

THE ACTS OF LAST SESSION.—INEQUALITY OF SENTENCES.

Asylum Inspection Act (R. S. O., c. 224) One of these private Acts is of more than usual interest, viz., the Act to amend the Acts incorporating the Toronto Gravel Road and Concrete Company. In this Act, the legislature again interferes with vested rights, and in a manner that practically works a great injustice, but in one respect they show more tenderness than was shown in the case of the Rivers and Streams Act, and sec. 2 is a provision very different to anything contained in the latter Act, inasmuch as it provides that "nothing in this Act contained shall prejudice or affect the rights or contention of either the said Corporation of the County of York or the said company in a certain cause now pending . . . and the matters in the said cause shall be disposed of and determined as if this Act had not been passed."

This completes our review of the acts of the local legislature passed during the last session. We hope speedily to supply our readers with a similar practical review of the Acts and orders in council contained in the latest volume of Dominion Statutes.

SELECTIONS.

INEQUALITY OF SENTENCES.

Sir Watkin Williams, on the 6th inst., presided at an eisteddfod held at Allt Ddu, near Pwllheli. Responding to an address presented to him, he said:—The administration of the criminal law I approached with horror and with dread. Our criminal code has been, and still is, the most severe and sanguinary in all Europe; and a large number of the English people seem to me to be ferocious by nature and to have a very imperfect idea of the only true and legitimate object of punishment; and, while they cry for vengeance, they are infuriated by the moderation and humanity of the most just and experienced of the judges. Lord Campbell, in his autobiography, recording his feelings upon approaching an assize town,

remarks that the wretched prisoners awaiting the dreaded presence of the judge little dream how much more the judge often dreads the ordeal than they do. When I see these unhappy creatures, and think over what may have been their infancy and their childhood, and their early associations, and the utter absence of all chance of forming good habits and cultivating happy instincts, they seem to me far more objects of compassion and pity than of vengeance and hatred, and I tremble to think by what an accident of accidents our positions are not reversed. At the same time, our social system, if it is to exist in anything like a civilized form, must be protected, and crime must be punished as a deterrent against repetition, and the criminals must, if possible, be reclaimed. But vengeance is not ours, and to indulge in it is mere savagery and ferocity. I am bound, however, to say that I sympathize to a large extent with the wonder and perplexity in the public mind caused by what strikes them as the inequality and uncertainty of sentences. To a certain extent this inequality is no doubt real. So long as judges have different ideas respecting degrees of criminality and of punishment this must be so; but to a still larger and by far the larger extent their inequality is apparent only, and quite unreal. In the case of most crimes there is great latitude of punishment sanctioned by the law, because there is the greatest diversity and inequality in the possible degrees of criminality; a burglary may be a most alarming and atrocious crime committed by a professional housebreaker or it may be in substance a trivial petty theft; a manslaughter may present features exceeding in villainy and cruelty many murders, or it may be little more than a common assault; and the intermediate degrees between these are infinite. The knowledge of the public is derived from the reports in the public press, and in the vast majority of cases, as I am informed by the most experienced of the judges, it is absolutely impossible to obtain from these reports a faithful or adequate picture of all the features of the case. None but the most skilful of reporters with adequate space at his command can present a true and faithful representation, disclosing the essential points in just perspective with the real lights and shades and colour belonging to the true picture; when the reporter is careless, unskilful, or unfaithful, of course, the case is hopeless, and it is further undoubted fact many repor-