

## The Legal News.

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### PROPOSED LEGISLATION.

Seldom has a Session of Parliament been more fruitful of strange propositions than this one. The other day we had a bill making it a Penitentiary offence to go by mistake on board a Merchant ship in the Provinces of Quebec, Nova Scotia or New Brunswick, with jurisdiction confided to a single stipendiary magistrate. Now we have the charlatanism of Mr. Charlton. Adultery is unquestionably a great moral offence, and may at times be evidence of profound turpitude; but it is extremely dangerous to make it a crime. Firstly, it is very difficult to establish the guilty knowledge which must be an ingredient; secondly, the conduct of the injured husband or wife has much to do with the guilt of the adulterer. The difficulty of dealing with adultery in the manner proposed is made apparent by the provision to leave the prosecution in the hands of the injured husband or wife. The proposition to make illicit sexual intercourse criminal is, to say the least of it, premature, until the legislature has defined "seduction." Mr. Charlton appears to have as little knowledge of the B. N. A. Act as he seems to have of general policy. Several of the sections of his Act deal with the civil remedies for seduction.

The incest bill, we trust, is unnecessary.

Mr. Cameron has a bill for allowing persons accused of crime to be witnesses for and against themselves. The form of Mr. Cameron's legislation is about as curious as his suggestions are dangerous. The story of "the House that Jack Built," seems to have been his model of style. But Mr. McCarthy soars far above the floundering efforts of the member for Huron. He desires that any person accused of a crime may be brought as a witness on his own behalf, and the husband for the wife, or the wife for the husband, but such witness shall not be brought for the prosecution. Then follows a most peculiar provision: "Provided, that so far as the cross-examination relates to the credit of the accused, the Court may limit such cross-examination to such extent as it thinks proper, although the proposed cross-examination might be permis-

sible in the case of any other witness." In other words the *more* the witness is open to suspicion, the *less* is he or she to be subject to cross-examination! The experiments hitherto made in this direction have not tended to show that the "wisdom of our ancestors" was at fault on the point. The untrustworthy character of evidence against the testator's interest becomes more patent, the wider the opportunity of exhibiting the weakness extends. In civil cases we seem to have gone far enough in allowing the opposite party to wring what he can out of his adversary. In criminal cases the provision of the law which abolishes the disqualification of interest is wholly bad. It is a source of perjury, and this is so completely the case that courts and juries attach little or no weight to the disculpatory evidence of accomplices, at all events to the evidence of those who are convicted. Of course exceptional cases do occur where it might be convenient to hear what the party has to say, but the attempt to make general laws to meet exceptional cases is the suggestion of ignorance and self-conceit. All these difficulties have been known for ages.

The papers tell us of another proposition, intended to subject Trustees and Directors to greater responsibility than the law now imposes on them. They are to file twice a year a list of the securities they hold in some public office, under a penalty, it is to be presumed. It may also be presumed there is to be a schedule to which the Trustee is to conform. Parliament has shown such dexterity in framing schedules of this sort for the returns of Bank Managers and Directors that we shall be curious to see the schedule for the returns of Trustees. Did it ever occur to stupid legislators that, in rendering an unpaid and already very onerous duty insupportably annoying it will become impossible for testators to get any one to accept the position, except those whose services are procured by an immense legacy, or those who intend to plunder the estate? It is to convert a trust into a distrust, and it may fairly be questioned whether there is any reason for altering thus materially the intentions of testators. There are thousands of such trusts and we do not hear once in a year of a serious complaint, and when such cases do occur, they are quite as often due to the speculations of a dishonest ward as to the infidelity of the Trustee.