

# The Charlottetown Herald.

NEW SERIES

CHARLOTTETOWN, PRINCE EDWARD ISLAND, WEDNESDAY, FEB. 28, 1912

Vol. XLI, No. 9

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### Questions of The Day.

#### CAPITAL PUNISHMENT

There is a movement under way for the abolition of Capital Punishment in the State of New York. It has been a favorite subject of debating societies for many decades, and argument may be legitimately advanced for and against its accomplishment. It may be advocated, on the grounds of policy or expediency, and it is possible that in this locality milder methods would serve the ends of justice more effectively; but there is one line of argument extensively used by the abolitionists which may not be availed of by academic or legislative debaters who are intelligent believers in Christianity. Capital punishment is not necessarily unchristian, barbaric or unjust, and has sound philosophic and theological warrant.

In the primitive revelation God said: "Whoso sheddeth man's blood his blood shall be shed," and in the Socratic code He enjoined the death penalty for certain offences. The permission granted for divorce "because of the hardness of your hearts" He has rescinded but the principle of capital punishment He has not rescinded either by direct revelation or by His Church. On the contrary, St. Paul, inculcating obedience to civil authority, declared: "If thou do that which is evil, fear for he (the civil ruler) beareth not the sword in vain. For he is God's minister; an avenger to execute wrath upon him that doth evil." (Rom. xiii. 4) The Church, which has seen millions of her children suffer death unjustly, has been striving for nineteen centuries to soften and extinguish in a thousand ways "man's inhumanity to man," but she has never intimated that Capital Punishment as such comes under this category. Essential to the notion of punishment is the element of retribution, and through this may not be exacted on merely personal grounds, the "higher power" which is "ordained of God" is divinely authorized to exact it, and when death is judged the measure of retribution, to enforce that penalty.

Reason, as its wont, supports the teachings of Scripture and theology. Since the State has received from God and enjoys whatever powers are essential to its existence and well-being, that punishment is lawful which is necessary for the suppression of lawlessness and the prevention of such crimes as threaten its authority and stability, and endanger the peace of society. Now, conditions may exist when punishment by death is necessary to the conservation of the State's fundamental rights, and even to its existence; for instance, in the case of aggressive war from without or armed treason within. The most violent peace advocate will hardly deny the State the right under such circumstances to kill its enemies on the field, a far less humane process than orderly execution, after fair trial and ample time for repentance. Again, if organized murder, dynamiting, arson, etc., should develop to large proportions in a commonwealth, surely the community has the right conceded to every individual to preserve its own life by slaying its assailant. Besides inflicting an irreparable wrong on the person slain, deliberate murder, if inadequately punished, endangers the lives of other citizens and the permanence or efficacy of civil authority. An efficient deterrent is mandatory, and if the death penalty proves the only deterrent that is adequate, it must be conceded that any State which has a right to exist has a right to inflict it.

The question to be determined is whether capital punishment is the only adequate deterrent; and on this history sheds some light. Assyrians, Egyptians, Greeks and Romans at the height of their civilization inflicted it, and it was the labor of Christianity for many centuries to diminish the number of its applications and rightly apportion its use. The moment the Church ceased to have influence in any country the instances of capital punishment grew at once in number and kind. There were 72,000 executions in the reign of Henry VIII, and the number that were executed in the reign of Elizabeth and during the French Revolution are beyond historical reckoning. Witchcraft and wizardry were made capital offences by Elizabeth and James, and in this regard alone 4,000 were executed in Scotland. New England contributed a liberal quota, owing to the influence of Cotton Mather and his sympathizers, and it was only ten years before the Declaration of Independence that death for witchcraft was abolished in America. The Federal Laws of the United States confined the death penalty to treason, piracy and murder. All the States enacted it for murder or treason, or both, some adding rape, arson, train-wrecking and poisoning, but Wisconsin and Iowa have abolished it, and Maine, Rhode Island and Colorado have

been alternating between abolition and re-enactment.

During the horrors of the French Revolution Marquis Beccaria published in Italy his famous "Crime and Punishment," which went to the opposite extreme, and his exercised considerable influence. His argument was that legal execution is murder (which, though quite true of the French revolutionary regime, is under normal conditions an unproved assumption); that life imprisonment is more feared than death, and that in the perfect State the death penalty is unnecessary to safety. Jeremy Bentham showed that capital punishment is the most efficacious preventive of great crimes, and Sir Samuel Romilly pertinently asked: If imprisonment for life is more terrible and the State can inflict it, why may it not inflict death, which is declared less terrible? We may add that the perfect State has not yet appeared on the map of nations.

The net results are that the death penalty has been abolished in Italy, Holland, Portugal and Romania; has been abolished and re-enacted in Switzerland and France, and elsewhere prevails. The homicides in Italy in 1905 were 105 per million, as compared with 27 per million in Great Britain and Ireland where capital punishment obtains in practice as well as theory. The French government, frightened by its Apaches, has recently resumed the enforcement of the death penalty, and a congress of German jurists has been considering the propriety of extending its scope. Thus in almost all civilized countries capital punishment has always prevailed, or, after temporary disuse, it has been found expedient to resume it. Hence we can rightly appraise the information and intelligence of those who pronounce it barbaric and uncivilized. The punitive code which has been enacted by the most highly developed and well ordered States to suppress the barbarism of its lawless elements should be, when justly applied, and efficiently administered, the very opposite of barbarism.

Have we attained the condition of the perfect State which Beccaria rightly thought would not need to execute its criminals? We may not pause for a reply. Suffice it to say that a deliberate murderer is a menace to any community, and in this country the only way to keep him out of the community is to execute him. Imprisonment for life has become a legal fiction. By "good conduct" it can be whittled down to a very limited number of years, and if the murderer has friends or enterprising lawyers—and these are facile acquisition—he can usually narrow it still further. Nor is his prison home calculated either on the one hand to reform him, or on the other greatly to rebel him. Too often our jails are easy to stay in, easy to get out of, and therefore are unable to furnish the substitute for death demanded by Beccaria.

But the abolitionists say, and quite truly, even if the jails are no deterrent, neither is the death penalty. How could it be? It has practically ceased to exist. Pardon boards, impressionable governors and lawyers hungry for reputation or emolument have virtually abolished it, thus neutralizing justice and sapping confidence in the courts which are its fountain. We no longer expect to see a murderer executed unless circumstances of exceptional atrocity attended the crime, and even then we have no certainty. Meanwhile homicide is frequent and on the increase. That capital punishment has not proved a deterrent is attributable not to its nature, but to the inaction of those who have allowed it to lapse into innocuous desuetude. And it should be noted that wherever lynch law is prevalent legal executions are rare, and also that lynching is not now confined to sectional lines.

It is a question of public and personal safety, and too important to permit mawkish sentimentality and half-baked ethics to determine it. It is more imperative to reduce the number of violent deaths at the hands of murderers than to save desperate criminals from receiving their just dues. History tells us, indeed, that capital punishment was often abused, and by its very excess became inefficient, but also that where it has been confined to deliberate murder and equivalent offences, and applied to these consistently and rigidly, such crimes have invariably decreased. It is to be hoped that the time may arrive when order can be maintained and crime suppressed without taking the life of the criminal, but to abandon this method in the meantime should serve to hinder, not to hasten, the advent of that golden age.—M. Kenny, S. J., in America.

"You're a cool sort of a cuss, Simpson," said Jerrocks. "Here's this note of yours fell due last Friday, and as your endorser I have had to pay it, but you seem to think it's funny. You don't appear to be worrying at all." "Oh, no," said Simpson. "What's the use? I discounted that long ago."

### The Career of Dickens

Wednesday, February 7, marked the one hundredth anniversary of Charles Dickens' birthday. The novelist was the second child of John Dickens, a clerk in the Portsmouth dockyard, and of Elizabeth Barrow, his wife. Owing to the chronic insolvency of his Michael-borne father, the early education of Charles, a sickly and precocious boy, was shamefully neglected, and at twelve he was placed in his cousin's binding factory to earn six shillings a week, passing labels on boxes.

When freed from this "servitude" he entered, after three years' schooling, an attorney's office as clerk, but determining to better himself, he used all his leisure hours following a course of reading at the British Museum, and in mastering shorthand, becoming subsequently a reporter on a morning paper, he learned to take down speeches more rapidly and accurately than any one else, while his work and experience as a news gatherer trained and developed in Dickens those powers of observation and character-drawing for which he became so remarkable.

At twenty he published his first book, entitled "Sketches by Boz," a collection of articles he had contributed to the Monthly Magazine and the Evening Chronicle. The same year marked Dickens' marriage with Catherine Hogarth, one—and seemingly the wrong one—of the numerous daughters of a newspaper man, for husband and wife separated some twenty years later, after she had borne him ten children. The year 1836 was also made memorable by the appearance of the "Pickwick Papers," which, like many of Dickens' stories, was published in monthly numbers. In these sketches he found himself, and never lost the hold on his readers that "Pickwick" gave him. Successful stories like "Oliver Twist," "Nicholas Nickleby," and "The Old Curiosity Shop" rapidly followed, but "Barnaby Rudge," a historical novel about the Gordon riots, was less of a favorite. Finding his literary output, Dickens now decided to tour the United States in search of new matter for descriptive papers.

He found it there in abundance. He traveled from New York to St. Louis, with his eyes wide open, seized the national characteristics, and taking no pains to conceal his disgust at the lack of repose in Bro. Jonathan's manners, published his "American Notes." The offense the book gave readers on this side of the Atlantic, who attached too much importance to a young Englishman's hasty generalization, was not at all mitigated by the American experiences of "Martin Chuzzlewit," though the story also gave immortality to Mrs. Gamp and Mr. Pecksnip.

It was during these years, too, that Dickens taught his readers to expect from his pen delightful tales like the "Christmas Carol" and the "Chimes." A desire to refresh his mind again, however, carried him to Italy in 1844. Though the novelist settled at Genoa and saw the chief cities of the peninsula, he bore England with him all the while, as did most British travelers of those days. "Pictures from Italy" is a book made up of papers contributed during the tour to the Daily News, of which Dickens was the first editor, though he gave place in just three weeks to a successor. Many of the "Pictures" Catholics, of course, will find blurred or distorted, but, for Dickens, the volume shows considerable self-restraint. Then followed a sojourn in Switzerland while "Dombey" was being written, though the exiled Londoner longed so for city streets that he actually had to visit Geneva before he could go on with his work. There the economic value of Protestantism impressed him forcibly, and the Calvinists' hatred of the Church seemed to him the most rational feeling in the world. But as Dickens was a Church of England Christian, with perhaps no very delicate religious opinions save a robust aversion to all the works and pomps of popery, it is not surprising that grating Swiss Catholics their rights seemed to him downright folly.

In 1850 "David Copperfield," an autobiographical story, which is considered by many its author's best book, was finished, and about this time Household Words, weekly journal, was started under Dickens' editorship, and gave place later to All the Year Round, a periodical of like character. It was in these publications that Dickens' own stories now appeared, but he made a good editor and was "kipped even to his contributors."

The anti-Catholic "Child's History of England" added nothing to its reputation, for "the child," as Chatterton well observes, "is the writer, and not the reader," while in "Black House," "Hard Times" and "Little Dorrit," novels written in the fifties,

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critics detect a strained note and an absence of the spontaneous humor of earlier works. "A Tale of Two Cities," however, Dickens' second and last historical novel, has a strength and consistency of plot that is its own story-tell.

The big sales of his books brought the next list was then considered a fine income for a mere author, but his eagerness to provide generously for his large family made him try his experiment of giving public readings from his own books. "Do not do it," advised Forster, his chosen biographer, "it is a bad idea." Dickens nevertheless began his readings, and they proved so popular and remunerative that much time and energy during the last two years of his life was given to the platform, though "Great Expectations" and "Our Mutual Friend" were added to his works. The reader was a whole tragic, comic, heroic theatre visible performing under one roof. "It is Carlyle's tribute to Dickens' success in interpreting his own success. Sixty pounds a night was his fee, and money poured in, but the strain was breaking down his health and burying him to the grave.

America meanwhile was clamoring for another visit. All would be forgiven if "Charlie" would only come over again. Dickens consented, and toured the Eastern cities in 1868, giving a series of readings that brought him \$100,000 to help keep the wolves from the door. The "greatest of the nation" was much impressed by the changes of twenty-five years, and viewed with sorrow the new Catholic Cathedral that was going up in New York.

After his return to England Dickens, in spite of the retortouches of physicians, continued his readings, but early in 1870 left the platform for good, and retired to his home at Gad's Hill Place to finish "Edwin Drood," but he died suddenly of apoplexy on June 9 of the same year, and was buried in Westminster Abbey.—Walter Dighton, S. J., in America.

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