

which it was committed, it shall be reduced from "heinous" misdemeanor and lose that prefix, and involve no infamy. Manslaughter stands alone, and requires to be treated accordingly. This proposition would be most pernicious if applied to any other offence.

27th.—That in all other OFFENCES AGAINST THE PERSON, if the Court be of opinion that detention in the Penitentiary would be too severe a punishment, a verdict of "ASSAULT" only shall be taken *instead* of for the higher offence, and punishable as above. This is not to affect the assaults now findable by jury in felonies. These would be "heinous crimes" under it, and the limit of detention on conviction for them would be three years as now. The word "only" makes all the verbal difference needed. For its great force in a verdict see Woodfall's case.

28th.—That on any trial for an offence against the administration of justice, except in perjury or subornation thereof, if the Court think that the offence ought to be more leniently dealt with than a conviction for "heinous" misdemeanor (or crime) would allow of, the verdict should be taken for "contempt" only.* And in order to meet all cases (a far more numerous class) of offences against property, and attempts against *the purse*, as well as to cover a vast number of transactions which the law, as existing, has not properly provided for, it is proposed that a NEW CLASS of offences, only *quasi-criminal*, be inaugurated, to be in legal guilt *penal acts* (that is, adopting the nomenclature of the late Mr. D. Ross, such acts as incur a penalty but do not amount to a misdemeanor, and are not subject to an indictment), and that these offences should be known as penal trespasses. Because the last word would be used in civil suits for many of these if so followed, and because the old trespass (from the *trespass* of the Norman lawyers) included small transgressions of all kinds.† THE PUNISHMENT PROPOSED FOR SUCH is a penalty not exceeding \$20 (twenty dollars) and costs, and *restitution* if requisite; or, in default of restitution, compensation for

* There are contempts, it is said, triable by jury. Thus the finding would not be far from precedent.

For this word in this connection see "Traverse" in Burns's Justice, page 324, vol. 4, edition 15.

† See Burns's Justice, page 224, vol. 4, edition 15 (word *traverse*). It also contains the word "contempt."