THE EVENING NEWS.

Friday, - - - December 27, 1872.

Causes of Crime.

The Chicago committee of five, to whom was intrusted the duty of inquiring into the causes for the increasing prevalence of crime in that city, have submitted their report. They divide the causes of crime into two classes—the *predisposing* and the *exciting*. The first class is dismissed with a paragraph, and the latter is limited to the single element of habitual drinking. They state only the average judgment of the civilized world when they assert that the use of liquor is responsible to a greater extent than all other causes for the spread of crime. But in stopping at this point, the committee fail to probe the subject to the core. Other causes exist, some of which need the additional incitement of liquor to become active, while there are yet those sufficient in themselves. Were, indeed, alcoholic drinking the prime cause of crime, then the putting away of such drinking would signalize the millennial dawn—an end of crime. Who believes such would be the result? In many cases where the disposition for crime lies dormant, alcohol arouses the slumbering demon. But frequently crime is committed, atrocious crime, whereof alcohol can claim no share. Again, crime both in *predisposition* and *excitation*, to borrow the committee's parlance, are restrained, held in abeyance, by wholesome laws invariably and impartially executed. A parity of reasoning brings us down to the real core of our subject. In proportion as the laws to protect the rights of propriety and the sacredness of human life are imperfectly, partially or dishonestly administered, so also is the increase of crime. The consumption of liquor being the same in quantity, under a lax as under a thorough administration of the criminal law, the alcohol theory does not really enter into the question except negatively. What actually promotes these periodical epidemics of crime above a certain metaphysical relationship which seems to permeate them, we maintain to be, primordially, a lax execution of the laws against criminals; superintended, it may be, by the prevalence of false ideas with reference to the proper treatment of crime and the perpetrators thereof. It is the fear of punishment that keeps down crime. Take that away and the criminal classes would become rampant, liquor or no liquor. And in proportion with the fewer convictions and lighter sentences is this fear lessened. When men or women who acknowledge no moral restraints, and are consequently held to an observance of the laws through fear of the consequences attending their breakage, become aware that the chances of detection in crime are daily growing fewer, and conviction is hedged around with supreme difficulties, while even with that much secured, there are many loop-holes for escape from punishment by means of corrupt court officers of a pliant pardoning power, what wonder that they are tempted to follow in ways that are dark? To our mind beyond all cavil, the increase of crime complained of in all our large cities is due first to insufficient laws, second to the lax execution of them, and third to a faulty criminal jurisprudence which is administered in the selfish interests of the accused party rather than in those of society at large. It is not possible within the limits of a newspaper article to elaborate these causes, which the Chicago committee have strangely overlooked, and prove them by citation of facts. But there is strong confirmation of our third and last mentioned cause of crime in the remark of a New York Tombs lawyer, made to a reporter, viz: That he could get almost anyone, charged with murder, clear of severe penalty by a skillful use of the mere technicalities of the law. So evidently thought (and still think) the one hundred and thirty-nine murderers in that city who have become such since January, 1871.—*Boston Journal.*

Judge Nelson's Career on the Bench.

The retirement of Judge Nelson from the bench of the supreme court of the United States, carries one's memory back for half a century. Under what was then the new constitution of New York, Judge Nelson was appointed on the 21st of April, 1823, to be circuit judge of the sixth district. The duties of that office, which was a creation of the constitution just then going into effect, were almost identical with those discharged by a judge of the present supreme court. There were eight of the judges, and the supreme court proper, over which John Savage was called to preside, consisted of only three members, and was purely an appellate tribunal. Of the eleven supreme and circuit judges who took office at the same time with Nelson he alone survives. Nearly all of his associates died long ago. He remained a circuit judge till February, 1831, when he was appointed an associate justice of the supreme court of this State, in place of William L. Marcy, who had resigned on being chosen a senator in Congress. In September, 1836, Judge Nelson became chief justice of the supreme court, and held that position until March, 1845, when he resigned on being appointed an associate justice of the supreme court of the United States. Judge Nelson was on the supreme bench of New York fourteen years. All those who occupied seats by his side during that period are dead. When he first took his place upon the supreme bench of the United States, that court consisted of nine members. All whom he found on the bench are gone. The greater part of them died many years ago. Indeed all who were on the bench with him as late as the outbreak of the rebellion are dead, except two. These simple facts show that Judge Nelson's judicial career has been a very remarkable one. We have no recollection of another instance, either in this country or in England, where a man held such high judicial positions for half a century without the interregum of a single day. Mansfield and Marshal, famous for their long tenure on the bench, fell far short of Nelson. Never pre-eminent on the bench, he was always able, learned, industrious and safe. Only a lawyer of first-class attainments can fill the place he has honored so long.—*New York Paper.*

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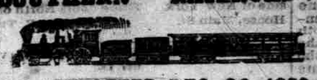

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