

II. THE INEFFICIENCY OF SANGUINARY LAWS TO REPRESS CRIME IS EVIDENT FROM PAINFUL EXPERIENCE.

The authorities to establish this are numerous, and of the highest respectability. "In England during the reign of Henry VIII., 2000 criminals, on an average, were executed annually for theft and robbery, besides other malefactors."—(Hume.) Sir Thomas More relates that it was not uncommon to see twenty thieves hanged at once on the same gibbet. And yet notwithstanding this profusion of blood, property was never more insecure than at that period. Harrison assures us that Henry VIII. executed his laws with such severity, that 72,000 "great and petty thieves were put to death during his reign." He adds, that even in Elizabeth's reign "rogues were trussed up apace;" and that there was not "one year commonly wherein 300 or 400 of them were not devoured and eaten up by the gallows in one place or another." In spite of these sanguinary punishments, the country continued in a dreadful state of disorder. In the days of Elizabeth it was observed and regretted, "that at the time of doing execution of such as had been attainted of any murder or felony, or other criminal cause, ordained chiefly for terror and example of evil-doers," people persevered in their "felonious sleights and devices."

The Rev. T. Roberts, of Bristol, in his visits to prisons in England from time to time, has fallen in with many convicts under sentence of death: in 167 instances he inquired of the malefactor, whether he had ever witnessed an execution? It turned out that all of them excepting three, had been spectators in the crowd upon these melancholy occasions, which the Legislature designed to operate as warnings to the profligate. So much for the "efficacy" of sanguinary examples in deterring crime.

In the House of Commons Mr. Powell Baxton stated the following facts: namely,

4 offences were made capital in the reign of the Plantagenets,	
37 —————	Tudors,
36 —————	Stuarts,
156 —————	House of Brunswick,

or, added the Hon. Member, "more-crimes have been denounced as capital in the reign of his present Majesty, (Geo. III.) than in the reigns of the Plantagenets, the Tudors, and the Stuarts combined." And yet crimes were continually multiplied.

"The frequency of capital punishments rarely hinders the commission of a crime, but naturally and commonly prevents its detection."—Dr. Johnson.

"It is a constant remark of the Chinese authors, that the more the penal laws were increased in their empire, the nearer they drew to a revolution."—Baron Montesquieu.

"It is quackery in government, to apply too frequently the same universal remedy, the *ultimum supplicium*. That Magistrate must be esteemed a weak and cruel surgeon, who cuts off every limb, which through ignorance or indolence he will not attempt to cure."—Blackstone.

III. THE EXPERIMENT OF EXCLUDING CAPITAL PUNISHMENTS FROM THE CRIMINAL CODE HAS ALREADY BEEN PARTIALLY MADE, AND WITH THE MOST FAVOURABLE RESULTS. To some instances we will refer as briefly as possible.

"Sesostris, one of the sovereigns of ancient Egypt abolished capital punishments. He thought that Egypt would derive advantage and profit by the change. And it does not appear from any remarks on the subject, that the result disappointed his expectations."—Goguel's *Origin of Laws*.

"The laws of the Roman Kings and the twelve tribes of the Decemviri were full of cruel punishments; the Porcian law, which exempted all citizens from sentence of death, silently abrogated them all. In this period the republic flourished; under the emperors severe punishments were revived, and then the empire fell."—Blackstone.

The Porcian law is asserted to have continued in force for 200 years. "It was never observed, that this law did any manner of prejudice to the civil administration."—Montesquieu.

"Executions are rare in Holland. A great number for child-murder are condemned to work in spin-houses for life, and to be whipped annually on the day when, and the spot where, the crime was committed. This mode of punishment is dreaded more than death, and since it has been adopted has greatly prevented the frequency of the crime."—Howard.

"During the reign of the empress Elizabeth of Russia, capital punishments were abolished in that country. She pledged herself on mounting the throne, never to inflict the punishment of death, and she kept her word. Peter III., was not less frugal of the blood of his subjects."—Pastoret. And Catharine II. of Russia introduced a new code of laws, from which capital punishments were excluded. "Was the vast territory of all the Russians, (says Blackstone) worse regulated under the late empress Elizabeth, than under her more sanguinary predecessors? Is it now, under Catharine II. less civilized, less social, less secure? And yet we are assured, that neither of these illustrious princesses, have, throughout their whole administration, inflicted the penalty of death; and the latter has, upon full persuasion of its being useless, nay, even pernicious, given orders for abolishing it entirely throughout her extensive dominions."

"In Tuscany during 20 years the punishment of death was abolished by the Grand Duke Leopold. Bonaparte afterwards had it restored. On comparing three successive periods of 20 years each, in the first period capital punishment existing—in the second period abolished—and in the third again restored, as above mentioned, it is found, that fewer crimes and fewer murders were perpetrated in the middle 20 years, while no executions took place, than in either of the preceding 20 years while the scaffold was in use."—Livingstone.

"During seven years that Sir James Mackintosh was Recorder of Bombay, the punishment of death was never once inflicted by the Court over which he presided. In this period there were but six convictions for murder, whilst in the preceding seven years there had been no less than eighteen convictions for that crime, notwithstanding the numerous executions."—Lucas.

In Belgium capital punishment has been abolished since 1829, and we are not aware that any evils have followed its abolition.

"The State of Louisiana in the year 1822 adopted the principle of excluding capital punishments altogether. We have seen no reason to doubt, that this experiment, which promises to be one of the most decisive kind, has thus far fully answered the expectations of its authors."—Professor Upham.

"The criminal returns of Great Britain show, that there has been less horse-stealing within the last seven years, without any execution whatever, than in the preceding seven years with 42

executions—that there has been less sheep-stealing during the four years elapsed since the abolition of capital punishment, than during the four previous years: that there have been fewer acts of burglary and house-breaking in the last three years with only two executions, than in the three years ending with 1830, when 36 persons suffered death for those offences. But not so of other crimes, for which capital punishment still continues, for they have nearly all increased."

In view of these facts (and they might have been augmented) we appeal to any candid man to say, whether the objection, that men will be emboldened to commit crime, and that the existence of society will be endangered, by abolishing capital punishment is well founded! We think there can be but one opinion.

LECTURE ON CREATION.—It is a fact, not to be disputed, that many good persons have considerable dislike to Natural Philosophy. They view its discussions as frivolous and unworthy of beings destined for eternity. The labours of the entomologist, for instance, are regarded as the veriest trifling—and the hours employed in pursuing butterflies, and accumulating and classifying insects are considered as lost time, and for which the lover of nature will have to give a fearful account to his Maker and his Judge. By many such religionists natural theology is derided under the misapplied titles of "beggarly elements," "vain philosophy and deceit," "science falsely so called," etc. etc. And most plausibly it is endeavoured to discredit natural philosophy by pointing us to the devotion of the unscientific peasant who sees God in the clouds, and hears him in the wind, in contrast with the infidelity of some philosophers who have been profoundly acquainted with atoms, forces, carbon, oxygen, etc., and yet who have not seen God in all this. In this most absurd manner and with such futile objections is ignorance patronized, and knowledge reprobated. The moth and the ant, the spider and the fly—things which the infinite God did not consider too little, or unworthy of the exercise of his creative power, are forsooth much too small for finite man to notice and examine—man must not stoop so low! And because Paul condemned the atheistical Greek and Oriental philosophy of his day, we are to denounce modern philosophy, although the latter is eminently subservient to the interests of revealed religion! Or again, because some philosophers have been infidels, therefore natural philosophy is to be entirely discarded; as if no unbelievers were to be found amongst the unscientific classes! Having had to combat such prejudices times without number, we are always gratified when we find teachers of the christian religion engaged in the pursuits of natural science. The appearance of such an individual as a LECTURER to a Mechanics' Institute is a practical denial of all the foolish notions entertained on the subject of natural theology by many persons in the religious world.

The lecture on Creation by the Rev. Mr. Churchill has induced the above remarks. When we say that it was eloquent, well arranged, and popular, we believe we express the sentiments of nearly all who heard it. The notions of former philosophers on the origin of our earth—and the doctrines of the eternity of matter, and the casual conflux of atoms, were refuted in a masterly manner. The importance of the account of Moses on the Creation was also introduced in good effect. On one point, however, and which occupied a prominent place in the lecture, we must beg leave to differ with the able lecturer. We allude to the assumption that according to the account of Moses, the creation of the world took place but about six thousand years ago. Again and again, it was assumed that Moses had decided that the earth was of very recent origin. And that many pious persons do thus interpret the first chapter of Genesis we know well, but a fallible interpretation should be carefully distinguished from the account itself. The various sects in Christendom make a difference between a scripture fact, and human opinions or comments on that fact; or, according to their differing interpretations they would regard each other as unbelievers. We believe that our globe has existed many thousand years—and that the human race cannot have been on this earth above a few thousand years, and we think that this scientific theory instead of contradicting the Mosaic account, strongly attests the truth of Scripture. But it may be asked Does not Moses declare that "In the beginning God created the heavens and the earth"? Most certainly. But when was "the beginning"? Does Moses say it was but six thousand years ago? No such thing. For aught we are told, it may have been millions of ages. Again, we read that "the earth was without form and void." How long had the earth remained this shapeless mass of inorganic matter? The Bible does not inform us. For aught we can tell, it may have been through the long lapse of many ages. Or in the words of Dr. Chalmers, "Does Moses ever say, that there was not an interval of many ages between the first act of creation, described in the first verse of the book of Genesis, and said to have been performed at the beginning, and those more detailed operations, the account of which commences at the second verse, and which are described to us as having been performed in so many days? Or, finally, does he ever make us understand, that the genealogies of man went any further than to fix the antiquity of the species, and, of consequence, that they left the antiquity of the globe a free subject for the speculations of philosophers?" Will it be said that such an interpretation of the first chapter of Genesis as we have given above is making the language of the Bible bend to the views of Geologists? But ages before the modern discoveries of Geology were known, many of the ancient fathers supposed the two first verses of Genesis to contain an account of a distinct and prior act of creation. And in some old editions of the English Bible, where there is no division into verses, you actually find a break at the end of what is now the second verse: and in Luther's Bible you have in addition the figure 1 placed against the third verse, as being the beginning of the account of the creation on the first day. (See *Buckland's Geology* Vol. 1. p. 29.) Or will it be asserted that the above view gives a wide and dangerous latitude of interpretation to the student of the Bible. To this we reply, that it does not give him as wide a latitude of interpretation, (assuredly not wider,) than he will be compelled to adopt in reconciling various parts of the Scriptures with the modern astronomical theory, and which is now universally received.

We are not unacquainted with the great antagonist work of modern geology by Mr. Granville Penn, (and indeed all others on the same side of the question are mere caricatures of the argument compared with it) but after having read it and re-read it, we are not

convinced that our globe is but six thousand years of age. In vain he replies to geologists who say that the successive strata in all primitive mineral formations, etc. etc. have been gradually formed and stratified during the lapse of unknown ages. For when God tells us that he made at once the shell of the first tortoise with its successive lamina; also that the first tree was made at once with its successive folds; and that the bone of the first man was made at once a perfect bone,—we believe it; but when we feel compelled to deny that God informs us that the successive strata of the primitive rocks were made at once, we do not feel ourselves bound to believe such exploded notions, because other persons interpret the Bible to that effect. And when such interpreters urge that all the relics of the animals of every kind, (marine as well as others) found in the solid body of the earth, are the results of Noah's deluge, as the Bible does not teach us all this, we do not hesitate a moment to disbelieve it. It is but just also to state that many geologists of the present day are believers in Revelation, and that they would shudder at the idea that their geological views were opposed to the plain testimony of the word of God. But although a multitude of geological facts compel them to assign an indefinitely long period to the creation of the globe, they cherish the belief that their theory corroborates the truth of revealed religion. Cuvier, Buckland, Sedgwick, Silliman and a host of others, good as well as great men, once believed in the common opinion of the modern date of the creation of our earth, but the incontrovertible evidence of physical phenomena changed their views. Do they therefore discredit the narrative of Moses? By no means. Says Dr. Buckland, "I trust it may be shown, not only that there is no inconsistency between our interpretation of the phenomena of nature and of the Mosaic narrative, but that the results of geological inquiry throw important light on parts of this history, which are otherwise involved in much obscurity."

Our remarks are not intended to deny the right of any persons to interpret the scripture account of the creation differently from ourselves. We admit that right in its fullest extent—but we cannot so readily admit the assumption that such interpretation is the account itself. In other words, with us a document and the interpretation of that document may be two different things. In fact anything in the shape of a distinct statement from the lecturer, that nearly all modern geologists were the friends of Revelation, whatever their views are of the age of the world, would have saved us the task of penning this article. In other respects we were highly gratified with Mr. Churchill's animated lecture.

MR. P. LYNCH, JUNR. is to lecture next Wednesday evening on the *ANTIENT ARTS*.

A most extensive conflagration was visible at Montreal on the evening of the 28th, and from the direction of the flames it was conjectured to be in the village of Blairfindine, where there were extensive wooden barracks.

Sir John Colborne has authorised the formation of three volunteer brigades in Montreal, with the same pay as established for the regular service. In pursuance of instruction from England, Sir John has laid a bill before the Special Council to dispense with trial by Jury for a time.

MOVEMENTS AT DETROIT.—Report says that Gen. Brady of Detroit, has captured a patriot schooner in the vicinity of, and with it about nine hundred stand of arms. (The schooner was the Mary, and had 140 stand of arms on board when taken possession of at Gibraltar.)

A gentleman from Toledo, brings a report that the Arsenal at Detroit was recently broken open, stands of arms reported to have been taken by Gen. Brady, re-taken, and that the arms belonging to the Brady Guards were stolen.

P. S: The Detroit Morning Post of Saturday, contains a report that the guns belonging to the Brady Guards have been voluntarily returned.—*Buffalo Star*, Oct. 27.

The Herald says that in pursuance of instructions from England, Sir John Colborne has laid before the Special Council a bill to dispense with trial by jury at least for a time. Also that he has ordered the political prisoners from Quebec to Montreal for trial by the court martial; and called upon Judges Panet and Bedard for a written statement of the reasons on which they decided against the legality of the ordinance suspending the habeas corpus.

It is reported that Col. Wetherall is to take the military command in the Upper Province.

The Montreal Courier publishes an extract from a letter written at Kingston, in which it is said that the Pole, Van Shults, who led the invaders at Prescott, pretends that he had a commission from the government of the U. States, as an officer in the expedition; but that his papers fell into the hands of a Mr. B. of Prescott, an American, and cannot now be found. We venture to say that the government of the U. States never gave him any such commission, and never heard of him before.

The Montreal Herald gives the following as a true copy of a letter addressed by Van Shults to Col. Young, while the invaders were yet in possession of the windmill.

"To the commander of the Queen's troops at Prescott—I send you two of your wounded because I cannot attend to them and give them the care they require. In requittance I beg you to treat my wounded with kindness."

"If on your honor you can assure me that we are not received by the people here as liberators, it depends upon you to put a stop to further bloodshed."

COMMANDER OF THE PATRIOT FORCES AT PRESCOTT.

Some of the Upper Canada papers are very indignant at Colonel Dundas, for not glorifying the militia and volunteers, in his official account of the capture.

In the absence of any important intelligence from the Canada, we have published a string of quotations on the inefficiency of capital punishment. If any of our readers feel inclined to show the use and scriptural propriety of such punishments, we freely tender to them the use of our columns. Our sole desire is the advancement of truth, wherever it may be found.

A most extensive fire occurred at Quebec, on Wednesday evening, the 28th ult. between ten and eleven o'clock, which has left houseless more than a hundred families, and deprived many of the inhabitants of the means of their labour and care for a great number of years. On the 30th, a meeting was held at the Quebec Exchange, when £200 were immediately subscribed for the relief of the destitute sufferers.

Additional collisions, we understand by the Quebec papers, have taken place between the Judges and others on the Habeas Corpus Case.

We have been compelled to insert some news on the 2nd page.