

SELECTIONS.

A JURY RECOMMENDING A PRISONER
TO "JUSTICE."

While everyone will feel the greatest satisfaction that the gang of swindlers who carried on the Cavendish Institution has had an effectual stoppage put upon its transactions, very few will, on consideration, think themselves justified in echoing the call for signal vengeance on the prisoner, which appears to have been issued by the jury before whom the conspirators were tried. To cheat the fatherless and to rob the poor is a device for improperly making money, the more easily carried into execution by reason of the poverty and comparative friendliness of the victims; and, at the same time, the class of victims is one we are accustomed to look upon with feelings of peculiar commiseration. Hence it not unaturally follows that, to our ordinary hatred of cheating we add a good deal of indignant sympathy towards the victims of such a system of false pretence as the present, and that the perpetrators of such a fraud are sure to receive no pity at the hands of the public. We cannot be surprised, then, that when the jury found Smith and Wattey guilty of conspiracy to defraud, they should have considered that the severest sentence within the power of the judge would not be two much for the prisoners. It is, however, a matter of regret that twelve men, supposed to possess a certain quantum of intelligence, should deliberately depute their foreman to make himself ridiculous in their name and on their behalf by an interference with the discretion of the Court of a perfectly unprecedented description. We do not doubt that the learned Recorder was as anxious to inflict condign punishment on these nefarious conspirators as the jury could possibly be, but he could not lend himself to so unheard of a proceeding. The rebuke administered to the jury, though in the mildest words, was of a nature to check the exuberant excesses of their love of "justice." "I can only," said he, "listen to juries when they recommend prisoners to mercy—never when they recommend them to justice without mercy." Such a recommendation from a British jury, we will venture to assert, has never before been made, and we can but felicitate the public on the ready reply of the learned judge, and his true appreciation of the law. The prevention of crime is the sole object of the law in the punishment of criminals, and the idea of vengeance or retaliation is altogether repugnant to its teachings. The sympathies of juries have frequently been the subject of comment in the columns of this Journal, but they are so rarely exercised in the direction now indicated, that the present subject must be recognized as quite a new phase in our experience.—*Solicitors' Journal and Reporter.*

BRIBERY AT ELECTIONS.

Is there then no cure for bribery? Such will be the desponding exclamation on reading the debates in Lords and Commons, and the comments of the newspapers.

What can the law do more by way of punishment? Bribery has been made a crime punishable by imprisonment and by fine. That punishment is not inflicted, because it is looked upon as a crime; its most vehement denouncer does not, in his own mind, think that to sell a vote is as bad as to pick a pocket. Moreover, conscience whispers that the blue ribbon that buys the peer, the baronetcy that buys the commoner, the silk gown that buys the lawyer, and the place for his son that buys the tradesman, may be fairly pleaded, as at once example and excuse, by the working man who takes a 10*l.* note for preferring Mr. A. B. C. to Mr. X. Y. Z., both of whom are good men, and one just as likely as the other to serve his country well.

An immense amount of hypocrisy is thrown about this question by all parties, and the difficulty in dealing with it results mainly from the fact that profession and practice do not agree. Speak of it as we think of it, and something may be done to check, if not suppress, a fast-growing evil.

Instead of treating it as a *crime*, treat it as a *malady*, and see if it will not be possible to prevent what we cannot cure.

So long as the poor man possesses something which the rich man wants and is willing to buy, the exchange will be made. The ingenuity of evasion will frustrate any law that may be devised. It has cynically been said that every man has his price, and it is only a difference of degree. There is not a reader of this, probably, who would not give his vote to A. instead of B., if by so doing he could ensure ten thousand pounds and secrecy. But ten pounds is as great a prize to the man who never before was owner of a piece of gold. Who, then may cast the first stone?

Bribery can, therefore, be checked (for it can never be abolished wholly) by taking away the inducement to give or to receive a bribe, and by eliminating the corrupt parts of the constituencies.

To remove the inducement to *take* bribes, we must abolish poverty and covetousness. As these are not likely to cease out of the land, we may look upon any attempt to prevent men from *accepting* bribes as time and thought thrown away.

But may not something be done to remove the inducement to *give* bribes?

We think it may, and it is in this direction alone that legislation can serviceably work.

Why do candidates bribe?

Not for the love of it; they detest it; they would gladly avoid it; they do it only because, if they do not, their opponents will. Virtue is not here its own reward; for the scrupulous man would be for ever excluded from Parliament, and the party that closed its purse would be in a perpetual minority.