

duct of a trial rests with the district attorney, then let him be removed as incompetent. If the trouble is with our jury system as at present administered, then let the remedy be applied here. We are inclined to believe that the time is long past when it should be regarded as a necessity that twelve men should have one mind before the verdict of guilt or innocence can be properly pronounced, or that one man should have it in his power to prevent the rendering of a verdict that, on the strength of the evidence submitted, is supported by the almost unanimous sentiment of society at large. If the trouble lies with the exercise of the pardoning function by the chief executive of the State, let this duty be entrusted to a committee more truly representing the will of the entire State. Let the remedy be applied where the disease really is. But let not the failure of those to fulfil their obligations who hold their office by the will of the people be regarded a sufficient warrant for the utter abrogation of all law or for the perpetration of such offences against existing law as are of the nature of most appalling crimes. For such is lynching. We are aware that the claim is made that all that is intended by those who participate in the punishment of offenders without due process of law is to make sure that justice shall be done. But we are inclined to deny the truth of the claim, from the fact that those who participate in such transactions are apt to be the most lawless members of the communities wherein these occur, and that what they do is done, in very many instances, against the protest of those who are known to be the law-abiding classes of such communities. Moreover, the mood in which so-called lynching parties go about their outrageous work is not that which conduces to the recognition of the demands of justice, nor is it that in which such demands ought to be meted out even to the most debased of criminals. It is the mood of passion, of frenzy. The taking of a life to satisfy the claims of justice is too awful a procedure to be accompanied, as it too

often is in the execution of mob law, with drunkenness, profanity, ribaldry, brutality in its most degraded forms. It was once our melancholy duty to witness the execution of the penalty of the law against murder. Amid absolute silence and after prayer for Divine mercy on the condemned, in the presence of witnesses whose heads were bared, down the cheeks of some of whom tears were coursing without stint or shame, tears of pity for the culprit, the murderer met his doom. Not one of those present, even of those whose pity was deepest, but felt that the doom was just. Not one would have uttered a word to change it. There was in all those present a reverence for the majesty of law, and at the same time a respect for life as God's high gift to His creature, that gave an awful dignity to the entire procedure. What a contrast between that and every lynching scene! What a contrast between the spirit actuating those who participated in it and that of those participating in the violence of mob law! Every lynching is a murder; every lyncher is a murderer.

How can a stop be put to such occurrences as have become so frequent of late years? Some of our contemporaries suggest the introduction of the old English system of "the hundred," under which the country was divided into districts each of which was represented by its hundred, who, in the event of unlawful death, of whatever kind, were required to produce the guilty person or persons or to pay a heavy penalty. The *posse comitatus*—that is, the power invested in the sheriff to call to his aid, for the purpose of maintaining the law, the assistance of any man capable of bearing arms—is another suggested remedy. But a difficulty presents itself in the fact that in some cases the "posse" and the mob are identical. To us it seems that the first step in the work of suppressing mob violence is to construe it, and, where the offenders can be identified, to punish it as murder. But beyond this is the remedy that strikes deeper down than does the mere