

With taking the life of its victim began and ended its power to prevent crime.

Laws which consigned so many to death, but which failed to produce their only legitimate effect,—the prevention of crime,—it was very reasonable to suppose would, as they did, fall into contempt and disuse. It was difficult to enforce them. Many refused to prosecute offenders, and even when prosecuted, juries could hardly be induced to find them guilty, because they thought the punishment too severe. In a pamphlet, by Sir Samuel Romily, published in London, in 1810, it is stated that of 1872 persons committed to Newgate, charged with crimes the punishment of which was death, one only was executed. Even of those who were capitally convicted, for other crimes, a large proportion escaped punishment. For thirty years following the revolution of 1688 nearly two thirds of the convicted suffered death. In the middle of the next century the proportion had decreased, and from 1755 to 1784, only thirteen in every forty-six were executed; from 1784 to 1814, it was reduced to nineteen in every seventy-four. In our own day it is much less: from some tables, published in the work "On the Punishment of Death in London," it appears that in the three years, from 1827 to 1830, the capital convictions in London and Middlesex were four hundred and eight and the executions only fifty-two.

These phenomena in the criminal law of England deserve attention. They show that the administration of the penal statutes has made many of them a dead letter. The Supreme Legislature commanded that they should be enforced, but courts and juries, operated upon by public opinion, availed themselves of every quibble to soften their rigor and avert their cruelty, and many of the enlightened statesmen of that country turned their attention to mitigating their severity. Many of the statutes have been described as written in blood and calling for the life of thousands of our fellow men, even for offences the most trivial. Mr. William Roscoe, who wrote in 1819, says that if the laws of England, inflicting capital punishment were carried into effect they would form one of the bloodiest systems of legislation by which any nation, ancient or modern, ever punished itself, and in justification of this remark, he says, "To commit a murder or to free a person from arrest; to burn a dwelling house and its inhabitants or to burn a haystack; to commit a parricide or obstruct an officer of revenue in the seizure of prohibited goods; to break into a dwelling house at midnight or to cut down or otherwise destroy a tree in a garden; to poison a family or to maim a cow," were equally causes for capital punishment.

So stood the law when, in 1819, the Committee of the House of Commons, of which Sir James Mackintosh was chairman, made the first important and successful steps in altering it. On their recommendation, acts were passed repealing a variety of capital punishments:—Among others, the provisions for putting to death persons