

passed through his instrumentality, introduced the official assignee to the trading public. That personage, however, far surpassed the worst records of the corruption of the creditors' assignee. A compromise was adopted, and both creditors and official assignees were appointed to work together in harmony. The official assignee took possession of the assets, and even when a creditor's assignee was appointed, the official still collected all debts under £10. This dualism only made confusion worse confounded. Each of the two assignees could not have the bankrupt's books in his office, while the double range of expenses left the creditors so despondent that many often wholly ceased to look after the bankrupt's estate, once that it was reposing in *gremio legis*.

Book debts of the bankrupt were authorized to be sold, in order to avoid the expense of collecting them. But this statutory provision only led to frequent litigation in order to determine whether a bill of exchange, a bond, a mortgage, or a bill of sale, belonging to the bankrupt, was a book debt. At last the creditors have triumphed, and now hold in England the full control of the administration. Whoever wishes to discover the relative merits or demerits of official and trade assignees, will find the whole matter discussed to the most minute details in a report by a special committee of the House of Commons, issued in 1861. The calamity at Chicago will now bring the whole question on the boards at congress, to which the constitution has delegated legislative jurisdiction in bankruptcy. Congressmen will do well to consider what England has done in this matter before they pass any new bankruptcy statute.—*Exchange*.

DOUBTFUL CLEMENCY.

The sentence of death passed upon John Selby Watson has been commuted by the Secretary of State, into penal servitude for life. It is stated that this resolution was taken by Mr. Bruce after consultation with, and upon the advice of, the Lord Chief Justice of England and Mr Justice Byles. The defence, therefore of insanity has been discredited and overruled as fully by the Secretary of State as it was by the jury. The conviction for wilful murder stands altogether unimpeached. But the penalty which the law has prescribed for that crime is not to be exacted.

Every man who entertains a profound regard for the sanctity of human life must admire the firm wisdom with which the Secretary of State and his advisers have refused to allow themselves to be overborne by the theory set up of Watson's madness. The public has escaped no inconsiderable peril to the cause of justice by this decision. Indeed, in our judgment it was high time that the authorities who control and exercise the clemency of the Crown should upon this question take up a strong position. We are satisfied that the public mind will acknowledge their courage and discretion.

It may be asked why, if the plea of insanity is discarded, should the life of the convict be spared? It is true that the jury recommended Watson to mercy on the grounds of his great age and previous good character. But it can hardly be contended that the recommendation of the jury is *per se* to be conclusive. We are bound to assume that the Secretary of State and the two judges acted on reasons of their own and not on the opinion of the jury. What, then, were those reasons? Watson was a clergyman, he was aged, he had throughout life borne before the world a good character, and he received great provocation from his wife. In all that we have read or heard concerning the case, we have never come across a suggestion of a reason other than these four. Are they, or is one of them, valid? He was a clergyman; but is not the fact that a man has exercised the functions and lead the life of a clergyman for thirty or forty years the strongest argument for holding him responsible for the commission of a crime most abhorrent to his holy office, in that it is a crime founded on cruel and furious passion? Watson was aged, but surely mankind are less prone to rage in the gentle decline of life than in the ardent growth of youth. As to good character, it increases the improbability of crime, but it also increases the atrocity of it when committed. As to provocation, we think it an awful and a dangerous doctrine in a country disgraced more than any country in Europe by domestic outrages to admit for one moment that the words of a wife can, under any conceivable circumstances, form an excuse or palliative for her murder.

We do not conceal from ourselves that we have been saying what to many minds may appear harsh, and inconsistent with the respect justly due to the great experience of the judges upon whose recommendation the mercy of the Crown has been extended to the convict. But, in our judgment, the persons to be commiserated are the victims, not the doers of murder, and leniency towards the latter may turn out to be cruelty to the former. When next some low and vulgar fellow, swaggering to his home at midnight, is there received by the bitter gibes of his wife, one or both of them soured by bad times, by long course of quarrel, or by drink, and under the provocation of the pestilent tongue, the violence of the man breaks forth into murder, how will the clemency of the Crown be denied to the ruffians in face of the precedent set in the case of John Selby Watson? — *Law Journal*.

A man with the small-pox had the additional misfortune to be clapped into the Logansport jail, one Sunday evening last month. Court came in on Monday morning when Judge Biddle suggested the propriety of adjourning for one week, but remarked that he would take the sense of the attorneys present, if they had any. It seems they had, or else they were not all vaccinated, for the adjournment took place.