

motive, of saving an exposure of his want of care and watchfulness, may lead to a want of vigour and activity in the prosecution. The true way of giving effect to the principle thus acted upon, without surrendering the control of the prosecutions into private hands, would be to accompany the adoption of the public prosecutor system with a provision that, wherever it appeared in the course of a trial that the crime was to any considerable extent caused by the serious carelessness or misconduct of the person injured, and where, owing to the property being recovered, or other cause, they sustained no serious loss, then it should be in the discretion of the judge, on the application of the public prosecutor, to direct that the whole or any part of the costs of prosecution should be defrayed by the person on whom, on the system of private prosecution, such cost would fall.

If the public prosecutor system were extended to England with all the economies which the Scotch system suggests, and if the results were at all proportionate to the Irish system, in diminishing the criminals supported in confinement by the state, and if the cost of cases of neglect and provocation were thrown on the private persons whose conduct led to the prosecution being necessary, the extension of the system to England would not involve expense much, if at all, in excess of what is incurred upon the present complicated and defective system.

IX.—*On the Statistics of Crime arising from or connected with drunkenness, as indicating the importance of increasing the Punishment of Habitual Drunkards, and of those who seriously injure their children by what they spend on drink.* By W. Neilson Hancock, LL.D.

[Read at the Section of Economic Science and Statistics of the British Association, at Plymouth, August, 1877.]

In the discharge of my duty of reporting on criminal statistics in Ireland, some statistics have come under my notice which raise important questions as to the adequacy of the existing punishments for drunkenness. I will first take the statistics of the character of persons proceeded against on indictment and summarily:—

Men of ascertained bad character proceeded against on indictment and summarily.	Number proceeded against in one year.	Per-centage of each class to total of bad characters.
Total number,	14,416	100
Habitual drunkards (not included in other classes),	5,602	39
Suspicious characters,	4,785	33
Vagrants, tramps, and others, without visible means of subsistence,	2,995	22
Known thieves,	1,034	7

* Printed at cost of author.

It appears at a glance from this table what a large class the habitual drunkards form: they give rise to five times the number of committals as known thieves gave rise to.

If we take the same classes amongst women, we get a very similar result:—

Women proceeded against.	Number in year.	Per-centage of each class to total.
Total,	4,977	100
Suspicious characters,	1,815	36
Habitual drunkards (not included in other classes),	1,582	32
Vagrants, tramps, and others, without visible means of subsistence,	1,053	21
Known thieves,	527	11

Here again we have a remarkable, though not quite so great a proportion. The habitual drunkards amongst women gave rise to three times the number of committals than known thieves gave rise to. These figures admit of only one of two solutions—either that the habitual drunkards are a very numerous class as compared with the thieves, or else that, owing to a shortness of the punishments for drunkenness, the same habitual drunkards are committed over and over again. In either case (and the statistics do not enable me to analyse which is the true solution) the inadequacy of the punishment is made out, for the evil is not checked. The calamitous effects upon the victims themselves, of allowing habitual drunkards to proceed in their career unchecked is shown by some other figures. The deaths from excessive drinking (128) are more numerous than the manslaughters, murders, and deaths aggravated by neglect (126). In a portion of the population of England and Wales equal to that of Ireland, the proportion is still more marked—115 deaths from excessive drinking, as compared with 93 from manslaughters, murders, and deaths aggravated by neglect.

The subject turns up in the statistics in another form. Owing to the existence of the system of a public prosecution in Ireland, and the existence of about twice the proportion of police to population in Ireland as in England, serious crime in Ireland is in general for a series of years from 30 to 40 per cent. less in Ireland than in an equal population in England and Wales.

There is, however, one exception to this rule. In crimes affecting human life, the proportion is slightly higher in Ireland than in England and Wales. Taking a year which I had an opportunity of examining, the proportion was 8 per cent. greater in Ireland than in an equal proportion of a number of specially examined crimes falling within this class. As the result of an analysis of them for a single year, with a view to trace their causes—about 46 per cent. of the offences belong to the less serious class of offences, and 54 to the

more serious class. Excluding for a moment the less serious class—casual passions or quarrels, passing disputes, acts for the protection of property or assertion of rights by violent means, criminal negligence and lunacy—the causes of serious crime against human life are thus classed: out of 57 cases, 27, or nearly one-half, were connected with drunkenness or drink, 6 from party or faction disputes, 6 from malicious ill-feeling, 5 from agrarian crime relating to questions between landlord and tenant, 4 from questions connected with land, but unconnected with landlord and tenant, 4 from immorality, and 3 from the protection of game, and 2 from robbery. This grave state of affairs has arisen and continues, notwithstanding efforts to check drunkenness by increasing the tax on drink, and by restricting the number of public houses.

That full use is made of the large police force in Ireland in enforcing the existing punishments for drunkenness, is indicated by other figures. Of the offences determined summarily in a single year in Ireland, 243,145 in number, no less than 102,304, or 42 per cent. were for drunkenness, or drunk and disorderly. When we come to the punishments, however, we find that of the number convicted out of above number proceeded against only (209,168), deducting 16,309 punishments not classed, we get only 192,857 punishments classed; and of these 170,056, or 83 per cent., were fined, and only 17 per cent. were otherwise punished. In England and Wales, 24 per cent. were otherwise punished, and only 76 per cent. fined.

If the information admitted of the statistics being more clearly analysed, it would no doubt be found that the habitual drunkards supplied the largest proportion of the cases of frequent fining which occupied so much of the time of the police. One other aspect of the statistics remains to be noticed: where there is a marked increase in these petty convictions for drunkenness, there is, concurrently with a general diminution of serious crime, an increase in the class of offences which the low moral tone arising from habitual drunkenness is calculated to produce, such as aggravated assaults on women and children, cruelty to animals, and assaults on peace officers. Assaults on women and children indicate that the state should commence their protection at an earlier stage.

The state has commenced in England and Scotland in the protection of children from one species of parental neglect—that of not supplying education. The necessity of this protection is shown by the English statistics. In the year 1875 there were in England and Wales, 21,334 convictions for offences against the Elementary School Act. In Ireland we have no similar protection for children, as there is no compulsory education Act. The success of the compulsory education provision, as a protection of children against parental neglect, raises the question whether this protection might not safely be extended further, to the case of children who are in other respects besides education neglected by parents, in consequence of undue expenditure of wages in connexion with habitual drunkenness.

The remedies appear to be that, while the punishments for drunkenness should take the form of more lengthened detention, they should all be of a reformatory character. When reformation became hope-

less, the drink craving should be treated as a form of insanity. The protection of children and of the wives of men repeatedly convicted of drunkenness, should, in analogy to the compulsory school enactments, commence at an earlier stage than at present, before we had to deal with aggravated assaults on women and children, and other more serious crime directly traceable to the depraved state of mind produced by unrestrained habitual drunkenness.

X.—*On the substitution for the Three-fold Law of Succession resting on the accidents of Tenure, of a Three-fold Law for distinct classes of (1) Landed Gentry, (2) Manufacturers, and (3) Farmers, resting on the scientific basis of the Observed Usages of these different classes as to Wills and Settlements.* By W. Neilson Hancock, LL.D.*

[Read at the Section of Economic Science and Statistics of the British Association, at Plymouth, in 1877.]

In the discussions which have taken place on the law of successions in the United Kingdom, it has been commonly assumed that there is a simple issue involved, and the only change recommended or discussed is to extend the law of succession of property other than land, to the succession of landed property.

In this way the true complication of the question is entirely overlooked, and few people are aware, or refer in their discussions, to the fact that there are in England three laws of succession to land, and that there was, so recently as 1856, three of succession to property other than land.

Property in land may be either fee-simple or freehold (that is, for a life or lives, whether renewable or not, or whether that is from year to year, or for a term of years). If fee-simple, it all goes to the eldest son and widow, the widow getting a third for her life; if freehold, it goes to the eldest son, and the widow gets nothing; if chattel, it goes to the widow and all the children, the widow getting a third—not for life but absolutely, and all children sharing equally. We have thus depending on the accidents of tenure three laws of succession, and the whole three may come into operation in the succession of the same person. Suppose in Ireland a tenant to have held his farm under three landlords, part under each. Under one he is a yearly tenant, or holds for twenty-one years; under another he holds for a life lease; from another he has bought out his holding in fee-simple under the Land Act of 1870. When he dies his eldest son will get two of the three parts, one subject to dower and the other not; the third part will go amongst the widow and children (she getting a third absolutely, and to all the children the other two-thirds), and the eldest son will get his share of this without being required to bring the other portion he gets entirely to himself into hotchpot.

We have thus, besides the question of equal division, the question how a widow should be provided for, and the question whether a