

J. Dammann
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From Dr. Luther

A LETTER

TO THE

RT. HON. LORD JOHN RUSSELL,

&c. &c. &c.

Houses of the Oireachtas

A LETTER

TO THE

RT. HON. LORD JOHN RUSSELL,

&c., &c., &c.,

ON THE

PROBABLE INCREASE OF RURAL CRIME,

IN CONSEQUENCE OF

THE INTRODUCTION

OF THE

NEW POOR-LAW AND RAILROAD SYSTEMS.

LONDON

SAUNDERS AND OTLEY, CONDUIT STREET.

—
PRICE EIGHTEEN PENCE.

1836.

A LETTER

TO THE

RT. HON. LORD JOHN RUSSELL,

SECRETARY OF STATE

OF THE

PROBABLE INCREASE OF MORAL CRIME,

AND

THE INTRODUCTION

OF THE

NEW FINGER-LAW AND RAILROAD SYSTEMS.

LONDON

London:--J. Rider, Printer, 14, Bartholomew Close.

PRICE FORTY-FIVE PENCE.

19th Oct. 1836.

MY LORD,

I OBSERVE in the Times journal of this date, that a commission has been appointed to inquire into the best means of establishing a paid constabulary force, in the counties of England and Wales, and of preventing rural crime by such agency.

The following pamphlet, as will be obvious on a perusal of it, was written before the issue of this commission became known: of course I find myself on some points, anticipated; but it would be difficult for me to find time to remodel it, now that term is rapidly approaching; and there will still be found much in the following pages that may deserve the attention of your Lordship and the Commissioners, while it may also be useful in preparing the public mind for any change that hereafter appears necessary.

In the spring of 1828 I published some practical suggestions for the improvement of the police; they contained the groundwork of that reform which was subsequently effected under the auspices of Sir Robert Peel, and they first proposed the yet more important measure of consolidating the criminal jurisdiction of

the metropolitan and surrounding counties. I have availed myself of the comparative leisure of the professional vacation, to throw together, rather hastily, some further suggestions on the same subject.

For many reasons, the present appears to be a fit time for renewed exertion in this branch of reform. The vast change that has been made in our poor laws, and in their administration, the incendiary spirit which has of late years shown itself in many of our agricultural districts, the activity with which a natural prejudice against the Poor Law Amendment Act has been encouraged, and the revolution likely to occur in the commercial intercourse of the country in consequence of the numerous railroads that are in progress, warrant an impression that to give yet greater efficiency to our police, is a subject that must soon demand the attention of Parliament; the machinery which is brought into play by these extensive changes, and the general prosperity of the country, render it a convenient epoch for the introduction of any alteration which may appear necessary.

With these preliminary remarks, allow me to call your Lordship's attention more in detail, to the effect which some of these circumstances will probably have, in increasing the criminal business of the country; if my anticipations are correct, a more important subject cannot occupy the thoughts of a minister holding the seals of the home department; and even if I show myself too much of an alarmist, my hints may again be useful in suggesting precautionary measures.

To begin with the Poor Laws. It is scarcely possible that a change of such a gigantic and severe character (though I am, and always have been, one of those who considered much of the severity necessary) should not produce great excitement in the minds of the labouring class. Up to the present moment, that excitement has not betrayed itself in any general ebullition of feeling. There seems on the contrary, to have been a sort of tranquil settling down into the new state of things, as inevitable; we have heard of no disturbances beyond an occasional riot in Bedfordshire, Kent, and one or two other places. But I think I have observed in those parts of the country with which I am personally acquainted, that this acquiescence is a sullen and even despairing submission, not a cheerful subordination that promises tranquillity. Whether this be so or not, one thing is clear; that if in the majority of cases we are so fortunate as to find that the loss of his wonted resources has driven the idle man into exertion, and that the fruits of labour have encouraged him to assume habits of industry, there will still be very many instances in which idleness and vice have become too deeply rooted in the pauper, to allow of his steady persevering reform; and such men will assuredly, after the first fit of energy is over, or on the first loss of profitable employment, seek subsistence by robbery or fraud. When the labourer is first discharged from the parochial books, he will look out for work; for a time he will find it on a railroad or canal; when winter comes, the work is partially interrupted, and if the season is severe, altogether

suspended. The labourer is dismissed, perhaps many miles from his parish, and the only prospect for his family, for two or three months to come, is destitution. What remains for him but plunder? There is no law for a starving man—there is no tie of conscience or principle binding on a famished wretch who hears a wife and children clamorous for food; and if, moreover, he finds himself surrounded by sufferers similarly circumstanced, one of a numerous band equally destitute, and equally desperate, we all know how easily one backs another on to crime, and thus a gang of housebreakers and highwaymen is ready made, as fit for their occupation as if they had served a winter's noviciate on Finchley Common or Hounslow Heath. This is no fiction of fancy. I am writing on Thursday; it was only last Sunday that five ruffians from the Birmingham railway attacked a gentleman and lady in a gig, on the road to Hampstead, in open day, and robbed them of their money. I have revised my manuscript on the day on which my letter is dated, and in the Times of this day I see another case of brutal assault and robbery reported, in which the offenders are workmen on another railroad.

Another source of danger, near akin to this, is likely to be found in the adoption of a plan which I suggested myself, and which has been beneficially carried into effect, under the sanction of the Poor Law Commissioners, in the neighbourhood in which I reside. I allude to domestic migration. Several hundred families have migrated from our parishes in Buckinghamshire, and the adjoining parts of

Oxfordshire, in search of work at Manchester, and other manufacturing towns. Such of them as were steady and industrious soon found employment, and have remained; but many who were idle and bad characters, found that change of place worked no improvement in their lot, and have returned. This system of domestic migration will increase; it is right that it should, for nothing could be more impolitic or unjust than the old system of compulsory removal of paupers, whereby every parish was made the mart of its own labour, though elsewhere, perhaps, labour might be abundant, and labourers scarce. Too much of this evil yet remains under the Amendment Act; but it cannot continue long; for what can be more unreasonable than to deny a man parish relief, and yet restrain his rambles in search of work? Observe, however, to what this must ultimately lead; if work becomes slack at Manchester, the migration must begin again; even when work is abundant, bad characters are speedily discharged; and when discharged, naturally return to their old haunts and vicious companions. Thus we may expect that the face of the country will in a few years be covered with straggling, able-bodied mendicants, of drunken habits, who will beg their way from door to door till charity is tired, and will then steal what they cannot otherwise procure. It is in vain to answer, that the destitute are still entitled to relief. The course to obtain it, by magisterial interference, as pointed out by the Act, is too much hedged round with difficulty; not a day passes, but we read in the newspapers of scores of

fruitless applications to the magistrates ; it is equally in vain to point to the workhouse as a refuge. To idle paupers it is worse than purgatory ; but robbery is a simple, and will be, as I shall hereafter prove, an easy resource ; once launched in this desperate course, the offender never recedes. He cannot if he would ; for his companions are endangered should he “ *split*,” as they call it, and therefore they will not let him.

I have already observed on the tendency of association with others in distress, to stimulate to criminal pursuits. I may add that where large bodies of men are congregated together in one common occupation, as on the railroads, not requiring mental exertion, there is always a strong predisposition to the commission of crime ; and this is necessarily in exact proportion to their ignorance. It is true that a man does not commit robbery or murder under the eye of others, if he can help it ; but it is not less true, that he speedily learns in such society, habits of drinking, swearing, and obscenity, that lead to murder and theft ; he becomes familiarised with the slang of hardened criminals ; he hears them boast of their own exploits, or commenting on those of others, and soon loses the disgust with which he would have shuddered at the tales of the prison-house, when quietly following the plough, or driving his team, in the comparative solitude of a country village. Of late years the works that are advancing through the country, have brought together our able-bodied paupers in masses. On every mile of a new railroad, they may be seen

collected by hundreds, and after the labour of the day is finished, the beer shops are thronged with them. I cannot regard this new system of labour otherwise than as directly tending to the demoralization of the labourers; and the rather, because, being removed from the decent Sunday habits of their native villages, and having lost the instruction and the superintendence of their accustomed pastor, they rarely frequent the churches of a neighbourhood where they find themselves only temporarily domiciled. I have learnt this by inquiry: and what renders the risk of contamination more imminent, is, that by far the majority are either young and single men, or men who have left their families at a considerable distance.

I am not attempting to explain the causes of increase of crime; indeed, I am inclined to doubt whether during the last year or two, provincial crime has been on the increase. It cannot be ascertained except from returns to which your Lordship alone has access. I therefore pass over some topics intimately connected with my subject, such as the operation of the new game law, and the rapid multiplication of beer-shops. That both these causes have contributed largely to demoralize the poor, is a fact within my personal observation; but it is foreign to my present purpose to enlarge upon them.

I next alluded to the incendiary spirit; I trust it has diminished: few fires have lately been mentioned in the public papers, and so far as one can collect the facts from such authority, they do not appear to have been attended by circumstances of aggravation; but

the mere display of such a spirit, foreign as it is to the character of our countrymen, is alarming. It shows that there exists a sullen, though at present repressed temper, which requires but little further provocation to lead on to crime; I have even found in some instances, a sympathy expressed by men above the labouring population, well calculated to encourage the incendiary. On one occasion, a farmer was extenuating an offender's guilt on the ground of distress. I urged the common-place reply, that Parliament was a tribunal to which such sufferers should appeal. "But how are they to get heard, Sir?"

"As others do,—by petition."

"Petition! who will write it for them? and who will read it when written, or trouble their heads about it?—No, no, Sir, you may depend upon it there is no petition like a blazing hay-rick; it is read by all the country for ten miles round!!!"

If such are the sentiments even of their employers, can we feel surprised at the prevalence of an incendiary disposition, or entertain a doubt of an apt soil existing for the growth of other crimes? In fact, in many instances, this has been already proved. It is not two years since a diabolical attempt was made to murder a respectable man who then filled the office of overseer in a parish near my own. A loaded gun was discharged through his bed-room window; large rewards were offered, and a pardon to the less guilty accomplice, but all in vain; to this hour, the offender has not been discovered, though it is believed that many were implicated, and very many more well acquainted with the culprits.

I have been endeavouring to show that a predisposition to crime will be created by the new order of things in our agricultural districts; I fear that a facility for the commission of it is also likely to be afforded.

If the question is asked, how it happens that burglary and highway robbery, under any circumstances of atrocity, are now comparatively unknown, while less than half a century ago, a man could not safely cross a common within five miles of London after night-fall, the answer is obvious: that by the increase of traffic, and the extension of the suburbs, places that were formerly shut out from observation are now as much frequented as the streets. Crime has not diminished, but the character of crime has been changed; instead of resorting to Hounslow Heath, the robber is trained a pickpocket or a swindler, and thus the community has been a gainer in safety, though perhaps it has lost in a larger proportion by plunder.

Is it not probable that the rapid desertion of our public roads will follow the introduction of railways? and when this happens, what is to prevent the revival of the old system of highway robbery, with all its usual accompaniments of violence and murder? It will be at least a century before railways branch so generally over the country, that every one will be set down by steam within a mile of his own door; and in many hilly districts, especially where they are remote from trade, railways will never be constructed. Thus our highways will still be required by occasional travellers; but goods of all kinds will be con-

veyed by steam ; passengers on business, constituting perhaps four-fifths, or a yet larger proportion of those who travel by coach, will avail themselves of the same means ; and hence all waggons, carts, and stages will be superseded, and gentlemen's carriages will be the only tenants of the road.

There appears, at first sight, something so wild and remote in this speculative view, that it may excite a smile ; but I think, undeservedly. Let any person familiar with London some twenty years ago, recall to mind the change which similar circumstances have made in particular places at the present time. I can remember when Bond Street was almost impassable after noon, from the crowds of passengers that thronged it. The Haymarket was not less so. Yet both these thoroughfares have been so much disused in consequence of the opening of Regent Street, that shops in them have greatly decreased in value. Some of the thoroughfares in the city that used to be most frequented, such as Thames Street and Coleman Street, are now comparatively abandoned ; the same cause must produce the same effects on the great roads ; business will, of necessity, carry population with it. Were our roads *altogether* deserted, as the result of railway speculation, the consequence would be unimportant ; but this cannot be, till people find it worth their while to pull down their mansions, and erect others on a more convenient site ; a period that will scarcely arrive for many generations yet to come. Meanwhile, is there any absurdity in supposing that to travel after dusk for ten or fifteen miles, along a deserted road, may prove

an adventure of no very agreeable character, unless some means of protection are devised rather more efficient than parish constables? And if to this is added the chance of encountering a group of starving paupers migrating in search of work, and desperate from want, initiated in all the villanies of gaol companions, and irritated by the loss of their accustomed parochial relief, what are the probabilities of arriving at the journey's end with the usual complement of limbs, and no more than the usual travelling expences?

It only needs to set the example; one successful robbery will lead to twenty; and now that capital punishment is virtually abolished, and the worst that can happen is a secondary punishment, the severity of which is only known by rumour, footpads will be as plentiful as blackberries in October, and many a reason will be given on compulsion. To a great extent the same may be predicated of burglary: indeed it is acknowledged that crimes *ejusdem generis* always propagate each other, and one advantage will be common to the robber of either class; that the desertion of the roads, which promises plunder, offers impunity; for bad as their condition is likely to be, from comparative disuse, the highways will furnish facilities of rapid escape without the danger of coming into unseasonable contact with third parties.

Whatever degree of weight your Lordship may think proper to attach to these remarks, you will at least admit that they assist us to the conclusion that this is a fit time for extending the operations of our police force, if it is ever intended to carry that esta-

blishment to a greater extent than at present. It was the general impression, when the new police were first organized, that if the experiment succeeded, the sphere of their operations would be enlarged, and ultimately include every considerable town in the country. To a certain degree, this has already been accomplished; at Brighton, Manchester, and I believe, various other places, similar reforms have been introduced, and have everywhere answered the expectation of the first projectors. But while it has been endeavoured to assimilate their new police to the London force in its general character, nothing has been done to identify them as detachments of the same body, governed by the same rules, and answerable to the same authority.

The principle of centralization has latterly been anxiously followed by the legislature; in some instances perhaps, as in the case of the new poor-law system, a too rigid adherence to this principle has not been without its inconvenience. But if there ever did occur a case in which all the operations of an important part of the national machinery might advantageously be referred to a central power, it is that of the police; nothing can contribute more to the activity, omniscience, and of course the efficiency of the police establishment, than uniformity of discipline and action.

A truth so obvious scarcely requires illustration; I urged it strongly in my former pamphlet, and will not trouble your Lordship with any repetition of my remarks. It is clear that nothing can so effectually prevent crime, or secure property, as a

simultaneous publication through the country of all particulars descriptive of the offence and the offender ; and a simultaneous rush as it were, of policemen from every quarter, and in all directions, to capture the suspected party, or make search for the lost property.

If the railroads should unfortunately prove guilty of the mischief which I have anticipated, they will compensate for the inconvenience by the facilities which they will give to the rapid circulation of intelligence. The general straightness of their line will render it easy to effect this by telegraphic correspondence ; a police station being established at every ten or twelve miles, and selecting for such stations the point of section of any turnpike road. Little good, however, would be derived even from this improvement, unless the information so conveyed, is received by men as experienced and as well disciplined as those from whom it proceeds, and not less familiar than they with the haunts, persons, habits, and companions of notorious characters.

Should such a system be adopted, we shall hear no more of bankrupts and swindlers successfully absconding from the outports to America ; and even the perpetrators of crimes of less commercial importance will find it very difficult to elude for any length of time the vigilance of our officers.

My object, however, is to suggest improvements on a much larger scale. It will be a great point gained to circulate police intelligence with rapidity through experienced channels ; but to secure the perfect protection of the country, and the good order

and peaceable conduct of every district, however secluded or remote, much more must be done; our metropolitan system must be carried into full operation, and the whole body of rural constables and head-boroughs be superseded by more efficient men; while their substitutes must be directed by more energy and talent than are usually to be found in our honorary magistrates. The beat of both horse and foot patrol must be extended to every turnpike road: police stations established in every town, and superintendants and inspectors multiplied in proportion to the force; thus spreading a shield of police protection over every part of the kingdom. The stations might be so arranged both on the rail-roads and the highways, as to secure a distribution of patrols at moderate distances, not only in the direct lines of traffic, but in all populous places occurring on the cross roads; such a distribution would of course be governed by the density of the population in any given quarter. This is a minor point, and with many similar matters of detail, would be easily arranged with the assistance of surveyors familiar with the map of the country; the principle for which I am contending is the organization of the whole civil power of the country upon one uniform system of discipline and action.

There is one effect of so important a character likely to result from the measure, that though not immediately connected with my subject, I cannot pass it over in silence; especially when addressing a minister of your Lordship's liberal principles. A well-organized national police force would prove an effi-

cient substitute for that part of our standing army which is maintained merely to preserve our internal tranquillity. I should be sorry to convert policemen into soldiers, but I should rejoice at the conversion of a soldier into a policeman. If the country were relieved from the burden of maintaining such troops as are not required for purposes of state, or for foreign or garrison duty, and if that relief could be obtained without danger to the public tranquillity, I can conceive no reform which would give more general satisfaction, or which would effect a more unobjectionable reduction in our taxation. So far as regards the good order of the lower classes, one active constable would do more good than twenty soldiers, and in a way far less offensive to the popular feeling. It was objected in the first instance, that the new police wore too much of the military character; but seven years' experience has proved the objection to be groundless; and though, perhaps, their efficiency would be improved if they were better officered, (a deficiency very apparent in the disturbance which occurred at Spa-fields, in the second year of their existence,) there appears little risk of their ever assuming so much of military pretension as to merge in it their civil character.

It would occupy too much of your Lordship's time to enlarge upon this topic; indeed, the prospective advantages in this way, show themselves at first sight, and require no illustration; should they be realized, they would far more than compensate for the expence, however serious, of increasing the force to the extent I propose.

To return to the practical question. By what means is such a large, and in some sense, such a novel force to be raised? and when raised, how are they to be supported?

There appears to be no inherent difficulty in the case. The new poor-law system has, of necessity, thrown a large number of able-bodied countrymen on their own resources; it would be easy to select from these as many as were wanted, and rude as the material is, discipline and example would soon work it into shape. Men thus selected would, in fact, have one very valuable qualification to begin with: an intimate acquaintance with the habits of the labouring class, and with the persons of such of them as were notorious characters. Nor is it unworthy of remark, that to provide a new field of exertion for men of this class, is an equitable measure, that may help to compensate them for the loss of that parochial aid to which they have been accustomed to look. In the same pamphlet in which I recommended to my country neighbours that plan of domestic migration which has been so successfully adopted by them, I suggested a scheme for registering the demand and supply of labour throughout the country. Like many ingenious schemes, it was probably read by few, and not understood by the few who did read it. It fell to the ground at all events; but (on a very limited scale, certainly) my present proposal of enrolling able-bodied paupers in the police force, would answer the same purpose. It would directly provide for many, and indirectly, for more; for it would give ample opportunities of ascertaining and communicating

to the labouring poor the quarters in which labour was in demand and the supply scarce. This, again, is only an incidental advantage, but one not to be overlooked in estimating the value of the suggestion.

To reduce these raw recruits to the necessary discipline would not be the work of a day; but I cannot conceive that much greater difficulty would be found in the attempt than in the military drilling of a plough-boy. A few weeks' noviciate in the London force, and a daily inspection when sent to their country quarters, would qualify any man of common activity and plain sense for patrolling a road. Their serjeants and other officers must of course be selected from a higher class, or appointed from the more intelligent of the metropolitan privates.

A more embarrassing question than the selection and education of the men is, how the expences of their clothing and maintenance are to be defrayed. I might cut this Gordian knot at once by replying, that if the police of the country is to be established on a new footing as a national force, the expence should be a charge on the state; and I am inclined to think that this is the true answer, though it might not prove a very satisfactory one to the Chancellor of the Exchequer. But there is another way of raising the supplies, which appears both equitable and practicable. One-half of the necessity for the change arises from the new poor-law system. Whatever may be the prejudice against that system, and whatever amendments it may require, (and they certainly are many,) there cannot exist a doubt that it has operated most beneficially for the farmer

and the land-owner. I know several parishes in which the rates have been reduced to nearly half their former annual amount. Is it not fair, then, to throw upon these parties the expences which have been occasioned to the country by a system that has contributed so largely to their relief? If poor-rates are eventually reduced to such an amount as to be virtually extinguished, and I by no means despair of this, excepting only what is required for the maintenance of the sick and aged, what can be more just than that those who principally reap the benefit, should pay for the necessary police precautions which the change demands? In this view of the case, what rational objection can be urged to the assessment of a police rate upon the rental of every union, or of every parish not included in a union? I am by no means satisfied that the burthen might not be imposed in a proportionate degree, and with equal justice, upon every railway company; at least so far as to require them, by the Act that incorporates them, to defray the charge of the police on their respective lines, and on such of the old roads, for a given distance, as those lines intersect. Nor would they be altogether losers by this arrangement; for it is admitted, that to protect the railways from all obstacle or injury, centinels must be placed within a mile or two of each other; and this is a duty which might with great propriety devolve on the regular patrols. After all it is probable that a parliamentary grant in aid must be included in the annual estimates; but by the distribution of the charge in the manner I propose, and making each union and railway company provide,

according to its extent, one or two divisions for the service, that grant would scarcely be sufficiently large even to alarm Mr. Hume. The real question is, whether the change is required by the country: if it is, then all objections founded on expence are false economy, especially at a period when our prosperity is admitted on all hands. How to impose the burden on principles of equitable arrangement is a very different problem; I do not pretend to say that I have suggested the best way of solving it, but the suggestion seems to merit consideration.

The "*Nec Deus intersit*" is as sound a maxim in legislation as in poetry. I may have failed in making out a case to your Lordship's satisfaction, upon any grounds hitherto stated. I know full well the extreme difficulty of bringing home any new case to the conviction of men in power, be its merits, or even theirs, what they may; and still greater is the difficulty, when those merits are purely speculative. Yet, as on the former occasion, I anticipated the government of the day by more than a year in pointing out the remedy as well as proving the evil, and the one was speedily acknowledged and the other adopted, I am justified in a second experiment of the same kind. There is some show of egotism in thus reverting to a by-gone claim for the credit of the first reform. Sir Robert Peel may for aught I know, have derived his hints elsewhere; possibly from the *gend'armerie* of France, though there is little real simi-

larity between that force and our own. He certainly needed no foreign assistance to prompt his active and comprehensive mind; but still there was so much of professional experience required for the principle as well as the detail of his police reform, simple as the character of it is, that it is no impeachment of his high abilities to suspect that he was assisted in his plan, and I have heard no prior claim to the credit of it substantiated or even preferred in any other quarter. I assert my claim now, to secure attention to my present suggestions; though I ask no further attention to them than they may deserve for their own weight.

I have purposely reserved for this place the mention of two important changes in the administration of our criminal law, which appear to carry with them more serious consequences than are generally anticipated. The abolition of capital punishment, and the indulgence of counsel to speak for prisoners charged with felony, are likely to have a very decided effect in favour of crime. For the first change I was always an advocate, but by no means to the extent to which, under your Lordship's responsibility, the Crown seems disposed to go. That capital punishment secured impunity for many serious crimes, by checking prosecution, I was well aware, and in my former pamphlet I mentioned some curious cases within my professional knowledge, illustrative of this position; but I never contemplated the abolition of capital punishment for offences directly threatening life, nor can I satisfy myself that in such cases, it is not mistaken mercy. An error nearly allied to this

seems to pervade even the judicial mind. Two or three instances of aggravated manslaughter have occurred within my own knowledge, in which the parties on conviction have been treated with unaccountable lenity. One of these I cannot forbear mentioning. A man of the name of Hammon, in the parish of Risborough, killed his brother-in-law in fighting. The sufferer was very reluctantly induced by some pot-house companions, to meet his adversary, and once during the contest, actually gave in, but was rallied into a second encounter that terminated fatally. He left a young widow and five children. In this aggravated case, the offender received, at the Aylesbury spring assizes of the present year, a sentence of only three months' imprisonment, and ever since his discharge, has been the bully of all the neighbourhood. In the pseudo-sensibility to which such lenient sentences may be traced, there appears to be a forgetfulness that the value of life, on which they profess to be founded, is as great, and to the community far greater, in the party killed, than in the offender. It is a Divine law, that whoso sheddeth man's blood, by man shall his blood be shed. In the application of this sacred maxim, it is true that the animus should be well considered; but it gives us unquestionable authority for the estimate of human life, and leads to the inference that even where the murderous intention is wanting, the crime of slaying a fellow-creature is worthy of punishment otherwise severe. Such, however, cannot be the feeling of those who thus mitigate the extreme severity of the law where life has been sacrificed. Lord Ellenborough's

Act was, perhaps, too large in its terms, but it was founded on a just principle; and the same principle ought to obtain in the present exercise of the royal prerogative, as preliminary, I suppose, to the legislative abolition of all capital punishment. If there is any foundation for the apprehensions I have expressed as to the future, (and as regards the crime of murder, I shall presently prove that those apprehensions are justified by the past,) it is most important to arrest the too merciful execution of the law, before criminals have acquired a sort of vested right in commutation of punishment.

The privilege of addressing a jury by counsel, has I think been conceded with still less consideration. I may observe in passing, that there has been shown no slight inconsistency in the manner of the concession itself. If this is a privilege to be granted at all, it should have been secured to every accused party; the majority of offenders are destitute, for destitution is the source of crime, and crime is rarely successful in removing destitution. Such offenders as are found possessed of the means of providing themselves with professional assistance, are commonly old stagers in iniquity; men who have been trained as pickpockets from infancy, or who have long been the receivers of stolen goods. To characters of this stamp, every concession in the way of aiding a defence, is a premium for crime; but the needy wretch, who is goaded by starvation into shoplifting, or betrayed by his poverty into the society of felons, by whose acts he is perhaps unjustly compromised, may well be assumed to be entitled to

every indulgence, and at the same time incapable of paying for it. The same act therefore that bestowed the privilege, ought in common sense to have secured to all the advantage of it. Counsel and solicitors should have been assigned to act officially for every man against whom a bill is found, upon very moderate proof of poverty. This may be done, it is true, on arraignment, by the pleasure of the court; but it requires no great professional knowledge to perceive, that legal assistance thus suddenly assigned, with no previous opportunity of preparation, either of fact or argument, is of more nominal than real value. Since I was appointed solicitor to paupers confined for contempt of court, I have released some sixty or seventy persons from an imprisonment which would have lasted for years, had the parties been left only to the same remedy which paupers have always possessed, of applying to the court to have legal assistance assigned to them. These things must be done on official system, or they are rarely done at all.

But I object in toto to the innovation. That instances have occasionally happened, in which the want of professional aid has prevented an accused party from establishing his innocence before a jury, is indisputable; but the occurrence is more rare than those who are practically unacquainted with our criminal courts, are willing to believe. For one such case, at least fifty might be quoted, in which parties undoubtedly criminal have escaped, by the dexterity of special pleading, or of cross-examination exhibited by the bar. "It is better that a hundred

criminals should escape, than one innocent man suffer." But this wise and humane maxim may be pushed too far; for on the other hand, the acquittal of one hardened criminal leads to the injury and suffering of more than a hundred innocent victims; the only difference being, that these suffer in defiance of law, and not by the law. Our system of prosecution is, and always has been, too lenient. One of my principal objects, when formerly writing on the same topic, was to show the absurd laxity of our practice, as regards the inception of all prosecution, and the consequent necessity of a public prosecutor; a reform for which the public voice has long been clamorous. But it is not alone in the preliminary step, but throughout the whole routine of prosecution, that our system is most indulgent. Not less than three solemn inquiries, one of which might well be spared, are essential to bring home guilt to the offender; and by recent alterations it has been contrived to give on two of these inquiries the advantage of a defence to the accused.

First, there is the magistrates' investigation, which can no longer be called *ex parte*; then there is the very superfluous inquiry of the grand jury; and lastly, the trial. In every stage, except before the grand jury, full and fair opportunity is given, not only for the full investigation of facts, but for argument on the evidence of those facts. It is only in doubtful cases, that the advocacy of counsel ought to be available: but can a case be considered doubtful, if in three successive stages, the first under the eye of a magistrate, and the last under the eye of a

judge, the facts of it are established by testimony only admissible according to our rigorous laws of evidence? So rigorous are those laws, that the wonder is rather how guilt can ever be established, than that innocence should occasionally be compromised. It is too late however, now to argue the point; but convinced as I am, that it will tend materially to the impunity of crime, I feel that it adds weight to my argument, that precautions of an extraordinary nature ought to be cotemporaneously adopted: and more especially against offences involving the loss of life.

It is singular, that in this, the most civilized country in the world, where property is fenced round with every safeguard that enlightened laws and impartial administration of them can give, no adequate means have yet been provided for perpetuating the evidence, and insuring the eventual detection of crime. Statutes have been passed, and tribunals multiplied without end, to adapt the existing law to the new wants of the community, as from time to time, our commerce has varied the nature of property. If it is found that goods are more exposed to depredation, or buildings to injury, by the introduction of new principles of trade, new legal provisions are forthwith made to furnish additional security; but we have no display of similar anxiety to prevent or follow up other crime to detection; and least of all in the case of murder. Cases of atrocity have occurred in our public streets, sometimes in open day, in which the murderer has to this hour escaped with absolute impunity; and after the lapse of a very few years, the event has been forgotten—the crime itself

—the time and place of its commission, are all buried in oblivion. The very difficulty which I have found in collecting facts to sustain my position, is of itself evidence of its truth. Such is the dearth of all official, or at least accessible information on the subject, that except by wading through a gigantic file of newspapers, or glancing over the scanty abridgement of daily occurrences in the Annual Register, it is impossible to trace the occurrence of undetected murders; and even by this laborious process, only an imperfect estimate can be formed of their number. I have applied in vain to men, who from official situations are likely to be the best informed, but I cannot glean information from any quarter. A sort of Police Gazette has been for a long time in existence, under the title of the Hue and Cry, but this is not published for sale; it is only distributed among the different police offices, and consequently read by few. This plan was first adopted I believe on the 20th December, 1827, when Lord Lansdowne directed daily returns to be made from the police offices of all cases occurring before them. The plan is judicious, but far too limited: as it exists at present, it amounts to no more than a temporary channel of information. It forms no record of evidence to keep alive the permanent recollection of crime; it is useful to assist temporary exertion, but it utterly fails as an auxiliary to persevering research. The mark of Cain should be set on the murderer's brow—we want the brand to stamp it.

I will mention a few cases within general recollection that verify these remarks.

Your Lordship will remember the general circumstances of the murder of two families at the eastern extremity of the city in 1811. Their names were Marr and Williamson. The first lived in Ratcliffe Highway, the other in Gravel Lane, within a few minutes' walk of the former. The first murder occurred on the 9th of December, the second on the 27th. In the case of the Marrs, there were four victims, Mr. and Mrs. Marr, their shop-boy, and an infant in its cradle; in the other case, there were three, namely, Mr. and Mrs. Williamson, and their female servant. In both instances the crimes were perpetrated at night, but they appear to have occupied but a very few minutes, and the neighbourhood, which is and always was, extremely populous, had not generally retired to rest. The criminals are to this day undiscovered, and the facts themselves are only so far remembered, that every man has a vague recollection of the tragedy, but nothing more. A man of the name of Williams was apprehended and underwent two examinations, but before he was committed for trial, he hung himself in Coldbath Fields prison. There were many circumstances of strong suspicion against him, but by no means strong enough to be conclusive. Indeed not only were the obvious probabilities of the case very great against the same individual being the offender in both instances, but there were facts which seemed to negative that conclusion. In the case of the Marrs, all the victims were killed by blows on the head. In the case of the Williamsons, their throats were cut. In the former, plunder did not appear to be the object; at

least none was obtained: in the latter, the victims were rifled. Even supposing however, that the same person was implicated in both charges, there was great reason to believe, especially in the murder of the Marrs, that more than one were engaged, yet to this day all remains in darkness, and seven people were thus barbarously murdered in the heart of the metropolis almost within a fortnight, and yet nothing effectual has been done for five and twenty years to bring the culprits to justice, or to satisfy the public that the suicide was the only man guilty.

On the 2nd of October in the same year, Mr. Wylde, a farmer, was murdered near Westerham, on his return from Croydon fair. He was accompanied in his gig, when stopped by the highwayman, by his son and grandson, and after being robbed, was shot through the head. A man was shortly after taken up on the charge, but I have no means of ascertaining whether he was found guilty, or even put upon his trial. It appears, however, from the only record I can find of the case, that the same man was suspected of having committed a similar offence two years previously on a Mr. Humphries of Hiver Castle, who was robbed and murdered on his return from Westerham market. The murderer of this party must, at all events, have remained undetected for the space of two years, and is possibly unknown to the present day.

At the summer assizes for Warwick in the same year, John Oughton and Charles Lee were tried for the murder of Richard Whitton in the year 1790, more than 20 years previously. It only came to

light even then, by the confession of Lee while undergoing punishment for another offence. According to that confession it was clearly a case of murder as against both parties, though with circumstances of extenuation in the case of Oughton. Owing to the partial failure of evidence after so long an interval, a humane jury acquitted him, and only found Lee guilty of manslaughter. The victim had been found drowned in a mill-pond.

In the same year, Susan Radson died of a rapid decline at Mill Hill, in the parish of Hendon. On her death bed she confessed to her nurse that she had murdered three of her illegitimate children. She detailed the circumstances with minuteness; disclosed where she had concealed the bodies, and almost immediately expired.

At the Haverfordwest spring assizes of the same year, John Griffith was convicted of the murder of his wife by poison. Previously to his execution he confessed to the clergyman who attended him, not only the crime of which he had been convicted, but that some years before he had murdered his first wife in the same manner!

Thus, in one year, scanty as our records are, not less than twelve undetected murders are brought to light, and a thirteenth that had remained unknown for twenty years, and to which effluxion of time had secured comparative impunity! I have not selected the year 1811 because it was unusually fertile in such discoveries, but simply because the celebrated case of the Marrs and Williamsons led me acci-

dentally to examine the chronicle of that year in the first instance.

I will pass over ten years, that we may arrive at a few occurrences of more modern date, by way of meeting the common reply, that matters have improved.

In the year 1821 a man of the name of Matthews was apprehended, on the confession of an accomplice, for the murder of John James, his own brother-in-law, sixteen years previously. The coroner's jury had returned a verdict of accidental death. He was tried at the spring assizes at Bodmin, but I can find no report of his trial.

On the 8th of March, 1822, a widow lady of the name of Donatty was murdered in her own house in Robert Street, Bedford Row, about nine o'clock in the evening. Her cries were heard, and immediate assistance was called. Through the stupidity of the police, an hour elapsed before they effected an entry, and then the poor lady was discovered dead and dreadfully mangled. Preparations had been made to carry off the property, but appeared to have been interrupted. The culprit has never been taken, or discovered.

Though, for many reasons, it is not desirable to go to Ireland for illustrations, a case occurred in that country in the year 1823 worth mentioning. Patrick M'Cann was convicted at the Down assizes of the murder of Owen M'Adam ten years previously. He was executed, having acknowledged to the sheriff that he had been present at the murder, though not

the actual perpetrator of it. The chief evidence against him was the possession of the victim's watch and horse, and it was also proved that they had been drinking together on the day of the murder; strong grounds of suspicion certainly, but scarcely so conclusive as to warrant a conviction.

Another case of conviction on circumstantial evidence occurred at the Maidstone summer assizes this year. William Donallan was found guilty of the murder of his wife five years previously, by throwing her into a well. Suspicion was awakened by the agitation of the prisoner on an inquiry after his wife by an old comrade on his return from abroad. The evidence, according to the report of the case, would seem to have been very loose, but such as it was, would have been forgotten altogether but for the accidental perusal of an old newspaper by the comrade whose suspicions were awakened.

In the same year a man was executed in America, and confessed himself to have been the murderer of Dr. Sanderson of Natchez, for which crime Mr. John Hamilton, a young gentleman of considerable promise, had been executed in 1817 on the evidence of a bloody pair of pantaloons and a pistol, both bearing his name, being found near Sanderson's body: it is remarkable in this case that Hamilton surrendered himself to take his trial, avowedly to clear away the suspicion which the discovery of these articles had brought upon him. Though this case, like that of M'Cann, has no direct bearing on the character of the English police, both are important in proving the mischief of that careless omission to perpetuate

the record of evidence, which seems common to each country.

In 1824 a poor woman, aged 84, was found murdered in her house about two miles from Deal. On the 7th of February in the same year, William Gable was found hanging by a handkerchief from the bed-post in a common brothel in Vine Street, Covent Garden, under circumstances of a very suspicious character though the probabilities of the case were that he had committed suicide. I can find no record of the apprehension or even examination of any person, in either instance.

On the 29th of December in this year, Ann Spencer, an aged woman, was found murdered in her house, in the parish of Bushbury, near Wolverhampton. Many articles had been stolen and pledged; and two men, Thomas Powell and William Edwards, who appeared to have pledged them, were taken into custody. I cannot, however, ascertain that they were convicted or even tried on the charge of murder.

On the 17th of March, 1825, R. Maydwell was indicted at the Lincolnshire assizes, for the murder of Frances Smaller, and acquitted; a bill was also preferred against him for the murder of Mary Ann Hattonborough, who was found dead, after her person had been violated, her arms being strapped to her sides: this bill was ignored, and as far as I can ascertain, the actual perpetrator of either crime, remains unknown.

On the 3rd of February, 1826, Mr. Price, a manufacturer at Manchester, was found murdered in his warehouse. One James Evans was subsequently

tried for it, but immediately acquitted ; and certainly there appears by the report of the trial to have been no sufficient evidence to warrant any other verdict. It was attempted to show, that Price had been killed accidentally by a fireman's hatchet, a fire having been simultaneously discovered in the premises, which required a fireman's assistance, but the coroner's jury were of opinion that Mr. Price had been murdered, and the facts, as they appeared before them, justify this opinion. This may, therefore, be quoted as a case of undiscovered murder.

On the 26th May, 1826, an attempt was made by two men, to murder a whole family, at a public house kept by one Blears, near Worsley, in the neighbourhood of Manchester. The servant girl and the mistress were killed, but the offenders escaped, and I can find no report of their subsequent apprehension.

On the 16th of October, 1826, John Akehurst, aged 96, and Elizabeth Haines, aged 74, were found murdered in their cottage, at Fetcham Common, near Leatherhead. Although the rooms appeared to have been closely examined by the murderers, no property was missed ; the offenders are still undiscovered.

On the 21st April, 1827, a verdict of wilful murder against some person unknown, was returned by the coroner's jury, on the body of a man, also unknown, found in a lodging-house in Wentworth Street, Spital-fields. The surgeon was of opinion that he had been poisoned. I can find no subsequent report of any prosecution in this case.

On the 3rd July, 1827, the Rev. J. J. Waterhouse

was murdered in the rectory house of Little Stukeley, near Huntingdon. The body was dreadfully mangled, apparently with a bill-hook ; no property was missed, nor was there any appearance of the house having been ransacked. The coroner's jury returned a verdict of murder against some persons unknown, and the offender would, in all probability, have remained undiscovered, but for his own confession. John Slade was tried for the crime on the 31st of July, and found guilty, but the judge did not concur in the verdict, and respited execution till the 1st of September. In the interim he acknowledged his guilt. It is clear from his confession, that the least activity in pursuit, by an experienced officer, would have immediately succeeded in capturing Slade under unequivocal circumstances.

On the 30th December, 1827, some of the game-keepers of Sir George Armytage were killed by poachers, and though some of the gang were, I believe, convicted, several who were also implicated, still remain undiscovered. The poachers were twelve in number, but the coroner's jury could only identify four out of this large gang.

At the Chelmsford winter assizes in this year, Reuben Martin was convicted and executed for the murder of Mr. Thomas Patrick, of Colchester. He confessed the commission of hundreds of robberies, though he denied the justice of his conviction ; but even on the eve of execution, he could not be induced to discover his accomplices.

On the 20th March, 1828, Jane Scott was tried at Lancaster, for the murder of her mother. She had

been tried at the summer assizes in 1827, for the murder of her father, but had been acquitted. On this second trial she was found guilty, and then she confessed not only having murdered her father, but her own illegitimate child, and the illegitimate child also of her sister! Thus three murders had remained undetected, but for the offender's confession of guilt! She was only 21 years of age.

In this year, 1828, a murder was discovered by the confession of the offender, that had taken place so long previously as the 4th August, 1823. The coroner's jury had returned a verdict of "found drowned, hastened, as it was supposed, by the ill conduct of the wife and daughter of the deceased," thereby implying that Cracklin, the victim, had committed suicide: but in this year, 1828, John Walpole, a soldier, confessed that he had robbed and murdered him, having seen the old man receive a sum of money at an inn at Haverill, in Suffolk. The confession was dictated by remorse.

On the 23rd June, 1828, Susan Rigby was poisoned by a woman, who had mixed arsenic in a cake, for the purpose of killing a child of a Mrs. Drummond. Rigby eat some of the cake and died; the woman was not discovered, though the facts were conclusive as to the murderous intention.

On the 11th August, in this year, William Corder was executed for the murder of Maria Martin, by whom he had an illegitimate child. He had appointed her to meet him, that they might get married; he murdered her, and buried her body in a barn. The fate of the woman remained unknown

for nearly a year, and was only discovered, as it is said, by the dream of her mother, that she was buried in this barn. Corder was convicted on circumstantial evidence, but before execution, he acknowledged his guilt.

On the 7th of September, the body of a man, whose name was unknown, was discovered in the Thames, near Woolwich. His throat had been cut, and a stone of eight pounds weight attached to his body. The surgeon considered that he died from the wound in the throat, and the presumption was strong that he had been murdered. Nothing further appears ever to have been discovered.

On the 11th of October, 1828, a watchman was murdered at Manchester, having been stabbed in the abdomen, in the public streets; his name was Howarth. The murderer was unknown, and a reward was offered for his apprehension. John Latimer was taken into custody shortly after, and tried at the following assizes; he was acquitted, as appears by the report of the trial, on a question of identity. If he was rightly acquitted, the murderer remains to this day undiscovered; if his acquittal was erroneous, the deficiency of evidence must be attributed to the unskilfulness of the police, for he was taken within a week.

On the 3rd of October, 1829, Joseph Harper was found murdered in a barn, at South Stainley, near Ripley, in Yorkshire; he had been robbed. I can find no trace of the offenders having been taken.

On the 26th of October, Mrs. Franks and her daughter were found murdered, in the village of Abbey,

near Haddington. The brother-in-law of Mrs. Franks was taken into custody; the result I am unable to learn.

On the 28th of January, 1830, the body of a man of the name of Hemings, was discovered in a corner of a barn, at a place called Netherwood Farm. It was clear upon examination, that the man had been murdered by blows which fractured the skull, and it was equally clear that the body had remained concealed for many years; its identity was fully established, both by his widow and his brother-in-law. Thus one murder had remained concealed for years. The coroner's jury found a verdict of wilful murder against Thomas Clewes, George Banks, and John Barnett: the parties were brought to trial, and acquitted. The coroner's jury were of opinion that this murder of Hemings had been committed on the night of the 25th of June, 1806. But the most remarkable fact in this very remarkable case, is, that Hemings himself had been long suspected, and on grounds that appeared very plausible, of having, at the instigation of a Captain Evans, murdered the Rev. Mr. Parker, of Ardingley, near Droitwich, on the 24th of June, 1806. In this case large rewards had been offered, and of pardon to the less guilty accomplices, but all in vain, and 23 years elapsed before any discovery was made accounting for either crime. On the investigation in 1830, the general impression was, that Hemings had murdered Parker by Evans's procurement, and that Evans had himself murdered Hemings to remove the evidence of his guilt. Evans had died long before the inquest took place.

On the 19th of August, 1830, about half-past five in the afternoon, Jane Whillett, a widow, aged 60, was murdered in her own house, No. 30, Upper Princes-street, Lambeth. The kitchen was found deluged with blood, and the murder appeared to have been perpetrated with a wooden bar, used to secure the shutters; no robbery appears to have taken place. The murderers are still undiscovered.

On the 3rd of January, 1831, Mr. Thomas Ashton, a cotton-spinner, at Manchester, was shot through the heart on returning from his father's factory. Rewards to the amount of £2000, were offered for the discovery of the offender, besides the usual pardon to less guilty accomplices. I believe the murderer has not yet been detected.

On the 9th March, 1831, a woman, who resided alone in a broker's shop, in Bethnal Green, was found murdered in the kitchen, and the house was robbed; one of her sons was afterwards tried for the offence, but acquitted, and it would appear, properly so; no other person, however, has been charged with the commission of the crime.

On the 11th of March, Thomas and John Fulsey were indicted at the Lancaster assizes, for the murder of Charles Burn, on the turnpike road, about two or three miles from Liverpool. The principal evidence against them was that of their brother Michael Fulsey, and though it was partly confirmed, the jury discredited him, and acquitted the prisoners. No suspicion had been awakened against any of them till they were taken into custody for other highway robberies. If these men were properly acquitted,

Mr. Burn's murder remains undiscovered ; if, on the other hand, the Fulseys were guilty, it argues strongly for the necessity of an improved system, when highway robbery and murder, within two miles of such a place as Liverpool, could be committed with impunity for want of evidence, at eight o'clock in the evening.

In the month of March, in this year, a woman, named Levison, confessed on her death-bed that she had been implicated with her then master, a man of the name of Smith, in the murder of Samuel Johnson, in the year 1801 ; circumstances showed the truth of her confession.

On the 29th of May, the body of a young woman was found in the Croydon Canal, near Sydenham, under circumstances which the coroner's jury considered justified a suspicion that she had been unfairly dealt with, and that the case required further investigation ; the verdict, however, was " found drowned," but I cannot discover that any further investigation was instituted.

It cannot be forgotten, that at the latter end of December in this year, the horrible discovery was made, that John Bishop and Thomas Williams had murdered an Italian boy, for the purpose of selling his body for dissection. I refer to this case on account of the prisoner's confessions, that they had been engaged in other murders, I think two, which had escaped without detection. The high probability is, that they had been engaged in more, Bishop having admitted having obtained and sold above 500 bodies. It is sufficient, however, for my purpose, that even

two should have been acknowledged to have been thus committed, and have remained undiscovered by the police.

In the year 1833, Brooks, Monk, and Jerrard were tried at the Taunton assizes, for the murder of Patrick Cleasey, in the year 1809. It was clear from the evidence of the surgeon that, although the coroner's jury had returned a verdict of found drowned, Cleasey had been murdered by a blow on the temple; all the prisoners were acquitted, though there were certainly circumstances of strong suspicion against them. But after a lapse of 24 years it was next to impossible to produce satisfactory evidence.

The case of Robert Paviour, who was found murdered in the Regent's Canal, in the month of April in this year, is still fresh in the recollection of most people; three men were tried and acquitted for it. There was too much reason to believe that he had been murdered to remove his evidence upon a most heinous charge; but to this day the case remains enveloped in mystery.

In the beginning of May in this year, Mrs. Catherine Elmes was found murdered in a house, 17, Wellesley Street, Chelsea. There were circumstances of great atrocity in the case, and an attempt appeared to have been made to rob the house: the offender, however, is still undiscovered.

There are two or three more cases of which I have not been able to discover the date, but which will probably occur to most of my readers; the one was the murder of a Mrs. Jelfs, if I recollect the name correctly. She had the care of an untenanted house

in one of the streets near Russell Square. A near relative of the woman was taken up, and I believe tried for this offence, but certainly not convicted, nor to the best of my remembrance was the evidence sufficiently strong to warrant the conviction.

Another case, of which I cannot recollect the particulars, is one of comparatively recent occurrence; the clerk of Messrs. Sheppard and Co. was found murdered in their counting house, situated in Compton Street, Clerkenwell. In this case too, the murderers are not yet detected.

I shall mention only one more case, which produced a great impression at the time, though it is now, like all the rest, almost forgotten. At the latter end of February 1834, Mr. John Richardson of Bletchingly, was murdered on Banstead Downs. It is clear that two men at the least were engaged in the transaction: he was shot through the body and robbed. The offenders are still undetected, though many have been taken up on suspicion.

In 1821 and the five years following, nineteen murders and forty-eight cases of persons "found dead," are registered in the bills of mortality. I mention the latter, because it is a convenient but often a very inexcusable verdict given by coroners' juries.

I am willing to admit that in several of the preceding cases which I have enumerated as undetected, ulterior proceedings may have led to the discovery of the offenders. There is no register by which I can check the list, and memory is a very doubtful guide in such statistical inquiries. I have nothing to assist me but the daily newspapers; independently of the uncer-

tainty of such records, which only profess to give matters of ephemeral and local interest, it is very probable that I may have overlooked the trials of men who have been found guilty of some of the crimes which I have stated to be undiscovered, though I have spared no trouble in correcting my investigation. Be it so: it adds force to my reasoning; it proves that the highest crime known to human law, is so loosely and carelessly investigated, as to leave the public in doubt whether in any given instance, the perpetrator has been convicted; and even that no research, however laborious, can remove that doubt. Does not this fact alone show to demonstration the imperfect character of the system?

But after making all due allowance for the possible inaccuracy of my statistics, I appeal to your Lordship whether this list of long concealed or entirely undetected murders is not appalling? Some of these cases have occurred under all the advantages of our reformed establishment. What then may we not expect, if throughout the country facilities for crime are increased, unless they are neutralized by anticipatory means of protection? Even had matters remained as they were, I should have contended that such a laxity in recording the evidence of undetected crime, was an evil that cried loudly for reform; but entitled as we are to expect that the disposition to crime and the opportunity of committing it with impunity are likely to be increased, it seems indispensable to the safety of the community that measures of reform should be promptly adopted.

I had written the preceding pages, and the suggestions which are hereafter made, before the

Commission of Inquiry was publicly announced. Your Lordship, in thus in part anticipating my purpose, has admitted the urgency of the case, but it is not improbable that some of the grounds on which I have rested it may be new to you, or if they have already occurred to your mind, may still be usefully presented to the public. Under the superintendance of Mr. Chadwick, whose ability and intelligence I have personally had frequent occasion to witness, I cannot doubt that the Commission will elicit much important information, and report on some scheme for the improvement of the rural police, superior to my own; but as we are not at present informed of the instructions on which the Commissioners are to act, nor even, except in very general terms, what is the object of their appointment, it may not prove a waste of time to mention some of those practical amendments which I have to suggest in addition to that extension of the metropolitan force, which I have already proposed.

I must own that I see very little prospect of beneficial reform, on a large scale, unless it embraces not only the appointment of a paid constabulary, but of stipendiary magistrates, and a public prosecutor. That our magistracy, taken collectively, are an intelligent and most useful class, cannot be denied by any man who has watched their proceedings; but that they are gifted with that legal acuteness which to a certain degree is essential to the correct discharge of their judicial duty, I respectfully beg leave to doubt. Some whimsical proofs of unfitness I have received, even in my very limited intercourse

with them. I was present on one occasion at a petty sessions, at which I think about fourteen magistrates attended. I will not mention names, as I do not wish to give offence. A ploughboy was brought before them on a charge of bastardy; by the woman's own statement, her pregnancy must have continued for eleven months and five days. The worthy bench were so far staggered, that they refused to make the order, without consulting the parish surgeon. He replied, naturally enough, that no man could say such a gestation was actually impossible, though he had never heard of a similar instance. The lad most piteously asserted his innocence, and I ventured as *amicus curiæ*, to mention a case in the term reports, where the court had considered ten months as the extreme limit. I am afraid my interference was deemed impertinent, and sealed the ploughboy's fate. An order was made that he should pay 2s. 6d. per week, and some of the sapient tribunal compounded the matter with their own consciences, by saying, that it would at all events be a wholesome lesson to him!!!

On another occasion, I attended a grand jury in a distant county, to prefer an indictment against a man for uttering a forged bank note. The aid of a solicitor was always found convenient in these cases, and therefore, though somewhat irregularly, I was allowed to be present, during the examination of the witnesses. I opened the case by proving the utterance of the note. "Well, gentlemen," said the noble marquis who presided, "nothing can be clearer than this case. I think we may find the bill." A learned

gentleman, who now sits on the judicial bench, suggested that proof of the forgery was desirable.

“ Bless my heart,” exclaimed the noble lord, “ I quite forgot that,—have you any proof, Sir, that the note is forged ?”

I called the Bank Inspector, who established that fact, to the entire satisfaction apparently of all parties.

“ Now, Mr. Serjeant, I think we are safe ;” and turning with a look of triumph to his brother magistrates, who seemed well disposed to adopt their chairman’s view, “ we have evidence before us that the note is forged, and that the man uttered it; what more can we desire ?”

“ Your Lordship,” replied the perverse serjeant, will feel it expedient to inquire, if the prisoner *knew* the note to be forged !”

The noble lord was humbled even to shame.

“ Have you any proof, Sir, that the man knew the note to be forged ?”

I tendered the usual evidence of similar forgeries being found on his person; but this time his lordship was determined to be on the right side. “ Can you suggest any further evidence that we ought to call for ?” The serjeant bowed to conceal a smile, and I employed my handkerchief for the same purpose; but it was apparent, that not another individual in the room, though perhaps all were magistrates, had the least conception of the absurdity of the scene.

I could multiply similar specimens of magisterial incapacity. I will mention but one, that shall be taken from a county nearer home. I attended a

bench for the purpose of supporting an information against a poacher. The man escaped conviction by a singular ruse. He brought forward a friend, who acquitted him of the charge, by confessing that he had set the snare himself! The bench believed him, and dismissed the information. I retorted by charging the witness on his own confession. Your Lordship will scarcely credit me when I add, that the magistrates refused to convict him even on his own confession, considering that it was not evidence!!! It is fair to say, that this extraordinary decision was not unanimous.

If these instances, taken at random from three different counties, deserve any weight, we cannot but feel that our country magistracy is not exactly the power we want for the effectual control of our rural police; and should it be reorganized on the plan of the metropolitan force, a legal assessor, whose rank in the profession will give him greater influence than the solicitor that usually officiates as the magistrate's clerk, will be an indispensable addition to the bench. In fact, should the time ever arrive, when a public prosecutor is appointed, (a subject on which I can add nothing to what I long since published) his deputy will necessarily be a component part of every bench of magistrates throughout the country.

It will follow from any reform of the rural police which the Commissioners may suggest, that a fund will be established for the first expences of every prosecution; the expences of preliminary inquiry, of searching for the offender, and of collecting evidence, will necessarily be defrayed from some certain

source, and form part of the general cost of the establishment. But if the intended reform falls short of the introduction of an entirely new system, it is most important that provision should be made for remunerating the extraordinary exertions of parish constables. As matters stand, the actual disbursements of the constable are, by the 18 Geo. 3, ch. 19, thrown upon the poor rate; and now that the poor rate accounts are systematically audited and examined, no slight dispute often arises as to the legality of these disbursements. But even the act in question allows no remuneration to the constable for his time and trouble. What inducement then has he to leave his daily occupation and his home, to pursue an offender from place to place, and perambulate a dozen parishes, in search of evidence? even his actual expences are recovered with difficulty and painful bickerings; beyond these he can obtain nothing, unless accident has thrown some wealthy prosecutor in his way. Perhaps in no single point is speedy improvement so much wanted, as in this. Till a comprehensive system is introduced, these expences should be thrown on the county; and a short bill should be introduced during the ensuing session, establishing a table of fees on a liberal scale, and directing a simple mode of recovering them. Great benefit would be derived from this, even if police reform should go no farther.

My next suggestion is of so simple a character, that it is extraordinary it should not have long since been adopted as a matter of course. Why is the publication of crime, and of reward for its detection,

limited to an occasional advertisement in the gazette and daily papers? Murder, at least, should never be forgotten. The full particulars, the detail of every circumstance of suspicion, the name and residence of every important witness, and the reward, whether pecuniary or of pardon, offered for detection, should be periodically published in every daily and provincial paper,—perhaps half-yearly, at all events annually, till the lapse of time has rendered the death of the offender a probable event. It may be doubted whether the same course might not be expedient in every case of aggravated and felonious crime; but if human life is justly estimated so high, that capital punishment is to be deemed contrary to policy and good feeling, common consistency requires that the brand on the murderer should be indelible; he should find no sanctuary, no spot to rest his foot, till the claims of public justice are satisfied by conviction and punishment. Even the homicide by misadventure was, by the Divine law, left to the chance of fatal vengeance till he grasped the horns of the altar; but the murderer was to be thrust out from the city of refuge, and delivered into the hand of the avenger of blood. I do not contend for capital punishment, even in this case, without discrimination. Cases may occur, and frequently have occurred, in which fair allowance for human passion and infirmity will, in public feeling, reduce to manslaughter a crime which the law has pronounced to be murder. I remember one in which I was professionally interested. In the year 1824, a man of the name of Conolly deliberately shot a con-

stable who attempted to arrest him in his own house. The constable effected an entry by breaking through a glass door opening on the lawn. If this was an outer door, the constable was not warranted in the entry, and the case was manslaughter; if it was an inner door, the case was murder. Lord Wynford (then C. J. Best) tried the prisoner, and laboured hard and successfully to secure a conviction for the minor offence; but having done so, transported the man for life. His Lordship acted wisely as well as mercifully; but while the severity of the law may thus in some instances be most properly relaxed, its persevering activity in following up a suspected murderer to the limits of the earth, should never be intermitted, till the generation to which he belongs, and which he has outraged by his crime, has itself sunk into the grave.

It is not foreign to this topic to advert slightly to another of serious importance. In the month of February last, I was requested to advise some banking establishments on the continent as to the best method of preventing and detecting forgeries of their paper, that had been effected to a considerable extent in this country. I entered very fully into the subject, and suggested a scheme of international police for the capture of all offenders, of whatever class, who sought refuge in one state for offences committed in another. My suggestions were favourably received; but it is unnecessary at present to enter upon the full detail of the scheme by which I proposed to effect such an arrangement. I only wish to draw your Lordship's attention to the principle of it.

It is one in which every European state, and perhaps America also, is deeply interested. Having regard to the long duration of general peace, it cannot be doubted that a mutual confidence and good-will now prevail throughout Europe which would greatly facilitate any conventional arrangement with this object in view. In fact, much has been already done between this country and France, to secure an exchange of good offices in this way ; I see no sufficient reason why a congress should not be held, as they often have been on matters of inferior importance, for the express purpose of adopting it as a principle of international law, that all offenders, whether convicted or only charged, if the charge or conviction proceeds from competent authority in the state whose law has been violated, should be handed over to that state, notwithstanding they may be found residing under a foreign jurisdiction. Let this principle once be conceded, and the machinery to carry it into operation is easily constructed.

I noticed some pertinent remarks on this subject in a late number of a Sunday newspaper, I believe the Satirist, but my own scheme was transmitted to my foreign clients long previously ; it is satisfactory to find, that the importance of the suggestion is beginning at length to be so generally felt, as to draw the attention of our journalists ; for there is no channel through which it is so likely to attract the notice of our continental neighbours, unless your Lordship may consider it worth while to give it the sanction of an official recommendation.

I have drawn out this letter to such an unrea-

sonable length, that I fear it will be too long for perusal even during the leisure of an official vacation. I will conclude with the expression of my earnest hope, that in the large and beneficial changes which, under the present administration, are progressing throughout the kingdom, your Lordship will never lose sight of the political as well as moral maxim, that the most solid of all reform is that by which crime is prevented.

I have the honour to remain
Your Lordship's most obedient Servant,
GEORGE STEPHEN.

*Collins,
Prince's Risborough.*

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Houses of the Oireachtas