

STANZAS FOR MUSIC.

"It is not winter yet."

BY GEORGIANA BENNETT.

THE withered leaves are falling round,
Less bright the noontide radiance glows;
Few flowers are in the garden found,
And chill the night-wind blows.
But wherefore wear a brow of gloom,
Or speak of summer with regret?
Still many buds are left to bloom—
It is not winter yet.

'Tis ever thus in human life;
Too oft the glance is backward cast;
We turn from scenes with pleasure rife,
To muse upon the past.
We may not see another spring,
We cannot by gone hours forget;
But Hope fresh flowers may round us fling—
It is not winter yet.

As even in the saddest hour,
Beneath a dark and stormy sky,
We often see some lovely flower
Spring up to glad the eye;
So, faithful friends, in life's worst gloom,
Can cheer by kindness our regret;
Shake off the fear of darker doom—
It is not winter yet.

HIS BOYHOOD'S DREAM.

HE travell'd far, to distant lands,
Where summer's balmy air,
Plays with the leaves of passion flowers,
And lingers idly there.

They told him that a fairer clime
Would heal the wound of woe:
And give again his pallid cheek,
Its once accustom'd glow.

And fairer ones would smile on him,
And brighter eyes would beam,
And far outshine his youthful hopes,
His boyhood's blissful dream.

The glowing sky, the perfumed grove,
They bade him think, so fair,
Was not to him, what home had been,
For love still lingered there.

Had morn and eve e'er met his thoughts,
Far o'er the briny deep—
Nor fair, nor wilder scene, could calm,
His troubled heart to sleep.

He pined to reach his native shore,
For, oh, his heart was cold,
To all that met his sicken'd sight,
To all but haunts of old.

Ere England's breath had fann'd his cheek,
Or, his footsteps press'd its sod,
His gentle, and his guileless soul,
Dwelt calmly with its God.

LOUISA C. W.

The Bachelor of the Albany. By the Author of "The Falcon Family." London: Chapman and Hall. 1847.

MR. PETER BARKER, the Bachelor of the Albany, is a character. He lives in a small set of chambers in the Albany, keeps a single servant who knows his whims and humours and plays up to them; is a cynic, with a "dry sharp logic" for people he takes the trouble to reason with; and goes into society only to pick quarrels with it. Having an independent income of some twelve hundred a year, he is plagued and pestered on all sides to join committees and companies, and is asked out to dinners and soirées for the most transparent of motives. But Mr. Peter Barker is not to be entrapped. He refuses to entangle himself in any of the responsibilities of life. He looks with derision and contempt upon people who marry and incur heavy family obligations; people who seek public trusts; who enter into securities in any way to the public or to their friends; who register votes, mix in active life, or go into Parliament. In the emphatic language of his biographer, Mr. Peter Barker "had neither wife nor child, neither a house, an office, nor a vote; he was dependent on nobody, and nobody was dependent on him."

Yet the most intimate friend he has in the world is Mr. Spread, a merchant, with a large heart and a large family, and large views of social affairs. There is sometimes a strange attraction in antagonism. The most unlike are sometimes the most attached. Barker growls at Spread, hissing his misanthropy in his ears every time they meet; and Spread benignantly reproves Barker's moodiness, tries to get at his sympathies by a hundred devices, and perpetually urges him to take a wife and "give hostages to fortune." In this way they are of inestimable value to each other.

Spread prevails upon Barker to pay him a Christmas visit in the country. The house is full of company; and, among the rest, there are two bouncing girls, with a wit so brilliant and fearless, and so much in the style of Barker (but all on the sunny side of causticity), that the issue, slowly as it looms out of a train of circumstances, may be readily foreseen. Barker is insensibly taken by one of them, and marries her in the end; the rest of his theory of abstraction and non-dependence being fairly knocked on the head by his election for a borough. And so the claims of humanity upon the active faculties and affections of the misanthrope are vindicated in the sequel, which leaves the Bachelor of the Albany a member of Parliament and a married man.

The incidents through which this result is worked out are of no special interest. The merit is not in the story, which often halts, and which sometimes, as in the case of the Maintenon cutlets and the exchange of watches, is wanting in originality, and sometimes in probability, as in the latter part of the story of Grace. The true cleverness of the book consists in a certain quick perception of social peculiarities, con-

siderable knowledge of character, and a running fire of satire which never suffers dulness to mantle over the slow-paced action. The writer conceives character with force and distinctness, but he cannot dramatise it. He cannot sustain it in dialogue, or put it into motion with a close observance of its individuality. But this is not what we look for in a satirical novel. Hits at eccentricity, the felicitous development of weak points, rapid illustrations of social life, form the proper material of such a work; and over all these elements—now rare amongst our writers of fiction—the author before us displays complete command. The book scintillates with wit.

The household of the Spreads is the *tapis* upon which the game of crusty old bachelorship is played out; and it is fitting to introduce the reader at once to this agreeable region:—

It was obvious at a glance, that good sense and correct taste were the regulating principles of all the household arrangements. You could have inferred the mind in the drawing-room from the order in the kitchen; and argued, from the cook, or the housemaid, up to Mrs. Spread herself. There is nothing more characteristic of the residences of people of true refinement, than what may be called harmony of style; offices in the ratio of the house; servants enough, and no more; liveries, equipages, plate, furniture, decorations, all in keeping with each other, and adjusted to the proprietor's rank and fortune. The Spread's understood this perfectly; they were free from the two vulgarities of wealth—superfluity and display: a quiet elegance, and a liberal economy distinguished their establishment in all its departments. Then those departments never came into collision; there was no confusion of jurisdictions, or clash of offices: there was a place for everything, and everything was in its place. The butler did not groom the horses, nor did the groom open the wine; the cook never made the beds, the housemaids never dressed the dinner; the kitchen did not intrude into the hall, and the nursery was never known to invade the parlour.

Spread's partner, Narrowsmith, is not quite so successful a sketch. He is penurious and mean to an excess that becomes improbable. But it lets in a great many points of salient humour, which reconciles us to its unlikelihood. The dinner at Narrowsmith's, with all its contrivances and evasions, is capital; the satire pungent and striking. But it seems to have escaped the acuteness of the writer, that in making the Spreads criticise the entertainment so sneeringly, he renders them as vulgar as their entertainers—a common vice of wit, which cannot resist temptation, and does not know where to stop.

For a touch of description, still illustrative of the Spread, take a picture of a Christmas pie:—

In the centre stood, or rather towered, a vast pie, which was surrounded with minor attractions, such as tongues, fowls, collars, and marmalades, just as a great planet is attended by a body-guard of satellites. But as Jupiter excels his moons, so did that pie surpass collars, fowls, and tongues in magnitude and glory. That was a pie indeed!—a subject for hymn and history, a pie to be held in such reverence as Mohammedans pay the Caaba, or Christians the chapel of Loretto. Evidently the production of a great artist, a Palladio of pastry, or a Wren of cooks. It was more an Acropolis or a temple than a pie, worthy of being served to a Lord Abbot, amidst anthems; not made to be opened with knife of Sheffield, but carved with blade of Toledo or Damascus. It might have been considered as a poem, a composition of talent and turkeys, of genius and grouse. Into such a pie was it that Bion, the philosopher, wished himself metamorphosed, that wisdom, in his form, might captivate the sons of men. Stubbles had been thrashed, covers ransacked, woods depopulated, and preserves destroyed, to furnish forth its mighty concave. It was a pie under whose dome you would have wished to live, or been content to die.

The Spreads take a villa at Richmond—the Rosary—"a house for incident as well as comfort"—of which the interior is a little romance in itself:—

Some houses are evidently built for the Prims and Humdrums, houses where you must be always grave and demure, where the comedy of life is altogether out of the question, the rooms are so square and decorous, the stairs so methodical, the passages and galleries so correct and formal. There is no satisfaction in a house where one cannot occasionally make a geographical blunder. One likes, now and then, to make an innocent error of a door or two in the navigation of a strange corridor; it is so comical, novelish, Don-Quixotish, and all that sort of thing, which is so very pleasant. There can be nothing duller, when you are bedward bound, than to be assured by some Malvolio, that you "cannot possibly go wrong." Now, you could easily go wrong in parts of the Rosary. It was not, like the mind of its proprietor, a place without nooks and corners in it. There were turns and returns, ups and downs, ins and outs, crypts and turrets, front stairs for strangers, and back stairs for the household. In fact, it was no easy matter to make your room without being out in your reckoning once or twice, often with heart-breakers a head, the Dimity Isles on the lee-bow, or sometimes even speaking a strange craft like Owlet, or a piratical kitchen-maid on the ladder tack. Mr. Barker, the correctest of men, was always stumbling on the Abigail's and Mopsas.

There are groups of characters hit off with marvellous skill and variety. The "Smyly girls" (the reader ought to know that Laura afterwards becomes Mrs. Barker) going to bed in the merry Christmas time at the country house, might suggest a picture for a capable artist in search of a domesticity:—

And Elizabeth went her way to the room she shared with her sister Augusta, paying the Smylys a short visit *en passant*, and a merrier pair of lasses, at beauty-set, than Adelaide and Laura, were not to be found, north or south of Trent. Adelaide was maid to Laura, and Laura was maid to Adelaide. How they rated one another about broken laces and tangled bobbins, tapped and slapped each other with fans and bouquets, banded charges of inattentions and depredations; wished each other married, called each other geese, and having said and done everything gay and girlish, foolish and funny, how they made a race for bed, as the last up was always to put out the candle. They almost died laughing when they heard of Mrs. Briscoe's anxieties for the health of Letty.

This Mrs. Briscoe is another visitor, a very uneasy person to have in a house at night, seeing what habits she has of marauding about in search of medicine bottles, and striking lights, and knocking at people's doors.

Then there are the Prouts and their epergne, for they always go together, who make such awkward lunges at the economy of the Narrowsmith dinner:—

The guest that most annoyed the Narrowsmiths during the repast was Dr. Prout, who, when he was not talking of hydropathy (for he was a furious advocate of water *externally*), was always

calling for something that was not to be had. After the soup he called for cold punch; when he was asked what wine he would take, he replied Burgundy; he asked three times for cucumber; and at the dessert he begged Mr. Spread to help him to a peach, mistaking, or pretending to mistake, a pile of apples for one of the rarer fruit.

The Prouts would not have been asked at all, but that their epergne was in requisition; a splendid article, which (being very obliging people) they were always ready to lend a dinner-giving friend, for the reasonable consideration of being invited along with it. The epergne never dined out without the Prouts, and the Prouts seldom dined out without the epergne.

Mrs. Harry Farquhar—whose vixenish temper would go for nothing in the ordinary way, if it were not for her saucy beauty—is one of the happiest conceptions of all:—

Mrs. Harry Farquhar, the pretty little Amazon of Norwood, after storming about the room for several minutes, rang the bell waspishly, and ordered her pony-phæton. The phæton was at the door in a quarter of an hour. Mrs. Harry jumped in, whip in hand, and looking as if she was very much inclined to use it on the person of a quiet respectable gentleman who stood by, doing his best to be civil, as became a dutiful husband, for that was the humble situation he held in his lady's household.

She was a pretty, a wickedly pretty woman, with an insolent eye, and a glowing, passionate complexion. Like Hermia, in the "Midsummer Night's Dream"—

Though she was but little, she was fierce.

She had a pert, expert, and malapert tongue, that could libel or scold one in a leash of languages. When she was coquettish, she prattled French; when she was transcendental, she chattered German; she rated her servants, including Mr. Farquhar, in plain English. You saw by her toilette she was a ternaunt; she was too hasty for buttons, and too violent for hooks and eyes. She wore the prettiest of bonnets, but wore them awry. There was generally a trail of black ribbons at her heels; and her dress behind was always open—to observation. In one point, however, she excelled: she knew how to put on a shawl,—a rare knowledge with our countrywomen. She was commonly, too, *bien coiffée* and *bien gantée*, except when she tossed her hair, or tore off her gloves in a conjugal fracas.

Then there is Mrs. Martin, the well-regulated governess, who always recommends her pupils to read her book on "British Step-mother;" and the Rev. Bat Owlet, a Puseyite, who wants to restore theatrical representations in the churches; and the rough bear in search of an uncle, with whom Mr. Barker forms unwilling acquaintance in a railway carriage. But this gentleman deserves a niche to himself:—

During the next stage or two, Mr. Barker behaved tolerably well, for he slept the greater part of the time. When he awoke, he found the party constructed anew, and now it was that his troubles for the day commenced. His *vis-à-vis* was a raw youth, of eighteen or twenty, with a round rosy face, and a simple, good-humoured physiognomy; he was immersed in an immense rough coat like a bear's skin, with enormous mother-of-pearl buttons, and a dozen pockets of all sizes and in all positions. In fact, he looked something like a brown bear, or a great water-dog, sitting on its hind legs; and he kept his neighbours in constant alarm, by sometimes pulling out a cigar-case, as if he meant to commence smoking, sometimes producing a three-barrelled pocket-pistol, and examining the priming, sometimes displaying a wonderful knife with a hundred blades, and, every now and then, giving a blast with a hunting horn, which he had bought, he informed an elderly lady beside him, at a shop in High Holborn, adding, that it was a great bargain, and that if she ever wanted a thing of the kind, he would recommend her to go to the same place.

Barker has enough to do to defend himself against this youth, armed with such a variety of dangerous weapons; but he hits upon an expedient:—

"Have a care, sir. I hope your pistol is not loaded," he at length broke out in a surly tone with a look still surlier, at the formidable simpleton in the enormous rough coat, who, in exhibiting the pistol to the plump maid, had repeatedly pointed it right at Mr. Barker's head. The old lady had already, in her capacity of protectress-general, cautioned the youth twenty times against shooting himself, which was the least part of the danger to be apprehended. None of these remonstrances, however, proving successful, the cool man took a different course; he expressed a curiosity to examine the pistol, and the moment it was placed in his hands, he extended it out of the window, and a couple of sharp reports instantly proved that two of the barrels had been loaded. The innocent youth, far from taking offence, laughed loud, said it was funny, and called the cool man a devilish sensible fellow, a compliment which that gentleman could not have returned with the slightest respect for truth.

To omit the sketch of Barker himself would be to drop out Hamlet from the *affiche*. Here he is then as he presents himself one morning in the Albany, on the occasion of Mr. Spread's first visit:—

Imagine a small, well-made man, with a smart, compact figure, excessively erect, his action somewhat martial, his eye grey, cold, peevish, critical, and contemptuous; a mouth small and sarcastic, a nose long and vulpine; complexion a pale dry red; hair stiff and silvery, and evidently under the severest discipline to which brush and comb could subject it, with a view to its impartial distribution on each side of a head, which was carried so high, and with such an air, that it was clear the organs of firmness, combativeness, and self-esteem, were superbly developed. With the exception of a plain, but rich *robe-de-chambre*, his morning toilette was complete; trousers of shepherd's plaid, seemingly made by a military tailor, and tightly strapped down over a pair of manifest Hobbs'; a double breasted cashmere waistcoat, of what mercers call the shawl pattern; the shirt-collar severely starched, and a little too exalted above a cravat of dark blue silk, carefully folded, and tied with a simple, but an exact knot.

The worst of the satirical novel is that it hardly admits of much discrimination in the treatment of the individuals who move through the story. Barker does not fulfil all that we expect from him. Barker as he is thus introduced to us, and Barker as he acts and talks, are not always identical. The conception is a clear and distinct individuality; but the machinery by which it is to be developed in movement is another affair. The besetting fault of Congreve clings to most wits in novels as in comedies. The impulse of the author to make all his characters talk with brilliancy and causticity brings them all to nearly the same level, or lifts them all to nearly the same height. There would not be much risk of confusion in transferring the crisp witticisms of Laura Smyly to Peter Barker, or the gray ridicule of St. Leger to Mrs. Spread.

But it will be seen from the passages we have cited—and

from a hundred more to be found in the book—that the work rises out of these considerations, and seek its sources of amusement and correction, not in dramatic *vraisemblance*, but in the choice and versatility of its materials, drawn direct from a close study of society, and struck off with fidelity. The charm of its cutting vivacity never flags; it is impossible to take it up without reading it to the last line; and it is impossible to put it down without being impressed by the literary taste, the wit, the genial feeling, and sound sense that are assembled in its pages.—*Atlas*.

The Present Movement in Italy. By the Marquis Massimo D'Azeglio. Translated from the Italian. Newby.

WE are much indebted to the translator of this pamphlet. It is a timely exposition of the existing movement for reform in Italy, plainly and forcibly written by one of its most distinguished leaders. It is of the greatest importance that the questions at issue in these reforms should be put with plainness and candour before the English people. What the Marquis D'Azeglio fears is quite true. A want of active sympathy here and elsewhere, with the struggles of the Italian patriots, has arisen chiefly in imperfect notions of their position and opinions. He does a timely service who shows that these opinions are neither abstract nor impracticable; that they are founded in the simplest right, and sought to be advanced by none but honest means; and that the reforms in which they have lately been embodied by the wisdom and courage of Pius the Ninth, and against which the bayonets of Austria and the more cruel craft of Louis Philippe are just now leagued, are in reality most moderate, reasonable practicable, and fair.

This is the drift of the Marquis D'Azeglio's pamphlet, and its statements could not have had a better endorsement than his name. It was he who, but a few brief months before the death of Pope Gregory, warned him that the papal throne was tottering under his feet; and in the strength of the same moderate and temperate opinions which then gave weight and authority to his warning, it is he who now announces, within one short year from Gregory's death, that Europe has not a firmer throne than that of his successor. The Marquis D'Azeglio, it is not unimportant to note, lends no small adventitious weight to opinions in themselves so influential. He belongs to an illustrious family, and is one of the most accomplished men in Italy. His name is known to every lover of Italian art, and is not less honorably connected with the best Italian literature. The son-in-law of the great Mazzoni, his own fictions have obtained European celebrity; and besides the *Ettore Fieramosca*, of which we have an English translation, he has commemorated, and nobly vindicated, in an historical romance on the famous Florentine siege (*Viccolò de' Lapi*), the spirit of Italian nationality and independence. He has in the present instance found a translator worthy of him, as well in character as talents, if (as we suppose from the initials appended) the translation before us be the work of Mr. Fortunato Prandi.

The distinguishing peculiarity of the statements in the pamphlet is their impressively moderate character. Every opposition to existing interests not called for by the reforms in progress, is strongly deprecated. There is no implied surrender of the more general cause and claims of Italy; no renunciation of the right and hope, "at some indefinite future period," of asserting its independence as a nation. But there is a belief, with all solid and earnest thoughts which can build themselves up upon it, that the only real ground for hoping to attain in future what the actual position of affairs renders impossible for the present, is, now to be content with such ameliorations as are seen and felt to be attainable. The popular forces are kept back in the proportion of pressure on the governing powers. Men are not far from the acquisition of all to which they are justly entitled, who can afford to act and reason thus.

A great part of D'Azeglio's exposition is devoted to the recent substitution, by the reform party in Italy, of appeals to reason for appeals to force. The agencies of the French Revolution are traced back, and as its influences have receded since the death of Napoleon, the belief in moral agency is stated to have strengthened. The argument is then divided into heads, a brief summary of which will at once convey the leading views of the party represented by the Marquis D'Azeglio. They maintain that the existing condition of the Italian States is incompatible with the interests of the nation, and that the first step of national reform should be a league between the princes to guarantee the independent exercise of their sovereignties. This done, the "only wise and really important policy" for these princes to adopt, is pithily stated to be, that they should so govern their subjects as to render the Italian part of Italy happier than the Austrian part. The people are next adjured, on any intimation of such intentions in their princes, to let their own co-operation be hearty and confident, to guard against every appearance of a wish to meddle with the princely power, and to seek by open and moderate means to obtain necessary reforms, without giving way to impatience if these are not immediately conceded. The result of all this will be, in the opinion of this party of practical reformers, that the Italian part of Italy will soon be enabled so to direct her policy, as to vindicate, so far as present circumstances will permit, Italian nationality. The pamphlet closes with reiteration of the only means available for the great ends it desires to see achieved: that they should be prosecuted openly and honestly, and accompanied by unceasing efforts to strengthen the moral sense of the people. Noble justice is done, throughout its statements and reasonings, to the effects of the recent policy of Pius the Ninth. Their influence on the populace is described to be that of a "religious regeneration." Their reconciling and harmonising action on "the party who feared religion under its sacerdotal form, and those who dreaded liberty in the revolutionary form," is also very strikingly exhibited.

Of the duties of the Governments of Europe in relation to such a struggle, with such a prince at its head, the Marquis D'Azeglio speaks at the close of his pamphlet with a manly spirit and dignified eloquence which enforces sympathy:

If it is not just that European Governments should use the wealth and power of their subjects to restore to us that independence of which we have suffered ourselves to be deprived, neither is it just that they should, in order to increase their wealth and power, employ force and cunning to prevent our acquiring it for ourselves by honest and loyal means.

Neither is it just that they should alternately excite and depress a spirit of nationality among us, as it happens to suit their own interests.

Without now referring to the time, manner, or degree in which they have fostered our political passions for their own advantage, and in furtherance of their own views, we content ourselves with invoking the justice of public opinion in regard to this abuse of international policy.

We know that if justice and impartiality is attainable from other European Governments, it is vain to look for them from Austria. Although we are firmly convinced that justice is the safest guide in all transactions, whether between nations or individuals, we do not consider it fitting to apply this principle to the relations between Austria and Italy. It would be practically an abstraction; and we take facts as the ground of our deductions.

We admit, then, as a fact, that the interests of the Austrian and Italian Governments are diametrically opposed. The object of the former has always been the extension of her dominion in Italy; and she is studiously seeking a fit moment to accomplish her purpose. The latter ought to hold opposite views, and make opposite efforts.

We declare in the face of Europe, that it is the object of our untiring endeavours to prepare for the recovery of our absolute and complete independence, whenever it is God's pleasure to grant an opportunity.

We do not on this account seek to excite national hatred against Austria. We wish to draw a distinction between the people and their Government, which are often unjustly confounded. The Austrians, as a people, have neither interest nor desire to injure us, and we hold in high esteem the noble rectitude and solid virtues of the German people.

Our actions are influenced by the highest of human affections—the love of our country; and we think that alone suffices to nerve us for every struggle, without any admixture of hatred or revenge against nations for the trespasses of their Governments, which they often detest and cannot prevent.

We have declared the path we shall pursue, the means we intend to adopt, and the object we seek to attain.

We ask not from Europe one drop of her blood, one atom of her treasure; but the support of her voice, and her sympathy in our cause, if she deems it just.

We know that when a nation is worthy of independence, she will obtain it by her own exertions, and not by extraneous assistance.

We wait the event tranquilly, not idly. We occupy ourselves not in disturbing the repose of others, but in ameliorating our own condition in that part of Italy which they have left to us; in reforming ourselves so as to render ourselves worthy of Divine aid, and competent to profit by any occasion vouchsafed to us.

If it does not please God to grant this blessing before our generation shall have passed away, we resign ourselves to His will. We shall equally with patience and perseverance seek the regeneration of Italy; and we shall descend into the tomb blessing God, if we have in any degree contributed to the attainment of this object, and thus been able to leave the land where our ancestors repose in a less deplorable condition than we received it at their hands.—*Examiner*.

CRIMINAL LAW.

In the Answers of Mr. S. R. Bosanquet to the Questions circulated by the Commissioners on Criminal Law, concerning Criminal Procedure, we find many valuable suggestions, the more important of which we copy:—

"Question 1.—*Prosecution.* Prosecutors fail in the performance of their duty from various causes; as neglect, collusion, ignorance, &c.

It would be an improvement if, in all cases of commitment for trial by a justice, the clerk to the justices of *petty sessions* were to become the prosecutor, and prepare the indictment.

The coroner ought to do the same in cases where a verdict is found against a party on a coroner's inquest.

The prisoner should not be tried upon the inquisition, which is subject to defects, notwithstanding the stat. 6 and 7 Vic.; but the coroner should frame an indictment founded on the finding of the jury and the evidence.

Great saving of expense would follow from these arrangements, provided the finding of the bills by a grand jury be dispensed with, both with respect to framing the indictment and the finding of the bill.

The clerk of petty sessions and coroner should be fineable for negligence by the judge who tries the case.

I shall observe below on the subject of variances and amendments.

Question 2.—*Grand Jury.* I think that the finding of a bill by the grand jury might be dispensed with in all cases where there has been a commitment for trial by a justice, or a verdict has been found against a party on a coroner's inquest, for the following among other reasons:—

The original use of a grand jury seems to be superseded by the comparatively modern practice of taking examinations and depositions upon oath, and in writing, by the committing magistrate.

Formerly, examinations were not taken upon oath, and probably might not be.

One use of the grand jury was to save innocent persons from lengthened imprisonment till the coming of the justice in eyre, perhaps at the end of three years.

The grand jury, being overwhelmed with the multiplicity of bills, are unable to give proper attention to them.

Not having the depositions or the prisoners before them, nor the assistance of any one conversant with the matter (unless the committing magistrate happen to be present), they have a very imperfect knowledge of the case.

The grand jury affords the most convenient opportunity for compounding felonies, and shelters witnesses wilfully concealing the truth.

From the above causes many guilty persons escape trial; and at the same time, the grand jury being taken from one limited class of society, they are open to impressions which are not unfrequently prejudicial and unjust to innocent persons.

I have already observed upon the saving of expense in prosecutions consequent upon the dispensing with the grand jury.

If grand juries were dispensed with altogether, (which seems to be advisable), the magistrates of the county ought to give their attendance at the assizes, and the judge should address the whole body of magistrates, as he now does the grand jury, on matters relating to alterations and the administration of the law; and the whole body of magistrates should consider and make presentment of matters relating to the general state and police of the county.

The dignity of the magistracy, and the most important services of the grand jury, would be maintained by this means; and greater time and attention would be given to those matters which chiefly render the attendance of the magistrates desirable.

Question 3.—On the subject of trial and verdict, several observations and suggestions present themselves.

The Jury.—I think that ten out of twelve should be authorised to find a verdict in all cases; nine would perhaps be a more proper number; but ten ought to be tried in the first instance, while it is a new experiment.

In many neighbourhoods there are two or three well-known persons who make it their pleasure to differ from other people, and to impede business. It is known that if such and such persons get upon the jury, justice will be perverted; and a series of acquittals sometimes takes place in consequence.

The good sense and consciences of the majority are fettered and compromised by the pertinacity of such men.

A sufficient dignity could be given, and a sufficient confidence obtained for this new mode of trial, only by making the rule uniform and applicable to offences of every degree.

The names of the jurors ought to be drawn separately out of a box, as in the Nisi Prius Court, instead of being called in the order in which they stand on the panel.

Plea.—It would be an improvement if, instead of 'Not Guilty,' the plea were—'Puts himself upon his trial;' the question of the clerk of assize to the prisoner being—'Do you plead guilty, or put yourself upon your trial.'

Such an alteration in the form of the plea would concur with the improved instruction now given in most prisons. Prisoners are fully conscious of the seeming falsehood implied in the plea of 'Not Guilty,' and coming directly from the religious and moral instruction which they have received, perhaps for the first time, in the prison, they are embarrassed and conscience-struck by it; and out of some prisons, may plead guilty in consequence. And it does not lie well in the mouth of a judge, when there is some doubt in the case, to recommend the prisoner to plead Not Guilty; but it would have no bad effect on the prisoner or the public, if he were to recommend him to put himself upon trial.

Verdict.—It is desirable that a third verdict of 'Not proved' should be permitted; and that, in that case, the prisoner should be subject to a second trial upon further proofs being adduced.

This would concur well with the discontinuance of the grand jury, and put the prisoner in the same situation as in the case of a bill thrown out by them.

It would greatly deter criminals, who would not feel the same expectation of ultimate escape; and it would be a great benefit to innocent men, who at present are not sufficiently restored in their character by a verdict of acquittal, on account of the multitude of notorious criminals who find themselves in the same predicament.

It is most desirable that the speech of counsel for the prisoner, and at the same time the speech for the prosecution should be discontinued; and that the only address to the jury should be the summing of the judge, who in general, is sufficiently acquainted with the facts in complicated cases, by means of the depositions, independently of the evidence given in court.

The speech for the prisoner does not promote the ends of justice, is seldom of any benefit to the accused, and does not give a proportionate advantage to the really innocent.

It confounds the office of a judge with that of prosecutor, and imposes upon the judge very equivocal duties, which will be assumed by different judges in different measures, and consequently with very uncertain effect.

At the same time, it emboldens criminals in their career of crime; for they have an idea that a counsellor's speech can make them safe. For this purpose, they feel that money only is wanted; and the friends of prisoners will commit a robbery to provide them with the money. An instance of this kind is recorded in the Chaplin's Report of the Lewes House of Correction for 1839-40, p. 12.

This class of criminals are very quick at catching the suggestions of counsel which prompt them to tricks and subterfuges for evading justice, and make crime a sport; and teach them and others to regard criminal justice as a game of skill, or even of chance.

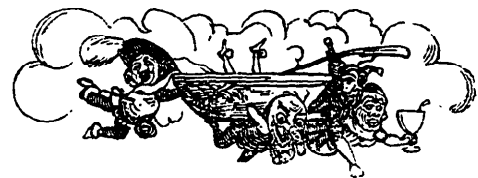
An exception might be made in cases of treason, and in regard to prosecutions by the Attorney General; but I do not recommend these exceptions.

Some provision is required for securing the attendance of witnesses on behalf of the prisoner.

It ought to be in the discretion of the magistrate to grant a subpoena to witnesses, on a representation by the prisoner; and it ought to be in the discretion of the presiding judge to order the expenses of such witnesses to be paid.

No witnesses to character only should be subpoenaed, or their expenses paid.

Question 4.—The reservation of questions of Law for the opinion of the judges ought, I think, to be left in the discretion of the judge; but I also think that the same power ought to be extended to the chairman of the quarter sessions.



A Bowl of Punch.

THE QUEEN'S DULL ERRAND-BOY.

The Queen's page, John Russell, was last week, intrusted by Her Majesty with a message, which he was desired to request the Marquis of Lansdowne to deliver to the Houses of Parliament.

Lord Lansdowne, of course, delivered the message word for word as it was given to him by John; commencing as follows:—

"MY LORDS AND GENTLEMEN,

"Her Majesty has ordered us to declare to you the causes which have induced her to call parliament together at the present time."

Of course we expected that the Marquis of Lansdowne would, according to the Royal command, have made a statement of the cause which he alluded to. But we read his speech most carefully from beginning to end without being able to discover any such thing. We therefore suspect that John Russell has made some mistake in the delivery of his message; so, as it is our business to call Her Majesty's servants to account when necessary, we sent for the boy to speak with him. Whereupon ensued the following dialogue:—

Punch.—Now, Sir. The Queen, I believe, gave you a message, which she desired you to take to Lord Lansdowne, and tell him to communicate it to Parliament?

John.—Yes, Sir; please, Sir.

Punch.—You were ordered by Her Majesty to desire his Lordship to declare the cause which induced her to summon Parliament at the present time?

John.—I was, Sir.

Punch.—Well, Sir, and did you do so?

John.—I did, Sir.