

follow." It is probably a case in which the only governing principle is the very vague and elastic one, that the propriety of a prosecution shall be left to the discretion of the presiding judge and the law officers of the Crown. That the leaning should be rather towards refraining from further attempts to punish the prisoner is strongly indicated by the consideration to which Mr Justice Mathews has adverted.

But, however this may be, we fancy that few will be found to disapprove of the course followed by Mr. Justice Hawkins in a recent case where the prisoner had manifestly committed perjury. The learned judge declined to add anything to the sentence on this account, humanely remarking that, if subsequently tried for perjury, the prisoner might possibly have something to say to the jury.

THE SENATE AND THE CONSTITUTION.

Of the many difficult problems which the founders of Confederation were called upon to solve, the most difficult was that of the constitution of the second chamber, generally held to be a necessary part of the machinery of representative government. The constitution of the popular representative body presented no questions but those of detail. The principles upon which it was to be based were well understood, and there were numerous precedents and analogies by which the application of those principles could be guided. The case of the second chamber was different. No precedents and no analogies applicable to our condition could be found, or, if found, they were open to serious objection. No class of men existed in the country, who, by virtue of hereditary influence, or previous training, were marked out as specially qualified for the duty of carefully watching, revising, and when necessary, checking the legislation of the elective body, and preventing hasty and ill considered action arising from popular caprice, and from the waves of enthusiasm or gusts of passion, which frequently disturb the judgment of assemblies directly dependent upon the voice of the people. That there were men in the country qualified for such a duty, and capable also of wisely directing public opinion, of setting the highest examples of patriotism, of taking the largest and most enlightened views of public affairs, and not afraid, in the discharge of their duty, of popular prejudice or popular resent-