of its birth—it should not be necessary to prove that the child was completely born at the time of the infliction of the injury, but that in all such cases the offence should not be capital, but punishable only with penal servitude. If that change were made, convictions would take place of the serious charge in cases where at present their is only a conviction for concealing the birth, an offence of a totally different character.

It is also said that there is much uncertainty in the infliction, in consequence of the Home Secretary's intervention. The jurisdiction of the Home Secretary as to remitting sentences is of course, unsatisfactory, but it is difficult to see how it can be done away with altogether. There must always be in some quarter a discretion as to the exercise of the prerogative of mercy. But the cases in which the Home Secretary is appealed to may be divided into two classes, those in which he is called upon to pass judgment upon the facts proved at the trial, and those where new facts are brought forward. As to the latter there clearly ought to be a means of ordering a new trial. We have protested several times against allowing a universal right of appeal in criminal cases, but it would be much more desirable that the subsequent investigation, which must take place in certain cases, should be a judicial rather than a private one. The former class of cases are more difficult to deal with. We are inclined to think it would be an improvement to refer the question of the remission to a certain number of the judges, say five or six, of whom the judge who tried the case should be one. By this plan there would be more uniformity than at present.

The present defects in the system of capital punishment call for amendment, but are not an argument for abolition.

It is also said, and with apparent seriousness, "But capital punishment cannot operate as a deterrent, for see how many murders are committed." This argument might be advanced against the infliction of any punishment whatever. But another question occurs at once: Is there any likelihood that if we abolished hanging there would be fewer murders? It was stated in last year's debate that in the experience of Tuscany and Switzerland the abolition was followed by a marked increase of crime. It requires no unusual penetration to see that, if hanging for murder were abolished, lesser crimes would be consummated by murder far oftener than at present. Where a ruffian has committed a brutal rape or robbery, which, on conviction, will entail on him penal servitude for life or some long term nearly equivalent,—abolish capital punishment for murder, and how often is it likely that the criminal will shrink, if his escape may be thereby facilitated, from adding murder to the first crime? Nay, in many cases it will be his direct interest to do so, simply by way of destroying the evidence of the victim of his previous atrocity. If he silences that evidence he may evade justice altogether, but even if, after adding that second crime to the first deed, he still falls into the hands of justice, he is no worse off than before, because justice has no further penalty to inflict. His back is against the wall; he has all to gain and nothing to lose. We repeat that this consideration alone imperatively requires that death should be inflicted as the penalty for murder. Further than this, we believe that the fear of the capital infliction does operate with very deterrent effect, and especially so upon the "habitual criminal" class. As we have before observed, the saying "while there is life there is hope," applies to criminals, as well as to other people. Appropriating Mr. Scourfield's quotation of last Wednesday—"By all means let reverence for human life be observed,' '*que messieurs les assassins commencent.*'"—*Solicitors' Journal.*

MAGISTRATES, MUNICIPAL, INSOLVENCY, & SCHOOL LAW.

NOTES OF NEW DECISIONS AND LEADING CASES.

MASTER AND SERVANT — CORPORATION — APPOINTMENT AT ANNUAL SALARY — DISMISSAL DURING YEAR—BY-LAW—29 & 30 VIC. CH 51, SEC. 177.—The property of the Grand River Navigation Company having passed into the hands of defendants, a municipal corporation, plaintiff was appointed manager thereof by an instrument under their common seal, at an annual salary, from 1st January, 1866, an appointment to which he had been previously recommended in a report of a committee of council, and by a resolution of the same body the mayor was authorized to execute the necessary bonds between plaintiff and defendants

Held, a valid appointment, and not necessary to have been made by by-law.

Defendants having dismissed plaintiff in September, 1867, *Held*, that such dismissal, before the end of the year, was wrongful, defendants having recognized plaintiff as their officer after and during the second year, and, until removed, he was to be considered as in office under his original appointment under the corporate seal, and that he was entitled to compensation in like manner as if employed by an individual.

Held, also, that plaintiff was an officer of the corporation under the Municipal Act.—*Broughton* v. *The Corporation of Brantford*, 28 U. C. Q. B. 434.

MARRIED WOMAN'S DEEDS—MAGISTRATES INTERESTED—EVIDENCE AGAINST CERTIFICATE.—Magistrates interested in the transaction are not competent to take the examination of a married woman for the conveyance of her land. The