

## The Legal News.

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### CRIMINAL SENTENCES.

A good deal of criticism has followed upon Mr. Justice Stephen's sentence of one Henry Perry who, having first robbed his victim in a railway carriage, belabored him with a stick until he was insensible, and then endeavored to throw him out upon the line. The complaint is not of the sentence itself, but of the lecture which accompanied it, which was as follows:—

"Henry Perry—You stand convicted of one of the worst offences I have had the misfortune to try. Everything has been said that could be said for you, with the view to the propriety of proper pleading, and you have no one to blame but yourself for the position in which you find yourself. You obviously, beyond all possibility of doubt or question, wickedly premeditated the outrage which, for a young man in a respectable position, and, I suppose, a decent education, is almost unparalleled. It is perfectly clear to me, and to every one who heard what Lewis stated, that your distinct intention was to stupefy that person by the use of some narcotic, and then to rob him, and, when disappointed in the wicked expectation, and not being able to do that, you did, to the utmost of your force, use a stick with sufficient violence to make him insensible, and it is impossible for me to doubt that you did attempt to drag him to the door of the carriage and throw him out upon the line, whether you intended to cause his death or not. It may be that you had not formed a deliberate premeditated intention to murder him; but it is only too obvious that when you did commit that terrible crime and were thinking how you could avoid the consequences, you tried to throw him out of the carriage, in order that no being might find out that anything had taken place between you and him. I am willing to believe that your character has been a good one; but in this sense, like other criminals, you have had a good character until you have been found out. In the act of which you have been found guilty, you pose as the most cowardly, most brutal wretch that ever stood in the dock, and the sentence upon you must correspond with the severity of the crime you have committed, for I have a duty to perform, and the sentence of the court upon you is that you receive first thirty lashes with the instrument called the "cat"—(the prisoner up to this point had exhibited an apparently calm demeanor, but here burst into tears)—in order that, coward as you are, you may feel somewhat of the pain which you inflicted, and afterward, that you be kept in penal servitude for twenty years."

The prisoner, we are told, "on hearing the sentence, gave a scream, and was then removed

from the dock." The scream is a dramatic incident which seems to have disturbed the nerves of the critics. The *Chicago Legal News* says: "The march of civilization does not seem to have ameliorated the rigors of English criminal law to any great extent, if it is to be judged by the above. We suppose Mr. Justice Stephen donned the black cap before passing sentence, but that adornment could have added little to the terror inspired by his words."

It is a fair subject for discussion whether corporal punishments are, upon the whole, advisable in the case of adult criminals. We are not enthusiastic admirers of them, and it is certain that they should be ordered with the utmost caution, and only by magistrates of the greatest experience and intelligence. But if it be admitted that this was a fair case for the application of the most rigorous punishment awarded by the law, we do not find anything extravagant in Mr. Justice Stephen's homily. There is a great fascination in such trials for the depraved, and quasi-criminal classes—that is to say, those who have not yet done anything by which they have been "found out." It is well known that the persons who are most likely to yield to temptation are keenly attracted to the courts on such occasions, and who can say how potent a word in season may be to prevent them from straying from the path of rectitude, which, by a warning more impressive than any sermon, and delivered to persons whom no sermon is likely to reach, they find is also the path of safety.

### OVERWORK.

The London *Lancet* reads a moral from the sudden death of the Lord Chief Justice of England, to the effect that aged and energetic men who "feel well" should avoid throwing too much work on organisms which must, in the nature of things, be weakly even when they seem strong. This is very true, but it is spoken like a doctor, who looks at the subject from his own point of view. Not to speak of the heroic deeds which have excited the enthusiasm of the world, what would have become of many of the greatest achievements in every department of human action if the actors had studied only personal considerations? Lord Beaconsfield, in *Endymion*, touches upon this with regard to