

Reg. v. Webb to a question arising in a civil case where the enabling provisions in such behalf of the Ontario Evidence Act were invoked. The provisions of the Canada Evidence Act of 1893 are no wider than the English or Ontario statutes referred to, and we opine that under it the common law disability still attaches to a person condemned to death. It is to be said, however, that Taylor ("Evidence," s. 1347 n.) doubts the case of *Reg. v. Webb*.

Correspondence.

JUDICIAL SENTENCES.

To the Editor CANADA LAW JOURNAL :

Dear Sir :--The apportionment of punishment is always a difficult one, and unless one is familiar with all the circumstances of the case it is not well to find fault. It is therefore with some diffidence that I venture to suggest that the sentence pronounced by Mr. Justice Street on Arthur McIntyre, who shot and killed his father, was inadequate. If the boy's mental condition was such that he was unaccountable for his act it would have been more appropriate to have sent him to some asylum where he would be under careful medical supervision. If, however, he was perfectly sane, and there was no attempt to cast any doubt upon this, and his conduct at the trial did not warrant any such thought or in fact excite much sympathy, four years' confinement in an institution which is really an industrial school rather than a place for criminals, does not seem to be a punishment which can be said to carry with it the deterrent effect which would be appropriate for such a heinous offence. The lightness of the sentence has given rather a shock to the public ; but as the learned judge who tried the case has a large fund of strong common sense and is the last person to be afflicted with any maudlin sentimentality, we can only suppose that there were some good reasons for the course he adopted.

Yours etc., READER.

[Being aware that many had the same thoughts on this matter as our correspondent, we have taken the trouble of making as full enquiries as possible as to the circumstances attending this painful case which may have weighed with the learned judge in passing a sentence, which on the face of it seems to have been a very light one for a charge of fratricide. Without discussing the subject at