

be hoped with terseness and precision, seeing that there will be some thirty-five communications to be digested and considered.

As to the form of amendment we are strongly in favor of that introduced by the Hon. Mr. Baldwin, and since very generally followed in Canada, namely, by preserving the structure of the original act, and every clause of it, so far as possible, and repealing sections only where the alteration is so considerable that the interpolation of one or more words would not embody the amendments required. And in respect to new provisions, taking care that they are properly adapted to the system, and are so framed as to be of practical value to the suitors in the courts. We are speaking of the direct powers of the court. The powers of the Division Court and of the judges thereof, in aid, *e. g.*, under the Municipal and Amendment Act, must of course be dealt with and retained in these and such like acts. If the Attorney General should, as may be expected, after learning the views of the County Judges, prepare a measure of the kind we have spoken of, and if our professional brethren in the House of Assembly be disposed, as we think they should, to give him the cordial assistance he has a right to expect in passing such a measure, we shall have what the country requires, and what will be acceptable to the business community. But if there be any attempt to recast the whole—to throw “into pi,” as the printers would say, and re-set—it will unsettle all the law we have in reference to Division Courts—will embarrass suitors and lead to litigation and delays. Such a result would doubtless put some money into the pockets of lawyers, but we are quite sure no honorable man in our ranks would desire to see such an evil state of things—that courts which were and ought to be emphatically “the people’s courts,” should become valueless to the poor man and a trap to the unlearned.

#### THE WHALEN TRIAL.

This most engrossing case is so familiar to every one in the Dominion that it would be but a waste of time to refer to it at length. There are, however, some important and suggestive features in it which demand attention.

It is in the first place a proud thing to feel that the reliance of our people in the strength and majesty of the law is such, that they are content to leave to the even course of that law

the punishment of a dastardly crime against it; and not only a crime against the law as such, but a crime revolting to the better instincts of our nature, and, from attendant circumstances, rousing a bitter feeling of indignation and horror, a feeling which would naturally find vent in a desire for speedy punishment or perhaps vengeance on the perpetrator. But it was not thought necessary even to accelerate the sittings of the ordinary tribunals, much less to do what had a strong shew of necessity owing to the peculiarities of the case,—the appointment of a special commission for the trial of the offender. We have seen under somewhat similar circumstances in our near neighbourhood the bad policy and the evil effects, to use no harsher words, of allowing the passions of the hour, just and righteous enough within proper limits, to influence the due and orderly administration of the law.

It is of less importance (except for the effect produced in justifying the confidence of the public, and so sustaining the feeling we have alluded to) that the result has been to discover and legally fasten the crime upon the real criminal, for it can scarcely be questioned by any sane man, nor is it doubted by any person, that we have secured the perpetrator of the deed in the individual who has been found guilty and sentenced to suffer the extreme penalty of the law on the 10th day of December next. And in connection with this, we may remark, that one of the strongest features of the case against the prisoner, though one to which we have only seen a passing allusion, is, that no shadow of suspicion appears to have fallen upon any person other than the convicted prisoner. From first to last every circumstance has told against him, and against no one else, nor has there been any suggestion by the prisoner or any one else that any other person known or unknown might have committed the murder.

To those who consider that the guilt of the prisoner was proved on the trial beyond all reasonable doubt, it may seem a pity that there is still a possibility that he may yet go unpunished, for it cannot be denied that on a new trial there might and probably would be a difficulty in producing all the evidence that the Crown had at the last trial, and that it would give the unscrupulous friends of the prisoner an opportunity of manufacturing evidence difficult to rebut, or of buying up or making away with the witnesses on whose