

penitentiary. But I have not been able—nor have the Crown officers or the grand jury—to find any person, high or low, in the service of the company within the territorial jurisdiction of the Court who can be said to be in any way (except through ignorance so far as concerns the operatives), the guilty authors of the shocking casualty. So far as our law is concerned, those who are really responsible for the bloodshed at Essex on that fateful August day must be left to their own conscience and the court of public opinion.

I may also add that I have received representations from a number of persons who have claims against the railway company complaining that they have not been paid. The town council of the town of Essex have also transmitted a resolution requesting me to suspend judgment until the payment of the claims arising from the accident. These communications are somewhat irregular, but I have no thought that they were made with any knowingly wrong intent. The representation of the private individuals has been transmitted to the company, and I am glad to be assured that some of these claims are in the course of adjustment; as to some others it is a mere question of amount.

But in any case I could not use the criminal law or allow it to be used as a lever to enforce the payment of civil claims for damages. Any one who puts the criminal law in force for the purpose of bringing about the settlement of a civil claim is guilty, in law and in conscience, of a wrong—and I, administering the law, may not do that which I must, sitting as a Judge, reprobate in others. In fixing the penalty I have given consideration in favour of the company only to what has been paid and what is admittedly to be paid—and if the company should hereafter be ordered to pay more, that is their misfortune.

However that may be, no more in twentieth-century Canada than in mediæval Venice, may a Judge “to do a great right, do a little wrong.”