

THE
MANITOBA LAW JOURNAL.

VOL. I.

OCTOBER, 1884.

No. 10.

SIR EDWARD FRY, L.J., ON PUNISHMENT.

IN early times priests were judges, and inasmuch as they believed themselves to be the depositaries of God's law, it appeared to them proper to use man's power to its enforcement. This notion, abandoned by civilization for ages, has found an advocate for the investment of judges with authority to punish sin, as sin against God, and not according to its evil effects upon man.

Man's punishment of a criminal has been understood to be based upon the necessity for the establishment of a regard for laws which prohibit, under various penalties, acts which the community believes to result in evil to itself—offences against "the peace of Our Sovereign Lady the Queen, her crown and dignity." Sir Edward Fry, however, would amend the indictments and substitute "Lord God Almighty" for "Our Sovereign Lady the Queen," and "His Holy Law" for the statutes.*

But let the learned judge state his own position. He asks: "Why do we strive against sin?" and answers the question by pointing to "the fact that there is a fitness of suffering to sin, that the two things, injustice and pain, which

* Essay on "Inequality of Punishment," *Fortnightly Review*.