

what I have to say, upon the present or

tall take a general and rapid-survey of the source, ovement, and present condition of our penal sem-noting the great and important changes it undergone-the considerations of humanity and blic policy which led to a miligation of its. punments, and draw from thence some reflections ching the duties of those charged with its admistration. The delicate and important trusts mided to the Grand loguest of the County; its ich prerogatives and powers-the impartiality and ingleness of aim, in which they should ever be recuted, may be made topics of interest, and intires to duty.

The great tountain and source of criminal as well civil jurisprudence, is to be found in what is dom changed hands several times, by repeated fornown as the common law of England-a systems unded upon aneient custom and usage, and handdown in an authent's and authoritative form in records and adjudications of the English courts. he common law has been made the theme of exavagant eulogies by most writers who have enterupon the task of expounding its principles .---hite it contained much that was sound in reason, very defective, at the little A was transplanted by e colonisis to this continent. In its doctrines and common sense, and natural justice. Its procene, and the details of its practice, was sufrounded aned in its application to the diversified relations affairs of life-giving security to the largest propily interests of the world, and determining by its. gments the rights, relative duties and obligaons of more than tifty millions of human beings. steat work, by which the crude maxims and aciples of an early age, were modified and ensti, so as to meet the wants of the present imored condition of communities and states, is the estit of the enlightened and laborious efforts of the he and good men of modern times. In this work Sitialors and judges have united-to the latter escially, are we indebted for the boldness with then they have pruned from the old, trunk of the mmon Law, and engrafied upon if new and equile principles, adapted to the enlarged business tests, and ameliorated condition of men.

crown-the great changes in its polity, consequent tim of punishments, and was limited in its operaupon its advancement in rivilization and knowledge, tion to a period of five years. In the prosecution and the general unsettled political condition of the of this reformation of our penal code, another act clearly manifest, men will take the redress of injuneighboring and surrounding fations. Times of was passed on the 23d of September 1791, which ries in their own hands, and the very foundations revolution and political changes-the making and contained many excellent provisions touching the of the political and social fabric be broken up. deposing of Kings, are not favorable to the growth proceedings in criminal cases, and for bringing ofof tolerant and humane principles, nor to the coff- lenders to punishment. It repeated so much of the to prosecute according to taw enquiry into the guilt ening of the harsh features of a criminal code. So Statute of James 1st as related to conjuration and or innocence of those charged with public offenses sanguinary and rigorous did the law become, under witchcraft, and provided that restitution of stolen the influence of the causes to which I have referred, goods should be made it, the owner, before any aided too often by pliant and corrupt judges, that forfeiture should accrue to the State. Having thus the guilty. In the execution of this delivate task, the hangman and the executioner tired under their

period the great bulk of the real estate of the kingfeitures and confiscations.

the barsh features which I have presented-with its mitted (except murder in the first degree) shall be numerous death penalities, and its benefit of clergy -its brandings and burnings; mutilations and tortures-its pillories and whipping posts-its fines and lorfeitures-its attainders and confiscations, was tratisplanted upon our soil of Pennsylvania, where, nd just in application to the relations and business to the credit of humanity and the honor of our State; fun of life, it was nevertheless, as a system, it maintained a sickly existence, and was erailicated in all its cruel and barbarous leatures, as soon as our fathers found themselves in a condition to act maybem; voluntary and involuntary mansianghter; mulas, it habitually violated the plainest dictates, independent of that power which had imposed it concealing the death of a bastard child; commitupon them.

Under the Provisional Government, an " act for an inextricable network of technicalities and the advancement of justice, and the more certain nintelligible jargon, in which respect, there, is yet administration thereof," was passed in 1718, which ble ; it provides for the removat of all convicts (ex. "ple room tor improvement. When we consider in come measure may be regarded as the founda. rept for murder in the first degreey from the sere e period of the world's history in which the com- tion of our penal code, although in its penalties, it on law had its origin and growth; the social and is strongly marked by the sanguinary character of treatment while there confined. lical condition of the country in which it ob the English statute and commons law ft secured amed, we are only surprised that it was not so, de- to persons indicted for, capital crimes their lawfol amed by the false principles and mannets of the challenges-the courts are directed to assign counnee, us to be wholly thistied to answer the res sel for their delenge; and process to compell the aturements of a highly enlightened, refined, and tendance of witnesses is also secured. By this act of costs, and giving the jury power over them in ommerital age, such as that in which we now live. the benefit of clergy in all cases where it was allow- certain cases, and perfecting the discipline, police a phon this foundation, the common taw, has able by the laws of England, was extended to the and general regulation and management of jour een teared one of the grandest systems of juris- unlettered ; those who prayed it were not required indence ever devised by man-the most rich and to read, but punished us "lork's contrie! by branil- and distinguishing features of our citization code as ing in the hand, which punishment was inflicted inopen court. The benefit of clergy was entirely ta- system of cruel and even barbarous purishments, ken away on a second conviction for any felony; ex- completely eradicated root and branch, within the cept larceny. This act contained many excellent short period of eight years (from 1786 to 1794,); provisions, yet we see how, strongly English do and established in its stead, the most just, benefiminion and the prejudices of a previous age, influ- cent and humane code of criminal law, ever known enced the tegislation of that day, when we note that to any age of country. "It was a work 'such as has under its provisions some score of offences were punishable with death ; and among them that of conjuration and witcheraft, and that it, will main charity, which shone so conspicaous in the faith of daty to afford to the innocent this protection. Pro- it is maily the daty of the several grand juries to tained the odious doctrine of attainder and corruption of blood.

At the time of the Revolution the punishment of death was inflicted by, the, laws of Pennsylvania beyond ell, to the more full and just appreciation of found, should set upon them the mark of your disfor the following offences -- High Treason, (inclo- the spirit and claims of that benign Religion which approbation. For this purpose the law has given ding all those English statutory treasons respecting the coin.) Pelit Treason, (a crime now unknown The sanotions of the common haw were harsh to our laws.), murder, robbery, burglary, tape, sodo

gradually and cantiously, during a period of eight you, gentlemen, are called to perform a responsibly accumulated labors, and in a comparatively brief years, approached towards a more enlightened and part. A careful analysis and thoughtful estimate humane criminal system, the Legislature proceed- of the oath you have recently taken, will be your ed to concummate the great and exemplary work by best guide in the discharge of your more important

This system of criminal law, scarcely relieved of clared, that " no crime whatsoever thereafter compunished with death." ... The fact othen proceeds to define murder in the first and second 'degree'; it abolishes all distinction between petit treason and other kinds of morder; it prescribes the punishment in cases of murder of the first and second degree, high freeson, areon, rape, counterfeiting, and knowing by attering counterfeit gold and silver coin; forging, or knowing uttering lorged bank notes; ting a second offence capital before the act of 1786 ; it abolishes the benefit of clergy, and proscribes the punishment for offendes before cleravaral counties to the jail of Philadelphia, and their,

> There have been numerous other acts passed from time to time, regulating proceedings in criminal cases; defining offences, and prescribing the punishment; touching the recovery and payment Penitentiary system; but I have presented the great it now slands and is enforced. We have seen a no parallel in the history of the world; and may justly be ascribed to that broad and comprehensive

or the rights of individuals secured. It the law fails to punish the wrong doer, after his guilt is

The great duty imposed upoh criminal courts, is -to see that the innocent have a speedy deliverance, and that merited punishment is meted out to

the act of the 22d of April 1794, by which it is de- duties. You are to make diligent enquiry of all such matters and things as shall be given you in charge by the Courl, or otherwise come to your knowledge-the Commonwealth's counsel, four fellows, and your own, you are to keep secret .--Von are to present no one for envy, hatred or malice: nor to leave any one unpresented for fear, favor, affection, or the hope of reward ; but to preknowledge. A very comprehensive obligation; who take it upon themselves: 4 The frial by jury is justly the boast of the Com.

the innocent. It is no slight matter to be brought into Court on a criminal charge-to be called upon 1 curiosity-it may be, of uncharitable anspicionand to await all the forms of a fedious and protractid trial.-even though a deliverance comes at last. The-innocent man feels that he has been degraded liberly, alter months of intense and sleepless anxieseparable from a public trial. It is eminently your those great ideas of equality and hamanity opon from motives of private malevolence. You cannot which our Revolution was based ; but above and be too vigilant in arresting all such cases, and when

was announced to our race by the proclamation of you power to impose costs upon the prosecutor, in peace on earth, and good will towards men."- | cases not amounting to telony ... When the offence | History furnishes no other unstance of such a great charged in the indictment is a felony, then you hangeinary ; the natoral finits of ignorance, and my, malicious maining; manslanghter by stabbing; and radical change in the panal code of a State, ef have no control over costs; "As a genteral role, if omparatively rude and somi-barbarous age. and refer other felony (except farceny) on fected within so short a period and by the volun- the crime is charged as having been feloniously starting on a ploasure trip.

lic duty, the law has enjoined secrecy in your deliberations. "An act for the suppression of Gambling," was

passed on the 16th day of February, 1847, by which the keeping of any house, room, or terement to be used and occupied for gambling, or the renting by the owner of any such place to be used for such a purpose, or if the owner know that it is so used and ecupied, and does not make complaint thereof; in ei.her of these cases, the person offending is punishable by indictment, and fine not less than fifty, nor more than five hundred dollars.

If any person keep any gambling table or apparatus to win money or other property, or it he shall engage in gambling for a livelihood, or shall be without any fixed residence and in the habit or practice of gambling, he shall be deemed and taken tobe a common gambler, and upon conviction punished at hard labor in the Penitentiary not less than one nor more than five years. If any person shall by invitation persuade another to visit any place kept for gambling, he shall be responsible for the money lost through such invitation, and fined in a sent all things thuy as they shall come to your sound out not less than fifty hor more than five bundred dollars. It is made the duty of all Sheriffs, Constaand should be well weighed, and consulered by all; bles and prosecuting altorneys to inform and prose ente all offenders against this act, and for the Judge to give it in charge to the Grand Jury. You will ion Law. It is eminently filled to meet the ends note, that it is keeping a room, house or tenement. of justice, and to preserve the rights and liberties for the purpose of gambling, that is made punishable of the citizen. In some sense, the accused may be by this act. The occasional gambling in a house said to enjoy this right in a two-told degree. It is or room, but one not fitted up and kept for this pur true that you do not pass finally upon the question] pose, if indictable at common law, would not fail of guill or innocence; Lut no man car be por mon his within the act under consideration. Neither does tight for a criminal offence, except upon the finding its provisions apply to one who may of isionally and, formal charge of the Grand Jury. In this, you gamble, but to him who follows it for a livelihood, are made in an especial manner, the guardians of or who having no fixed residence, is in the habitor practice of this vice.

It is made the express duty of the Court to call to plead to an indictment, to be the object of public vour attention to certain provisions of "An Act Regulating Banks;" passed the 16th of April, 1850, by which is prohibited the circulation or transfer of any bank note, bill, certificate or acknowledgment of indebtedness, purporting to be a bank note, or of by an unjust accusetion. He has been restored to the nature, character or appearance of a bank note. calculated for circulation, issued by any incorporaty, and the expenditore, it may be, of a good part tion or association of persons not located in Pennof his substance. One so circumstanced, would, sylvanis, of a less denomination than five dollars : very natorally feel, that in his case the law had and in addition to certain civil penalties, it is debeen made the instrument of oppression. The in- clared that any violation of the foregoing provisions nocent should be protected from the taint of a false shall be indictable as a misdemeanor, and upon accusation, and from the anxiety and expense in- conviction is punished by fue, not less than one dollar and not exceeding one hundred dollars; and the early founders of our State-to the influence of segutions are offen instituted without just cause, and make presentment of any person within their respective counties guilty of a violation of the provivisions to which I have specially called your attention in the stand of the

> You are aware, gentlemen, that you can take no action as a body opon any subject, unless twelve of you suree and concur in such action. ling o<u>nlight and an</u> A Foot Any body who buys new boots when

traps. Use pleasant and r greeable language, and though you may not be conited by the fop and the sap, the good and truly great will fore to linger in your presence.

WEIGHTS AND MEASURES .- The following table of the number of pounds of various articles to, a bushel, may be of interest to our readers : Of whom, stary poundity. Of shelled corn, filty-six pounds. Of com on the cob, seventy pounds. Of tye, fifty-siz. Of cars, thirty-six pounds. Of barley, forty-six pounds. Of potatoes, sixty pounds. r 1 37 Of bran, twenty pounds. Of clover seed, sixty pounds. Of timothy seed, forty-five pounds. Of flux seed, forty five pounds. Qi hemp seed, forty-four pounds. Of buckwheat, fifty-two pounds. Of blue grass seed, fourteen pounds: Of castor beans, forty-six pounds. Of dried peaches, thirty-three pounds Of dried apples, iwenty-four pounds. Of onions, fifty-seven pounds. Of salt, huy-six pounds.

Touderden and Mr. Justice Richards were on the circuit, they once visited the cathedral at Canterbnty. The latter took notice of a man there with a very fine voice. "Ah !" said Lord Tendgrden, "that's the only man I ever envied, When at school in this town we were candidates together for a chorister's place, and he obtained it !".

"Come here, Kate, love. Now tell ine what does beet-t spell." " Don's know marm."_""Huw stopid ! What is putround your waist every day 1 Come now, speak out, a What do you look sheepish for ! Answer my directly-what is put round your waist every day ?"-" Snigers Fritzzle's urm. but he never kinsed me bot once."

Love is Brisp --- Lovers must not trust too implicitly to their visual organs. A tender swain ones reproached his inamorata with suffering a rival to kiss her hand, a fact which she indignantly denied. "But I saw it !! " Nay, then," cried the offended fair one, "I am now convinced you do not love me, since you believe your eyes in preference for my word?"

A REASON. - Some one asking Mr. Curran why a countryman of his walked about London with his toogue out his mouth, he said that he " supposed he did so in hope to catch the English accent."

SHARP .--- A Yankee pedlar, recommending a sale, said that one of the same kind of scythes was an sharp that they hung it on a tree m Kentucky, and sharp mar unoy many is log off ! """Tis false I" at the girl said, when her forer prononneed her hair beautiful.

. The second second