information to recover penalties against the defendant for sitting and voting as a member of the House of Commons without taking the oath of allegiance prescribed by statute. It will be remembered that the defendant is unhappily a pronounced disbeliever in the existence of a Supreme Being, but had nevertheless, contrary to the will of the House of Commons and