

We have felt sensibly the weight of our responsibilities, and the arduous character of the investigation confided to our charge, and we trust, that whilst we have fearlessly assumed the first, we have faithfully, justly and impartially discharged the duties of the last. Still relying on a continuance of the favor and confidence of the Legislature, as manifested for us in the order of our appointment, we proceed to state the results of our examination. Before, however, doing this, it may be well to submit a few remarks on crimes and punishments generally, and devote some attention to the penal laws of other countries, and the changes which they have from time to time, undergone, for the purpose of shewing that certainty of punishment is more conducive to the prevention of crime than the severity or duration of its infliction.

The right of society to punish those of its members who may violate the laws it has ordained for its protection, peace and happiness, carries with it the right to make the punishment inflicted, minister, as far as possible, to those ends. In some civilized countries, even now, and but a short time since, in nearly all, the man who committed a crime, was placed beyond the pale of mercy, and consigned to death or subjected to torture—branded with an indelible mark of infamy, banished from his country or his home, or incarcerated in a loathsome prison to drag out the remainder of a miserable existence. He had, in the contemplation of the law, forfeited all his rights and was to be sacrificed or punished as a terror to evil doers. His reformation was not thought of, and society supposed that it had done its duty by depriving him of life or inflicting on him a severe and humiliating corporal punishment. To deter others from offending was the great object sought, and this, it was believed, could best be attained by making the punishment vindictive and cruel. The waste of human life, under the operation of these laws, has been prodigious, and called forth the remark that “the community resembled a struggling crew on a wreck, where one half must be thrown overboard for the preservation of the other.” And yet these laws failed in their effect. The unfortunate being who suffered death, was, it is true, cut off from further crime, but in the eyes of many of the spectators, he died a martyr. The atrocity of the crime for which he suffered was forgot in contemplating the horrid spectacle his execution presented, and the sympathy of the crowd allotted him in another world the rewards of virtue, as a recompense for the penalties paid for his crime in this. The example of his death and suffering was without effect, and begat no respect for the laws that scarcely maintained their influence in the vicinity of the place of execution. Although in England until a late day, the punishment of death was inflicted for more than two hundred different actions, and blood was poured out like water, as an oblation to the offended law, the number of criminals did not diminish. The scaffold did its work; but mankind were not made better.