

Lord Darling's "Musings on Murder"

A CORRESPONDENCE OF CAPITAL PUNISHMENT.

"THINK OF THE VICTIM."

From SIR MACKENZIE D. CHALMERS, K.C.B., Permanent Under-Secretary for Home Department, 1903-8.

Many years ago a preacher at Oxford advocated the infliction of capital punishment on the ground that it put the condemned man in an excellent frame of mind for receiving clerical admonition. Most people would say that capital punishment should be maintained, primarily at any rate, in order to strike terror into prospective murderers.

Anyone who has been present in court when sentence of death is pronounced can judge for himself of the effect it produces on those present.

I have had the advantage of seeing a murderer committed. From the extracts quoted by Lord Darling from the book by the Warden of the Sing Sing prison, I am inclined to doubt whether the Warden has had the benefit of this experience.

I was in Paris in 1871 during the Commune, and I saw a respectable-looking man brutally murdered by Communists in the Place de la Bastille. Since then my sympathies have turned rather against murderers and in favour of their victims.

It would be well, I think, if in murder trials, the body of the victim was treated with some preservative and produced in court. If the people in court had to look for a couple of days at the corpse delicti, e.g. a girl with her throat cut or her head battered in, there would be less mawkish sympathy for her cruel murderer.

PREVENTING MURDERS.

From MISS WINIFRED GRAHAM (Mrs. Theodore Cory), the Author.

I am much struck with Lord Darling's clever article against the abolition of capital punishment for murder. The chief point appears to me to be embodied in his idea that many murders have been contemplated and committed, simply because the criminals also contemplated capital punishment.

And why should not the penalty be paid by one who has inflicted death on another? This discussion comes with peculiar acuteness to-day when that arch-criminal Mahon has received his due reward for his Crumbles atrocities.

It is a beautiful thought that the young summer roses blotted out the tawdry tears of one who has been so often compelled to pronounce the terrible death sentence.

Murders are usually preceded by lesser crimes, as in the case of Peace, whom Lord Darling alluded to. I feel specially interested in that burglarious murderer, since it is family history that he attempted to enter my old home on the river, from which I now write. I imagine if his earlier crimes had been adequately punished the victimised policeman might not have been murdered.

Yes, I quite agree with Lord Darling that the Warden's arguments in favour of abolition are absolutely inconclusive.

THE EXECUTIONER.

From MISS F. TENNYSON JESSE (Mrs. H. M. Harwood), playwright and author of "Murder and its Motives."

In his brilliant article Lord Darling makes it clear that he approves of capital punishment for the baser forms of murder—prepared, premeditated crime.

I would go even further and say that as long as we have capital punishment at all, its scope might be extended to include, not indeed, all the murderers, for there can be homicides that fall short of the utmost culpability but criminals guilty of persistent cruelty and men who attempt, even unsuccessfully, to wreck a train.

Certain people leave the world the better for their absence. Yet I am against capital punishment—not for the sake of the criminal, but for the sake of the executioner. Like slavery, which did more harm to the masters than to the slaves, so capital punishment degrades the man who inflicts it and the community behind him.

For it is not the hangman alone who pulls the bolt of the drop—it is all of us behind him. Awful as are the agonies suffered by the condemned man in the weeks between his sentence and its fulfilment, it should yet be more awful to reflect that these agonies are knowingly inflicted by the law and the consenting community. It should be more awful—but we are not yet advanced thus far.

I look forward to the day when capital punishment will die a natural death, because there can no longer be found anyone to inflict it. But then we shall probably be so improved that no one will commit murder. But meanwhile—

THE BEST DETERRENT.

From the Hon. STEPHEN COLERIDGE, M.A., Clerk of Assize, South Wales Circuit.

I am afraid I am quite without the wit to "comment" as you suggest that I should, on Lord Darling's elo-

quent jesting on the subject of murder and capital punishment. Thirty-four years' experience of an Assize Court has deprived me of the capacity for appreciating even the most exquisite banter on these subjects.

My own opinion on capital punishment is that it is a dreadful necessity, just in itself, and the best effective deterrent against the crime.

And that this second object should be fulfilled, I think the Press should exclude from its columns everything that may enlist sympathy for convicted murderers between the sentence and the execution.

The only persons deserving sympathy are the victim and the victim's relatives and friends.

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dred and twenty-seven of these were born in Italy, and he says that this is specially significant in view of the very low homicide rate in Italy, where capital punishment has been abolished for more than 80 years. The author concludes from this that the death penalty is not effective.

It is impossible satisfactorily to answer such an argument without having all the details and facts which these statistics represent. Lord Darling humorously answers it by satire and ridicule, and does so effectively; but the real answer is that the 127 Italians, who no doubt left their country for their country's good, were probably men wanted by the police in their own country and had gone to the State of New York to escape justice; or they may have been released from gaol to serve in the war, or for some similar purpose.

Of course, there is the further answer that Italians, in a great crowded, modern, up-to-date State like New York, especially in the cities where Italians work, would be more likely to be brought into those surroundings where murders are likely to be committed than in the quaint pastoral scenes around their homes on the Tuscan Hills.

In all communities the inhabitants are more or less subject to ordinances which, whilst curtailing their actions for the good of the community, at the same time have fixed penalties for the violation of these ordinances. One of these is the death penalty for taking human life when there is no justification and where at the same

(Continued on page 11.)

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THE RIGHT TO LIVE.

From Rt. Hon. LORD MORRIS, K.C., ex-Prime Minister of Newfoundland.

Lord Darling strikes a blow at that mawkish sentimentality which very often fills our souls with heroes.

Cervantes laughed Spain's chivalry away. Chivalry in some departments of life is admirable, but it too often degenerates into insipid, sickly sentiment. By a trenchant pen, knowledge of his subject, with wit and satire, Lord Darling has annihilated the arguments of the Warden of Sing Sing Prison, set forth in a recent treatise entitled "Man's Judgement of Death, being an Analysis of the Operation and Effect of Capital Punishment, Based on Facts, Not Sentiment."

The general proposition which the from murdering. In support of this author of this extraordinary book proposition he points out that from starts out to prove by the statistics December, 1899, to October, 1923, 458 he has collected and collated is that persons have been sentenced to death capital punishment does not deter men in the State of New York. One hun-

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