

zine articles, frequently of an exaggerated and sensational sort, which find a ready and sympathetic response in that amiable tendency of human nature that Judge Taft alludes to. For, while this amiable good nature does fortunately exist, it has been frequently and very truly said that probably the dominant trait of the true American is his love of justice,—of the square deal. So if once his mind is thoroughly imbued with the idea that as a matter of *justice* and *right* the State must enforce its prescribed rules of conduct, and that the criminal must suffer for their violation as a matter, not only of necessity, but of *justice* and *right*, the inherent love of fairness will assert itself and the deplorable paucity of convictions that the Taft article speaks of will disappear. The importance of this is probably greatest in relation to the infliction of capital punishment, for it is naturally this extreme penalty that the juries are the most loth to assess. The necessity, therefore, that the general body of the people should actively appreciate the right of the State to inflict the death penalty, and should appreciate also the expediency of it, is imperative. In order to thoroughly understand the right of the State to assess this penalty some general knowledge of the *nature* and *objects* of civil punishment is necessary.

Punishment, in its broadest sense, is pain inflicted as a penalty for the commission of wrong; and as law, the governing principle in all things natural, human, or divine, is but a rule of action, wrong is best defined as a failure to conform to these established rules of action. Law as applied to human societies is a rule of civil conduct prescribed by the supreme power of the State, commending what is right and prohibiting what is wrong. This definition is Sir William Blackstone's, whose commentaries are regarded as the greatest exposition of English law principles as applied to property and individual rights. Civil punishment is any penalty, pain or suffering inflicted upon a person by authority of the State for his failure to observe any one of these rules of civil conduct thus prescribed for his guidance.

But to look further into the nature of civil punishments. Such a right is, in its nature, a dangerous prerogative, even