

SHALL WE PUNISH MURDER.

To take the life of any human being, except in self-defence or when the law commands it, is illegal. That the laws of any country conform in the main to its public opinion is a threadbare truth. We have no law punishing seduction with death, simply because we don't want it. To the passage of any such law, public opinion would be overwhelmingly opposed. But we have a law punishing murder. Then why not apply it to a case falling within it? Why not teach our young women to be on their guard against designing men, and discourage them from committing that awful crime, murder? One of the most pernicious consequences of the acquittal of this class of murderesses is the direct encouragement it gives to others to commit murder under similar circumstances. Recently, in Maryland, a woman was made a heroine of for having twice in succession shot her lover, who did not marry her because, being the only support of a mother and several sisters, he could not. A premium is thus set on deliberate, cowardly homicide. But this is not all. The murdered person may have had good and substantial reasons for refusing to keep his promise of marriage. All these, however, are buried with him; every opportunity to present them, to explain his conduct, to show that the murderess, in her double role as judge and executioner, acted unjustifiably, inexcusably, is gone; for at her trial the public prosecutor is confined to proving the naked fact of the murder, and is not allowed to invalidate or weaken what is called the defence by submitting to the jury any evidence in explanation or extenuation of the murdered man's conduct. The value of human life, already so frightfully low in this country, is in this way lowered still more.

The inconsistencies of public opinion have already been pointed out. Although a man, known to be a seducer, is treated none the worse for this, and has the same access to society as anybody else, yet his violent death elicits applause, or at least no condemnation. Although a proposition to make seduction legally punishable with death would not have the least prospect of being adopted by any legislature, yet when a woman in violation of the law kills her seducer, thus doing that illegally which no one is willing to make legal, no voice is heard in reprobation of the outrage. Such a remarkable phenomenon calls for an explanation, for which, in the case of the husband killing his wife's paramour, we need not be at a loss. The only supposition, upon which his act could possibly be excused, is the very one upon which, in matters relating to husband and wife, the common law has always proceeded, viz.: that the wife has no will or mind of her own, and that, therefore, the paramour is the only person to whom any blame or guilt attaches. That husband and wife are but one person, has always been a maxim of the common law, by which, however, is practically meant that the husband is the one person. The wife, being supposed to be

always acting under the coercion of her husband, has no power to contract; her agreements are of no effect whatever; she can not even commit a crime in his presence, save in a few excepted cases. In fact so much is she regarded as under his control that he has the right, solemnly confirmed by an English court of justice a few years ago, to chastise her corporally whenever he thinks it necessary. There can be no doubt that the above quoted maxim took its rise in the same modes of thought and action which, prevailing universally seven or eight hundred years ago, gave birth to the system of law denominated the common. At that period, and indeed long thereafter, this maxim was living law, in perfect consonance with the semi-civilization to which the English had attained. Although in the course of time opinions have greatly changed, so that in this country, at least, the husband can no longer enjoy the privilege of whipping his wife, without having to pay dearly therefor, yet in other respects there has been but little advance; venerable traditions fetters the minds of men, and, unbeknown to them, warp their judgments; and the husband is still looked upon as, to some extent, the owner of his family whose honor he is required to guard. The absurd notion of duellists, that the infliction of a bodily wound cures a mental one, is among sensible people happily exploded, but the parallel notion of husbands, similarly dating back to, and transmitted from the middle ages, that by killing their wives' paramours they repair their lacerated honour, is received with applause. It is only when juries will cease regarding the husband as the owner of his family, and will cease divesting the wife of those qualities of free will and responsible action with which she is naturally endowed, that they will also cease acquitting the man, who, after having deliberately satisfied himself of his wife's guilt, deliberately kills her accomplice.

In the case also of the murder of the seducer by the seduced, the woman is either habitually regarded as having no will, or else it is considered as overcome by the insidious wiles of the seducer. That he also has strong, frequently ungovernable passions, is a consideration always overlooked; he is constantly represented as the smooth, calm, scheming villain, who effects her ruin with undisturbed placidity. An additional element, however, enters into this case, viz.: the dim, vague consciousness under which juries, and indeed all of us, labor, that the relations between the sexes are not what they should be, that the one is oppressed and occupies a subordinate position to the other. We do not here refer to the political disabilities of woman, but only to the social inequalities and prejudices from which she suffers. Though our confidence may be strong that the time is near at hand when no one will any longer presume to dictate to woman her supposed peculiar sphere, yet at the present moment that time has not come, and it is in