

to move for rescinding the vote of the House of Commons against him.

It was in the same session that Sir Samuel commenced those systematic efforts to alter the state of our criminal jurisprudence, which formed the most distinguishing feature of his parliamentary life, and which he continued in every succeeding session of Parliament with unremitting zeal. Before he took any steps towards the accomplishment of this favourite object, he had previously examined the old system. He contrasted the criminal code of England with those of other countries; he endeavoured to trace the source of crime to the laws themselves, and not the innate corruption of human nature, the principal maxim of his conduct being rather to repress than punish crime. In order to bottom his alterations on facts, he moved for certain returns, with a view of ascertaining the effects of the old system. From these it appeared, that in the course of three years only, nineteen thousand one hundred and seventy-eight prisoners had been tried for their lives in the united kingdom, of whom no less than nine thousand five hundred and ten were convicted, and three hundred and twenty-seven executed; while, extraordinary to relate, a greater number, by five, suffered death in Dublin than in London. In bringing forward his proposed measure, the first step he recommended was, to alter one of our statutes respecting petty thefts. Another object he had in view, was to provide a legislative enactment for granting compensation to persons who had suffered by the preferring of accusations against them, but who had afterwards been found to be innocent. Accordingly, on the 18th of May, 1810, he rose, agreeably to notice, "to move for leave to bring in a bill for repealing certain parts of the criminal code of the country, by which capital punishments were inflicted: and also for granting compensation to persons who had suffered by the preferring of accusations against them, and who were latterly found innocent." In submitting this motion to the house, he expressed his consciousness of the danger of innovating on the established criminal law of the land; when it was considered, however, that the extent of punishment to be pronounced had by no means so great an effect in preventing the commission of crimes as the certainty of punishment being put into execution, he felt conscious, that in the motion he had to submit, he should give increased effect to the criminal law of the country, by diminishing the number of offences in that very part of the code which it was his object to change from a capital punishment into one of smaller magnitude.

The part to which he confined his attention at present, was that which regarded privately stealing, and stealing to a certain value; and he concluded by moving for leave to bring in a bill for repealing so much of the act of the 8th of Elizabeth, chap. 4. as takes away the benefit of

clergy from offenders guilty only of stealing privately from the person of another.

This proposition was highly approved by some members, particularly by Mr. Wilberforce and Sir Francis Burdett, but it was opposed by the new solicitor-general. However, Sir Samuel was not deterred from persevering in his object. He continued to keep the subject alive, and on the 15th June, it was moved, "that the house do resolve itself into a committee of the whole house on the Privately Stealing Bill." This having been assented to, Sir Samuel stated, "that the question for consideration was, whether private stealing should remain a capital felony, or be rendered a simple larceny. The law, as it at present stood, had, he contended, shocked the humanity of prosecutors, of juries, and of judges. The offence which it was the intention of the statute of Queen Elizabeth to prevent, had become more frequent than ever, because the punishment for the offence being too severe, it very often happened, that no punishment at all was inflicted. He asked, then, whether a law which encouraged, instead of preventing crimes, ought to be suffered to remain upon the statute book. To the authority of Dr. Paley, he opposed that of Mr. Justice Blackstone, who, in his Commentaries, asserts that the severity of the criminal law increases the number of offences. It struck him as very extraordinary, that in a country, and in a house so wise and humane as this, hundreds were ready to cry out against every attempt to mitigate the criminal law; but if any measure was introduced for the purpose of aggravating its severity, no person was found to object to it. He stated the difference in the value of money to be another reason for making an alteration in the law."

Although this bill had twice passed the House of Commons, and been rejected by the Lords, yet Sir Samuel still persevered, and, in the session of 1813, carried it a third time through the house. The repeal of the act of the 39th of Elizabeth, which constituted it a capital offence, punishable with death, in soldiers and sailors found begging in the streets, and the erection of a penitentiary for confining and employing convicts, were principally owing to his exertions, who never ceased bringing the subject before Parliament until the objects were gained. Two other bills connected with this subject were afterwards brought into Parliament by him; the one was for taking away the corruption of blood in cases of attainder for felony and high treason, and the other for altering so much of the punishment for high treason as relates to the mangling of the body and exposing it.

In all the debates on the breach of privilege, committed by Sir Francis Burdett, in 1809, Sir Samuel took a very active part, and contended against the power assumed by the house, in a speech which evinced considerable legal and parliamentary knowledge. In all the attempts of the baronet to procure the abo-

lition of flogging in the army, he was supported by Sir Samuel, who, however, begged it to be understood, that "he did not wish it to be supposed that he adopted all the opinions of the honourable baronet by whom the subject had been brought forward;" and, on one occasion, he wished to add a clause to the mutiny bill, limiting the number of lashes to be inflicted by sentence of a court martial, to one hundred.

Sir Samuel strongly opposed the restrictions on the Regent, in 1811, and deprecated the idea of His Royal Highness "exercising authority as a kind of half king, with curtailed prerogatives and diminished splendour, and embarrassed and fettered with restrictions which would import the strongest distrust of the two houses of parliament, and their firm belief that he could not be safely trusted with all the powers of royalty." In the same session, he supported Mr. M. A. Taylor's motion for an inquiry into the delays in the decision of suits in Chancery, and in the course of this speech stated, that from the year 1745 to 1755, the number of original causes decided was 1638; and in the last ten years the number was only 570: he recommended that a temporary remedy should be adopted, and said, that if a commission to assist the chancellor was appointed, he believed all the causes would be disposed of in the course of a year. Connected with this subject was the bill for appointing a Vice Chancellor, which he opposed in all its stages, "considering the remedy proposed a greater mischief than the evil complained of, and that it would do the greatest mischief to the Court of Chancery, and entirely alter its constitution, while it created a new and unnecessary officer to be subjected to every species of indignity, or else to be altogether useless." It is not a little remarkable, that this bill was opposed with still greater warmth, by the gentleman who now so ably fills the office which it created.

(To be continued.)

RHINOCEROS-HUNTING.

[The following is an Extract of a Letter from the North East Frontier of British India, written during the late Nepal war.]

GOORKHAS*, with their forests, rocks, and mountains, are our abomination, and you may rest assured that there are few here, but would prefer to these odious names a dash of last century's achars †, or a second edition of metropolis outcry bills. We should be glad to assist in the accomplishment of so desirable an object, and are accordingly preparing an account of some curious mineral and vegetable substances discovered and examined during our

* Inhabitants or possessors of Nepal.—ED.

† Mogul Gazettes.—ED.

rambles through the Turrae*. By repeated experiments, on several of the plants, it was found out that the strange stories of the natives, regarding their astonishingly invigorating qualities, were not exaggerated. In fact, they are of such a nature withal, that I am sure you will think the account worthy of your numerous readers' attention. But I, who have neither ability nor inclination for such learned pursuits, pass my leisure hours chiefly in the sports of the field, and should have given you, ere this, some description of the glorious enjoyment we have had in the chase of the infinite tigers, bears, wild boars, deer, &c. that abound in this delightful country, had it not appeared to me that such scenes had been already too often represented to merit further regard. Rhinoceros-hunting, I believe, has seldom been painted, though I have known several sportsmen who have had good opportunities of doing it;—perhaps, therefore, an account of a day lately passed in this noble, but dangerous diversion, may afford some gratification to your sporting readers. On a late occasion, our *shikaries*†, whom we have dispersed in all directions, brought us information of a herd of seven or eight rhinoceroses having taken up their abode around a large *jheel*‡ near Hurdeen, a village situated about eight *costs*§ N. N. E. of Baragurhee. We dispatched our elephants, seven in number, and shooting apparatus, &c. &c. without delay, and followed ourselves, on horseback. On reaching the spot, we found that either side of the lake, for about two hundred yards, was clothed with glorious *jungle* for every animal of the savage kind. Rattan, wild-rose bushes, and the reeds, which the natives call Pulla, Dubra, Mamla, and Nurkhat, interwoven, formed a cover of nearly ten feet high. This, then, we forthwith began to beat; each of our party, four in number, having an elephant with howdah||, the other three elephants carrying pads and a few servants only. We had seventeen guns, most of them double-barrelled, and five, of the latter kind, four-ounce rifles. Soon after we entered the jungle, the piping of the elephants, and the fresh prints of the rhinoceroses' feet, proved that the shikaries were not mistaken, and indeed, in less than an hour, we started two young ones,

* Low Country of Nepal.—ED.

† Huntsmen, or prickers.—ED.

‡ A herd.—ED.

§ A land-measure.—ED.

|| Seats on the backs of the elephants.—ED.

about the full size of a full grown Neel Gae*, and not unlike that animal in colour. The first fire killed one and wounded the other severely, which, notwithstanding, went off at a smart elktrot, and howling in a most hideous manner. The sound was infinitely greater, but the tone reminded me of such charming music as I had often heard on the sod at wakes and funerals. The old ones were soon collected around us by the cries, and three males, of monstrous size and frightful appearance, charged our line with inevitable impetuosity. Two of our elephants, giving way, received the charge on their hinder parts, and were instantly upset; those that stood fronting the charge were not knocked down, but staggered several yards by the shock. Unfortunately, mine was the only howdah elephant that gave way, and you may believe my situation was not by any means laughable. The elephant often attempted to rise, but so often did the rhinoceros lay him flat again, and at length with such force, that I was thrown several yards into the lake, in a state of utter stupefaction, but, luckily, falling on some willows, they supported and saved me from drowning. I was not sorry, on recovering, to find myself out of the howdah; for, while in it, destruction appeared inevitable, either by the horn of the furious enemy—the rolling over of the elephant—or, what was as likely as any, by my companions' shot, who, despairing of my escape, fired many times. Their balls struck the monster's body in several places, without producing any evident effect, though from the four-ouncers before mentioned. At last, a lucky one knocked a large flake from his horn, and caused a pleasing change in his conduct; for he walked *Spanish* directly afterwards, tearing through the thickets with astonishing force, at a beautiful Mahratta *canter*. We traced his footsteps for some miles, when, being convinced that he had taken to the forest, we returned to look after the others, fully determined to search again for him on a future day. On our way back, we found the young one, that we had wounded in the morning, dead. Both must have been very young; for, though males, their horns were scarcely perceptible, and no scales appeared on their breasts or shoulders. 'Twas now past one P. M., and we had nearly given up all hopes of finding the others. However, on

* Otherwise written Nil Ghau, or Blue Cow, "a native of Africa."—ED.

rounding the north end of the lake, we roused them again; and, after a chase of more than three hours, killed two, a male and a female. They were not so bold now as we expected to find them, and seemed to have lost their courage with their leader, to whom they were very inferior in size; but still their dimensions astonished us not a little. The largest was above six feet in height, and stronger in proportion than any elephant I ever saw. The day was too far spent to admit of our taking a sketch of them, at which we were much vexed; for, so far as we saw, they have hitherto been very unfaithfully represented. I shall endeavour to make up for this deficiency in our next excursion.—No elephants but males of known courage ought to be employed in this desperate *shikar**.

THE GOWR.

We have another wild animal in this neighbourhood, which is not generally known, though several of the species have been killed in the Ramgurh district. The natives call it *Gour*, and consider it a deer, of the elk kind, though wherefore 'tis not easy to conceive; for it is nearly twice the size of the elk, and has nothing characteristic of it, or of any other species of deer with which I am acquainted. The horns of the males are remarkably short and thick, but, in every other respect, they strongly resemble an English brindled bull; they are exceedingly shy and solitary; seldom seen on the plains or in cover, but chiefly on bare rocks, inaccessible to man, and it is almost impossible to get a shot at them in the day-time. The natives conceal themselves on trees, or in caves, near their nightly haunts, and, by this means, sometimes *scragg* them; but few Europeans could bear such laborious watchfulness. I have known a Raja of good family kill them, and declare he thought it no crime, because he considered them as deer†. I shall do my best to procure you a draught of the Gowr.

* Hunt or chase.—ED.

† The reader remembers that it is unlawful for a Hindoo to kill any animal of the ox kind.—The enormous dimensions above assigned to the Gour might invite a suspicion, that this animal belongs to one of those gigantic species of the ox of which fossil horns are found, but which has hitherto been supposed extinct. On the other hand, the solitary habits of which mention is made, belong rather to the elk than to the ox tribe, and seem to make it possible that the *Gour* may be in the right.—ED.