

QUEBEC, SATURDAY, 11th JUNE, 1803:

CONTENTS — *Abstract of the Criminal Laws of England* 353. *Description of York the Capital of Upper Canada* 364. *Dimensions of the Lakes, Latitude and Longitude of the principal places in Upper Canada* 365. *Éléments Politiques, Littéraires et Religieuses* *ibid.* Poetry 367.

To the Editor of the British American Register.

SIR,

The columns of the Register cannot be more usefully filled than with the Epitome of the Criminal Laws of England as given in the *Encyclopædia Britannica*. We have the happiness to live under these laws, with a few exceptions created by local circumstances; and it is desirable that they should be generally known that in their times of loose morality, they may be a terror to offenders and an assurance to the peaceable and honest subject. It will be observed that some parts of them have fallen into disuse with the cessation of the necessities for which they were enacted.

A. E.

SECT. I. Of the nature of crimes, and their punishment.

(1.) IN treating of *public wrongs* may be considered, 1. The general nature of crimes and punishments. 2. The persons *capable* of committing crimes. 3. Their several *degrees* of guilt. 4. The several *species* of crimes, and their respective punishments. 5. The means of *prevention*. 6. The method of *punishment*.

(2.) A *crime*, or *misdemeanor*, is an act committed, or omitted, in violation of a public law either forbidding or commanding it.

(3.) Crimes are distinguished from civil injuries, in that they are a breach and violation of the *public rights*, due to the whole community, considered as a community.

(4.) *Punishments* may be considered with regard to; 1. The *power*; 2. The *end*; 3. The *measure*;—of their infliction.

(5.) The *power*, or right, of inflicting human punishments for *natu-*

ral crimes, or such as are *malum in se*, was by the law of nature vested in every individual: but, by the fundamental contract of society, is now transferred to the sovereign power; in which also is vested, by the same contract, the right of punishing *positive* offences, or such as are *malum prohibitum*.

(6.) The *end* of human punishments is to prevent *future offences*; 1. By amending the offender himself. 2. By deterring others through his example. 3. By depriving him of the power to do future mischief.

(7.) The *measure* of human punishments must be determined by the wisdom of the sovereign power, and not by any uniform universal rule: though that wisdom may be regulated, and assisted, by certain general, equitable, principles.

SECT. II. Of the persons capable of committing crimes.

(1.) ALL persons are *capable* of committing crimes, unless there be in them a *defect of will*; for, to constitute a legal crime, there must be both a vicious will and a vicious act.

(2.) The will does not concur with the act, 1. Where there is a *defect of understanding*. 2. Where no will is *exerted*. 3. Where the act is *constrained* by force and violence.

(3.) A vicious will may therefore be wanting, in the cases of, 1. Infancy. 2. Idiocy, or lunacy. 3. Drunkenness; which doth not, however, excuse. 4. Misfortune. 5. Ignorance, or mistake of fact. 6. Com-