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*CAPITAL PUNISHMENT.*

The strongest force in any community towards the proper enforcement of the rules of conduct that make up the body of law is public opinion. Mr. William H. Taft, in an article on the law and its enforcement in this country, published in the *North American Review* for June, 1908, brings out strongly the importance of this fact. So material a factor is it that without the existence of a favourable public opinion no law can be for long successfully enforced. The most frequent instance of this is found, probably, at this time, in relation to the enforcement of the prohibition or local option laws. In counties, for instance, containing large towns, where prohibition laws have been voted on the county as a whole, against the will of the majorities in the towns, the full enforcement of the laws in these towns has proved almost impossible. This merely illustrates the principle which applies with equal force to all laws and decrees of courts not upheld by public opinion. Judge Taft puts striking emphasis on it in the article referred to, where he says, in reference to the trial of criminals, that the jury must be strongly imbued with the *right* of the public to have crime punished before it will feel properly its own obligation to the public at large to restrain future crime by the punishment of offences already committed; that this is necessary in order to resist the amiable tendency of human nature toward mercy and compassion for the unfortunate citizen under charge. Since this is true, and since the jury—the final arbiter of the guilt or innocence of the accused—is made up of the common citizenship, it is certainly of the greatest possible importance that the mind of the ordinary man should keep constantly before him this right in the State to punish crime. Not a passive admission, but an active and thorough appreciation of the right and the necessity. Particularly is this true in view of the many utterances, constantly appearing, of a nature tending to create sympathy for the criminal on trial, or already convicted and suffering the penalty of the law. Utterances in the form of books and stories and maga-