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THE recent execution in New York of Mrs. Place makes a new record in the history of capital punishment, in that she was the first woman ever to be put to death legally by electricity. The event created a great deal of excitement, and Governor Roosevelt was showered with petitions asking that the sentence should be commuted to imprisonment for life because the condemned was a woman.

It is difficult to sympathize with the sentiment which was aroused during the month on behalf of the criminal. In the first place, had she been condemned under the old law, which prescribed hanging as the State's punishment for murder, it is probable that not one-half of the agitation for her sake would have been aroused. Nor is it contended that she deserved in the abstract other than the utmost punishment prescribed by the law. She was found sane, there were no extenuating circumstances, and yet the Governor was berated because he refused to interfere with the course of the law. Rather he is deserving of the greatest praise for his firm refusal to be swayed by the hysterical excitement of the moment.

The question at issue is not whether capital punishment is right or wrong, but whether, capital punishment being an established practice, it is right to show discrimination in the

application of the law. Now, whether assassins, poisoners, and all the rest of those who take human life in pursuit of their various evil impulses, should be put to death, is a question which society may profitably take up when some rational and practicable alternative presents itself. The proposition to imprison these criminals for life is attractive in theory, but one that can hardly be said to have worked with any very great success in practice. And in no sense is it a substitute for the death penalty. Prof. Francis Wayland, in a most able and convincing paper, read at Saratoga in 1883, pointed out that at Auburn State Prison for the fifty years prior to 1868, of 214 persons committed there, 134 were pardoned, over half, having served an average sentence of six years and six months. Of the 214 life sentences from 1818 to 1868, up to 1883 only thirty-six had died in prison. One-sixth served a life sentence. All the rest escaped it in various ways—by transfer, by escape, or by pardon. In Connecticut, out of fifty-six life sentences from 1850 to 1880, thirty-four were pardoned after serving an average of nine years and four months, eight died in prison, and only ten were serving their sentences in 1883.

There are many arguments, sound and forcible, against the death penalty. But the question returns at last to its original and essential significance. Are we to consider the welfare of society or adjust our laws to the convenience of its enemies? It is urged that excessive severity does not lessen crime, and that, in a way, is true. But it does not prove that the execution of murderers is cruel or unjust. For our part, we see no reason why those who take human life should be made the objects of our especial solicitude. The real question to be considered is the general good.

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THE library of the Law School has received from Samuel R. Betts, Yale 1875, of New York, a gift of about two hundred volumes of reports and treatises, most of which formerly belonged to the library of the Hon. Samuel R. Betts, United States District Judge for the district of Southern New York. Among the books are a collection of English reports, several

of them old folio editions, and a collection of treatises on Admiralty and Maritime Law. On behalf of the Law School we express sincere thanks to Mr. Betts for his interesting and valuable gift.

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THE LAW JOURNAL is desirous of obtaining, in order to complete certain files, copies of No. 1, Vol. IV; Nos. 3 and 4, Vol. V; and Nos. 1 and 4, Vol. VI. Any of our readers who have copies of the above will greatly favor us by so informing the JOURNAL.