

12. In all adjudications relative to the poor, an upright magistrate should be the poor man's friend, and the guardian of the destitute and helpless, against the sordid calculations of avarice, and the overbearing spirit of wealth; accurately discriminating between the impositions of idleness and vice, and the claims of industry and virtue.

13. He ought to be sensible that the letter of the laws is the rule of conduct for subjects as well as magistrates, and that no man is amenable to magisterial authority who has not offended against the ordinary and obvious interpretation of some law, and who has not been convicted on the oaths of credible witnesses, either by the recorded adjudication of a justice of the peace, or by the solemn verdict of a jury of his country.

14. In committing to prison the magistrate should carefully distinguish whether the object is correction after conviction, or simple detention before trial, and should direct his warrant accordingly: no man being liable to be sent to a correctional prison, or subject to a correctional discipline, except as a punishment after a recorded conviction; and simple detention ought to take place in the sheriff's gaol only, because the sheriff is an honourable officer, bound by the ancient laws of the land to perform the important duty of making returns to all sessions of gaol delivery.

15. In imposing penalties, where the statute has given a discretion to the magistrate, he ought to be governed in his decision as well by the means of the parties, as by the repetition or turpitude of the offence, because a mulct implies but a portion of an offender's means, and it is with a view to various shades of culpability that the law has empowered the magistrate to exercise an equitable discretion.

16. In assigning punishments, it should be considered that the penalties of the law always contemplate extreme cases of turpitude, generally leaving it to the magistrate to mitigate and apportion the punishment according to the circumstances of every offence; in doing which, it should be remembered that the scripture enjoins us "to forgive our brother seventy times seven times;" that the penalties of the law ought never to be passionate or vindictive, but to be simply cautionary for first or trivial offences, gently corrective for second offences, and exemplary and severe only when applied to incorrigible culprits, or to very heinous crimes.