

EUROPE.

ENGLAND.

HOUSE OF COMMONS.

Wednesday, May 30.

PUNISHMENT OF DEATH.

Mr. Ewart moved that the House resolve into committee on the abolition of the punishment of Death Bill.—Agreed to.

In the committee, Sir R. Peel doubted whether the result of the experiment of repealing capital punishments had been so successful as might have been desired, and he much doubted whether the repeal, as regarded stealing in a dwelling house, or horse stealing, would have beneficial results.

Lord Althorp thought the same punishment ought not to be extended to stealing, when the offence was unaccompanied by violence.

Mr. Hunt said such had been the effect of the game laws, that soon a head of game would not be left.

Mr. Weyland observed, that there had already been a great reduction of game law offences, and that in endeavouring to check the progress of a bad system that had continued for centuries.

Mr. O'Connell said he was most thankful for this Bill.

Mr. Stephenson said he was always glad at the introduction of this Bill of amelioration.

The Attorney-General said that the capital punishments had been tried and failed—severity of punishment had defeated its object.

Sir R. Peel added that the time was rapidly approaching when the state of crime in this country must be taken into consideration. Secondary punishments were much relied on by some, but in the way in which they were now inflicted, they would fall far short, in most cases, of being an effectual check on crime.—Suppose a felon, for instance, if he had been sentenced to a secondary punishment and transported, and suppose that of the £300,000 or £400,000, of which he defrauded others, he could reserve some £30,000 or £40,000 for his future use—what could be the result when he got out to New South Wales? Why, he might lead a life of learned leisure—for he was a man of learning and he exempt from all personal restraint, and it was probable that in three or four years the Government would be teased with applications for the remission of the remainder of his sentence. In that case would not the law be defeated? Then it had been suggested that, as a secondary punishment, parties should be exposed to infamy, by being compelled to work and to exposure in the public streets. He, for one, could not concur in the propriety of that kind of punishment.—There was something so revolting in it, that he was sure it would beget a sympathy for the criminal rather than a proper feeling of indignity of his punishment. He had heard also of solitary confinement being mentioned as an effectual secondary punishment. Those who thought so were, he apprehended, not well acquainted with the operation of that sort of confinement on some men. It was a fact, well known to those conversant with prison discipline, that a solitary confinement of six weeks would have the effect on some men of rendering them insane for the remainder of their lives. He should therefore pause before he gave to a judge the power of inflicting such a punishment at his discretion, when it was probable that, at the time, he was not at all acquainted with the way in which it would operate. He was disposed to go along with the supporters of this Bill in diminishing the severity of punishment, where it could be done with a reasonable hope of decreasing crime by that means; but there were, as he had before stated, cases in which he could not concur in the removal of the capital punishment.

Mr. F. Buxton said jurymen frequently brought in verdicts contrary to the facts of the case, for the purpose of saving the lives of the prisoners. Their feelings were so strong, that they did not hesitate to violate their oaths for the purpose of sparing human life. He should support the present measure, because it was calculated to remedy that evil.

Mr. W. Wynn thought it was necessary that the law should be altered, when they saw witnesses, jurors, and judges, all combining to deprive it of its severity. The law would be better administered if a lighter and more certain punishment were affixed to certain crimes. He thought that the brand might be introduced more beneficially. A culprit would carry that stain with him to whatever country he went; and the fear of such a disgrace would operate as a preventive of crime.

Mr. G. Lamb agreed with the Honourable Member for Weymouth, that nothing can be more disgusting than the shifts to which jurymen were obliged to have recourse, for the purpose of lowering the value of property stolen to a certain sum; and therefore the system ought to be altered. It had been suggested, that by raising the value to £100, and awarding capital punishment only to those who stole to that amount, the difficulties which jurymen now felt in convicting would be removed. But he objected to this, because he did not think that, in any case, the value should be the criterion of punishment. If they abolished the punishment of death in every case except in those where the public feeling went along with them, he did not think that they would be going too far.—He was ready to vote for the whole Bill.

Mr. J. Campbell said he had paid great attention to this subject, and he was of opinion that the measure now proposed would be beneficial. Horse stealing had for a great number of years, been rarely punished capitally. He recollected but one instance. The prisoner was convicted at Stafford; but he had no idea that the criminal would be left for execution, and he heard of his late with absolute horror. He did not approve of the idea of branding criminals. Such a mark would effectually prevent them, from mixing in society.

Mr. Lennard said, with reference to what had been stated by the Right Honourable Baronet in regard to secondary punishments, he thought the difficulty of making them effective had been over-rated. In the case of Mr. Fauntleroy, of whom it had been said, that under any system of secondary punishments he would ask, could no law be devised which should prevent that? And, further, how could these luxuries be obtained, when it was known that for which he suffered, his property would have been forfeited?

Mr. C. Ferguson expressed his approbation of the provisions of the Bill. At present the judge had the option, in many cases, of transporting felons for seven or fourteen years, or of sentencing them to a short imprisonment. The impolicy of leaving such a discretion in the power of the judge was clearly proved by a case which occurred in Norfolk, and which was related by Sir S. Romilly. It appeared that a robbery had been committed by two persons; one of them was taken, and other escaped. The captured felon was tried before Lord Loughborough, and convicted. The learned

Judge did not consider the offence a very heinous one, and he only sentenced the convict to a few months imprisonment. The man, who absconded, afterwards gave himself up.—He was tried before Mr. Justice Gould, convicted and sentenced to seven years' transportation. What a source of reflection must it be for the little public amongst whom this occurrence took place, when they saw that, whilst the one criminal was looking through the bars of his prison, the other was on his way to Botany Bay, each being equally guilty. He thought that the appointment of a public prosecutor, such as existed in Scotland, would be productive of beneficial consequences.

Mr. Hume was most happy to find that this Bill was about being passed into a law. The example of the United States should long ago have taught us a wise practical lesson on this subject. They are seldom executed, except in cases of murder; and the milder punishments which were substituted in the stead of that of death, had been found to produce much better effects than the severer laws which existed in this country. He was sure that if secondary punishment were more strictly enforced in New South Wales, secondary punishments would, in most cases, be found abundantly sufficient, and that the punishments of death might be almost dispensed with. He was convinced that nine out of ten of the "Gentlemen" convicts who were sent out there, escaped in a great degree the punishment due to their offences, and the result was, that in such cases transportation had little or no beneficial effect whatever.

Mr. Lamb did not think that transportation to New South Wales was a punishment at all fitting for persons who had moved in the rank of gentlemen. Such persons, it might be supposed, were, generally speaking, possessed of good feelings, and to them it must be a refuge and a solace, instead of being punished at home where they were stung with shame, and oppressed with disgrace, to be sent out to a distant colony like New South Wales.

The bill went through a committee, and the House having resumed, the report was ordered to be received to-morrow.

HOUSE OF LORDS, JUNE 4.

Third Reading of the Reform Bill.

On the order of the day for the third reading of the reform bill being moved,

The Earl of Winchelsea said he could not help trespassing on the patience of their lordships with a few words on this closing scene of the tragedy which had been of late enacted in parliament. This might the independence of that house would be gone for ever, and those who were then present would witness the last act of its downfall. It was a daring and atrocious policy which had produced such a disastrous result. When he reflected how the happy constitution of this country had withstood the storms and tempests with which it had been assailed, and that it had not only preserved itself, but had assisted other countries in preserving their independence—when he reflected how that constitution had enabled the noble duke (Wellington), who was not now in his place, to place the British banners on the walls of Paris, and to tear from his lofty seat the tyrant, who then afflicted Europe—when he reflected that this constitution was now humbled in the dust, he could not help feeling deeply the lamentable change that was now about to be consummated. It would be impossible for the noble earl now at the head of the administration to avoid experiencing the deepest feelings of remorse, when in future times, which he might live to witness, he saw this once happy country plunged into misery, to which it was impossible but that the present bill must eventually lead.

The noble earl, instead of relying upon the great good sense, the property, and intelligence of the nation, had delivered himself over to the radical, revolutionary, and infidel spirit of the age. Come what might, he and his noble friends could not but feel that they had discharged a solemn duty to the public, and they could not doubt, that however remote the time might be, yet a time would come and a feeling arise when the sentiments and principles on which they had acted would receive justice at the hands of the people of England. (Cheers.)

The Lord Chancellor then rose to put the question that the bill be read a third time, when

The Earl of Harrowby said that he recollected a story, which he would shortly state to their lordships, as not inapplicable to the present occasion. After a great many questions had been put, without provoking an answer, one of the speakers got up, and addressing the President of the Assembly, said, "Mr. Speaker, are we to be thus treated with indifference; are we to be treated as if we were an Irish senate, or Turkish divan; are we to be strangled with mutes?" (Hear.) Did the noble lords on the other side of the house disdain replying to a speech made by a noble earl who had just addressed their lordships? That speech certainly merited a reply. (Hear, hear.)

He had been detained of late from presenting himself before their lordships on account of a feeling of disgust—(hear)—which he entertained; but now, being present, he could not reconcile it to his duty to allow their lordships to separate, in this last stage of the bill, without troubling them with a few observations. The disgust which he felt was accompanied by a sense of galling disappointment at the course taken with regard to the bill. (Hear.) Deeply as he felt the importance of the subject, deeply as he regretted the extent to which it went, much as he dwelt on the consequence of it, from the introduction of it, under the authority of the crown, by ministers; and although, after its second adoption in the other house, he felt it was a measure which the clamorous portion of the community sanctioned—clamorous which made the passing of a measure of reform irremediable, nevertheless he did venture to hope that some improvements might be made in the bill, especially upon the declaration of the noble earl at the head of the administration, without infringing any one principle their lordships had recognized by adopting a second reading. (Hear.)

He had flattered himself with a hope that some amendments would be made not trenching upon those limits which the friends of the measure were anxious to preserve, and which he believed in his conscience were practicable, and to which he could have given his consent, so that the third reading might have passed without any opposition from him. The amendments to which he had made allusion would, in his opinion, if they had not rendered the bill safe, at least they would have made it safer than it now was—amendments which, he would venture to say, would have allayed the reasonable alarms of those who thought the bill pregnant with danger, and would have satisfied those who were reasonable in their desires, even advocates for an extensive change in the representation of the people in the other House of Parliament. He was at a loss to conceive how it was objected that the two first clauses should have been postponed. Great objections had been rationally entertained to schedule C, and alterations might have been made in it which

would have rendered it far more advantageous to the country; for instance, if instead of the additional members to the metropolitan districts two additional members had been given to Middlesex, and two to the county of Lancaster. He thought to schedule D great objection existed, for it would cause expenses of election which would be found by experience to be attended with great inconvenience. He would not now stop to enquire whether the £10 qualification might or might not have undergone modification, although the noble earl had stated that the £10 qualification formed no part of the principle of the bill (hear,) but this he must say, that he thought the plan might have been greatly improved upon, and much agitation avoided, and the whole might have been regulated by a poor rate (hear) giving the most respectable and the most independent body of persons that extent of franchise which it was desirable to do. If this plan had been adopted, the counties would have been preserved, but which had been preserved in name only, and not in deed, (hear.)

He would not, however, fatigue their lordships further with the detail of a scheme, which had not, he was sorry to say, been adopted—nay, it had not been allowed to be discussed.—(Hear.) He had, he confessed, anticipated and hoped that some improvements would have been made in the measure of reform; and upon what had his anticipations and hopes been founded? Upon the speech of the noble earl himself, when he called on their lordships to consent to a second reading of the bill. The noble earl had been accused of attempting to destroy that House as a branch of the legislature. The noble earl denied the accusation, but how had he acted? (Hear.) The noble earl had told their lordships in a former session that he had laid before them the principles upon which he sought to have the bill passed, but that the details were in the hands of their lordships. The question was now in their lordships' hands; it was true; but had those words of the noble earl any meaning or not? If their lordships decided one way, there was an end of their independence for ever. (Hear.)

What was the case which the noble earl had made out as a justification for recommending an extraordinary exercise of the prerogative of the crown? The noble earl had himself admitted that it was an evil, and that it could only be justified by a case of necessity. What was that necessity? It was when there appeared to be a helpless collision between two houses of parliament, in which the people supported the one house against the other. As far as his own recollection of the noble earl's statement went, the noble earl had said that, even in that case, he thought the prerogative of the crown ought not to be exercised without a further appeal to the people. This was his recollection of what had passed; but he would not take it to that extent. He would consider what the noble earl had said, that he would not recommend such an exercise of the prerogative only when there was a hopeless collision between the two houses of parliament. (Hear.) Now he would maintain that, according to this doctrine of the noble earl, no such necessity existed. But that the Bill should be mutilated under the noble earl's eyes was too much to expect. Nevertheless, he ought to have allowed it to be argued and reasoned upon. In the House of Commons no such scruple with respect to the postponement of the schedules prevailed; in that house it was a point of little importance; but in the House of Lords it was deemed of vital importance. He now came to make a few remarks on the postponement of schedule A. With the exception of two or three noble lords, who never would be reconciled to that schedule, he believed that to a considerable extent, their lordships would have agreed to the number of disfranchised boroughs. How was it possible for any human being to conceive that such a motion as that to which he had alluded could have been constructed in the way it was? For, as he had already intimated, the same motion had been made for the deferring the consideration of those schedules in the other house of parliament, and instead of a breach of principle, it was treated there as a light matter—it being indifferent which schedules were first taken, the disfranchisement, or the enfranchisement schedules, provided both were adopted. (Hear.) To suppose, therefore, that the noble earl, or any noble lord, would consider what had transpired in that house, or the course taken when that motion was made, was a departure from that principle, was to him, he must confess, incomprehensible. He would not advert to what had passed since as to the course taken on the subject of reform. There were, however, topics connected with that subject upon which he scarcely knew how to express himself. He was willing to believe that the evil consequences which had been anticipated would not flow from the adoption of the measure, and that those who had conscientiously opposed it would not be viewed in that odious light.

He trusted to the opinions of the present age, when it had recovered its sense (hear); and when he was well convinced of, that posterity never passed an erroneous judgment, whatever might be the judgment of the present hour. False rumours at once had been propagated as soon as the postponement of the clauses had been carried. It had been industriously circulated that schedule A had been rejected by the House of Lords (hear); that the question was not one of order but of principle. (Hear, hear, hear.) The press was not idle. The noble earl was called upon to advise the crown to exercise its prerogative. The appeal had been attended with success. Such success, however, he (Harrowby) did not envy. The noble earl might triumph if he pleased; but he envied not a triumph in such a cause and attained by such means. (Hear.) The noble earl and his colleagues had trampled upon the crown (hear) and trampled upon the House of Lords.—(Hear.) But they had created a power, which, when the proper time arrived, would, in turn, trample upon them. (Hear.) Unless some steps were taken to vindicate the authority of government—if they were still to live under a free government, without being subjected to the despotism of political unions (hear) these must be checked, otherwise the great work which the political unions had effected would be succeeded by other achievements, in which force and power were exercised. The noble earl would find, unless something were done of that description, that it was not only impossible for any other government than that of which he was the head, to exist; but that even his own government could not exist. (Hear.)

He had detained their lordships much longer than he intended; but, having taken a part in the discussion when the bill was read a second time, he could not remain silent in this last stage of it. He would only allude to one circumstance more before he sat down, and that was as to the manner in which this business had been carried on. The whole responsibility of the measure, "for evil or good," rested upon his Majesty's Ministers. (Hear.) They had brought the country into the state in which it was now placed. That the bill might prove successful in its operations, and satisfacto-

ry to the people, was his earnest wish, although his apprehensions were great that it would be worse than anxious for the public; the humblest mechanic in the land had the same interest in its well-being, that he had, and he made no doubt that every class of the community would see the expediency of instantly returning to that peace and good order, which, he trusted, would soon, and for a period of long duration, fall to our lot. He would then say that the measure of Reform, so far from being revolutionary, was, in the highest degree conservative.

Lord Wharncliffe gave the Noble Earl full credit for the uprightness of his intentions and the purity of his motives, but yet accused his policy as tending wantonly to put the public affairs in jeopardy. He complained that that house had been deprived of its independence. He contended, that if the sense of the country could now once more be taken upon the subject, it would be found that the great body of the property, the intelligence, and the character of the country, were opposed to it. Looking back at the whole of the proceedings, he could not take to himself any blame for the course which he had in them, and he would express his earnest hope with the Noble Earl, that after the heats and animosities which the discussion of this measure had occasioned had subsided, beneficial consequences might be the result. He could not but confess that he looked with great apprehension to what he considered the danger of lodging a preponderant power in the hands of one part of the community; but he trusted that his fears would prove groundless; and the measure would be productive of all the public advantage which the Noble Earl anticipated from it.

The question "That the Bill be now read a third time" was then put from the woolsack. The Lord Chancellor declared that he thought the contents had it; but the Earl of Holland stated that the non-contents had it, strangers were ordered to withdraw. Although there could be no rational doubt as to the result of the division, yet considerable agitation prevailed among the excluded strangers, until they were informed that the numbers no proxies having been presented) were as follows:—

Contents 106
Not-contents 22—Majority, 84.

As soon as the decision of their lordships was communicated to the people assembled in Palace Yard, they rent the air with shouts, which were distinctly heard in the house.

The question "that this bill do pass," was then put and agreed to.

A number of Noble Lords immediately surrounded Earl Grey, and appeared to be congratulating him on the successful termination of his arduous labours.

The bills on the table were then forwarded in their respective stages; and at a few minutes after ten o'clock their lordships adjourned.

ROYAL ASSENT TO THE REFORM BILL.—The House of Lords met at half past three o'clock this afternoon, and the house of Commons having been summoned, the Speaker and about 100 members appeared at the Bar, when the Lord Chancellor said,—"My Lords and Gentlemen, His Majesty not finding it convenient to attend here to-day, he has, by royal commission, authorized us to give his Royal Assent to a bill, entitled 'An Act to amend the Representation of the People in England and Wales.'"

The royal assent was then given in the customary form, and the Commons withdrew. The Lords Commissioners were—the Lord Chancellor, Earl Grey, the Marquises Wellesley and Lansdowne, Lord Holland, and Lord Dufferin.

His Majesty's steam vessel Lightning sailed on Tuesday from Woolwich for Rotterdam, with a beautiful model frigate the Royal Louisa in tow, which was launched a few weeks since, intended as a present from his Majesty to the King of Prussia. Lords Frederick and Adolphus Fitzlerence, with the young Prince George of Cambridge, embarked in the Lightning. She sailed a few days ago, but was obliged to put back when within ten leagues of Rotterdam, on account of bad weather.

Launch of the Quorra.—On Saturday last, the steamer, intended for an expedition up the Niger, the object of which has already excited so deep an interest in the trading and scientific world, was launched at Woodside, from the yard of Siddons and Leadley, the builders. This vessel was constructed for early in May, and has been launched with unexampled expedition. She is a very respectable, well adapted for the object which the proprietors have in view, viz. exploring the immense resources of the interior of Africa, under the suggestion of those intelligent and celebrated travellers, the Messrs. Lander. The fitting up of the engines of this vessel, which has been very rapid, we trust, to be the scene of new discoveries, which will add to the science, the power, and the wealth of Britain, will occupy about three weeks or a month.

We have heard that several of the Bristol Billers died of Cholera on board the convict ship; and that Matthew Warry, whose sentence of death was commuted to transportation, jumped overboard, intending to swim ashore, and was shot dead by a sentinel.

The Cholera in Liverpool.—We are happy to say that the progress of this disease in Liverpool continues to be very slow. From the 12th of May, to yesterday even, the number of cases amounted to not more than 79, and the number of deaths to 29. Taking the population of Liverpool at 260,000 souls, this gives not more than one death to every 5,000 inhabitants, a proportion so extremely small, that we should never have heard of even the existence of the malady which has caused so many deaths, if it was not in other places had not yet extended, yet judging from what has taken place in other towns, we should hope that it has attained its highest degree of malignity. There are a few places where it remained more than six or seven weeks, and it has in general been most violent within a fortnight or three weeks after its appearance. As it has now been in Liverpool at least a month, we may venture to hope that it has nearly run its course, and that we shall soon be free from it. A few persons of respectable rank, and of regular and temperate habits, have been attacked by it in Liverpool; but here, as elsewhere, nearly nine tenths of the cases have been amongst the miserable, the destitute and the filthy.

There is too much reason to fear that the Cholera has broken out at Leeds and Manchester.

IRELAND.

[From the Cork Reporter.]

The entire City has been a scene of the most alarming excitement since twelve o'clock, at that hour about 10,000 people, headed by a band of music, with flags and colours flying, entered the City. All the garrison—cavalry, and infantry—under the command of Sir George Bingham, were soon introduced—the shops of the principal streets closed—all business suspended—and tens of thousands of the populace, such as ambulating the Town.—On the day of alarm an exhibition of terror and dismay—of alarm and excitement our City has seldom presented. Amidst the yells of infuriated thousands, guarded by a squadron of Lancers, the fifteen undisciplined