

## DIARY FOR FEBRUARY.

1. Sat. . . Clergymen to make yearly return of Marriages to County Registrar.
2. SUN. . . 4th Sunday after Epiphany.
3. Mon. . . Hilary Term begins.
5. Wed. . . Meeting of Grammar School Boards.
7. Frid. . . Paper Day Q.B. ; New Trial Day C.P.
8. Sat. . . Paper Day C.P. ; New Trial Day Q.B.
9. SUN. . . *Sexagesima Sunday.*
10. Mon. . . Paper Day Q.B. ; New Trial Day C.P.
11. Tues. . . Paper Day C.P. ; New Trial Day Q.B.
12. Wed. . . Paper Day Q.B. ; New Trial Day C.P. Last day for service in County Court.
13. Thurs. Paper Day C.P.
14. Frid. . . *St. Valentine.* New Trial Day Q.B.
15. Sat. . . Hilary Term ends. Last day for County Treasurer to furnish to Clerks of Municipalities in counties lists of lands liable to be sold for taxes.
16. SUN. . . *Sexagesima Sunday.*
22. Sat. . . Declare for County Court.
23. SUN. . . *Quinquagesima Sunday.*
24. Mon. . . *St. Matthias.*
25. Tues. . . *Shrove Tuesday.*
26. Wed. . . *Ash Wednesday.* Appeals from Chancery Cham.
29. Sat. . . Sub-Treasurer of School Moneys to report to County Auditors. School Reports to be made. Superintendent of Separate Schools to give notice to Clerks of Municipalities.

## The Local Courts'

AND

## MUNICIPAL GAZETTE.

FEBRUARY, 1868.

## MALICIOUS INJURIES TO THE PERSON.

It may be all very true that there are things more precious to man than the safety of his person, or even the preservation of his life, nor do we at present intend to question the truth of this proposition, nor to cavil at this very proper sentiment; but it will scarcely on the other hand be denied, that the right of personal security is not the least of "the absolute rights of every Englishman."

Blackstone, in speaking of the three principal rights of mankind, classes them thus:— 1. The right of personal security. 2. The right of personal liberty; and 3. The right of private property. And in particularising what is comprised under the first head he says:—"The right of personal security consists in a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health, and his reputation." And he further says, that "whatever is done by a man to save either life or member is looked upon as done upon the highest necessity and compulsion."

Now these are views which doubtless most persons are quite prepared to accept without any further reasoning, either by the learned

commentator or ourselves, but it is nevertheless, astonishing that so many men have really exceedingly small regard for the enjoyment of the life, limbs, body, health and reputation, of others. And here we do not allude to those who maliciously, or in moments of passion inflict injuries, but to those who are appointed by their fellows for the protection of the public in the full enjoyment of those rights.

This is a subject which has lately attracted the attention of some able writers in England, and some of their remarks we have reproduced for the benefit of our readers. The principal ground of complaint there has been the leniency of judges and magistrates in the infliction of sentences for injuries to the person. Complaints of a similar kind have occasionally been made in this country, but it is a different phase of the subject, which has lately directed our attention to it.

Mr. Justice Hagarty, during the recent Assizes for the City of Toronto, in passing sentence on a prisoner who had been found guilty of a common assault, where the evidence was of a most unprovoked and brutal attack with a murderous weapon, deplored the growing tendency of juries to treat the most aggravated and brutal attacks upon men and women as common assaults. In fact it appeared to him, according to their frequent findings, that feloniously stabbing and wounding and half killing a peaceable citizen, was not that which the law of the land looks upon it, a very grave and serious crime, but simply a common assault; the jury thus taking the decision of the law, as well as of the facts, into their own hands.

One of the evil effects of the glaring perversion of justice in the case he alluded to, was not long in shewing itself, for it was only a few days afterwards, that the following scene occurred in the Police Court at Toronto, on an examination into the facts of an aggravated and brutal assault upon an inoffensive old man, from the effect of which he lost the use of his right eye. The close of the case is thus detailed in one of the daily papers:

"Counsel for defence was going to call evidence, when

The Magistrate stated that he was not going to dispose of the case. It was clearly, he said, a case of assault with intent to disfigure or maim; and they have maimed him. It is for a jury to say whether he was accessory either before or after the fact. His Worship held that the evi-