

The Legal News.

Vol. V.

JULY 15, 1882.

No. 28.

CRIMINALS AND EXECUTIONS.

We have heard persons express unlimited disgust at the Guiteau affair, as though never before had a criminal been so treated, or been made such a spectacle. It will serve to disabuse their minds to turn to England, at a time no more remote than the last century. In the *Fortnightly Review*, we find under the title of "Newgate: a Retrospect," the following:—

"There was every element of callous brutality in the manner of inflicting the extreme penalty of the law. From the time of sentence to the last dread moment the convict was exhibited as a show, or held up to public contempt and execration. *Heartless creatures flocked to the gaol chapel to curiously examine the aspect of condemned malefactors* on the Sunday the gaol sermon was preached. * * * The actual ceremony was to the last degree cold-blooded and wanting in all the solemn attributes befitting the awful scene. The doomed was carried in an open cart to Tyburn, or other appointed place; the halter already encircled his neck, his coffin was at his feet, by his side the chaplain or some devoted amateur philanthropist and preacher like Silas Todd, striving earnestly to improve the occasion. *For the mob it was a high day and holiday*; they lined the route taken by the ghastly procession, encouraging or flouting the convict according as he happened to be a popular hero or unknown to criminal fame. In the first case they cheered him to the echo, *offered him bouquets of flowers*, or pressed him to drink deep from St. Giles's Bowl; in the latter they pelted him with filth, and overwhelmed him with abuse. The most scandalous scenes occurred on the gallows. * * * The convicts were permitted to make dying speeches, and these orations were elaborated and discussed in Newgate weeks before the great day; while down in the yelling crowd beneath the gallows spurious versions were hawked about and rapidly sold. It was a distinct gain to the decency and good order of the metropolis when Tyburn and other distant points ceased to be the places of execution, and hangings were exclusively carried out in front of Newgate, just over the

debtor's door. But some of the worst features of the old system survived. There was still the *melodramatic sermon*, in the chapel hung with black, before a large congregation *collected simply to stare at the convicts* squeezed into one pew, who in their turn stared with mixed feelings at the coffin on the table just before their eyes. There was still the same tumultuous gathering to view the last act in the tragedy, the same blood-thirsty mob swaying to and fro before the gates, the same blue-blooded spectators, George Selwyn or my Lord Tom Noddy, who breakfasted in state with the gaoler, and so got a box seat or rented a window opposite at an exorbitant rate. The populace were like degenerate Romans in the amphitheatre waiting for the butchery to begin. They fought and struggled desperately for front places: people fell and were trampled to death, hoarse roars came from thousands of brazen throats, which swelled into a terrible chorus as the black figures of the performers on the gallows stood out against the sky. 'Hats off!' 'Down in front!' these cries echoed and re-echoed in increasing volume, and all at once abruptly came to an end—the bolt was drawn, the drop had fallen, and the miserable wretch had gone to his long home."

The lines which we have italicised in the extracts above show that all the revolting incidents of the Guiteau affair were paralleled in England only a century ago, and it would be unfair and unsafe to base any appreciation of national character upon the acts of the wretched persons craving for a sensation, who come to the front on these occasions.

CHANGE OF NAME.

In the case of *Linton v. First National Bank of Kittanning*, before the U. S. Circuit Court, W.D., Pennsylvania, March 11, 1882, it was decided that at common law a person may lawfully change his name, and he is bound by any contract into which he may enter in his adopted or reputed name, and he may sue and be sued by his known and recognized name. In a suit by husband and wife, in the wife's behalf, a plea which alleges that the name in which they sue is not the husband's real name, but which does not deny that it is his known and recognized name, is bad. Among the cases referred to were *Doe v. Yates*, 5 Barn. & Ald. 544; *King v. Inhabitants of Billingshurst*, 3 M. & S. 250.