Crime and the Law

Hon. David Mills Addresses the South London Liberal Club.

Interesting Resume of the Work of His Department.

Duties of the Minister of Justice in Relation to Criminal Cases.

History of Noted Murder Trials and Their Developments.

The Exercise of the Pardoning Power and the Law Pertaining Thereto—English Opinions—A Very Comprehensive Address.

Hon. David Mills addressed an enthusiastic meeting in Trebilcock's Hall, South London, on Saturday evening, and was listened to with deep attention by an audience which filled the hall. It was graced by the presence of ladies. The meeting was held under the auspices of the energetic Liberal Club of the sixth ward, and the president, Mr. Philip E. Mackenzie, was chairman. He introduced the speaker of the evening in a neat speech. The address of the minister of justice, as will be seen, was out of the ordinary run, and of unusual interest. As Mr. J. B. McKillop pointed out, it gave a vast amount of information, which could be obtained in no other way. It was conceded by those present to be most thoughtful as well as interesting. At its conclusion Mr. J. B. McKillop moved and Mr. F. E. Leonard seconded a resolution of thanks, which was carried enthusiastically.

Mr. Mills said:

Mr. President, Ladies and Gentlemen,—I regret very much that I had not an opportunity of speaking to you at an earlier period. The session of parliament is at hand, and it would be, perhaps, inopportune for me to undertake the discussion of the ordinary topics that are at present engaging the attention of the country. There are, however, two or three questions that suggest themselves on the present occasion. One is the relation of Canada to other portions of the Empire, and the growth of the dominions of the crown into a species of imperial federation, to which the principles of English parliamentary government are being applied, and which must have a constitution the result of growth, and not the contrivance of statesmen. There is also the question of

A SECOND CHAMBER.

Upon this subject hostile opinions are confidently expressed in proportion as they are unsupported by history, and are opposed to settled principles. A second chamber is a necessity under the English parliamentary system, and the probability is that without it, that system could not be maintained. We have had that system attacked in this country recently by the Patron organization, the ideas of which were borrowed from the political institutions of the neighboring republic, and which, if adopted, would be found, in many respects, incompatible with the continuance of the parliamentary system here. But, on the present occasion, I shall not invite your attention to either of these topics, interesting though they may be, and important as their consideration is to the people of Canada.

OFFENDERS AGAINST THE LAW.

It occurred to me that I could not make better use of an hour this evening than by addressing myself to some topic in connection with my own department, in which the public take a very great interest, and in respect to which there is no small degree of misapprehension. I am about to speak to you upon the question of the prerogative of the crown in relation to offenders against the law, which may be exercised for their pardon or for the commutation of sentences which have been pronounced against them. I observe by the character of the criticisms which are sometimes addressed to the public, by certain newspapers, that there is, so far as they are concerned, very mistaken views with regard to my duty in reference to those matters. The notion promulgated in certain quarters is, that the exercise of the power of pardon is purely arbitrary—that it is an arbitrary discretion which tion, regulated by law and usage, but that it is an arbitrary discretion that the minister may exercise in any way he may deem proper. There can be no greater error than this. It is true that a minister may recommend the crown to discharge all the convicts from the penitentiary. There is certainly no legal limitation placed upon the crown in this regard, just as there is no legal limitation placed upon the crown in reference to the vetoing of bills carried through parliament. It is true that his excellency the governor-general, at the end of a session, might refuse to give his sanction to every measure that had been carried through the two houses. He might render the session completely abortive of any legislative results. But no one supposes that any such thing will happen. No one supposes that even a single measure will be disallowed.

THE PREROGATIVES OF THE CROWN

are exercised upon the advice of responsible ministers, and no one looks for any unusual departure from those convictions of the constitution which usage, and the tendencies of the age, have established, and which are as strong as the law itself.

It is sometimes said that a verdict of a jury and the sentence of a judge, under the law, ought never to be disturbed—that the deterring effects of punishment, are weakened by the practice of commutation, and that a minister is highly censurable if he advises any interference. But those who make a statement of this sort are mistaken as to the principles of our system. The sovereign, at his or her coronation, takes the oath to administer justice in mercy, and so while the attribute of justice is present at the trial and guides the deliberations of the court on behalf of the sovereign, it is only after the sentence is pronounced, that the attribute of mercy is heard on behalf of the culprit, and every extenuating circumstance, to which reason and usage has attached a value, have due consideration given them by the responsible minister, in order that the doctrine of the coronation oath may have full force and effect, and in order that the law, which can only move in direct lines, may be so molded as to meet the requirements of each case. The sovereign, says Lord Hale, is assumed to be constructively present in the court for the purpose of administering justice. Upon the sentencing of the prisoner by the court, the crown is complying with the first part of the coronation oath, but only with the first part. Further than this, the action of the court does not proceed. It is through the proper executive officers of the crown that the second part of the coronation oath is observed. Report is made upon the condition of the prisoner; any representation which may be brought to the notice of the proper adviser of the crown is carefully considered and inquired into; all mitigating circumstances are duly weighed, due weight is given to every new fact disclosed, and every extenuating circumstance brought to light. It is by what is done through the proper executive authority that the

STRICT JUSTICE

of the case which has been ascertained by thec ourt tempered with mercy; so that by the proceedings before the judicial department, and by the subsequent action of the executive department, that full effect is given to all the words of the coronation oath in respect to the trial of offenders. To propose, then, to treat the question of the execution of the convict as a matter lying within the arbitrary discretion of the home secretary in United Kingdom, or of the minister of justice and his colleagues here to totally misapprehend the administration of criminal justice under the English criminal law.

In many countries, today, the crime of murder is divided into murder of the first and murder of the second degree. In murder of the first degree you have evidence of deliberation, of a settled purpose on the part of the culprit to take away the life of another person. Under their system each offense is defined, and you have the jury declaring, by their verdict whether the accused is guilty of murder in the first degree or in the scond degree. This division is not made with us. Nevertheless, in practice, it exists; but it does so without any legal division being set forth. There are considerations as well understood here as elsewhere, which may reduce the guilt of the offender, and which may lead to the commutation of the sentence. The law with us, instead of undertaking to classify homicides by a statutory provision, which a jury is alone to apply, leaves the matter entirely in the hands of the responsible advisers of the crown, who, after a careful examination of the evidence, and the charge of the judge, and after receiving his report, decide whether a convicted offender stands in the first or second class, and whether the extreme penalty of the law shall be applied to his case as found, or whether, falling short of the highest degree of guilt, a less severe punishment shall be awarded. Now, the minister upon whom this duty devolves is not acting in any arbitrary or capricious manner. The work which he undertakes is no self-imposed task. He is engaged in discharging a duty which the law contemplates, which settled usage has imposed upon him. And, aided by officers of long experience, I have no more doubt than I have of my existence, that the principle is more accurately applied, and far fewer mistakes are made under the royal prerogative, than if the matter were left to a jury, who would be without the legal training, or the legal experience, which would enable them to apply the spirit and principles of the law, to such a case.

I have stated to you that the crown is required to

ADMINISTER JUSTICE IN MERCY,

and I have pointed out to you the two distinct steps existing in the case of a criminal offender. The one is the proceedings, in the case before the judge, and the other is the consideration of the case by the responsible ministers of the crown. Both steps, under the law, are necessary. There is the trial of the offender, the evidence submitted to establish his guilt or his innocence, the verdict of the jury upon the evidence, aided by the judge, and the sentence of the judge in case the accused if found guilty. After this, the case is considered, in England, in the home office, to which the law officers of the crown belong, and in this country, in the department of justice, the functions of which are, in this regard, much the same. No one convicted of a capital offense is executed without the sanction of the sovereign or the sovereign's representative. The ministers must advise, and if it was intended, as a matter of course, to carry out the sentence, all these subsequent proceedings which the law requires, in order to prevent an innocent man being put to death, or one not guilty of homicide in the highest degree, from being subjected to the extreme penalties which the law attaches to the offense, then all these proceedings by the executive government might have been dispensed with and so much of the coronation oath as requires mercy to be heard in the dispensing of justice could be repealed.

It is clear from what I have stated to you that the law is not what those who criticise assume it to be. It is less unrelenting in its demand for blood, in point of theory, at least, than if no executive proceedings were had. I do not think that those who maintain that everyone convicted of murder should be executed, if they had their way, would perhaps find a larger percentage of executions than at present, for the jury, in many cases, would in that event, knowing that the verdict of guilty would invariably be followed by execution, acquit where they felt that there were mitigating circumstances, which ought on moral ground to be taken into consideration.

THE EMERSON CASE.

You had, not very long ago in this city, one man shooting another down in a theater. There was no doubt that the one man deliberately took the life of the other. There is, however, grave doubt whether it was done to save his own life. I express no opinion upon the evidence, or upon the verdict, in that case. I say this much, however, that the jury exercised, upon the evidence before them, a pretty wide discretion, and they found the accused not guilty. Let me suppose that their verdict had been the other way. Let me suppose that some of them hesitated as to whether the verdict should not have been one of guilt, could it be seriously argued that if such had been the case, and the sentence had been pronounced accordingly, that the executive government, aided by men of long experience in the consideration of those matters, ought not to be intrusted with seeing whether the spirit and principles of our law would not have been best met by a punishment less severe than that of the execution of the accused?

I have noticed in two or three newspapers criticisms of the government for having taken into consideration the sanity of a prisoner. In one case, it was reported to me by a clergyman that a prisoner was undoubtedly insane, and he asked that experts should be appointed to inquire into his mental condition, and to report upon his case before the time fixed for his execution. I acted upon this very earnest advice as it was my duty, when it was announced to me that the accused party was insane. I exercised the function imposed by the common law, in strict conformity to the imperial statute. The government appointed two experts to inquire into the prisoner's condition. They reported that there was not the least doubt that the prisoner was insane, and his sentence was, upon this report, commuted to one of imprisonment for life. Now, this was not the exercise of any arbitrary discretion. It was not the giving way to some

SICKLY SENTIMENTALITY,

to save a ruffian from the consequences of his crime. I dare say that at the time the man committed the crime, some years before, he was in the full possession of his faculties. He was confined in the penitentiary for another offense. While there, he confessed to a murder, about which he had not been even suspected. He was put upon his trial, and on his own confession, and upon cororborative testimony, that was produced, he was convicted. It may be that at the time of his confession his reason was giving way, but at all events it is absolutely certain that after his conviction, and while in jail, he was insane, as it was well possible for any human being to be. Now, the common law in respect to matters of this kind is well set out by Lord Chief Justice Hale, in his "Pleas of the Crown," in which he says that if a man in his sound memory commits an offense, and before he is arraigned becomes absolutely mad, he ought not to be arraigned during his frenzy, but he must be remitted to prison until that incapacity may be removed. The reason is because he cannot advisedly plead to his indictment. Even though he was of sound mind when examined, and when he confessed to the offense, if, after his plea, and before his trial, he becomes insane, he shall not be tried. If after his trial, and before judgment, he becomes insane, he shall not receive judgment. If after judgment he becomes insane, his execution shall be spared, for if he were of sound mind he might be able to allege something that would stay the judgment or the execution.

So much with regard to the law in respect to persons of sound mind, when the offense is committed, and who subsequently become insane. But if the person was insane at the time homicide was committed, and continued so until the time of his arraignment, he must be neither arraigned nor tried, but, as a matter of prudence, an inquest may be appointed to inquire touching his mental condition, to determine whether his madness was real or feigned, and if by any oversight he pleads to the indictment and the judge observes on the trial that he is insane, he may discharge the jury and remit the party to jail, to await trial on recovery of his understanding.

THE PAUL BROWN CASE.

Now, in a recent case at Winnipeg, one Paul Brown, who had been confined for attempt at taking the life of a man, for three years in the penitentiary, was discharged, and given a certain amount of money to take him whither he wanted to go. He was no sooner out of the penitentiary than he bought a revolver, and seeing another colored man on the outskirts of the city, just after sunset, drew the pistol and shot him. The man's wife, who was with him, ran away, and the discharged convict shot at her. Immediately after loading his revolver again he shot a young woman whom he met on the street, though not fatally. He was committed to prison. He was put on his trial for murder. He was without counsel, and the judge appointed two young lawyers to defend him. They knew nothing of his history, beyond what had happened in the vicinity, and he was careful not to give them any information. When they proposed to plead on his behalf, insanity, for his criminal conduct seemed without motive, he became very angry, and wanted to plead guilty, but the court entered a plea of not guilty in order that the evidence in respect to the crime of which he was accused might be regularly given. The jail physician and many others were of opinion that he was in the full possession of his faculties. The superintendent of the asylum was inclined to hold the contrary view, but stated that he had not sufficient time in the two interviews which he had with the prisoner, to form a decided opinion upon the subject. Neither the surgeon nor the warden of the penitentiary at Stoney Mountain, in which he had been confined, were called. The young woman whom he had wounded was not called. I do not know whether she was in the city at the time or not. But there was no evidence whether she had any dispute with him or not, or whether his shooting was wholly without motive. He was found guilty. After his conviction, he desired to communicate with a party residing at Cleveland, Tenn., which for the first time, made it possible to make any inquiry in respect to his antecedents. It was learned that he had

FOR SOME TIME BEEN INSANE;

that he had attempted to murder his sister; that he had been found insane by competent authorities; that he had been put in charge of the keeper of the county poorhouse; that he had attempted to kill the keeper and certain members of his family, and that to protect themselves against the possibility of being murdered, they had kept him chained to the wall of the poorhouse for two years, which fully explained why he dreaded being found insane, and preferred to confess to being guilty of murder. Experts were appointed to inquire into his mental condition, and they pronounced him insane. It was found, upon inquiry at the Manitoba penitentiary, that he had attempted to take his own life while he was confined there, and that his fellow-prisoners were afraid to work with him in the same room. I inquired of the warden of the penitentiary in respect to him, and he reported that he had no doubt whatever as to his mental condition. Now, in bearing in mind that the law forbids the execution of an insane man, that it makes it the duty of executive authority to inquire into his condition, when insanity is alleged, is it not preposterous to say that it is the duty of a minister of the crown to disregard his oath of office, and the provisions of the law, and to permit the execution of a man whom the law says, by reason of his mental incapacity, is incapable of felonious intent, which is as essential as the act itself to stamp upon it the character of criminality?

THE GUILLEMAIN MURDER CASE.

Let me take another instance, which has been the subject, in some degree, of adverse criticism. I mean the commutation of the sentence of young Guillemain, in the Province of Quebec, who was charged with the murder of his uncle, and who was convicted of that offense. Guillemain was a young fellow about 17 years of age, but small for his age, who had removed from the Province of Quebec to the State of Maine with his father and mother some two years before. He had returned to his uncle, one Lapointe, at the village of St. Liboire, with whom he resided while visiting his old acquaintances, and he did occasional work to pay for his board. Lapointe had gone to the city of St. Hyacinthe, some 12 miles distant, to collect $1,200 that was due to a brother in the United States. It was on Saturday. When he went thither, he was unable to obtain the money, but he procured with the assistance of his father, from the Eastern Townships Bank $200, which, with some other money, made $214 that he had upon his person when he took the evening train to return home. That train arrived in the village at 6:05. When Lapointe's wife heard the locomotive whistle, she told her nephew, young Guillemain, to go out and catch the horses and put them in the stable, for his uncle would be angry if he found them still out. The boy went out about 6 o'clock, and returned some fifteen minutes later, stating that he was unable to find the horses. He sat down for ten or fifteen minutes talking to a cousin, who had come in from the adjoining house, and they were engaged talking and telling stories. Mrs. Lapointe again urged her nephew to get the horses, and put them in the stable. He took a lantern and went out, Lapointe's boy, about 12 years of age, accompanying him. hey obtained the horses and brought them back. It was subsequently proved by those who walked over the ground, that it would take fifteen or seventeen minutes to accomplish this task. This would make the time of Guillemain's return about a quarter to seven o'clock. A few minutes later a man came to the door, and said that there was a person dead or drunk lying in the street a few yards away—about 50 feet—and asked for a light. A little delay arose in trying to light a lantern, and in the meantime the man went into an adjoining house to get a light. When he came out Lapointe's boy was standing by the corpse with a lantern. Blood was running from it. It was liquid and smoking. Two doctors, who were examined in the case, said that the man's death could not have occurred more than five minutes previously. Three boys who were taking a load of straw into the town said that they met Lapointe. He was walking towards home, and, at a short distance, a man was walking behind him in the same direction. The boys went but a little way when they met three men in a butcher's wagon—two sitting in the seat, and the third man standing up on the back seat behind them, and they were driving with considerable rapidity. Their horses shied when they came near Lapointe's house, and nearly threw them out. They stopped and saw the body of a man

LYING IN THE ROAD.

Now, this was certainly within five minutes of the time Lapointe was met alive by the boys with the straw. When Lapointe's body was examined, it was found the back of his skull was broken. It had been broken by a blow given upwards, and the question arose who was the small man walking behind him? Was he a party who knew Lapointe was to obtain a considerable sum of money that day, and who had made up his mind to commit murder in order that he might make a successful robbery? Or was Lapointe killed by the point of the shaft and by being driven over by the men in the butcher's wagon? They say they did not strike him; they would have felt a shock if they had. They say that their horse did not step upon him. One of the theories as to the cause of his death was that he had been struck on the back of the head by the point of the shaft of the rig and killed. Another theory was that the boy Guillemain, knowing that his uncle would obtain money, had gone out to meet him, and came back behind him, and had struck him a fatal blow from behind. A third theory was that a blacksmith of a not very good reputation, who lived a short distance away, who had driven to St. Hyacinthe with a horse and buggy left St. Hyacinthe before Lapointe left by train, so as to return home before Lapointe. He traded horses by the way, and thus was not likely to be recognized in the evening while driving a strange animal. It was alleged that he left his horse at his shop, and it was suggested that he might have armed himself with a hammer, and thus had taken Lapointe's life, afterward driving back two and a half miles, where his sister resided, and representing himself there as on his way home from St. Hyacinthe, where he rested from half past seven till half past nine in the evening. No weapon of any sort was found near Lapointe's body, with which the murder had been committed.

The boy Guillemain, a few days later, borrowed $3 from his aunt to return home, as he stated he had not sufficient money for that purpose. When he reached his home he had a large number of $10 bills of the Eastern Townships Bank upon his person; and when the report went abroad of Lapointe's murder, the boy was suspected, and a warrant of extradition was about to be issued, but when the boy discovered this, he seemed to be anxious to return to the Province of Quebec for trial, and he did return. The fact that money was found on him of the denomination which his uncle possessed was accepted as conclusive that the deed was committed by him, and he also told several stories with regard to the matter to the detective who examined him, which were inconsistent with each other. In one of these he accused the little blacksmith of having suggested the robbery of his uncle. Upon the strong suspicion, from having the money in his possession, he was convicted of murder and sentenced to death. Now, I have no hesitation in saying, upon the evidence produced, that conviction ought not to have taken place. It was shown most conclusively that the uncle, Lapointe, had made three calls on his way home—at the hotel, at the postoffice, and at a grocery, where he stopped to buy a small quantity of tea; that apart from these calls it would have taken 25 minutes to have walked from the station to his house. If you allow five minutes for each of the calls which he made, this would be 40 minutes which would bring him to the place where he was found dead at 6:45. Now, it was physically impossible that Lapointe could have been at the place where his body was found during the first period occupied by Guillemain in looking for the horses, when he was alone; and the second time he went out with Lapointe's son they were not on the street. They went to the stables and thence directly to the field, and returned, putting the horses in the stable, and then went into the house, so that if there was any respect paid to this testimony—and all the surrounding circumstances fit into it—the boy could never have murdered his uncle. He knew his uncle was to receive money, and it may be that after the uncle was killed by the shaft of the butcher's wagon, or by the horse running over him, the boy, knowing that his uncle expected to obtain money, may have taken it from his pocket. If the man was killed by the party who was by some suspected, and whom the boy said suggested robbery, it is clear that the butcher's wagon was so close upon the murderer that he had no time to accomplish all that he had in view. Let me say that it would have been a

GROSS FAILURE OF DUTY

on the part of the government to have allowed the law to take its course, and the more especially as the difficulties of the case, which impressed themselves strongly upon my own mind, and upon the mind of my acting deputy, who also read the evidence, had equally impressed the mind of the judge who presided at the trial in the same way.

Mr. Walpole, when secretary of state for the home department, testified before a committee that inquired into the manner in which the power of pardoning was exercised, that while they sometimes disregarded the advice of a judge against the prisoner, in no case did they disregard the advice of a judge to spare the life of the prisoner.

In the year 1866 the whole subject of the manner in which the power to pardon was exercised by the home office was made the subject of discussion, and several ex-secretaries of state for the home department, and under secretaries were examined, and their testimony upon the subject is of the greatest value. There were also examined many distinguished judges, who were familiar with the principles upon which considerations of mercy modify the sentences pronounced by the courts of justice. Lord Cranworth was one of the witnesses examined, and he observed that a large percentage of the persons convicted of murder were not punished capitally, but are either pardoned or have their sentence commuted to imprisonment for life. He observes that no matter what changes may be made in the law, resort must always be had in the end to the crown for the purpose of deciding whether a sentence shall be carried into execution or whether some modification in the direction of lessening the punishment shall be made. He gave it as his opinion that the advisers of the crown would not be justified in taking the ground that they would in all instances abide by the verdict, and that mercy should be exercised upon the assumption that the verdict was always right. In his opinion, such a principle cannot be maintained. When the home secretary was convinced that the evidence was not sufficient to have warranted a conviction, and where the doubt was sufficiently strong to justify the interposition of the crown, it was rather a ground for pardon than for commutation. Now, this is a kind of case that seldom arises, but it sometimes does arise, and the minister of justice and his deputy, or acting deputy, are compelled to consider it. Let me suppose that a judge declares that, in his opinion, the evidence in the case is as consistent with innocence as with guilt, and if he had been a juryman he would not have concurred in the verdict of a jury who found the accused guilty of murder, what course is a minister to advise in such a case? If the jury, according to the view of the presiding judge, had come to a right conclusion, they would have said "Not guilty." Is it not clear, in such a case, that

THE ONLY PROPER COURSE

to adopt is that suggested by Lord Cranworth—that pardon, and not commutation, should be recommended?

Then you have, at times, cases in which a party is put upon his trial for murder. The evidence, on the whole, shows that the person acted from sudden impulse; that he had received great provocation; that he was put in jeopardy, and that, in fact, a verdict for manslaughter, and not for murder, ought to have been rendered. Nevertheless, the jury has found the accused guilty of murder. The evidence, along with other proceedings of the court, are sent to the department of justice. It is read with great care. It is submitted along with the report made by the judge. Does anyone suppose that a minister would discharge his duty, if, in such a case, he did not recommend the commutation of the sentence, and that such a degree of punishment be awarded as would have been ordered by the judge, in case a verdict of manslaughter had been found?

Mr. Baron Martin, in the inquiry to which I have referred, said no matter how many courts of appeal you may establish, you must come to the secretary of state at last, where the prisoner may get the benefit of any fair doubt which may have arisen at the trial. And Lord Wensleydale also observed that no matter how many trials take place, there must always, in the last resort by an appeal to the mercy of the sovereign, and so the consideration of the home office, in the end, must come, and, in his opinion, no more satisfactory arrangement could be had.

Mr. Justice Wills, in the same inquiry, said that in every system of criminal justice, there must be some one in whom the power is vested to save the life of a condemned man, even at the last moment, if circumstances appear to warrant it. And this prerogative of mercy must remain, and the crown must intrust it to some responsible functionary.

Sir George Grey, in discussing this question, when the

JESSIE MACLACHLAN CASE

was before the House of Commons, declared the principles upon which he thought the home secretary was bound to act. In this case, the murder took place in the house of a Mr. Fleming, while the family were away at the seaside. Mr. Fleming, a man of 87 years of age, and a housekeeper, were the only persons in the place. The housekeeper was murdered, and there were indications of a desperate struggle. Mr. Fleming had gone to bed, and had left the deceased woman in the kitchen. Towards morning he was awakened by a cry of distress, but as he was old and feeble he did not ascertain the cause. The next morning he found the door of the deceased's room locked, and he thought she had gone out. Saturday and Sunday passed, and it was not until Monday afternoon that the door was broken open, and the body found, and it was discovered that silver plate and other articles had been stolen. The plate was discovered at a pawnbroker's, where Jessie Maclachlan had pawned it. She was committed to prison, and was tried in September. She was indicted for robbery and murder, and pleases "not guilty." After twenty minutes' deliberation, the jury found her guilty, and the judge sentenced her. After the verdict, and before the crown moved for sentence, the counsel for the prisoner read a statement by her, charging the old man with the murder, and that he had bribed her to silence with the gift of the plate. The judge pronounced sentence, declaring that the accusation only aggravated her crime, and stating that he fully concurred in the verdict of the jury. The whole country was divided—one portion believing that the woman alone was guilty, and others believing the woman's story. A petition, numerously signed, was sent to the home secretary, asking for commutation. The jury held a private meeting to consider the woman's statement, and to decide whether they should join in the appeal for mercy. Fourteen jurymen attended, all of whom disbelieved her story, and resolved not to interfere. The petition was forwarded to the home office. In Scotland, the practice is to send a petition for mercy to the head of the criminal court, and not to the judge

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