

STATISTICS OF CRIME :

A PAPER READ BEFORE

THE DUBLIN STATISTICAL SOCIETY

ON THE 23RD APRIL, 1850,

BY JAMES HAUGHTON, ESQ.

DUBLIN:

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BOOKSELLERS TO THE UNIVERSITY.

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THIS society was established in November, 1847, for the purpose of promoting the study of Statistical and Economical Science. The meetings are held on the third Monday in each month, from November till June, inclusive, at 8, P. M. The business is transacted by members reading written communications on subjects of Statistical and Economical Science. No communication is read unless two members of the council certify that they consider it in accordance with the rules and objects of the society. The reading of each paper, unless by express permission of the council previously obtained, is limited to half an hour.

Applications for leave to read papers should be made to the secretaries at least *a week* previously to the meeting.

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The subscription to the society is one pound entrance, and *ten shillings* per annum.

Statistics of Crime. By James Haughton, Esq.

I mean to bring before you this evening some statistics on the subject of Crime. Among the various interesting and important subjects which have occupied your attention, perhaps there is not one more interesting and important than that which I have now to bring under your notice.

The peace of our social system is constantly endangered by the criminals who walk abroad amongst us, and the advancement of our general population in morality and comfort is seriously retarded by their baneful influence; so that it is really of the first importance to enquire into the nature and amount of the crime which exists in our community; and perhaps it is of no less importance to seek to discover, why it is that the means heretofore employed for the repression of crime have so signally failed in the accomplishment of that object.

On the present occasion I purpose to lay before you some statistics of crime, principally derived from the "Returns of the Dublin Metropolitan Police", which appear to have been carefully compiled. To these I shall add a few items of information derived from other sources, and then draw my own conclusions. Although this society is not composed of legislators, it is composed of men of such character and station that their opinions are likely to influence those who are our legislators. It is even probable that some of our members may yet be placed in that responsible position; so that, in this point of view, it is of no little importance that our proceedings shall be characterized by intelligent views on questions of public interest. I know of no school in which the true principles upon which legislation should be based, are more likely to be acquired than in the Dublin Statistical Society; but in order that this result may flow from our proceedings, the minds of our young men should be taught to go deeply into the consideration of moral and economic questions, so that those laws which God has laid down for our government shall not continue to be overlaid and impeded in their action, by the crude notions of those who but glance over the surface of things,—laying hold of the shadow, which they mistake for the substance.

For want of a due enquiry after, and a correct knowledge of the principles which actuate mankind, I apprehend our legislators

have made the many mistakes which deface our whole system of criminal jurisprudence, and that hence results the want of success which has hitherto characterized their efforts for the repression of crime.

An intelligent friend, while referring to this subject in a late letter to me, remarks, "Until the public and the legislature take a scientific view of criminal law, our system of punishment in every branch must do harm, and cannot do good. Not very long ago, the inmates of lunatic asylums were treated in an equally foolish manner as the criminals in jails; and when Pinel proposed to try the effects of loving kindness towards them, he was suspected himself of some mad or criminal intention. Until legislators come to be guided by first principles in their enactments, they can only go on blundering from one blind step to another. At present most of them laugh at principles and theories. I remember how Joseph Hume was laughed at for quoting Adam Smith. Only think of a parcel of fellows setting about building a mill or a locomotive, and despising the principles of mechanics! Is it not just as foolish to undertake the prevention of crime, without studying and ascertaining the nature of the human brain? Legislators, judges, and jurymen would only laugh at such a notion."

There is much of sound philosophy and true benevolence in these remarks. We must study human nature, to find out the springs of human action. When this is the course adopted, we shall find that many acts which we now punish with severity, arise from causes over which severe punishment exercises little or no influence. But I am anticipating my subject, and indulging in reflections, while I should be giving you statistics.

I take the following statistics from the "Returns of the Dublin Metropolitan Police," in which I find, under the head of "Persons taken into Custody by the Dublin Metropolitan Police," that there are six classifications of offences, viz.:

- No. 1. Offences against the person.
2. Offences against property, committed with violence.
3. Offences against property, committed without violence.
4. Malicious offences against property.
5. Forgery, and offences against the currency.
6. Other offences not included in the above classes.

I have these returns before me for a period of seven years, ending with 1848, and the results they offer are as follow:—

CLASSIFICATIONS AS ABOVE:—

YEAR ENDING 1842.

Discharged	8,600	No. 1 Taken into custody ..	3,270
Summarily convicted	25,533	2 " " "	58
Committed for trial, 1,899 (viz.)		3 " " "	5,405
Convicted and sentenced... 1,084		4 " " "	807
Acquitted, &c..... 815		5 " " "	59
	1,899	6 " " "	26,433
	36,032		36,032

YEAR ENDING 1843.

Discharged	9,425	No. 1 Taken into custody..	4,458	
Summarily convicted.....	26,721	2 " "	36	
Committed for trial, 1,451 (viz.)		3 " "	4,656	
Committed and sentenced..	797	4 " "	799	
Acquitted, held to bail, &c.	654	5 " "	114	
	<u>1,451</u>	6 " "	<u>27,534</u>	37,597
	37,597			

YEAR ENDING 1844.

Discharged	10,673	No. 1 Taken into custody..	4,368	
Summarily convicted.....	27,754	2 " "	95	
Committed for trial, 1,483, (viz.)		3 " "	5,233	
Convicted and sentenced ..	823	4 " "	893	
Acquitted, held to bail, &c.	660	5 " "	58	
	<u>1,483</u>	6 " "	<u>29,263</u>	39,910
	39,910			

YEAR ENDING 1845.

Discharged	11,567	No. 1 Taken into custody..	4,616	
Summarily convicted.....	27,712	2 " "	97	
Committed for trial, 1,400, (viz.)		3 " "	5,123	
Convicted and sentenced ..	729	4 " "	858	
Acquitted, held to bail, &c.	671	5 " "	48	
	<u>1,400</u>	6 " "	<u>29,937</u>	40,679
	40,679			

YEAR ENDING 1846.

Discharged	11,466	No. 1 Taken into custody ..	4,500	
Summarily convicted.....	24,976	2 " "	87	
Committed for trial, 1,784, (viz.)		3 " "	5,459	
Convicted and sentenced ..	1,021	4 " "	826	
Acquitted, held to bail, &c.	763	5 " "	36	
	<u>1,784</u>	6 " "	<u>27,318</u>	38,226
	38,226			

YEAR ENDING 1847.

Discharged	12,509	No. 1 Taken into custody..	3,753	
Summarily convicted.....	23,808	2 " "	115	
Committed for trial, 2,037 (viz.)		3 " "	6,792	
Convicted and sentenced ..	1,211	4 " "	940	
Acquitted, held to bail, &c.	826	5 " "	73	
	<u>2,037</u>	6 " "	<u>26,681</u>	38,354
	38,354			

YEAR ENDING 1848.

Discharged	13,531	No. 1 Taken into custody ..	4,323	
Summarily convicted.....	29,911	2 " "	148	
Committed for trial, 1,792, (viz.)		3 " "	7,338	
Convicted and sentenced ..	1,067	4 " "	757	
Acquitted, held to bail, &c.	725	5 " "	75	
	<u>1,792</u>	6 " "	<u>32,593</u>	45,234
	45,234			

Taken into custody for the whole period of seven years 276,032

I have been thus minute in giving an account of those who were taken into custody under the different heads stated in the Police returns, that it may be seen at once what is the general character of the crimes committed in the district.

It will be seen by the foregoing returns, that a considerable increase in the number of persons taken into custody marks the several periods above alluded to since the year ending 1842. This

may be, in part, owing to increase of population, and in part to the increasing discipline and diligence of the Police force in our city and district.

No sentence of death was recorded within the period referred to, which is a gratifying circumstance in our local records. It proves that the amelioration of our criminal code, in relation to capital punishment, has not endangered the safety of society, so far as relates to the crime of murder.

Sentence of transportation was recorded against 753 individuals,

1842	.....	124
1843	.....	86
1844	.....	89
1845	.....	82
1846	.....	109
1847	.....	109
1848	.....	155

Out of the entire number of 11,846 sent for trial, sentence of "Imprisonment, fined and held to bail," &c. was recorded against 5960 individuals, viz.

1842	.....	962
1843	.....	711
1844	.....	734
1845	.....	647
1846	.....	912
1847	.....	1102
1848	.....	892

There appear to have been, during the entire period, 188,543 summary convictions, which, with the numbers discharged, and sentenced after trial, makes up the entire number of persons taken into custody within and outside the Dublin district, (but all of whom were tried within the district,) within the period of seven years ending 31st of December, 1848, the latest period for which returns are made out and printed.

Total number according to the foregoing statement, 276,032 persons, who may be classified as follows :—

Sentenced to transportation	754
Imprisoned, fined, and held to bail after trial.....	5,960
Summarily convicted by the Magistrates.....	188,543
Discharged for various reasons, such as "Charges withdrawn," "Reprimanded and cautioned," "Settled," "Insufficient evidence, &c."	80,775
	<hr/>
	276,032

It appears that of the foregoing number of persons, of both sexes, taken into custody within the periods stated, only 15,148 individuals could "read and write well," and 1,853 had received a superior education." The remainder were in a condition of miserable ignorance; about one half of them, rather more than 130,000, were altogether unacquainted with the rudiments of learning, and, we may reasonably apprehend, very deficient also in a knowledge of moral duties.

In the class of offences No. 6, entitled "Other offences not included in the above," and which may be termed the minor offences against the peace of society, will be found by far the larger proportion of our criminals. Out of the entire number taken into

custody, they amount to about 199,800 persons ; leaving the balance of 77,000 to be distributed over a period of seven years, as the serious disturbers of the good order of the community. But, from this number should be deducted all who were discharged for want of evidence of their guilt, which, as appears from the returns of the number sent for trial, (which I have now submitted to the society), comprize a very large proportion of the whole.

Not having the statistics of crime in other large cities of the empire, I am unable to form any judgment as to the comparative degree of criminality between our population and that of other cities. Perhaps information on this head may be supplied to us by some members of our society, who may have facilities for the purpose.

Much food for reflection is to be found in the extracts I have given. The ideas they give rise to are of a mixed nature. The first impression they made on my mind was, the comparatively small amount of heinous offences committed, even by the most ignorant and brutalized among our population. I was then struck by the fact that, amongst those of our fellow-citizens whose minds had received even the moderate degree of cultivation implied in a knowledge of reading and writing, offenders were not numerous.

Under the head of "Drunkenness," I find by far the largest class of offenders ; Prostitution makes up another large class ; and as these are perhaps the two greatest social evils, and those from which most other crimes take their rise, it is evident that they are among the very first which claim both local and legislative attention.

The ignorance of a large mass of our population is a matter greatly to be deplored ; and while our intelligent classes suffer it to exist, or are indifferent to its existence, our right to punish for crimes, the result of this ignorance, and of neglect of duty on our part, seems to me more than questionable. In any case, punishment is of doubtful value. A friend of mine, who recently filled the office of Mayor in the city of Cork, lately wrote to me as follows :— " For my part, my faith in punishment is gone altogether ; I only believe in training and restraining criminals for their cure, as I would insane people." This feeling is gaining ground among thoughtful men ; and I believe the sooner it is generally acknowledged and acted upon, the better it will be for all parties.

Criminality, or responsibility, depends on the degree of intelligence possessed by the wrong doer ; if he be brutishly ignorant, his criminality should be measured by the power of his intellect, and not by the act committed. And while society is warranted in protecting its members from acts injurious to its interests, whether those acts be the result of a weak and long-continued misdirection of the mental power, or from deliberate sinning against conscientious conviction, a very different measure of punishment should be awarded to each of those aberrations. Perhaps intellectual and moral training are the only certain remedy for both.

The question is, whether the object in view would not be better secured by a wise system of *prevention*, than by any attempt at *cure*. The masses of society are left to take care of themselves; they are allowed, almost unaided, to form their own character; and when this character, built up as it is amidst all manner of uncleanness, moral and physical, partakes of its natural elements, we set to work (by a system of punishments and restraints, but little in accordance with any correct knowledge of the laws which govern the human mind) to check the evils arising from such a course of education.

There is, no doubt, much difficulty in the way of a more judicious course of action. In the first place, we are by no means certain as to what is really the wise course to pursue; and in the second, even if we have discovered that course, how are we to induce others to walk in it?

The criminal, by his misdeeds, places himself in our power; we put *him* under restraint, and subject him to a course of discipline, which may not be applied to the man who is unconvicted of crime. We are not authorized to act directly on the free man. It is by indirect means we must influence him; and in making use of these indirect means, we are met at once by the prejudices of parties who will not abate their pretensions, or make any concessions to each other.

These, and many other practical difficulties, spring up in the path of those who would strive to improve the condition of humanity. But they offer no good reason for indifference or supineness. If the muddy current of ignorance, and all its resulting evils, be allowed to roll on unimpeded in its course, it accumulates by unceasing additions from thousands of sources; and at length acquires a force which even the best efforts of the judicious cannot turn aside. A small comparative amount of effort, wisely applied in preventing the growth of ignorance and crime, would be attended by much happier results than a large expenditure of effort in curing, or vainly striving to cure, the evils which flow from our own criminal neglect of our most sacred duties.

I may be asked, how I propose to surmount the difficulties which impede the labors of the philanthropist? In reply, I point to the futility of all the retaliatory plans which have been devised and acted upon for repressing crime, and softening down the evil passions of our nature; and I recommend that these shall all be superseded by a system which keeps mainly in view the reclamation of the wrong doer. I would inflict no punishment as a retaliation. All punishment should have in view the amendment of him who has gone astray, and the deterring of others from pursuing a like criminal course. In a word, Love, and not Revenge, should be the ruling principle. I would indulge in no morbid feeling of compassion in favor of the criminal. While I pity his folly, I would severely punish his crime, by striving to root out

the disposition which caused him to err. But we should be careful that no wrong on our part towards him should offer any fair excuse for his criminality. We should not surround him with evil influences from his birth, and then punish him for not being the virtuous being which it was morally impossible he should be. The intelligent portion of the community should ask themselves, when devising punishments for the crimes of the ignorant, how far they are themselves guiltless of their faults. They should purge their own habits of all that has a tendency to foster those immoralities, that are the root of all the evil we have to complain of. There is not a sufficient disposition, on the part of the more educated, to keep alive in their own hearts a feeling of the brotherhood of our race; of the close consanguinity of all, as the children of one Father; nor such an intense desire as ought to exist amongst them, to induce their less favoured fellow mortals to look at the nobility of their origin and the greatness of their destiny. Such feelings would be a safeguard to all of us, against the commission of any acts that would render us unworthy of that immortal fellowship we are all aspiring after.

What is to be the remedy for the evils complained of? What new plans should we adopt to stay the course of crime which is destroying the peace and happiness of society? It is clear, from the returns I have laid before you, and which I presume we may fairly take as an index of the general condition of our country, that the means heretofore employed for the repression of crime have been unsuccessful. Crime is increasing. Growing civilization has not yet found out the means of lessening the sum of human misery, and of preventing the crimes resulting therefrom. Are we then to continue a course of conduct which has hitherto been found ineffectual in producing the end in view? If so, what is the value of man's boasted reason? It is clear, that we may not continue in the track laid down by our fathers in relation to criminal jurisprudence. That question has been decided. The benevolent feelings of the present day have not only abolished the rack and torture of bygone generations, but have become dissatisfied with every species of prison discipline which savours of a revengeful character. The application of punishment, merely as punishment, without any regard to the reformation of the offender, having signally failed in the repression of crime, society demands an alteration in the treatment of criminals. It becomes, then, a serious question, How we are to make such changes as may prove useful? The true rule of action is to be found in a more attentive examination of the laws which govern men's actions. Heretofore, legislators have endeavoured to rule by laws not in harmony with the springs of human action; and confusion has been the result.

On the subject of crime, we have considered it the shortest and readiest plan to *punish* the offender. Experience has opened our eyes to the fallacy of that reasoning; we are now beginning to see that we have hitherto gone foolishly to work; that we have

been constructing a dam to arrest the torrent of evil, unmindful of the source whence this torrent had its birth. The constant flowing of the waters has been allowed to make its way, and we have been surprised at the necessity of ever erecting higher barriers to keep within bounds the increasing accumulation, now swelled into a mighty mass, which threatens to bear down all our puny opposition to its resistless forces. The infant neglected has become a giant of desolating power. It would be a wiser policy to begin at the fountain, and seek to dry it up; or so counteract its forces as to render them comparatively harmless. Ignorance being the source of evil in all its forms, our object should be, as far as possible, to substitute for ignorance intelligence. Means should be taken to impart a knowledge of the laws of his being to every human creature.

Most cordially do I concur in the following sentiments of the illustrious Channing. I believe them to be deserving our deepest consideration, and that until the ideas they develop shall be made the rule of our legislation, we shall but flounder on from one mistake to another, without effecting any real good for the safety of society, or the reclamation of our criminals. He says, in his sermon on "Spiritual freedom":—"Still more, I cannot but remember how much the guilt of the convict results from the general corruption of society. When I reflect how much of the responsibility for crime rests on the state, how many of the offences which are most severely punished are to be traced to neglected education, to early squalid want, to temptations and exposures which society might do much to relieve, I feel that a spirit of mercy should temper legislation; that we should not sever ourselves so widely from our fallen brethren; that we should recognize in them the countenance and claims of humanity; that we should strive to win them back to God."

All crime proceeds from some aberration of mind. No perfectly sane man would be guilty of crime; for crime is sure to bring its punishment in some form or another; and no sane man would bring down punishment on himself. In this point of view, it may be said that no man is perfectly sane. Every man, in his physical conformation, comes into the world more or less an imperfect creature; and therefore with a tendency, more or less developed, inducing him to the commission of what men call crime. Physiologists teach, and no doubt truly, that mental manifestations are the result of physical structure; that the mind must have organs wherewith to manifest its desires, as well as the body. The muscles supply the wants of the body in this respect. The brain affords the mind an organ to make its manifestations known. In proportion as the brain is healthy, large, and well developed, will be the strength and vigour of the man's intellectual capacity; just as powerful muscles indicate great bodily strength in their possessors.

The brain being the organ of the mind, it is evident that on

the state of that organ will depend the sanitary condition of its possessor. This will, I believe, be admitted by all. Some philosophers, however, go a step farther; they not only hold that the brain is the organ of the mind, but that different divisions of it are employed in the manifestation of the various passions and feelings of our nature. Such views being entertained by men of judgment and learning, it is obvious that their correctness must be ascertained, before we can come to a just conclusion as to the guilt or innocence of men's actions; and, of course, as to the right which society possesses to inflict punishment.

Although I do not put forward phrenology as the absolutely true and proved philosophy of the human mind, I have great faith in it myself, and I have no doubt that its study would lead to juster ideas on the subject of crime and its punishment. However, I can do no more than just touch on the topic, and I leave it to those who feel an interest in the matter, to read the writings of Gall, Spurzheim, and Combe; where they will find ample information relative to that science, of which these writers are the ablest expounders.

The Archbishop of Dublin, so far back as the year 1832, published his "Thoughts on Secondary Punishments, in a letter to Earl Grey," from which I should like to make copious extracts in connexion with the present subject; but the time allotted for a paper by the rules of our society warns me that I must draw to a conclusion. I have little doubt that his Grace's views on the subject, as expressed in that work, have had considerable influence on the changes effected in our modes of punishment, since his book was published. I greatly regret that, in it, he advocated the continuance of death punishment; which seems to me indefensible on any rational grounds. The fallibility of human testimony, and the certain knowledge that this fallibility has led to the execution of innocent men, are in my mind sufficient reasons for the overthrow of the gallows. Valuable as his Grace's work on criminal jurisprudence has proved, I feel satisfied it would have been far more useful if the philosophy of Gall and Spurzheim had been the foundation of his reasoning; for we must study the springs of human action before we can, with any assurance of success, legislate for the suppression of crime.

I agree with the Archbishop of Dublin where he says, "No man can be, properly speaking, in a sound state of mind when he commits a crime." I hold that society has a right to protect itself against the acts of the insane; but the punishment of one insane man has very little influence on the acts of another; so that, I apprehend, the best security against the dangerous exhibitions of insanity will be found by ascertaining the springs whence the insanity arises, and then applying such remedies as our improved knowledge may teach us to be most effectual for our purpose.

A depraved state of mind often induces men to commit horrible crimes, for the sake of the notoriety acquired by their perpetra-

tion. This incitement to the commission of crime would be lessened by the non-publication of the names of the offenders. The newspapers minister largely to this destructive propensity; they do so, of course, to gratify the public taste for excitement, but this is a taste which should be repressed. Calling it into action has doubtless an injurious effect, by awakening the morbid feeling which induces many recklessly to imitate actions of a daring character.

In order to prove how little short of folly it is, for us to employ the measures for the repression of crime still generally appealed to as the surest means of putting an end to it—or at least of protecting society from its inroads—I will give you an extract from the “British Banner,” containing a report of a singular meeting recently held in London. This meeting had its origin in the impression which rests strongly on many minds, that other means than those now in use must be employed, to save society from the effects of increasing vice and immorality. It consisted of 150 youths; all of whom were under twenty years of age; and all were thieves by profession. The lads were invited to relate their own history, which they did in the most graphic language. The report says, “The entire fraternity were more or less conversant with prison discipline. In fact, there were only 12 out of the 150 who had not been imprisoned more than once; while among the higher periods, we noticed three who had been confined respectively 25, 26, and 29 times! Terrific outbursts of applause succeeded the announcement of these longer periods; and when a youth under 19 years of age announced 29 imprisonments, yells, screams, and boisterous *bravos* lasted several minutes. One fact came out from most of them with great force,—their dislike to their course of life, and an intense anxiety to quit it.”

These lads are nearly all orphans, and to orphanage they attribute their degrading course of life. An idea arises from this fact which I have not seen noticed elsewhere; and that is, to suggest whether governments might not take the care of the destitute orphan upon itself, without any violation of that salutary principle which inculcates the necessity of leaving people to their own independent exertions. Orphanage would not, like other evils, be thus increased, for parents would not destroy themselves in order to have their children provided for; and these most helpless members of society are certainly not objects of punishment, for those infractions of the laws to which they are impelled by the necessities of their destitute position. The difficulty of treating with men when free agents, which I have before referred to in this paper, cannot be said to apply to juvenile orphans, as all persons under age may justly be subjected to moral and religious training, when death deprives them of their natural protectors.

There are two facts elicited in the extract I have just read, which are worthy of peculiar attention; and these are, firstly, that imprisonment places no restraint upon the evil propensities of young

criminals; that it is, in fact, only a stimulus to their genius, and an excitement to their passion for applause among their fellows, who compose the only portion of society whose opinion they are influenced by; and secondly, that they are driven, by want and evil communication one with the other, to their present course of life.

Gentlemen, these facts carry a deep meaning with them. Society is not doing its duty by the unfortunate. Society is not doing its duty towards itself.

Mr. Sampson, in his work on "Criminal Jurisprudence considered in relation to Cerebral Organization," treats the subject in an able and philosophic manner; but time prohibits my giving any extracts from his interesting book. Such writings as I have referred to must tend to alter and improve the tone of public feeling in relation to our criminal laws. I have brought the subject forward in our society with a view of affording some fresh stimulus to thought in relation to it. We can scarcely overrate its importance.

Apprehension of evil consequences is expressed by some, on account of the benevolent tendency of the present day, in relation to the treatment of criminals. It might be a sufficient answer to such fears to say, that the system of cruelty practised for ages has been found, by experience, injurious and not beneficial in its effects upon society.

But I imagine this apprehension has its origin in entirely erroneous views of human nature; in the idea that evil is to be repressed by punishment, and that punishment is to be inflicted in proportion to the enormity of the offence.

The true mode of dealing with the evil will, I believe, be found in the universal and enlarged education of the people. I have shewn you, by the statistics of crime in this city, that Ignorance is the great source of crime. It is therefore obviously the interest of society to get rid of ignorance. It is the duty of rulers to do all that lies in their power, to establish such a social system as will place the means of education within the reach of all, so as to develop the good and estimable qualities of the human mind, and repress all those tendencies which bring into activity feelings of a contrary character. I have before alluded to what seems to me the grand impediment in the way of our action in a right direction; that is, the questionable propriety of interference with the actions of men whose liberty of action is not forfeited by the commission of crime. But our not having yet discovered the proper course to be pursued for inducing, or coercing, men rightly to develop their moral nature, affords no just excuse for the severe punishment of those whose organization and education, (in which latter term I include the social influences they have been surrounded with from their birth) inevitably tend to weaken their moral sense.

While statistics shew us that crime is increasing, we shall derive little value from its teachings, unless they lead us to change a system of punishments which long experience proves to be inefficacious for the purposes intended, and which tends rather to increase than repress the evil. We must seek to discover the laws which govern human actions, and approximate our means of deterring from crime, and our punishment of criminals, to their requirements, before we shall be in any degree successful.