

possible for some compensation to be given to those who had been wrongly convicted, but no compensation could be given to the person unjustly executed. On these grounds he ventured to address to the Government the question of which he had given notice.'

The Lord Chancellor said that Sir G. Lewis's opinion on the general question was to be found in the speech he made in the House of Commons, given most exhaustively, and his judgment was positively and absolutely against such a Court of Appeal, and adverse to any such change in the law, which, as he pointed out, would render it much more difficult for the Crown to interfere in certain cases. I do not wish, for the reasons already given, to commit either the Government or myself to any abstract proposition on the subject. I only say it is a subject I would rather not discuss now with reference to any future alteration in the law. I trust that my noble and learned friend will consider that as satisfactory an answer as he was likely to get from Her Majesty's Government.

In the course of the discussion Lord Herschell said: 'I do not believe that the existence of a Court of Appeal would prevent erroneous convictions. It is only by reason of circumstances that afterwards come to light that we learn there has been a miscarriage of justice. No Court of Appeal could secure that in no case should an innocent person be punished; but there are cases where such a review would probably lead to the setting aside of a wrong verdict. I do not think it would be right to expect as much from a Court of Appeal as appears to be expected by some persons.'

Viscount Cross agreed with Lord Herschell in regard to the expectations from a Court of Appeal in criminal cases. As to the prerogative of mercy, there was, he believed, a feeling that the administration of justice by a Minister is not satisfactory; but it must be clearly understood that no Court of Appeal can exercise the prerogative of mercy, which must be retained by the Crown.

Lord Fitzgerald, in reply, said that the statement made by the Lord Chancellor had been so entirely unsatisfactory, inasmuch as it held out no hope that Her Majesty's Government would take any steps in this matter,

that he had no alternative left but to announce that next session he should take upon himself the duty of introducing a bill dealing with the question, which he hoped would have the support of Her Majesty's Government.

The following letters have appeared in the *Times* :—

Sir,—I was not aware of Lord Fitzgerald's intention to bring forward last night the question of the institution of a Criminal Court of Appeal, otherwise I should have been in the House of Lords. Allow me to state that I have the strongest possible opinion that there should be such a Court. The first condition, in my opinion, is that the Court should be the strongest which can be invented. To insure this it should, as to its members, not be a varying Court, but should consist of judges nominated by the Crown once for all for life or until resignation. The number of the judges should be seven, with a quorum of five. The judges should be bound, in case of a conviction and sentence of death, at any inconvenience to other business, unless absolutely prevented, to attend in London within seven days after any such sentence, and in other cases at any time fixed by the president of the Court.

The second condition, in my opinion, is that the appeal should be as large as possible, on law, facts, and sentence, with the largest discretionary power as to any means by which, in the opinion of the Court, it could be assisted to arrive at a right, just, and merciful conclusion. Thirdly, it should be declared in the Act that the decision in each case must be made to depend on the circumstances of the particular case. Fourthly, in my opinion, the consideration of mercy arising from the particular circumstances—as, for instance, youth, extreme sickness, intolerable, though not legal exasperation, despair—should not be excluded from the power of the Court. Fifthly, the decision in any case should not necessarily be final, if after it new facts should arise or could be brought forward. Although I would allow the consideration of mercy to be given to the Court, I would not take away the prerogative