it was necessary to convict Gordon of murder. They forgot that the trial was under martial law which makes incitement to sedition capital.

This would be the logical result of not fully realising the fundamental principle that martial law is the *application to non-military persons of military law.* That this is so is shewn by the authorities cited in Mr. Finlason's work, and that the Commissioners failed to grasp this, and, in fact, went through their enquiry on the very contrary view, is clear from the statement of Mr. Gurney, to which we referred last week, that courts-martial under martial law had no authority, "because the Mutiny Act did not apply." Of course it does not, for it only applies to military persons, and is only necessary in time of peace. But if rebellion is war, and the proclamation of martial law is the declaration of a state of war, and the application of military law to the whole population—that is, of military rule as it applies in time of war, by virtue of the prerogative, apart from Mutiny Acts—then the result would be, that non-military persons are liable to be tried for military offences; and, by military law, inciting to sedition is capital. Assuming this, then Gordon's execution was legal, no matter how innocent he was of *more* than mere incitement to sedition, and no matter what were his actual intentions. This was the view of Governor Eyre, and General Nelson, and the Commander-in-Chief, and Mr. Finlason, who elaborately examines the case, contends that it is the right view. Assuming the contrary, then, *whatever* Gordon's guilt may have been, there was no legal authority to try him, and his execution was legally a murder. And it must have been upon this view that a learned judge is said by Mr Bright to have told him that the execution of Gordon was a murder. But this is not the Commissioners' view, for the logical result would, of course, be, that *all* the trials were illegal, and *all* the executions legally murders; they say that they were, with few exceptions, unimpeachable.

It is obvious that the notion of Gordon's execution being unjustifiable has arisen entirely from erroneous notions as to the effect of martial law. No judge could have meant anything so absurd as that the legality of an execution depended on the actual guilt, or the degree of guilt, of the accused. It depends, it is obvious, on the legality of the *trial;* and *that* depends on the existence of a jurisdiction or authority to try, and the *substantial* fairness of the trial; against which the Commissioners say not a word; for what they say, in effect, is, that they do not concur in the propriety of the verdict, which is utterly immaterial, in a legal point of view, especially as it proceeded on a manifest error. To dream of making *murder* out of the case is pure nonsense.—*Jurist.*

THE CHARGE OF RAPE.

We are surprised that it has not occurred to the advocates of woman's rights to put forward the important advantages which the recognition of her claims would immediately extend to unprotected males. It is of comparatively little use to dwell upon the injustice of the theory that woman's highest mission is to bring children into the world and suckle them. It requires some intellect to be just, and an ordinary man may well be pardoned if he fails so completely to emancipate himself from the yoke of life-long custom and tradition as to see no absurdity in the notion that a woman should be qualified to make his will or cut off his leg. In these days men live and learn fast, and there is no knowing what the next generation may bring forth. But it is to be feared that, by his own contemporaries, Mr. Mill, when he lectures Parliament upon the injustice of the position we now assign to woman, will be regarded much as Sir Isaac Newton was regarded by his landlady—as a poor creature who can never hope to be anything better than a philosopher. But the case would be very different if Mr. Mill and his followers would dwell, not upon woman's rights, but man's wrongs—if they would urge the frightful dangers to reputation, personal freedom, and all that makes life worth having, which are incurred by the unprotected male simply and solely in consequence of the popular prejudice that woman is the weaker vessel, with peculiar and exceptional claims upon man's protection. Every man may not have an eye for abstract justice, but every man is fully alive to the risk he runs from the fact that, if a woman takes it into her head to charge him with an indecent assault, the chances are ten to one that he will be found guilty, no matter how strong may be the proofs of his innocence, or how weak the evidence against him. To be accused of such an offence is to be condemned. The chivalrous male juror feels that woman, as the weaker vessel, requires special protection; and his notion of specially protecting her is to accept, in the face of all evidence, whatever charges she may like to bring against her male oppressor. This chivalrous code has moreover the advantage—a very great advantage in the British tradesmen's eyes—of being maintained at another man's expense. Sydney Smith defined benevolence as the feeling which prompts A., when he sees B. in distress, to ask C. to help him. In like manner, the British juror shows his chivalrous admiration for weak and lovely woman by ruining another man on her behalf. This is the only intelligible explanation of the astounding verdicts which are given in cases of indecent assault and rape. Juries are indeed, by fits and starts, sufficiently assinine or bovine in cases of every description, but they are so consistently and habitually only when a woman is concerned. It is scarcely an exaggeration to say that any man's