

3rd.—That Coining cease to be regarded as an offence against the State, and treated as it really is—that is, as a crime of the class known as the *crimen falsi*.*

4th.—That all non-capital cases be reduced to misdemeanors.

5th.—That those which are now Felony and all which deserve the Penitentiary should create infamy; but no infamy, save conviction for Perjury, should render a witness *incompetent*, but go only to his credit.†

6th.—That misdemeanors carrying “infamy” shall be distinguished by a prefix.‡ Say “Heinous.”§ Because it is so near to the word felonious, and can be conveniently inserted, as thus, “unlawfully and heinously did,” instead of the other; and because the word “infamy,” of old associated with the pillory, is now associated with conflicting and vague ideas in the minds of the generality of people, and is, therefore, perhaps better not too constantly repeated in necessary public documents.

7th.—That all crimes now punishable by Penitentiary (which I will in future call by the name of “Heinous”) shall be punished by Penitentiary alone. Reason—To separate prisoners guilty of crimes involving infamy from those not, and make the punishment more certain in its

* This is an old suggestion, which I have several times met with, and it seems to me a good one.

† This only extends the principle of the 4th and 5th Vic., chap. 24, sec. 21, and 4th and 5th Vic., chap. 24, sec. 22.

‡ For a ready example of this common word, see Stat. 22 H. 8, c. 10, against the persons called Egyptians.

§ I further propose the following new nomenclature: That “heinous offences” against person and property be divided into the following groups, families, or classes, numbered according to prominence in evil—1st. The destructive; 2nd. The libidinous; 3rd. The predatory.

Murder, arson, houghing cattle, &c., are in the first list. All the deeds of hate, revenge, and the angry passions belong to it; and destruction being the effect of these passions and intent of their indulgence, I have preferred it, as it is definite, and “malicious” is not always so. There being a vast difference between the “malice” or “froward mind.” (*i.e.*, a propensity to evil) of antiquity and the “malice” of modern conversation; and the malice referred to in law, owing to the changes in the language, is sometimes wide as the one and sometimes narrowed down like the other.

The second word speaks plainly enough for itself.

Of the third, all manner of thieving and cheating and unlawfully by any means, getting hold of what lawfully belongs to others, may well be grouped under it.