

## CAPITAL PUNISHMENT.

"Si je prouve que la peine de mort n'est ni utile ni nécessaire, j'aurai gagné la cause de l'humanité."  
—*Beccaria*.

"It is almost a proverbial remark, that those nations in which the Penal Code has been particularly mild, have been distinguished above all others by the scarcity of crime."—*Shelley—Letters from Abroad*.

LIFE-DESTROYING LAWS are the offspring of barbarism. Barbarism is the predominance of physical force, whose instruments for the repression of crime are always attended with blood. As a people are debased in intellect, so are they subservient to their passions; and as they are subservient to their passions, so are they destructive in their punishments. Thus the code of the aboriginal tribes of Europe—the Britons, the Gauls, and the Scandinavians—were almost wholly composed of Penal Laws. Thus the laws of Rome were more severe during the earlier stages of her existence, than they were during her zenith; and less humane during the period of her decline, than they were in her days of prosperity. It has therefore become a principle, supported by experience, that a sure sign of a nation's progress in civilization, is, its gradual abandonment of force for reason, both in its settlement of national disputes, and in its treatment of individual crimes. The history of England furnishes an illustration. Her laws, from the eleventh to the eighteenth century, were far less cruel than those which previously existed; and the criminal code of our day is incomparably milder than that of only half a century ago. Start from the first page of her history, and proceed to the last, and it will be apparent in all, that as the nation progressed in morals, so the bloody code was circumscribed in its jurisdiction; and that whenever Penal Laws were increased, the nation was in a retrograding state; and that whenever these laws were rigorously enforced, society suffered by a greater increase of crime. These facts lead to the belief, that a decline of mere physical punishments co-exists with the rise of civilization;—that laws must progress with man—that as he becomes subservient to moral persuasion, they must appeal to moral force.

This is a period of onward progress—the nadir of the moral age—the commencement of a new era—an era, "when right, not might," shall reign, when conviction and not force shall prevail.

It is ushering itself in by Peace Societies, by Pentonville prisons, and by social reforms. It is distinguished by an increased benevolence of wealth towards want, by an increased amount of pity toward suffering, and by an anxious investigation of every proposed change, which has justice and humanity for its aim. It is a belief in these truths, apart from other considerations, which compels us to think that the reign of Capital Punishment is about to close—that no apology will be required for re-introducing it for consideration, and that the proposal of its abolition will receive, even from opponents, a calm and unprejudiced enquiry.

It is little more than twelve months since, when we first drew attention to this subject, when we first argued, "that Capital Punishment increased crime—that it was cruel and opposed to the spirit of religion—and that imprisonment for life would be more just and humane as a punishment, and might be rendered far more effectual as a preventive to crime."\* These views fortunately received, shortly after their appearance, a somewhat fierce, if not a very formidable opposition; some of them were ridiculed, others were misrepresented, and the truth of all was denied. We say *fortunately*, because these attacks brought our arguments into notice; they aroused the friends of the abolition to exertion, and they were the means of calling our first public meeting together. Having right upon our side, every assault of the enemy only strengthened our position; and because truth lay in the doctrines of the abolitionist, they appeared, after every ordeal, clearer and stronger than they did before.

Immediately after our public meeting, a petition was drawn up, embodying the resolutions which had been adopted there, and carried round to our citizens for their signatures. The gentleman who kindly undertook this task, had only sufficient time to wait upon a portion of the upper classes, but even there, he obtained nearly six