

Each of the principal departments of instruction is gradually gathering the nucleus of a department library, consisting only of such books as are most needed in connection with the actual instruction or practicum work of the department. Besides this a system of transfers has already been begun, by which special classes of books may be transferred, for limited periods, from the main library to the departments.

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*SHOULD CAPITAL PUNISHMENT BE
ABOLISHED?*

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(CONTINUED.)

We are now prepared to investigate the effectiveness of the death penalty as a preventive of crimes, realizing that upon the issue of this investigation depends the fate of the whole question. Mr. Buckley, in the same article before quoted from, also says that the sole object of any punishment of criminals is the prevention of crime, and names three conditions that must be fulfilled in order that this object may be attained, viz: restraining the criminal from further crime, reforming him, if possible, and warning others by his fate. The first two conditions manifestly have little to do with the present question, while upon the third, that the fate of the criminal should be a warning to others and hence restrain from crime through fear, is based nearly all the serious argument of our opponents. To that, then, we must turn and examine it with the utmost care.

It is assumed by the advocates of the death penalty that the more severe the penalty prescribed by law, the more effective will be the warning to others; and that the enormity of the crime or crimes for which the life of the criminal is demanded is such as to justify the severity of the punishment. In controverting this position I will first observe that the certainty or uncertainty of punishment is of more weight in making the warning effective than severity or mildness of the penalty itself; for it is a well known fact that most men are disposed

to look on the sunny side of life and to believe that *they* will be the fortunate ones to escape misfortune or to gain a coveted prize, whenever there is any chance involved. This fact is well illustrated by the wonderful success of all kinds of lotteries and chance schemes, although the probability is always some greater (and generally much greater) that one will lose than gain in the cast of the die or turn of the wheel. It is only when there is absolute certainty that men will cease to be warped by this trait. While it is true that absolute certainty of punishment for any offense cannot be secured, yet there is possible a great improvement in this respect as well as in the dispatch with which convictions are made, which would have a wholesome influence on crime so far as mere penal methods can have influence. And I am convinced that the disuse of the death penalty would materially assist in making conviction more certain and speedy than at present in the same class of offenses; and therefore it would tend toward making the fate of the criminal a more effective, rather than less effective warning. To pass sentence of death upon a fellow-being is such a serious matter, that it is often difficult, and many times impossible, to secure conviction where there would be no hesitancy on the part of the jury if the punishment were merely life imprisonment. When the English law punished with death the crime of house-breaking and stealing forty shillings or more, it became a common occurrence for a jury to bring in the verdict "guilty of house-breaking and stealing thirty-nine shillings," even when the amount stolen had been proved by unimpeachable evidence to have been many times that sum. And when the amount stolen, to require the death penalty, was raised to five pounds, the verdicts would read "four pounds, nineteen shillings" whatever the actual value taken. If it be said that in these cases the penalty was so much out of proportion to the crime that the juries quite properly refused to expose the thief to the gallows, it must also be remembered that there is now a fast growing sentiment that the