

law, especially in view of the fact that it has been recently said by one in very high station that the administration of the criminal law in America is a disgrace to the nation. A very large proportion of those who make the laws are lawyers, and all of those who administer the laws in the courts are lawyers, and thus the question appeals primarily and perhaps most forcibly to lawyers. The invincible bourbons among the profession will avoid or belittle the question with the fatuous obstinacy of the bourbon of all ages, and all countries, but the lawyer whose face is toward the light (and I believe there are many such) will see its tremendous importance, and will make every effort to meet it like a patriot and a man. It is certain that no criminal code has yet been perfect—no method of punishment ideal. We have progressed much since the days when the criminal was treated as a wild beast and punishments took the form of public vengeance, but have we yet reached anything like philosophic treatment of individual cases or of the general subject? It seems to me that no honest intellect can answer the question with an unqualified affirmative.

*Delay or Miscarriage of Justice.*

I shall not here discuss the much-debated subject of the delays in criminal trials and the miscarriages of justice by reason of the extreme technical rulings of some of the courts, the incompetence of prosecuting officers, or the too great zealousness of courts to enforce constitutional or statutory provisions which may be so magnified as to hamper, rather than promote, the attainment of justice. All of these questions are important, and some of them are burning questions; but they are receiving earnest attention in substantially all jurisdictions, with gratifying results, and they are not within the scope of the present brief essay. I wish to say a few words upon the question of the treatment of the criminal, both before and after conviction. Do we treat him philosophically, do we treat him fairly, nay, do we treat him in the way which is calculated to produce the best results to society?