

whether it will be inflicted in any particular case is no more a certainty than a chance in a lottery. The majority of the judges never award this punishment at all."

In a debate in 1885, a similar view was held by such high authorities as Lord James, of Hereford, Sir Edward Clark, Lord Herschell, Lord Davey, and the Recorder of London and in 1900 the bill referred to was rejected by a majority of 123.

While our system of dealing with crime remains what it is it is idle to talk, as Mr. Asquith did, of possible reformation being prevented by the use of the lash. Self-respect and human dignity are not "carefully watched and tended" by the punishments commonly in use by our system of prison discipline any more than they would be by the punishment of the lash. A more reasonable view of the case would be to say that a nature of so low a type as that in question would not feel itself any further degraded by a flogging than it was before—the physical discomfort would be all that would be felt, and the pain of that would soon be over.

More important for us to consider is whether, as a deterrent from crime, the use of the lash has been effective. On this point it is strongly urged by the *Law Times* of April 12th, that such has not been the case—that robbery by violence has not been diminished in places where punishment by flogging has been freely resorted to. An instance is given at Liverpool where in 1882 there were fifty-six of such cases and in 1893 at the end of eleven years during which the judge had administered 1900 lashes the number of cases had risen to seventy-nine. Similar experience is recorded at Leeds.

In this connection the remarks of Lord Chancellor Herschell may be quoted:—"He strongly objected to the punishment of flogging for two reasons. The first was that it was perhaps above all other punishments an unequal punishment. They inflicted the same number of strokes upon two men, and the chances were that the man who deserved to feel the punishment most felt it by far the least. It was an extremely unequal punishment. And in the next place it was of all punishments the