

less, and more transient, than the first. Certainly Hegelianism, in adopting and sustaining philosophically the theory of a just retribution as the sole primary basis of punishment, exhibits a healthy contrast to the sentimentalism of humanitarian philosophers who ignore the moral and retributive element in punishment, making its primary object to be the reform of the alleged criminal, and example to the community. To such theorists the final answer is that, until a man is proved to be guilty of a crime, we have no right either forcibly to reform him or to punish him as an example to others; and that neither reformation nor example will be promoted by assigning to him, after he is convicted, a punishment disproportionate to his offence. At the same time, in the application of such punishment, reform and example are to be kept incidentally in view. Conviction and sentence are to be according to justice; but prison discipline is to be so applied as to make the punishment conduce as far as possible to the moral education of both criminal and community.

CURRENT EVENTS.

ENGLAND.

LAW LEGISLATION IN ENGLAND.—In a communication addressed to the *Albany Law Journal*, the following notice occurs of proposed legislation in England:—"On Tuesday night Sir John Holker, the Attorney-General, introduced in the House of Commons, his bill for modifying and amending the law relating to indictable offences, otherwise known as the Criminal Code. The bill has been drawn up mainly by Sir James Stephen. The Attorney-General explained its provisions at some length, dwelling chiefly on the alterations it proposes to make in the law. It abolishes the distinction between felony and misdemeanor, and substitutes for them the term 'indictable offence.' Accessories before the fact are done away with, and accessories and criminals are dealt with on the same footing. There is a large diminution in the number of *maximum* punishments, with a provision against accumulated penalties of hard labour. The term 'malice' is entirely omitted from the law, constructive murder is done away with, and a more

reasonable and intelligible definition of provocation is introduced. The definitions of larceny and theft are greatly simplified by sweeping away the present refinements, and the law of forgery is placed on a more definite and consistent footing. This part of the bill will supersede dozens of text-books, scores of acts of Parliament, and piles of legal decisions. The second part of the bill refers to procedure, and among the principal alterations under this head are the entire abolition of the subtleties of the law of *venue*; securities that ample notice shall be given to an accused person when proceedings are taken by indictment in the first instance; and provisions not only for changing the place of trial, but for conducting trials on the model of civil instead of criminal procedure. Right of appeal and power to grant new trials in criminal cases are given under certain conditions, and an improvement in criminal pleading is proposed which will sweep away the present system of verbose and technical indictments. Though the bill has been launched under government patronage, it is improbable that it will become law this year. On the motion of Mr. Osborne Morgan, a select committee of the House of Commons has been appointed to enquire what steps ought to be taken for simplifying the title and facilitating the transfer of land. In submitting this motion, Mr. Morgan called attention to the recent frauds of Dimsdale and others, and showed that they would have been prevented by even the rudest form of registration. He pointed out that each measure heretofore adopted with this view had failed from some defect in drafting, and said that as it was necessary to start afresh on entirely new lines, he would recommend a registration of deeds, a cadastral survey for purposes of identification and power of sale for every acre of land in the country, however held, and a registry of sales."

CONTRIBUTORY NEGLIGENCE.—In the case of *Clark v. Chambers*, 38 L. T. Rep. (N.S.) 454, decided by the Queen's Bench Division of the English High Court of Justice, on the 15th of April last, the defendant had placed in a private road adjoining his ground a hurdle with a *chevoux de frise* on the top, in order to prevent the public from looking over the barrier at athletic sports on his ground. Some one not known removed the hurdle to another spot