

## The Legal News.

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Four executions have taken place in Canada within a few weeks, for the crime of murder. There is no reason to suspect, in any of these cases, that the verdict of the jury was founded upon doubtful evidence, or that the punishment was not due to the crime. But there is one point in connection with these cases which seems to be forced upon the attention of the most indifferent observer, and that is the necessity of imposing more stringent rules upon sheriffs and gaolers with reference to the communications which pass between convicted persons and the outside world. In almost every instance there has been a daily and hourly correspondence permitted between the prisoner and the reporters for the press, as well as others who have no immediate connection with the convict or his family. This publicity we have been accustomed to regard as an evil incident of the administration of justice in the United States, and its introduction into Canada should be strenuously resisted as tending to bring the authority of the law into contempt. The sheriff ought not to permit communication between his prisoner and anybody who chooses to make him a visit; still less ought he to permit the gaoler or turnkeys to gossip with reporters over every act and saying of the man awaiting execution. A monstrous example of the length to which the abuse has gone is afforded by the publication of the following telegram from Mr. F. X. Lemieux to Remi Lamontagne, who was executed at Sherbrooke on the 19th instant, for a murder committed in circumstances of unusual atrocity:—

"All my efforts are in vain; entertain no further hope. Men do not pardon, but God alone is truly merciful. With all my heart I wish you the courage necessary to bear the terrible trial. It is sad to die young, healthy and vigorous, but in fifty years the judge and jury who have condemned you will in their turn be judged and will not perhaps, like you, enjoy the advantage of being ready for death. Farewell forever, dear client, au revoir, in eternity. My children and myself

pray to the good God for you. I wished to go and see you, but remained here to endeavor to save you. I know you will die like a Christian and a brave man. Farewell!"

"We do not wish to make any comment upon this extraordinary communication. It could only have been written under the influence of excitement, and was evidently not intended for publication. But what shall be said of a system which tolerates the communication of such matter to the reporters? How are judges and juries to perform faithfully and conscientiously their painful duty if they are exposed to such attacks? The occasion seems to call for a united and energetic remonstrance from the bench and from all who are interested in the proper administration of justice, and the adoption of regulations which shall render the repetition of such a scandal impossible.

In *Greene v. Globe Printing Co.*, which came before the Master in Chambers at Toronto, on the 5th of November, the question of the admissibility of the evidence of a witness under sentence of death was considered. The action was for libel growing out of a newspaper article in which, as the plaintiff charged, it was asserted that he was in some way connected with the murder of one Benwell. The article appeared subsequent to the trial and conviction of one Birchall for the murder of Benwell, and Birchall was at the time in gaol under sentence of death. The plaintiff desired to obtain the evidence of Birchall to establish that he (Birchall) had not said that the plaintiff was in any way connected with the murder of Benwell. The sentence of death was to have been executed on Birchall on the 14th of November, 1890. On the 4th of November, 1890, the plaintiff moved before the Master in Chambers for an order to examine Birchall as a witness in the case and to use his depositions at the trial, which would not take place in the ordinary course till after his execution. The defendant's counsel contended, *inter alia*, that Birchall was civilly dead, and was not a competent witness, and therefore that the order should not be made. *Regina v. Webb*, 11 Cox, 133, was cited. The plaintiff's counsel contended that all disabilities of witnesses are now