

wanting in my duty if I concealed from you the effect the evidence has had upon my mind. I have only to add that I have no charge to give you as to doubt, for of doubt I have none,—nor shall I speak to you of a possible verdict of manslaughter. If the witnesses are to be believed, the prisoner is guilty of murder as laid in the indictment, and I should regard a verdict of manslaughter as a calamity.

[The jury found a verdict of *Guilty*.]

THE DEATH PENALTY.

Lord Justice Stephen, in his new work on the history of the Criminal Law of England, says: "My opinion is that we have gone too far in laying it" — the punishment of death—"aside, and that it ought to be inflicted in many cases not at present capital. I think, for instance, that political offences should in some cases be punished with death. People should be made to understand that to attack the existing state of society is equivalent to risking their own lives. In many cases which outrage the moral feelings of the community to a great degree, the feeling of indignation and desire for revenge which is excited in the minds of decent people is, I think, deserving of legitimate satisfaction. If a man commits a brutal murder, or does his best to do so and fails only by accident, or if he ravishes his own daughter (I have known several such cases), or if several men acting together ravish any woman, using cruel violence to effect their object, I think they should be destroyed, partly in order to gratify the indignation which such crimes produce, and which it is desirable that they should produce, and partly in order to make the world wholesomer than it would otherwise be by ridding it of people as much misplaced in civilized society as wolves or tigers would be in a populous country. What else can be done with such people? If William Palmer had not been hanged in 1856, he would probably have been alive at this day, and likely to live for many years to come. What is the use of keeping such a wretch alive at the public expense, for say half a century? If by a long series of frauds artfully contrived a man has shown that he is determined to live by deceiving and impoverishing others, or if by habitually receiving stolen goods he has kept a school of vice and dishonesty, I think he should die.

These views, it is said, are opposed to the doctrine that human life is sacred. I have never been able to understand distinctly what that doctrine means, or how its truth is alleged to be proved. If it means that life ought to have serious aims and to be pervaded by a sense of duty, I think the doctrine is true, but I do not see its relation to the proposition that no one ought ever to be put to death. It rather suggests the contrary conclusion as to persons who refuse to act upon it. If it means only that no one ought to be killed, I do not know on what grounds it can be supported. Whether life is sacred or not, I think there are many cases in which a man should be ready to inflict, or if necessary, to suffer death without shrinking. As however these views are at present unpopular and peculiar, and in the present state of public feeling on the subject it is useless to discuss this matter at length, no good purpose is served by making specific proposals which no one would entertain; but I may remark that I would punish with death offences against property only upon great deliberation, and when it was made to appear by a public formal inquiry held after a conviction for an isolated offence that the criminal really was an habitual, hardened, practically irremediable offender. I would on no account make the punishment so frequent as to lessen its effect, nor would I have any doubt as to the reason why it was inflicted. I suspect that a small number of executions of professional receivers of stolen goods, habitual cheats, and ingenious forgers, after a full exposure of their career and its extent and consequences, would do more to check crime than twenty times as many sentences of penal servitude. If society could make up its mind to the destruction of really bad offenders, they might, in a very few years, be made as rare as wolves, and that probably at the expense of a smaller sacrifice of life than is caused by many a single shipwreck or colliery explosion; but for this purpose a change of public sentiment would be necessary, of which there are at present no signs."

GENERAL NOTES.

Sir George Jessel, Master of the Rolls, has died somewhat suddenly, and has been succeeded by Mr. Horace Davy, Q.C.

The Tichborne claimant, who has now been nine years in prison, is 54 years of age, and his health, thanks to the regimen of English penal establishments, is pronounced to be good.