

admitted, the right to inflict whatever penalties that are deemed necessary to accomplish this preservation inevitably follows. If the State is not to be preserved, with the protection it affords to its individual members, then life itself can only be maintained by individual strength, carrying man back to his original state. The sacrifice, through all the years, of his absolute rights would have been in vain.

As to the efficacy of the punishment to deter crime, as to the wisdom of inflicting it, there seems equally small room for question. The teaching of experience justifies this conclusion. In some foreign countries and in some of the States of the Union the abolition of the penalty has been tried, but not with success, though some States still adhere to it. In the States of New York and Iowa the statutes prescribing the death penalties were (by New York in 1860 and Iowa in 1872) abolished; and (as good authority states) by reason of the consequent increase in crime, the Legislatures of both States (New York in 1862 and Iowa in 1878) were compelled to reinstate the law. One of the collaborators in referring to the restoring of capital punishment in the State of New York, adds, that the effect of the law of 1862 was an immediate and a marked falling off in the number of murders occurring in that State. It is not the purpose of this short article to enumerate the statistics on the question, and, as Judge Taft says, criminal statistics are difficult to gather, but it will not be amiss to refer to the article in the American Supplement to the Encyclopedia Britannica (9th ed.), where some are given.

The unsatisfactory instances of experience afforded are sustained by the judgment of the wisest men. Love of life is instinctive. It is a necessary provision of nature to protect man from himself. Remorse, or insanity, temporary and otherwise, may occasionally overcome the natural instinct, but the original love of life is inherent. Men, even involuntarily, cherish it to the last, dreading, or not caring, to explore the mysteries of the grave. Can it, then, be the part of wisdom to deprive the State of this great leverage to the enforcement of its laws? To some, of course, life is a thing more lightly held, and many of the argu-