

## The Legal News.

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### VAGRANCY.

Some English journals are asking that the penalties enacted by the law of vagrancy should be enforced, especially those applicable to incorrigible offenders. At present, it is said, the provisions of the law respecting "incorrigible rogues" are practically inoperative, and are limited to bringing before the court from time to time a few aged offenders, the sturdy beggar rarely making his appearance. The law still provides for the whipping of males previously convicted, but the statute is not enforced. Legislation on this subject has undergone a wonderful alteration in the direction of clemency. Sir James Stephen, in his History of the Criminal Law, thus refers to some of the old enactments upon the subject: "Some acts were passed in Henry VII's time which authorized constables and others to put vagrants into the stocks instead of committing them to gaol; but the next act of much importance on this subject was passed in 1530: it was 22 Hen. 8, c. 12, and imposed most severe penalties on vagrants. The impotent poor were to be licensed by the magistrates to beg within certain local limits. Out of those limits begging was to be punishable by two days and nights in the stocks with bread and water. Begging without a letter was to be punished by whipping. Vagrants, 'whole and mighty in body, and able to labor' were to be brought before a justice, high constable, mayor, or sheriff 'who at their discretion shall cause every such idle person to be had to the next market town, or other place most convenient, and to be there tied to the end of a cart naked, and be beaten with whips throughout the same town or other place till his body be bloody by reason of such whipping.' After this he was to be sent back to labor, being liable to more whipping' if he did not go straight home. 'Scholars of the universities of Oxford and Cambridge, that go about begging, not being authorized under the seal of their universities,' were to be treated as 'strong beggars.' 'Proctors and pardoners going about without sufficient authority,' people pre-

tending to knowledge in 'palmistry or other crafty science' and some others of the same sort, [including, we suppose, weather prophets] were to be even more severely handled. For the first offence they were to be whipped for two days together, for the second offence 'to be scourged two days, and the third day to be put upon the pillory from 9 till 11 a. m., and to have an ear cut off. For the third offence the same penalty, the other ear being cut off.'

### RESTRAINT UPON TRADE.

The bar are ringing the changes upon the objection to the constitutionality of local statutes on the ground of interference with trade. One of the latest cases came up the other day before Chief Justice Wilson, at Toronto, *in re Daniel McKnight*, in which it was seriously contended that by-law No. 1231 of the city of Toronto, regulating the keeping of cows and pigs within certain limits in the city, is illegal, as constituting a restraint upon trade and commerce. It was urged that the by-law should not be directed against the animals objected to, unless they are proved to be nuisances. The notions of people about nuisances differ pretty widely, and magistrates would often have a difficult task to decide, on the accumulation of testimony, whether Patrick's pig was or was not sufficiently cleanly to be recognized as a lawful citizen. We imagine that the restraint upon trade would lie rather in the toleration of such practices as the keeping of pigs under the windows of one's neighbours, because traders with noses would be moved to carry themselves and their financial abilities elsewhere.

### INTERNATIONAL COPYRIGHT.

To judge from the length and the variety of the correspondence upon the subject of international copyright which appears every day, or almost as often, in the columns of powerful contemporaries, it would appear to be in a fair way to become one of the burning questions of the day. The nations most interested in the solution of the problem are the great English speaking nations of Englishmen and Americans, and this for obvious reasons. Every scientific or historical work, every popular novel, every poem, and indeed every legal work, is, to a certain extent, calculated to obtain an equal