

dition of crime in those countries and states where capital punishment has been abolished. This is a domain, however, in which a hasty examination cannot be satisfactory, for a discussion of crime statistics would be useless without a full account also of the peculiarities of temperament, habits and social customs of the different peoples and States considered. But all that I conceive to be needed in this direction is to prove that where the death penalty has been abolished, no increase in capital crimes has occurred beyond the probable limits of error arising from the uncertainties and vicissitudes surrounding the criminal classes. That much more than this might be shown by a thorough and guarded comparison of the two methods of dealing with criminals, I have no doubt. At any rate, actual results have given but little comfort to advocates of capital punishment, and nowhere, I believe, have they proved beyond the possibility of error that capital crimes have been increased by reason of the abolition of the death penalty.

The first important historical record of the abolition of capital punishment is the example of the republic at Rome, where for two centuries and a half from the passage of the Porcian law 454 S. U. C. no roman citizen was subject to the penalty of death. And yet we have no intimation from the historians of that period that murder and similar crimes were any more common than the natural temperament, habits and customs of the people would render probable. Indeed, a connection between the restitution of capital punishment and the fall of the empire is at least inferred from the following comment of Blackstone:

"In this period the republic flourished; under the Emperors severe punishments revived; and then the empire fell."

In 1765 Grand Duke Leopold abolished capital punishment in Tuscany, and otherwise modified the criminal code. Several years after he was so pleased with the result that he said. "With the utmost satisfaction to our paternal feelings, we have at length perceived that the mitigation of

punishment, joined to a most scrupulous dispatch in the trials, together with a certainty of punishment to real delinquents, has, instead of increasing the number of crimes, considerably diminished that of the smaller ones, and rendered those of an atrocious nature very rare." In 1790 Napoleon arbitrarily re-established the death penalty in Tuscany, but, actuated mainly by political motives, he apparently gave no heed to whether the reform had been beneficent or not. According to statistics published in the *New York Sun* two years ago, Tuscany has re-established the mild code of Duke Leopold, no executions having there taken place for the last fifty years.

From the same source too we find that capital punishment has been abolished in Holland, since 1870, with decrease of murders despite increase of population; in Finland since 1824; in Switzerland since 1874; also abolished in Portugal and Rumania and in Russia except for treason and military insubordination. Of Belgium it was stated that there had been no executions since 1863; and that the number of murders for the ten years before was 921, for ten years after 703.

In our own country Maine, Rhode Island, and Michigan have lead the way in abolishing the death penalty. Of Rhode Island it was said in the *Philadelphia Press* two or three weeks ago: "It is doubtful if murders have decreased any in proportion to the growth of population, but it is thought that more convictions have been secured than would have been possible if hanging were in use." With regard to Maine and Michigan the same paper expresses the opinion that the number of murders has slightly increased. But it must be remembered that the number of murders in the whole United States seems to have been very rapidly increasing of late years, the number according to Mulhall in 1889 being 2,060, and in 1891, according to the *Press*, 5,906. Consequently any increase in any particular State cannot justly be charged to the change in penal laws until it is shown not to be due to other causes.

To satisfactorily settle the question, a compari-