

were the objects of courteous sympathy. They were called upon to state their case, which they did, and found no difficulty in establishing it. "Well," said the Cadi, "what punishment would you like the prisoners to be subjected to? Shall they be scourged, or bastinadoed, or thrown into a dungeon? You have only to name the sentence, and I will pronounce it." The Englishmen decided in favor of scourging. "Bring in the prisoners," exclaimed the Cadi; and now for the first time those unhappy men were introduced into the court. "You are convicted," said the magistrate in his sternest tones, "of robbing these honorable Englishmen. It is intolerable that this kind of lawlessness should prevail, and you are sentenced to be scourged." In a moment the prisoners were stripped and the punishment began. "Stop!" exclaimed one of the Englishmen, "those are not the men!" "My dear friend," replied the Cadi, while the scourging continued merrily, "of course they are not the men. But they will do very well. It is perfectly impossible for us to catch the scoundrels who robbed you; but it is necessary in the interests of justice, that somebody should be punished for such offences, if only to bring home to the minds of the real robbers the kind of sentence that would be passed upon them if they were really caught." This theory of the scapegoat seems to have been almost instinctive with all peoples and at all times. In cases of doubt it insures that every offence shall be followed by an adequate punishment. If the offender can be punished, so much the better; if not, a "whipping-boy" or scapegoat must be punished instead. It is a curious idea, and very repugnant to enlightened modern thought; but it lingers on in unwritten popular codes of law, as may be gathered from the free and easy way in which mobs are wont to wreak their vengeance on the innocent when they are unable to touch the guilty.

Mob law is the law of passion and emotion. "I hate you; I never hate without good reason: therefore you are bad and ought consequently to be punished," this is its fundamental precept, and *mutatis mutandis*, we may put "love" for "hate." But this kind of argument is not confined to localized mobs merely; there is the rabble rout of sentimentalists who find in certain newspapers (which shall be nameless) a common rallying-ground. These men are fond of talking of the "Spirit of the Age." They would condemn the advocates of Lynch law: they would despise a Judge who was not impartial; but they think that in appealing to the Zeit-Geist, or Spirit of the Age, they are taking up a quite unexceptionable position. Now, the Spirit of the Age is nothing more than the emotions of Brown, Jones, and Robinson, the aforesaid sentimentalists, when they find that the law says one thing and they desire another. If a pretty woman is condemned to be hanged, Brown, Jones, and Robinson, scream in chorus that hanging women is opposed to the Spirit of the Age. But if an ugly old hag is sentenced to death, these worthy gentlemen read the account of her execution with complacent satisfaction. Our modern prætors, the Home Secretaries, are always getting into hot water because they fail properly to interpret this vague and shifting spirit; but the petitions and deputations with which they are pestered during periods of excitement are really nothing more than a thinly veiled attempt to revert to emotional or mob law.