

The Legal News.

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The Act 49-50 Vict. ch. 7 (Q.), has been exposed to unusual vicissitudes. It provided for the appointment of a Judge for the district of Terrebonne, the preamble being "whereas *it has become urgent* that there should be a judge in the district of Terrebonne." The Act was assented to June 21, 1886, but was not to come into force until proclaimed by the Lieutenant-Governor in Council. The proclamation, dated January 27, 1887, appeared in an extra of the *Quebec Official Gazette* of January 29, but by what we ventured to describe as "a curiosity in the way of corrections" (p. 49), the *Gazette* of Feb. 5, 1887, announced that the proclamation of Jan. 27 "was published in error." It may be remarked, parenthetically, that a change of government had occurred between Jan. 27 and Feb. 5. The *Official Gazette* of June 11 contains another proclamation, dated June 8, bringing the Act into force from June 11.

Chief Justice Horton has very forcibly condemned the law of Kansas which provides that the death penalty cannot be inflicted until after a year from conviction, and then only in the discretion of the Governor of the State. The Chief Justice believes that the practical effect is that no execution will ever take place in Kansas until the Statute is changed. On the other hand, lynchings are resorted to, to supplement the tardy and ineffectual steps of justice. The existing condition of affairs is not encouraging to those who would do away with capital punishment altogether. "On January 1 of the present year," says the Chief Justice, "there were fifty-one murderers in the penitentiary of the State under sentence of death, and more of the same class are on the way to that institution. During the last few years more fiendish and brutal murders have been committed in Kansas than ever before since its

admission as a State . . . I think that society already spares the lives of too many of its vicious members, and the more frequent infliction of the death penalty, rather than its abolition, is demanded by the highest considerations of public welfare and the public safety. While the Legislature has virtually abolished hanging as a legal penalty, the practice of hanging atrocious murderers without legal formalities has steadily increased. The opponents of capital punishment seem satisfied with what they consider the progress of legislation in this respect, and yet murderers are executed almost each month by lynch law. Thus public lynchings, with all their demoralizing and brutalizing influences, have been substituted for legal penalties."

A grand jury in Philadelphia have found an indictment unique in its way, and suggestive of old-fashioned proceedings against inconvenient women. It reads:—"That Louisa Ehrline on the 21st of June, 1886, and on each and every day thence continually until the day of the finding of this indictment was and is a common eaves-dropper, and on each and all of said days and times did listen about the houses and under the windows and eaves of the houses of the citizens then and there dwelling, hearing tattle and repeating the same in the hearing of other persons, to the common nuisances of the citizens of this Commonwealth and against the peace and dignity of the Commonwealth of Pennsylvania."

SUPREME COURT OF CANADA.

OTTAWA, July, 1887.

CANADIAN PACIFIC RAILWAY COMPANY, Applt.,
and ROBINSON, Respdt.

Damages—Mental Suffering—Misdirection.

HELD: (reversing the judgment of the Court of Queen's Bench, M. L. R., 2 Q. B. 25), that it is misdirection to instruct the jury that anguish of mind suffered for the loss of a husband may properly be taken into consideration by the jury in estimating the damages which should be awarded to the widow.