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The Minister of Justice, in moving for leave to introduce a bill to amend the Criminal Procedure Act, R. S. cap. 174, explained that the object of the bill was to make two changes in the procedure relating to the law of criminal libel. In the first place, it is proposed to enact that the place of trial in criminal procedure for libel against the publisher of a newspaper shall be within the Province in which the office of publication is situate. In the second place, it is proposed to establish that the crime of libel shall be like that of perjury and two or three other offences, in respect of which it is provided in the Criminal Procedure Act that proceedings by indictment must be preceded by a preliminary investigation before a magistrate, unless the indictment is on the *fiat* of the Attorney-General of the Province, or the judge before whom the indictment is preferred.

In sentencing a person at Manchester to five years' penal servitude for stealing a bag containing £1,200 from a cab whilst standing at the door of a bank, the recorder stated that he knew of one judge who thought that the punishment ought to be measured out according to the amount the person had stolen, but that was not his view: to him it made no difference whether the amount was 1,200 pounds or 1,200 pence—a man stole what he could lay hands on. As Blackstone says: "Among crimes of an equal malignity, those deserve most punishment as most injurious which a man has the most frequent and easy opportunities of committing, which cannot so easily be guarded against as others, and which, therefore, the offender has the strongest inducement to commit."

The death of Mr. Justice Henry, of the Supreme Court of Canada, occurred on May 3rd, after an illness of several weeks. William Alexander Henry was a native of Nova Scotia, having been born at Halifax on December 30th, 1816. He was called to the Bar of Nova Scotia in 1841, and appointed Q. C. in

1849. He took an active interest in public affairs, and was for some time mayor of Halifax. In 1849 he was called to the Executive Council of Nova Scotia and subsequently held the office of solicitor-general, provincial secretary and attorney-general. He went to England as a delegate on public business in 1858 and 1865, and to Washington in connection with the reciprocity treaty in 1866. He was a representative of his province in the Confederation conferences at Charlottetown, Quebec and London. He sat in the Nova Scotia Assembly for many years, but was defeated on presenting himself as a candidate for the Commons in Antigonish in 1867. He was appointed to the Supreme Court, Oct. 8, 1875.

COUR DE CIRCUIT.

MONTREAL, 5 MARS 1888.

Coram TASCHEREAU, J.

SURPRENANT *et al.* v. TREMBLAY.

Election municipale—Corruption—Qualification—Réponse en droit—Preuve récriminatoire.

JUGE :—10. *Qu'un conseiller municipal dont l'élection est contestée pour illégalité et fraude, ne peut demander le rejet de la requête en contestation sur le principe que l'autre candidat mis en nomination contre lui n'était pas qualifié pour être élu conseiller; un tel plaidoyer peut être rejeté sur réponse en droit.*

20. *Que dans une contestation d'une élection municipale sous le Code Municipal, la preuve récriminatoire de faits de corruption par l'autre candidat doit être admise, de manière à établir lequel des candidats a été réellement élu, les votes entachés de fraude étant retranchés de part et d'autre.*

Il s'agit de l'élection d'un conseiller municipal dans la paroisse de St. Hubert, tenue les 9 et 10 janvier 1888. Le requérant et quatre autres électeurs demandent que l'élection soit déclarée nulle comme entachée de fraude et d'illégalités.

Le défendeur fit des exceptions préliminaires qui furent renvoyées.

Au mérite, il plaida entre autres exceptions : 10. Que dans tous les cas, il devrait être déclaré l'élu de la majorité et sa nomination devait être confirmée, attendu qu'au