

### The Sheriff's Counsel Plays Hanging.

#### INQUIRY INTO DOUBLE EXECUTION OF SWIM.

(Standard, Montreal, Nov. 26.)  
Slashing condemnation of hanging, above all by counsel for Sheriff Albin B. Foster, under whose direction the execution was performed, was a feature of the recent Woodstock, N. B., inquiry into the double hanging of Bennie Swim, according to reports received here by the Canadian Prisoners' Welfare Association, which was represented by counsel at the inquiry.

After all evidence was in, T. C. L. Ketchum, for the Association, declared that witnesses' testimony showed that no reflection could be cast upon the Sheriff as a result of the revolting occurrence of October 6 last, when Swim twice went to the gallows in expiation for the crime for which he was condemned.

#### Shock to Public Mind.

"This hanging," said Mr. Ketchum, "has been a shock to the public mind. I sincerely hope that, in some manner, the report of the commissioner on this inquiry will recommend some future course to be pursued in cases of capital punishment that will forever put an end to such occurrences as that of October 6."

"It seems strange to me that, while the State orders the sentence of the court to be carried out, the State at the same time provides nothing definite as to how and by whom the hanging should be performed."

"In this country, a hangman is obliged to hide his face from his fellow-men, so powerful is public feeling in regard to the practice, yet many persons declare it is the duty of the sheriff to carry out the death sentence. I differ with them. If such a duty was morally the obligation of a sheriff, then we would have to turn to men of the stamp of the hangmen to find our sheriffs, for no self-respecting or respected man would be found to assume such an obligation."

"The obligation is with the State, and the State should insure that, in cases of capital punishment, the execution should be performed by thoroughly competent officials."

"A classic and an eloquent one at that," was the comment of the Hon. Wendell P. Jones, K.C., of Woodstock, who represented Sheriff Foster.

#### ASHAMED OF THE CUSTOM.

"The people of Canada, I feel, are a trifle ashamed of this custom. Their true attitude is shown when any hanging happens in cases of capital punishment. While they realize that hanging is only performance of the law's decree, they resent to the last any excess of suffering on the part of the condemned man."

"Are we not to blame for this state of affairs? We have not proceeded as yet to form any change in this custom. The idea that a man of Albin Foster's stamp should be forced to hang a man is preposterous. It is no job of any sheriff—an official looked up to and trusted in every community. Hangmen are looked down upon through all the ages. Canada, at least, should provide a trained man for executions."

"The inquiry into this hanging has been essential in view of the distorted stories that have been current. The inquiry has served its purpose because it has brought the true facts to light. It will go beyond its purpose, yet perform a distinct benefit to the country, if it should prove to be the starting point for some beneficial changes in the Canadian law affecting capital punishment."

#### 'SWIM' EXECUTIONS MURDER IN SECOND DEGREE.

"Was this not murder, at least in the second degree?" is the question advanced by Robert Birkendike, Sen. president of the Canadian Prisoners' Welfare Association, commenting on the execution at the Woodstock prison.

Public executions are advocated by Mr. Birkendike as a sure cure for that section of the public which considers capital punishment just retribution for the murderer. The president of the Association, in addition, puts forth nine reasons for which the organization is battling for a law banishing the gallows.

"Now that the authorities have at last, after four attempts, succeeded in strangling Bennie Swim to death," says Mr. Birkendike, "is it not up to some of our clergymen who are in favor of the death penalty to preach and sing the praises of our Christian civilization. When I hear a clergyman preaching forgiveness on Sunday and standing up for the death penalty on Monday, I ask myself the old, old question, 'was it he or his parents who sinned?'"

"When we learn to look upon murderers as very sad and unfortunate persons who are insane, or who were at least temporarily unbalanced, we will abolish capital punishment, and, until it is abolished remember that

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you, I, and everyone in Canada, we permit capital punishment is largely guilty of taking human life.

"As awful as the picture of a man going to his doom, I believe it would be well to have executions in public. That would make men think twice before they commit a crime that would follow soon after."

**SINKING OFF INTO CORTEX.**  
"But what have we? We see capital punishment sinking off into a dark corner at some remote corner of the night, working swiftly and secretly and blunderingly. It is such a miserable thing to take a fellow-man's life, why all the secrecy? The answer is that capital punishment is a thing that is known that the true law will discover the weakness and the up for good things that all may see and shrink therefrom."

"Capital punishment is the shame of civilization. We shrink from the thought of it, but it is the biggest and most dangerous of all that it steals human life and sets an example to others to take a life."

"Because the country writes the law on its statute books (that does not kill), and becomes the chief offender. The death penalty is a law on Christianity and in defiance of teachings of Our Lord and Master, a disgrace to any Christian nation, retaining same on its statute books."

"Because the putting of a man to death in the name of the law is murder judicialized, and capital murder is not viewed by common judicial murder. To inflict the death penalty encourages the cruel instincts of society to stigmatize those hated by kindred ties to the victim who is put to death."

"Because the State says: This man is not fit to live and I ask the law if he is not fit to live is he fit to live? It is written: 'Who hateth his brother is a murderer,' and who among us have pure hearts? Who, then, can 'cast the first stone?'"

"Because the Commandment—Thou shalt not kill—is a moral law, and to this law the State is not less amenable than the individual. Capital punishment is shocking to every man's impulse, and, therefore, has no part in a civilized nation's sense."

"Because laws inflicting the death penalty degrade the dignity of the State which should seek the moral formation of criminals rather than inflict them with physical suffering. Capital punishment bears the marks of retaliation and revenge and not of these serve the ends of justice. They defeat justice."

**INNOCENT MAN SUFFERS.**  
"Because many an innocent man has suffered the Death Penalty there is no language to express the justice so great as this. Canada stands in the vanguard of humane reforms, and to this end its codes should be purged of every tinge that savors of cruelty and sense."

"Because there is no 'Double standard' of morals, one for the State and one for the individual. Whether a man is a murderer or an assassin, the execution of the Death Penalty is the stamp of moral degradation on every public official who takes a condemned man to the final and fire-breathing hour of his doom."

"Because Compassion, Philanthropy are the supremest of human sentiments, the Capital Punishment strikes all of these down to a single blow."

"Because the One who came into the world to save sinners condemned to 'Capital Punishment.' He said, 'I do not to destroy life, but to save it.' He says an eye for an eye and a tooth for a tooth, but 'I say, Go, and sin no more.' Is it not poor use to make a man, to kill him? Why not put to work for the balance of his life?"

**WHY NOT ALLOW TO LIVE?**  
"Now, may I ask you why the weak-minded Benny Swim was allowed to live? He was sentenced to death by the law, he was pronounced dead by the law as represented by the executioner, and the face of that, what right had anyone to drag that little fellow to the gallows? Was this not murder, at least in the second degree? Does this blot on our boasted Christian civilization? Christianity and capital punishment can no longer go hand in hand."

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The discovery of this remarkable substance, Dr. Alexander Fleming, of St. Mary's Hospital, London, took him six months to find out. It is really a miracle. Lysozyme is found in every part of the human body. It is found also in some of the lower animals and certain vegetables such as the turnip.

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