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MR. REYNOLD'S article on "The Remedy for Lynch Law" is most timely, in view of the pressing need of some check on the greatly increasing evil of capital punishment by mob violence. It is a matter of statistics that the number of lynchings up to and including August is greater than the number for the corresponding period of last year, and the abuse has become so common in the South that the bar associations of several Southern States have taken action to secure reforms in methods of procedure that will lessen the frequency with which the mob usurps the functions of the law. The Georgia bar urges the adoption of laws embodying the following principles, as likely to remove some of the provocation to violence: That criminal pleadings should be amendable, that the State and the defendant should be upon an equality in the challenges of jurors, and that prisoners who desire to make any statements on their own behalf should do so under oath and subject to cross-examination. Mr. Reynolds' remedy regards the cause of lynching in a different light from the legislation suggested by the Georgia bar, and it seems that what, in his opinion, is the justification of lynch law has been often overlooked, although, no doubt, it is the main ground for the continuation of the practice, at least in the many cases where a woman has been the injured party. Mr. Reynolds considers the chief argument in extenuation of lynching to be that it is the only punishment available which does not subject the unfortunate victim to the additional humiliation of having to relate all the details of the crime before a crowded court room. It is this excuse that his remedy is calculated to remove, and the means proposed are both logical and practical in view of the end desired.

Another reform that would greatly tend to lessen the evil would be legislation directed toward the more even, speedy and certain administration of the law; there would be less lynching, if communities could feel more sure of the infliction of an adequate penalty by the law.

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WHETHER, as some would have us believe, respect for law is passing, or whether law and courts of justice are still held in as high esteem as ever, no one can fail to notice that the question, how to conserve reverence for the law has become a serious one in the opinion of many. Whatever the fact, and whatever the justification for raising this question, the current sentiment of dissatisfaction is significant, and the more so as the discussion of the matter comes not only from the partisan press, but from the bar itself. One of the party platforms of the late Presidential campaign went so far as to attack the United States Supreme Court, "the bulwark of the Constitution"; the injunction proceedings in the recent strike of coal miners have evoked no little comment on the "abuse of the injunction," and the judicial subversion of the processes of law, while the theme of several addresses delivered during the Summer before meetings of various bar and other legal associations, has been that disrespect for law was becoming a serious menace to our institutions.

It is toward the law-makers rather than toward the courts that the mass of unfavorable criticism has been directed, and the spirit of disrespect may be attributed largely to over-legislation, to legislation that is not only unwise, but unnecessary. Mr. F. J. Stimson made the astounding statement, in the *Yale Review* of November, 1896, that "nearly half of the social, economic or labor legislation, passed by the State Legislatures in the past ten years has been questioned in the courts upon constitutional principles; and of the labor legislation, probably half has been annulled by them." Under such provocation it is not remarkable that the mind of the people loses much of its reverence for the law.

The failure of enactments to express intention is a common fault of legislation; our attention has been called within a few months to striking instances of this in the Acts of Congress. And not only is too much of our legislation faulty from uncertainty of intention, but much that is useless grows, no doubt, out of the idea of the law-maker that his first duty is to do something, rather than to see whether there is need of his doing anything: like the physician whose first care is the medicine rather

than the diagnosis. Useless laws are an evil of a negative character, working less harm than laws that are positively corrupt or unjust; they imply waste of energy, perversion of energy from the accomplishment of good rather than the direction of energy toward what is bad. The result is none the less undesirable.

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PERHAPS the most serious menace of law-making is the wave of distinctly special legislation that has swept over the country. Legislation has come to be less and less for the benefit of the general public and more and more for that of special individuals or classes; and at times there is suspicion that the public is overlooked for the sake of private interests, under motives that are purely political. Legislation of this character may, perhaps, be more a fault of the East than of the West. When the latter section of the country merits criticism it is usually on the ground that its law-making is too hasty and radical; its laws might well be more conservative and more carefully considered.

Such examples of law-making as the Legislatures of some of the Western States have lately given afford little ground for confidence in the ability of the average legislator, and little reason for respecting his work. They render the conviction strong that the fundamental principles of the common law had best be left alone. Then, too, enactments of some of the older and supposedly more conservative States, give discouraging evidence of the great want of capacity for properly framing legislation.

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NUMEROUS remedies have been suggested to raise the standard of legislation and make it more worthy of respect. That of the Pennsylvania Bar Association is a simple and practical remedy for one phase of the evil. It is, in a word, the appointment of a commission to revise and pronounce upon proposed laws, such commission to be composed of three members who are to have the qualities of justices of the Supreme Court. This measure would ensure a more clear, concise and effective expression of intention, and, so far, would be invaluable; such a commission would undoubtedly arrest much of what is incompetent and ineffective in legislation; but if the people are to maintain respect for law, something more is necessary and the remedy must come from those who are now hostile critics of courts and legislators; the people must exercise the right of suffrage in a manner consistent with their own self respect, and give the power of law-making to those who are competent and conscientious in doing their duty.