

who was a friend of his, was drunk at the time and that in a slight scuffle he stumbled on to the point of the umbrella, which went through his eye to his brain and killed him. That man was acquitted, and, in my opinion, rightly acquitted, by the jury. It may be contended that cases of acquittal such as this may be wrong, but that does not touch my point; they demonstrate the absolute necessity of allowing the accused to give evidence.

I must now say a word or two upon the other part of the Bill to which I take exception; but I am free to admit that this is not so much a matter of principle with me as is the topic on which I have addressed your Lordships. I refer to the tribunal for the consideration of the severity of sentences. I am aware that in the year 1892 a resolution was passed by the then judges of the Queens' Bench in favour of there being such a tribunal. The circumstances were very peculiar. At that time there were certain excessive sentences which very much troubled the Home Secretary. That is all that need be said about them; but it must be remembered that every one who has had the courage to propose this has always given a free hand to the tribunal as to how the sentence was to be dealt with, and I think it would be a lamentable thing that men should be allowed to appeal on the ground of severity of sentence without the possibility of the Court of Appeal increasing the sentence. Again the position has been changed. The judges of the High Court now work upon a memorandum to which we are all agreed, and during the last eight or ten years no one can say that High Court sentences have erred on the side of severity. I have a very strong feeling that, if there is to be reduction in the severity of a sentence, which is, after all, part of the prerogative of mercy, it would be better that it should be brought about by an administrative act of the Home Secretary than by a Court of Appeal. The Court of Appeal can only deal with the case. The Home Secretary may properly have on such a matter put before him statements having no direct relevance to the particular case. But that is not all. I would take your Lordships' minds back to what happens in a Court of assize. On a person being convicted the judge asks the police to give