the Third. His book, "*De Legibus Angliæ*," is by far the most comprehensive work on the subject written for several centuries, and the third book of it, entitled "*De Coronâ*," is the source of much of our existing criminal law. His definitions of crimes are in several instances taken, though with not unimportant modifications, from the "Digest". For instance, he thus defines theft, "Furtum est secundum leges fraudulosa contrectatio rei alienæ invito illo domino cujus res illa fuerit." This omits the words which extend the Roman law definition of theft to temporary appropriations. Bracton's book served as the foundation for other works of less note, as, for instance, Fleta, and, to a less extent, Brittan; but no writer of anything like equal note dealt with the subject between his time and the early part of the seventeenth century, three hundred and fifty years after. About that time Coke wrote his "Institutes of the Law of England," the third of which is devoted to the subject of criminal law. Coke had great technical learning and a character of great force and audacity; but he had no power of arranging or generalizing his knowledge, and not only was his style pedantic, but his mind never rose above a very trivial kind of acuteness. His book, however, shows fairly, though in a most disorderly manner and with many inaccuracies, what the law was in his day.

Coke was followed at the distance of about half a century by Sir Matthew Hale, a much more considerable personage, though he was far less conspicuous in the political history of his time. His "History of the Pleas of the Crown" is far superior to the third Institute, and is, I think, entitled to the first place amongst books on English criminal law. It is full of learning, especially historical learning, and in several parts shows power of a higher kind.

Both Coke and Hale show conclusively what a crude, imperfect, meagre system the criminal law of their time was, and how little it had been improved by legislation. What can be said of a system under which it was a capital crime to steal a shilling, and a mere misdemeanor, punishable with fine and imprisonment, to run a man through the body with a sword with intent to murder him?

Neither Coke nor Hale notices the fact that the common law dealt only with a small number of the grossest and commonest offences, such as homicide, theft, and rape; nor the further fact that a large addition to the law was made by the decisions of the Court of Star Chamber, which treated as criminal a number of actions (such as attempts to commit crimes, perjury, some kinds of forgery), for the punishment of which the common law, properly so called, made no provision. After the abolition of the Court of Star Chamber the offences which it had been in the habit of punishing were treated as being offences at common law, though most of them were unknown to the system properly so called.

Any defects which the criminal law in Hale's time may have had on the side of undue lenity were effectually removed by the legislation of the eighteenth century, under which innumerable offences were made felony without benefit of clergy. The excessive severity of this legislation and the capricious character which it gave to the execution of the law excited great attention. At the same time the efforts of many reformers, of whom Bentham was the best known as a writer and thinker, and Romilly as a politician, directed much attention to the form of the law itself. The result was that between the years 1827 and 1830 a great mass of the then existing statute law was repealed, and the substance of it was re-enacted in a less fragmentary shape, the punishments for the different offences being in most cases considerably mitigated. The commoner offences were by this means dealt with by four or five statutes, which consolidated in whole or in part probably many scores or hundreds of earlier acts.

This was a considerable improvement, but it was merely a first step towards a complete criminal code. Efforts were made to have such a measure prepared, and a commission was opened which made many reports upon the subject of the criminal law between 1833 and 1861. After great delay five acts of Parliament were passed in the year 1861, relating respectively to theft and offences in the nature of theft, malicious mischief to property, forgery, offences relating to the coin, and offences relating to the persons of individuals. These five acts constitute the nearest approach to a penal code now in existence in England. They are very useful as far as they go, but they are extremely imperfect; first, because they assume and are founded upon the unwritten common law definitions and rules relating to crimes; and, secondly, because they deal only with offences against the persons and property of individuals, and leave unnoticed the subject of criminal responsibility and the definitions of offences against public order, offences consisting in the corruption of public officers, and offences against public morals and convenience. In other words, they leave unnoticed nearly half the matters which ought to be disposed of by a criminal code, and they do not deal at all with the subject of procedure, the law as to which is principally unwritten. There have thus been three sets of criminal statutes; namely, first, the unconnected scattered enactments passed before the reign of George the Fourth in order to fill up the gaps in the old common law; secondly, the acts passed between 1827 and 1833, which re-enacted the first set in a shorter form; and, thirdly, the acts passed in 1861, which repealed and re-enacted, with some additions and improvements, the acts of George the Fourth, and extended them to Ireland. Some others have been passed which I need not notice here.

(To be continued.)