PARDONS.

Two points in connection with the granting of pardons and commutations of the death penalty have recently come before Courts in different States of the Union. In one case, the matter of *Victor*, the convict had been sentenced to death, but the sentence was commuted to imprisonment for life. Subsequently the criminal claimed his discharge, on the ground that he had never accepted or acquiesced in the commutation, and therefore, he was held in custody illegally. The Court decided against this novel pretension, and the Supreme Court of Iowa affirmed the decision, holding that the commutation is presumed to be for the culprit's benefit, and is valid without any action on his part.

In the other case, *Arthur* v. *Craig*, which came before the Supreme Court of Iowa, in April, the question was whether a condition may be annexed to a pardon. In this instance, a person convicted of larceny from a building in the night time, and sentenced to ten years' imprisonment, received a pardon containing these conditions : that the prisoner should, during the remainder of his term of sentence, refrain from the use of intoxicating liquors as a beverage; should exert himself for the support of his mother and sister, and should not be convicted of a violation of any criminal law of the State. In case he violated any of these conditions he was to be liable to summary arrest upon the warrant of the governor at the time, whose judgment was to be conclusive as to the sufficiency of the proof of the violation of the first and second conditions, and was to be confined in the penitentiary for the remainder of the term of his sentence. The prisoner formally accepted the pardon and its conditions, and was set at liberty. He violated the condition against the use of intoxicating liquors, and was arrested upon a warrant by the governor and · returned to the penitentiary. Upon proceedings by *habeas corpus* the court held the re-arrest and return to the penitentiary were valid and proper. The *Albany Law Journal* remarks : " Whether an executive can impose conditions in pardons has been doubted. 1 Whart. Cr. Law, §591 d. But it is now considered as settled that such conditions may be made. This is eminently the case where the offender, after having been released upon

condition that he leave the country, refuses to go or surreptitiously returns. *Flood's Case*, 8 W. & S. 197 ; *State* v. *Smith*, 1 Barley 283 ; *People* v. *Potter*, 1 Park. Cr. 47 ; *State* v. *Chancellor*, 1 Strobh. 347 ; *State* v. *Fuller*, 1 McCord, 178 ; *Roberts* v. *State*, 14 Mo. 138.''

REPORTS AND NOTES OF CASES.

COURT OF QUEEN'S BENCH.

Quebec, June 1, 1878.

Present :—Dorion, C. J., Monk, Ramsay, Tessier, Cross, JJ.

Marquis v. Van Courtlandt.

Appeal—Saisie-Arrêt—Costs.

Motion to reject an appeal on account of *acquiescement*. The appellant was condemned by the Court below to pay a certain debt, he not having made his declaration as *tiers saisi* in time. In fact he was domiciled in another district, and had there made his declaration, that he owed nothing, within the proper delay. He then moved the Court in Arthabaska to revise this judgment, and to allow him to make his declaration anew. The Court granted the appellant's petition, but condemned him to all costs. He moved for leave to appeal, but in the meantime so far conformed himself to the amended order as to make the new declaration. Respondent maintained that this was an *acquiescement*.

The Court held that it was not, and the motion to reject the appeal was dismissed with costs.

Quebec, June 4, 1878.

Present :—Monk, Ramsay, Tessier, Cross, JJ.

Hardy v. Scott.

Appeal—Alteration of Judgment.

This was an action for rent due and to fall due. It seems that the judgment went for the rent due, but owing to some inadvertence, judgment was entered up according to the conclusions of the declaration. Execution was taken out on the judgment as entered, and this appeal was instituted.

Seeing the error, the *Greffier*, it seems, (though the affidavit does not make the point clear) entered up the proper judgment on another page, supposing himself authorized so to do by