

Indignation at crime is a wholesome feeling, but the desire for revenge is a savage instinct, by no means always united to indignation; nay, more frequently disconnected from it. Before being able to make Sir James Stephen understand what is meant by the doctrine, that human life is sacred, it would be necessary to get him to admit the generally received doctrine that man has a soul, and that by destroying human life we are precipitating matters about which we know very little indeed. The Lord Justice confesses plaintively that his views are unpopular and peculiar, and perhaps we may be permitted to rejoice, that views so peculiar are likely to remain unpopular so long as they find no more artful advocate than one who compares the killing of men to the destruction of wolves and tigers, and who naively asks: "What is the use of keeping such a wretch (William Palmer) at the public expense, for say half a century?" Imagine how the effect of an execution would be heightened, if it were generally understood that the criminal was being put to death, partly to save his keep!

The death penalty is justified by necessity, precisely as is every other punishment. The right of society to punish depends on two doctrines,—first that it is its duty to provide for its own preservation,—second, that the moral government of the universe, of which the attempts at social order are only imperfect copies, is sanctioned by rewards and punishments. How far shipwrecks and colliery explosions are to be considered as acts of Divine vengeance, I must leave pious old women and Lord Justice Stephen to determine; my metaphysical insight goeth not so far.

R.

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#### OVER LEGISLATION.

In your issue of the 31st of March you quote an article from the *Bystander*, denouncing for its immorality and injustice the dregs of a measure, which, when introduced into Parliament a year ago, we styled the charlatanism of Mr. Charlton. We join the writer in the *Bystander* in the hope that in the real interest of morality, Mr. Charlton's proposal will never become law, and we must add our regret that, owing to some inconceivable weakness, such a bill should ever have passed the ordeal of a second reading. Mr. Charlton's legislative effort is, however, only

an odious form of a growing evil, of popular legislatures—the mania of law-making. Individual capacity is perhaps, in a general way, increased by the spread of education, and the extension of political activity, but it may fairly be questioned whether the available capacity for the framing of laws is at all augmented thereby. There can be no doubt, however, that the pretentious desire to try to make laws is increasing tremendously. As an instance, during the last session of Parliament and this one we have had no end of measures introduced by private members to alter the criminal law. Similar attacks have been made on the civil law in Quebec. What renders all this the more alarming, is the disposition shown by Government to dally with all these schemes. As suggestions they may have their use, but the public should have the skilled authority of Government for or against such laws, and not a mere assent to their passing. It is improbable that a private member can really be possessed of the information necessary to fit him to judge as to the expediency of a fundamental law; and it is certain that very few members are in a position to resist the captivating arguments of an enthusiastic colleague backed by an evil for which he pretends his measure is the cure or a palliative.

Theoretically it is the right of a private member to introduce any bill, except a money bill, but in practice this ought to be restrained to the introduction of private or local acts, or by the leaders of the opposition of bills to test a policy.

The evils of over-legislation have been illustrated by Mr. Herbert Spencer, in a witty essay, in which he says: "On all sides are well meant measures producing unforeseen mischiefs—a licensing law that promotes the adulteration of beer,—a ticket-of-leave system, that encourages men to commit crime; a police regulation that forces street-hucksters into the work-house. And then, in addition to the obvious and proximate evils, come the remote and less distinguishable ones, which, could we estimate their accumulated result, we should probably find even more serious."

R.