

in that state were or were not partly due to the actions of the courts. We take our information from the *American Law Review*. The discussion among the judges had apparently elicited a statement that the Appellate Courts were so lenient with murderers that lynchings were resorted to in order to protect society. Judge Douglas in his judgment takes exception to this, and in answer to the suggestion that wealthy men who have money enough to obtain counsel are rarely convicted of murder, said: "Are they ever lynched? If they are not, then lynch law can in no sense be regarded as a protest against their acquittal." Judge Clark, discussing the question generally, said: "From the report of the Attorney-General to Congress, it appears that in the last dozen years the number of homicides in the United States has suddenly risen from 4,000 to 10,500 per annum, and that for the vast slaughter represented by the last figure, in round numbers, 100 were convicted of murder by the courts and 240 were executed by lynch law—that growing blot upon our civilization. In this state, from the official criminal statistics, on an average there are 125 homicides per annum, from which on an average two are executed by law and four are lynched, though all the lynchings are doubtless not reported. In 1894 the Attorney-General's report showed eight lynched and no execution by law. Lynch law, evil though it is, is a protest of society against the utter inefficiency of the courts, as above shown, to protect the public against murder." He contended that the inefficiency is chiefly due to the law as to murder trials in North Carolina, by which the state is only allowed four peremptory challenges, while the prisoner has twenty-three and gives prisoners the right to except to any ruling of the court, but the solicitor for the state cannot; the result being that "murder, however flagrant, if the prisoner or his friends have money, entails merely a sharp fine upon the slayer, imposed for the benefit of some influential and able lawyer, in the way of a fee." He then suggests corrective legislation. It strikes us that Judge Clark has done a helpful thing by this judicial utterance.

The dryness and solemnity of the law has occasionally some amusing incidents, as witness the following: As most of our readers are aware the practice is common in the United States of preparing what is called a brief or factum, giving the arguments of