

SELECTIONS.

ment is the most certain known deterrent of cowardly and brutal offences. When any peculiarly shocking crime against the person begins to become common in England, the judges always check it by ordering a dose of the cat well laid on, in addition to a long term of imprisonment with hard labour. This is the best known preventive for outrages on women and children. It is the only thing that has put a stop to garrotting. Its success is so marked in the declining frequency of cruel and malicious assaults upon the person in England, that the British public almost unanimously approve of it. Only a little minority of those philanthropists, whose sympathies for criminals rise in exact proportion to the diabolism of their proteges, continue to protest against the lash as a remedial agent of society. While that agent does so manifestly good a work in England, it will be judiciously conserved there. The theoretical opposition to it in the United States is widespread and intense, as any man finds out to his cost who proposes to re-introduce it in our judicial system. But now and then thinking Americans will brave the consequences and ask themselves and their neighbours if corporal chastisement, so common among our ancestors as a penalty for minor violations of law, might not be revived, with signal advantage to society, for the punishment of certain specially atrocious crimes.—*New York Sun*.

DRAWING, HANGING, AND QUARTERING.

There appears to be much misapprehension existing as to the English punishment for treason, and this may be a fitting occasion on which to point out that the sentence of decapitation, pure and simple, is one unknown to the English law (for the innovations of the long Parliament and Commonwealth, of course, legally go for nothing). The same doom of drawing, hanging, evisceration, dismemberment, and quartering was passed on peer and peasant alike (of course, I except the fair sex, whose inviolable sentence was combustion), but constitutional lawyers held that, inasmuch as the sovereign could, in his mercy, remit the whole of the penalty,

so he had the power to dispense with any part. Thus, usually in the case of peers and connections of noble families, decapitation was, by the King's grace, all that was exacted. The soundness of this theory of the royal prerogative was doubted by Lord William Russell in the case of Lord Stafford, executed for alleged complicity in the pretended Popish plot, in the reign of Charles II. The rather overrated husband of Rachel Wriothesley, with a brutal fanaticism that does not display his character in a favourable light, eagerly craved that his political opponent should undergo to the full the whole of the degradation and suffering involved in his sentence. Charles, however, exercised his prerogative. When Lord Russell's own turn came, for his share in the Rye House Plot, the King again displayed this peculiar form of clemency, accompanying the remission with the sardonic remark: "My Lord Russell shall now experience that I do indeed possess that power which he denied me in the case of my Lord Stafford." But, to return. The drawing, as every legal scholar knows, means the drawing of the criminal to the place of execution, and therefore precedes the infliction of death. According to Mr. Justice Blackstone, vol. iv., "drawing" formally meant, and formerly actually involved, dragging the condemned along the ground by a rope tied round his legs to the place of execution; and this torture the judgment literally ordains. "But," says the learned author of the "Commentaries," "usually a sledge or hurdle is allowed, to preserve the offender from the extreme torment of being dragged on the ground or pavement." This quaint view of indulgence seems of a piece with the same legal sage's oft-quoted vindication of the humanity and propriety of the English law in the judgment for treason passed upon women alluded to above. The passage is worth consulting. The last criminals "drawn" to the gallows were, I believe, Col. Despard and his gang. As they were to be executed in the prison in which they were confined, and as the Government insisted that they should be "drawn," this grimly humorous expedient was had recourse to. The conventional sledge or hurdle—the body of a cart or tumbril