

A Man Coldly Impervious to the Emotional

*... a brilliant man with a legal mind of scholarliness,
keenness and precision, a man coldly impervious to the
emotional in his long career as a judge.*

—obituary for A.C. Killam, *Winnipeg Tribune*, 14 June 1930

In the last years of the nineteenth century, the authority of the Canadian state was exercised decorously in the courtroom. Unpleasant denouements happened later, behind closed doors and before a small, usually professional, audience. A case in point: on 18 February 1892, a man named Bryce, having been convicted of indecent assault on a 10-year-old, was stripped to the waist at the Brandon jail and thrashed repeatedly with a 12-corded whip. The public did not need to know. Only the chance sighting of the Winnipeg jailer—he had conveyed the whip to Brandon—activated the curious press.¹

Such reticence showed the growing influence of demands that the justice system put aside retribution in favour of measured punishment and moral redemption. Concern that physical punishments and state killings might brutalize the innocent observer had forestalled public access to punishments, while press descriptions were increasingly conveyed in bland—and untruthful—euphemism. Some reformers remained dissatisfied, insisting that the state must shed all barbarous tendencies. Why should the death penalty be retained, asked one writer, when there was ample evidence that the fear of capital punishment did not prevent murder?²