

the scaffold, had the like condition offered him, but refused it because the wench offered him was jaw-fallen, long-cheeked, and sharp-nosed.

Humanitarians may rest easy that no one in this country will be required to pass through the ordeal of execution unless he has previously qualified as regards lack of sensitiveness by the commission of a brutal act that would have been impossible to a sensitive man.

To sum up: we have found that all our four canons of punishment—Segregation, Deterrence, Reformation, and Humanity—are met by capital punishment in an almost ideal manner, and that its removal from the statute book would be, from every point of view, a most profound and unfortunate mistake.

*IS A "WIRELESS MESSAGE" WITHIN THE PROVISIONS
OF CRIMINAL STATUTES RELATING TO
TELEGRAPHS AND TELEPHONES?*

1. It is not the province of a law journal, or of a legal editor, to take cognizance of every "point" a resourceful attorney may present, or of every question an ill-advised criminal prosecution may raise. But in those cases in which a great fundamental principle of the law is involved—especially where the exact point presented has not been passed upon or adjudicated by a court in any of the states of the Union, or any of the federal courts—a legal journal or a law editor is warranted in presenting the fundamental principles and authorities which do, or should, govern courts in arriving at a conclusion, even though they are somewhat elementary in their character.

2. The question whether a "message" sent by electric space-telegraphy, through the instrumentality of any of the various methods of sending what are popularly known as "wireless messages," is embraced within the provisions and prohibition of the ordinary criminal laws of a state relating to and governing telegraph and telephone lines, has been raised by an indictment re