

THE CRIMINAL CODE.

It is not as a matter of news we now refer to the open letter of Mr. Justice Taschereau, criticizing the various clauses of the Criminal Code which became the law last session, and which goes into force on the first day of July next. We cannot but regret that the learned judge has taken the course he has in this matter. Suggestions from one who has made a study of the subject of criminal law would doubtless have been gladly received by those who have the matter in charge at any time before the draft became crystallized into law; and notwithstanding the somewhat ungracious manner in which they have, at this late date, been presented, the Government will, doubtless, consider the alleged defects and deficiencies now pointed out.

One is at a loss to understand the reason which has animated the learned judge in the line he has taken. That he himself feels that his letter is open to adverse criticism is evidenced by the fact of his addressing the Attorney-General in these words: "Had it at all been possible for me to think for one moment that you were the author of this [code], I would certainly not have taken the liberty to address you these comments."

It scarcely needs to be stated that if an apology was necessary for the publication of this letter, the matter of the letter should have been communicated in an entirely different way. As to the statement that he does not blame the Attorney-General for the defects he claims to exist, it is idle to say that the latter is not responsible for them. Whether he drafted it, or any part of it, or suggested clauses, or revised the work or any part of it, is immaterial. He fathered it, and it is his. If it is defective and incomplete, as Mr. Taschereau complains, Sir John Thompson must bear the blame. We find, then, the position to be that a judge of Her Majesty's Supreme Court is calling public attention to his belief that Her Majesty's Attorney-General has given to Her Majesty's subjects a piece of bungling legislation, and that had he so desired he could have prevented this bungling by giving his suggestions to his brother functionary in ample time to have prevented these mistakes and defects; but he declined to do so. If the learned critic had not had an opportunity of examining the code until after it had been placed on the statute book, there would not be so much reason to criticize his action; but one is certainly at a loss to