

as to be little capable of feeling the suffering with which he is credited. But however he may feel it, it seems undeniable that the most excruciating mental suffering that is over in sixty seconds can only be as a featherweight in the balance compared with the protracted agony of many years' penal servitude. I pass, therefore, to the more formidable side of capital punishment—the terrible anticipations of the last weeks of life. We have to compare one day of anticipation with one day of penal servitude, and endeavour to estimate by how much the agony of the former exceeds that of the latter. The waiting anticipation appeals so vividly to our minds, and is so forcibly realized, that we are apt to over-estimate its pain, in comparison with that of the less easily represented penal servitude. It seems probable that Fechner's laws of sensation may be applicable here. His theory states that sensation only increases in arithmetical progression when the stimulus increases in geometrical progression. Which, if we may draw the analogy, means that if a certain stimulus produces a certain quantity of pain, double that stimulus will produce very much less than double the quantity of pain. So that, when the pain has already reached a tolerably high level, it will require a very large increment of stimulus to produce a very small increment of pain. Now, the one penal unit per diem which accrues to the convict in penal servitude is already a fairly high degree of pain. To a refined person, it must be such a degree as is not susceptible of a very large increase under any stimulus. The stimulus of anticipated death is far from being the worst of human inflictions. There is no physical pain attached to it; nor have I ever heard of a criminal going off his head on account of it. As a doloriferous agency, therefore, it must be concluded that the prospect of death, though considerably greater, is not immeasurably greater, than the combined physical and mental sufferings of penal servitude. And the quantity of suffering actually felt would be, under Fechner's law, very much less than proportional to the increase of the doloriferous agency. Seeing how much suffering is included in the one penal unit of penal servitude, it seems rea-