to come to a somewhat different conclusion from that which was then, though, as was said at the time, with doubt, intimated.

The foundation for a contention that a magistrate has power to commit a defendant to prison after the return of a distress warrant under the Petty Trespass Act, would be under sec. 62 of Con. Stat. C. cap. 103, and one would expect upon examining it to find a general power given, but a careful reading would seem to shew that that section contemplates a provision in the statute *under which the conviction is had* authorising imprisonment; but upon turning back to that we do not find such power given; except so far as it might be implied from reading the two statutes together. We do not, however, upon the whole, think that it would be safe without a more explicit enactment, for a magistrate to proceed by commitment under the act referred to.

SELECTIONS.

PUNISHMENT OF CRIMES OF VIOLENCE.

The manner in which the penalties for crimes are meted out to the guilty, is a matter of the greatest social importance, inasmuch as there is a possibility of every individual being directly or indirectly affected by the process. And this being so, it is vitally necessary that the criminal classes should see by example the various degrees of turpitude which society attaches to their crimes. They should learn, if peace and safety are to be the portion of honest men, the stern and strong determination of the law to avenge outrages against the rights of citizens.

All writers of eminence rank these rights as springing immediately or ultimately from safety of life, limb, and property. These rights stand in order as here written, and such order is the result of common sense. The protection of life and the soundness of limb are of infinitely more importance than the safety of any material property, however valuable.

Yet in these days a certain commercial tinge overcolours almost everything, and assuredly does so as regards the law. In a former article I alluded to the instances of this in the law of slander, and it will be seen that the same feeling affects the administration, though not the spirit, of the criminal law.

No person who studies the newspapers will have omitted to see the enormous disproportion between sentences in various courts for all classes of crimes. This is the first anomaly. The second is that of the reprehensible leniency with which so many offences against the person are punished, and tho needless, and I might say absurd severity with which those against property are punished.

This second anomaly flourishes most in many magistrates' courts, those of stipendiary and unpaid magistracy equally. In a minor degree we find it at Quarter Sessions and sometimes even at the Assizes.

The peculiar class of cases which it is proposed to discuss in this article, comprises—1. Assaults generally. 2. Assaults on women. 3. Inflicting grievous bodily harm. 4. Manslaughter.

1. Assaults. That admirably drawn Act—one of a series of which may be said *O si sic omnia!*—the 24 & 25 Vic. c. 100, has two sections relating to assaults. One of these, the 42nd, deals with "common assaults," and fixes the punishment at a maximum penalty of £5 or two months' hard labour. So far the penalty is severe enough, if properly administered; but in too many cases it is not properly administered. Day after day we read in the papers of brutal assaults punished by fines. Nor even in this case do the punishments reach their full extent of £5. "Forty shillings and costs" is a favourite formula, where the sentence ought to be six weeks' hard labour. Indeed, some magistrates—town and county ones*—appear to think two or three pounds a heavy punishment for a savage assault, while they adjudicate constantly on petty larceny by giving the full sentences of imprisonment under the Criminal Justice Act.

It would only encumber these pages to print examples of this erroneous leniency. Any man may pick out dozens of them from the last six months-old files of newspapers. It seems incredible that the magisterial mind should prove so callous to brutality. A person inoffensively proceeding on his own business is perhaps knocked down, shaken, agitated, and injured by some drunken ruffian. Too often, in place of sharp and swift retribution, comes a solemn decision that the offender shall pay a sovereign, or two sovereigns, as the case may be. He pays it and vanishes, and his victim goes home, his nervous system shattered perhaps for weeks, to meditate on the commercial spirit of the administrator of the law.

We say commercial spirit. If this same ruffian has picked a man's pocket of a cotton handkerchief, he need expect no mercy. At least he will be summarily imprisoned, and he has the chance of indictment, and its corollaries of possible conviction and heavy sentence as well. Yet in the name of common sense and humanity, what proportion does his crime bear to a brutal and savage attack on a peaceable man, either in the spirit which dictates or the consequences which may accompany it? Yet the law is strong enough, its administrators weak.

2. Assaults on women are those which merit and sometimes meet (when the right man is

* Since this was written, a man convicted at a city police-court of knocking down and beating a cabman who asked for his fare, and committing, as the alderman said, "a brutal assault," was fined 40s. and costs.