

When I returned she was not dead. I could not bear to see her suffering, so I took the carving knife. I was praying before then beautifully to Jesus, and spoke to my wife about Jesus. I had been dozing about half an hour, when something came over me." It appeared that the prisoner had great influence over his wife, who had said that she was willing to die at any time.

The defence was that of insanity. The prisoner had always been excitable and peculiar, and had been known in Skipton, where he was born, when a boy, as "Silly Jemmy." A person called Harrison, a calico-printer at Burnley, who had known him all his life, was called to prove his early history; and another, who kept galvanic baths and had patients under his care, spoke to treatment of him under distinct attacks of disease of the brain. He did not know that these attacks were after periods of drinking, nor that the prisoner had indulged in laudanum and other stimulants than mere drink. It was five years since he had taken the pledge, but he had frequently broken it since, besides drinking much in the early part of his life. Other witnesses were called to prove his excitability and peculiarity at earlier periods of his life. A secretary to a temperance association proved that he travelled a regular circuit of temperance meetings, playing his accordion and addressing the audiences. Finally, Dr. Bromwell, medical officer to the Burnley Union, proved having attended the prisoner some years ago, and gave it as his distinct opinion that he was then suffering from physical disease of the brain.

After this evidence, his Lordship asked the learned counsel for the Crown whether it was desirable to proceed further, and Mr. Kay at once acceding to the suggestion, it was left to the jury to find whether the prisoner was insane or not, and they immediately returned a verdict of *Acquittal* on the ground of insanity.

His Lordship ordered the prisoner to be detained during Her Majesty's pleasure.

*Earl Russell on Capital Punishment.*

EARL RUSSELL, in his introduction to the new edition of his work on the 'English Constitution' (1865), thus expresses himself as being favorable to the abolition of capital punishment :

"For my own part I do not doubt for a moment either the right of a community to inflict the punishment of death, or the expediency of exercising that right in certain states of society. But when I turn from that abstract right and that abstract expediency to our own state of society—when I consider how difficult it is for any judge to separate the case which requires inflexible justice from that

which admits the force of mitigating circumstances—how invidious the task of the Secretary of State in dispensing the mercy of the crown—how critical the comments made by the public—how soon the object of general horror becomes the theme of sympathy and pity—how narrow and how limited the examples given by this condign and awful punishment—how brutal the scene at the execution—I come to the conclusion that nothing would be lost to justice, nothing lost in the preservation of innocent life, if the punishment of death were altogether abolished.

"In that case a sentence of a long term of separate confinement, followed by another term of hard labour and hard fare, would cease to be considered as an extension of mercy. If the sentence of the judge were to that effect, there would scarcely ever be a petition for remission of punishment, in cases of murder, sent to the Home Office. The guilty, unpitied, would have time and opportunity to turn repentant to the Throne of Mercy."

*Dr. Symonds on Medical Evidence in Relation to State Medicine.*

AFTER a learned and highly interesting lecture on certain points of the English language, delivered at the Bristol Institution, by the Rev. J. Earle, formerly Professor of Anglo-Saxon at Oxford, a vote of thanks to the lecturer was proposed by a legal friend, a gentleman not more eminent by the high office which he holds, than distinguished by the ability and philanthropic zeal with which he has instigated various social reforms. In the course of some most valuable remarks on language, he said that those spoke best, and with most clearness and precision, who thought least of the effect which what they were saying would produce upon their hearers; and he declared that it was the want of such unconsciousness that made medical witnesses the worst of all witnesses in courts of law. And he clenched his remarks by alluding with playful malice (seeing that many of his medical friends were present) to a very sarcastic account of medical evidence in cases of lunacy with which a Lord Chancellor amused the House of Lords a few years ago. It happened to be my duty to second the vote of thanks; and I should have been a recreant, had I not availed myself of the opportunity of endeavouring to wipe away the aspersions cast by my learned friend on the character of medical witnesses. I ventured to say that, whatever psychological or philological truth there might be in the remark that a speaker should be free from self-consciousness or thought in regard to the effect of his words, yet my learned friend had omitted to mention the chief cause of the disadvantageous figure made by medical witnesses, which was, that they had to speak of things about