

Civil and Social Department.

CAPITAL PUNISHMENT.

There is no subject on the discussion of which we ever entered with so much diffidence as that of the abolition of the punishment of death. It is a subject, which at the present time engages the attention of the whole civilized world. The advocates of abolition every day increase in numbers, but triumph has not, except in one or two instances, crowned their efforts. We know of no country or State, with the single exception of the State of Michigan, where the punishment of death is not enforced. In most countries this punishment is now confined to one or two crimes; in some it extends to several; but in few countries are so many crimes punishable with death as were a few years ago. The mitigation of the rigour of punishment, and the abolition of brutal modes of torture, are regarded as a marked feature of the advanced civilization of the present age. In glancing at the criminal codes of different nations, one is struck with the irregularity and the national caprice exhibited in the punishment of the same crime.

This variation may perhaps be excused on the ground that it accommodates itself to the different degrees of civilization found in different countries. But in the different States of the American Union, where there cannot be a very wide difference in the status of civilization, considerable inequality of punishment exists. In the old settled States of New England, manufactures, science, and the arts are in a more advanced state than in Iowa or Wisconsin. But in some of the oldest States we find that the punishment of death extends to the greatest number of crimes. North Carolina is the most rigorous in its punishments of any State in the Union. Horse-stealing, slave-stealing, bigamy, arson, and circulating seditious publications among the slaves, in addition to the crimes of rape and murder, are all capital offences; as well as several other crimes of a secondary nature. South Carolina punishes horse-stealing and forgery with death. Maryland places the burning of Mills in the list of capital crimes. Georgia attaches the punishment of death to the circulation of insurrectionary papers; or in other words, telling the slave that he is a slave; and in this respect Louisiana follows her example. Tennessee and Ohio confine the punishment of death to the crime of murder; and Indiana to treason and murder. Delaware makes the crime of burglary a capital offence, and Rhode Island, Massachusetts, and New York, punish arson with death. The code of the United States, where no particular State is concerned, punishes with death the following crimes: treason, murder, arson, rape on the seas, robbing Mail (second time,) forgery, piracy, robbery on the high seas, setting fire to ships, and some others. The punishment of death in England is now confined to murder and rape, and we believe one or two statutory offences. There is something arbitrary, revolting and irrational in the strange contradictions in the criminal codes of the different States of the American Union. In one State, horse-stealing is a trifling offence, visited with a light punishment; in others it is raised in atrocity to an equality with murder. In some States the publication of truth is not only made a crime, but the highest crime that can be committed, and is punished with death. When so much difference of opinion exists as to the crimes to which the punishment of death should attach; when the hangman is guided by no other rule than the caprice or prejudice of a people, and when this caprice and these prejudices run in opposite directions in different countries, and in the same country at different periods; it is not matter of surprise that the question of abolishing capital punishment altogether should have arisen. Men have not agreed to fix any definite limit to the punishment of death. Different countries, and as we have seen, different States in the same country, allow it a range equal to their prejudices, their convictions or their

caprice. If a short term of imprisonment is a just and proper punishment in Tennessee for the crime of horse-stealing, it is nothing short of murder to hang a man for committing the same crime in North Carolina; and yet the judges, the juries, and the people of North Carolina persist in hanging the horse-thief, and think they are fulfilling a duty in doing so. It is perfectly true that many parts of a criminal code which may be suited to a state of society in one country at one time, may be barbarously severe in another country or age presenting a more advanced state of civilization. But the punishment of death can scarcely accommodate itself to these varying circumstances. The sacredness of human life is too great to be trifled with. Justice, strict unbending justice will place some limit to the punishment of death. It is right to hang a man for stealing a horse, or it is not; and this right must be paramount under all circumstances and in all cases. If we reduce man to a level with the horse, and insist on taking a man's life for the value of a horse, we might produce a tolerable argument in favour of the practice of hanging the horse-thief; but not otherwise. Where then shall we place the limit of death punishment? The limits assigned by the present practice of different countries are merely arbitrary; the practice of one country contradicts that of another, and as justice is uniform and consistent, it follows that the practice of some countries must be wrong; and every error committed in the taking of human life is a judicial murder. Where then shall we fix the limit of death punishment so as to escape the consequences of so fatal an error? Shall we go to the Bible and take the Mosaic practice for our guide? If we are to take the Mosaic dispensation for our guide, a question may arise whether we ought also to adopt the mode of stoning to death pursued by the Jews under that dispensation.

Leaving this question to be discussed or settled by those whose leisure and inclination may lead them into it, let us see whether it be practicable to adopt the Mosaic code of punishment, with perfect safety to the interests of society. The Mosaic dispensation placed the violation of the Sabbath in the category of capital crimes. We need enumerate no other offence. It is clearly impossible that we could, without rending society to pieces, and almost putting an end to our species, adopt this code. But then if we reject the code as a whole, why should we adopt a part of it? If we are bound to take one part, we are equally bound to take the whole; if we reject the whole we are not at liberty to take a part, without giving a sufficient reason for making the distinction. What sufficient reason, then, can we give? We may urge the interests of society. The consequences of breaking the Sabbath are inferior when compared with the consequences of the commission of murder. Society must be protected against the murderer: while it would be injustice to compel the Jew to observe the Sunday in the manner we do, because our Saturday is his Sabbath; and he conscientiously observes it. Society is not answerable for the belief of the Jew, and has no right to interfere with his observance or non-observance of the Sabbath. Here then is a distinction between the crime of murder and of Sabbath breaking in their effects upon Society; and moreover it is evident that there are cases—the case of the Jew that we have instanced—in which we have no right whatever to award any punishment to the latter. But the distinction which exists between Sabbath-breaking and the crime of murder, must not be mistaken. It is just this: society has a right to be protected against the murderer, while it has not, in all cases, the right to punish the non-observance of the Sabbath, because it could not do so without persecuting some of its members. But because society has a right to be protected against the murderer, it does not follow that it has a right to take the life of the murderer, unless its safety depend upon its doing so. By the safety of Society we mean not merely the necessity of restraining

the convicted murderer, and preventing him committing more murders, but the safety of Society demands that we inflict on the culprit such punishment as will tend to discourage the crime of murder generally, and we have not a right to inflict any other. This is what the safety of Society demands. The question, then, is this: does the punishment of death afford greater security to society by more effectually deterring from the commission of murder than any other punishment would? And this question, it appears to us, experience alone can decide. The State of Michigan is now testing it. One of the Swiss Cantons once tried a similar experiment, and the result, which we cannot state precisely, is said to have been favourable to abolition. Writers on this subject are generally dogmatic, and decide the question, without proof, either on one side or the other. We choose to take a different course. If there be any positive evidence by which to decide the question, it is not within our reach; and we never decide a great question without evidence. We see no rational objection to trying the experiment of abolition; as that is the only self-way of settling the question.

The following statistics, taken from a work written by Oscar King, of Sweden, exhibit a comparison of Capital punishment in different countries, but they prove nothing for or against that mode of punishment, that we can discover:—

	Inhabitants.
Spain, one execution yearly, in.....	125,000
Sweden, do do do.....	172,000
Norway, from 1832 to 1834, inclusive, one execution yearly, in.....	720,000
Do from 1835 to 1837,.....	none.
Ireland, one execution yearly, in.....	200,000
England, do do do.....	250,000
France, do do do.....	447,000
Baden, do do do.....	400,000
Do during the year 1831, only one in.....	1230,000
Austria in Germany, one execution yearly, in.....	840,000
Wurtemberg, one execution yearly, in.....	750,000
Pennsylvania, do do do.....	820,000
Bavaria, do do do.....	2,000,000
Russia, do do do.....	1,700,000
Vermont, since 1814, none.	
Belgium, since 1833, none.	

OUR SURPLUS GRAIN.

Last year Canada received an addition of 25,000 persons to her population. Each of these would consume on an average, eight bushels of grain in the first year; the aggregate amount thus consumed would be 224,000 bushels. In addition to this we exported 534,747 bushels of wheat, 555,602 bbls. of flour, which, supposing each bbl. to contain five bushels, would be 3,332,757 bushels. The quantity consumed by emigrants and the amount exported would make 3,556,757 bushels of wheat over and above what was required to feed the population who were engaged in its production, and all others residing in the country. Every year our surplus products increase with our population as will be seen by the following tabular statement of exports by sea from Montreal and Quebec during the last nine years.

	Flour.	Wheat.	Oats.	Peas.
	Barrels.	Barrels.	Bushels.	Bushels.
1833.....	59,204	.....	.....	1,415
1839.....	48,427	3,336	.....	2,855
1840.....	315,612	142,059	.....	59,878
1841.....	356,210	562,862	.....	123,574
1842.....	234,799	204,107	5,665	78,985
1843.....	209,937	144,133	3,651	83,318
1844.....	415,467	232,183	24,574	130,355
1845.....	442,225	330,252	53,530	220,912
1846.....	555,602	534,747	46,060	216,339

If our surplus products increase at this ratio, and if we did not export a single kernel of grain, we should then be able to feed about five hundred thousand emigrants. Otherwise, it is a most lamentable fallacy into which some have fallen who assert that we are prepared to receive an addition of half a million to our population in one year. We must either export this surplus, or if it be consumed by emigrants, they must be such as are able to pay for it, not merely in labour, for so large an amount of labour could not be absorbed, but in money, which we must have if the grain be consumed in the country, to pay for our imports.

We could probably absorb 40,000 emigrants bringing nothing but their labour amongst our settled population. But if a much greater number than this come in one year, not only would the proper relation of labour and capital be disturbed, but the difficulty would be enhanced by the fact that the imported labour would be of a kind not adapted to the country; the labourer would have to undergo an apprenticeship. It is utterly impossible that any thing like half a mil-

lion of people could be settled in Canada in one year, without the hazard of their suffering evils which would be severely felt by the whole population.

The London Chronicle states that Ireland alone will pour probably 300,000 of her population upon the shores of America during the present year, and that of this number one-fourth will come to Canada. The question which then arises is a very simple one: shall we have in the country provisions to feed 75,000 emigrants? We know not how much grain may be stored by merchants for shipment; but we are decidedly of opinion that the farmers of the country have very little more than will be required to supply their own wants until next harvest. It is quite time that we should look to the position in which we may soon be placed; and take such steps as will prevent the probability of the famine being transferred to our shores; as it will be if, at the time when we receive an addition of 75,000 to our population, we shall have emptied our granaries into the markets of Europe.

POST OFFICE REGULATIONS.

We have to complain of somebody, we should like to know who, for the non-transmission of our papers as they are directed. We have six subscribers at the village of Bronte, to each of whom we sent a copy of our last number, separately folded and directed, and the whole six done up in one wrapper, with "BRONTE" written on the outside. One of these subscribers writes us:—"Your last number has not been received here by any of the subscribers except myself." Now, what is the reason of this? The package must have been broken open by some one, and the papers taken out, for if the direction had been mistaken, our correspondent would not have received his—it would have gone with the rest. We do not know whether our cotemporaries have occasion to complain of the same evil; perhaps it is because we are just entering the field, that the Post Office people take such liberties with us. We shall feel obliged to our subscribers in letting us know whenever there is any irregularity in the receipt of their papers, and we shall endeavour to ferret out the cause of it. Our list is not yet so large (we are sorry to say) that we need have any difficulty in sending a copy of our paper to each subscriber as soon as it is issued. The fault lies in the carelessness or misconduct of those connected with the Post Office. A subscriber at Bradford writes that he has only received one number. Now, it is utterly impossible that the mistake could have occurred with us, for his name is upon our list, and we recollect distinctly writing it each time of issue.

We sincerely hope that at the next meeting of Parliament, our Legislators will do something besides call each other names, and that they will establish a more vigorous, more complete, and more vigilant system in our Post Office. With regard to the indifference that has been shown to the wants of the people under the present system, we may adduce another instance in the case of the village we have mentioned. Our correspondent goes on to state:—

"We have been shamefully used in this place with regard to a Post Office; we have been petitioning and writing to the Post Office Department for the last two years, and urging in every reasonable way the establishment of a Post Office in this place; our petitions have been signed by the most influential and respectable men we have, unanimously, but all to no effect, as we have been put off by the most trifling excuses. That this place is deserving of such an establishment may easily be supposed from the fact, that about four months ago, despairing of getting a Post Office, we established an independent one, and have since had our communications brought from the nearest Post Office weekly. This of course costs something, which added to tremendous rates of postage, makes our postage expenses rather a heavy item."

IMMIGRATION.—A Society has been formed in this city, under the auspices of H. J. Benson, Esq., called the Emigrant Settlement Society, whose object is to render assistance to, and find employment for emigrants on their arrival. We doubt the ability of the Society to command resources sufficient to ensure complete success without the assistance of the Legislature and the co-operation of the benevolent in other places. We shall enter into a consideration of this subject in our next.