

the opinion that the prime cause of the accident was the defective condition of this explosive which was shipped to them under another name, powder and cartridges, not dynamite; but they cannot deny, at the same time, that there was certain negligence or want of duty on their part in handling it. That is the first consideration.

"In the second place they recognize that in the defence of a criminal charge of this sort, must necessarily be involved to some extent the question as to whether the blame should be attributed to their officers and servants. They do not desire to take that position and prefer therefore to plead guilty to the charge as they have done.

"The company must, therefore, throw itself upon the mercy of the Court in regard to the punishment that your Lordship will see fit to inflict, and they wish me to urge upon your Lordship the consideration that they have paid and are arranging to pay and will have to pay a very large sum of money for the damages, civil damages, that have been occasioned to property and to persons by this explosion. This will cost them a very large sum of money. That I should urge would be a consideration that your Lordship might well take into consideration in imposing any further penalty. If your Lordship sees fit, I am prepared to undertake to furnish the Court with the particulars of these damages and claims, so that your Lordship may have them before you in making up your mind as to what would be the proper verdict to enter."

"His Lordship: The objects of punishment in a criminal prosecution are generally two. The first is to bring the offender to a sense of the wrong which he has committed and to bring about a state of penitence in that offender. This applies in but a very slight degree to a case in which a corporation has been found guilty; and the conduct of the company in pleading guilty shews that, so far as a corporation can, the corporation recognizes its guilt. The other consideration is the prevention of the perpetration of similar offences by others; that is the end to which punishment as a rule is directed. I have always thought (and the more I think of it the more I am sure I am right), that if it were made more costly to railway companies and others to disobey than to obey the law, offences against the law would be much diminished.