

we know, in all these grave matters render substantial justice, can certainly be trusted to decide impartially, in accordance with the law and the facts, conflicting claims to a seat in Congress.

In addition to the partizan consideration, there is also to be urged against the present method the expense and time which its operation involves. Mr. Reed estimates that the contests of the last eight Congresses have cost \$318,000, an average of nearly \$40,000 each, and that each contest consumed more than two days in the House, and much more in the committees.

It is clearly time for us to realize, as our English reformers in the same field realized in 1868, that there is something in the principle upon which our present method rests "which is essentially vicious." We ought to "reform it altogether," as they did, by removing the power of decision to the courts, leaving it there absolutely. That is what the Saxton amendment does. There is no reason for thinking that our courts would not be equal to the exercise of it with the same impartiality as the English courts have shown. In Congressional cases the circuit judges of the Supreme Court of the United States could be assigned in such numbers as were necessary for the duty. The recent increase in the number of these judges makes such service by them possible without serious interference with their regular duties. In the States the higher courts could be drawn upon. The danger of partizan influences affecting the decisions by such judges would be very small, even at the beginning of the practice, and would diminish with every successive case.

#### Law or Lynching.

WHY was it, when the news of the New Orleans lynching was sent over the country in March last, that nine people out of ten applauded the work of the mob, calling it justifiable and salutary? Why was it that so many law-abiding members of society were to be heard saying that if they had been in New Orleans they themselves would have joined the mob? Finally, why was it that in New Orleans itself a mob of such extraordinary character was collected, organized, and led to the execution of such barbarous work? The mass meeting from which it sprang was called together by a proclamation published in the newspapers and signed by the names of nearly one hundred prominent and respected citizens. The men who addressed the meeting were lawyers eminent in their profession. The mob itself was led by these same lawyers, and in its ranks marched other lawyers and merchants, men of wealth and position. This mob, so organized, composed, and led, marched to a prison, forced an entrance, seized and put to violent death eleven men. Its members then dispersed quietly to their homes. When their work was known, the entire press of the city, its exchanges and other organized bodies, and all other respectable elements of the city population, expressed approval. In the country at large the nearly unanimous voice of private approval was echoed in many reputable newspapers, and in London, the foremost representative of English public opinion, "The Times," gave the deed hearty commendation.

There was something so remarkable about this spectacle of civilized intelligence approving conduct which

was a subversion of the laws of civilization and a reversion to those of barbarism, that an examination into its causes has been going on in thoughtful minds for the past few months. If it is true, as all approvers of the lynching contend, that this was absolutely the only adequate remedy for the case, how did it happen that it was the only remedy? If the legal machinery for dealing with crime and punishing criminals had broken down completely, what had been the causes of its breaking down?

These are questions which go to the root of the matter, and in seeking to answer them we shall touch upon points to which we have more than once called the attention of the readers of THE CENTURY. We published in this department of THE CENTURY, in April, 1884, an article under the title of "Mob or Magistrate," in which the tendency in certain parts of the country to resort to lynching when there had been a failure of criminal justice was discussed and deprecated. In that article we said: "It cannot be too often nor too strongly proclaimed that these lynchings themselves are crimes; . . . that they furnish a remedy which is worse than the disease. . . . Nevertheless, the failure of criminal justice, which makes room for mobs and lynching, is a greater disgrace than the savagery of the mobs." That article, which was in the main a condemnation of the methods of criminal lawyers in twisting and torturing the law into a protection for undoubted criminals from the just penalties of their crimes, had scarcely been published when the country was startled with the news of the court-house riot in Cincinnati—a riot more nearly resembling that at New Orleans than any other in our history. It was caused, it will be remembered, by the fact that there were twenty murderers in the city jail who had, for one reason or another, escaped trial. Out of seventy-one prosecutions for murder and manslaughter in the courts of the county during two years, four resulted in acquittal, two in quashed indictments, six in imprisonment, and fifty-nine were still pending. In the presence of such a paralysis of justice public indignation gradually reached the point at which it found vent in a riot, provoked thereto by the failure of a jury to convict a murderer of unusual brutality and undoubted guilt. The mob attacked the jail, burned the court-house, and filled the streets of the city with fighting and bloodshed for several days, killing none of the murderers, but causing the death of more than fifty innocent persons, destroying valuable records and property, and bringing the good name of the community into reproach the world over. This was due to the presence of a set of criminal lawyers, astute and unprincipled, who by means of an absurd jury law were able to prevent the conviction of almost any criminal.

Back of the failure of justice in New Orleans there looms one great cause which of itself makes the search for others unnecessary. The State has a reckless naturalization law which allows immigrants to vote in State elections as soon as they have declared their intention to become citizens. Here we put a finger upon the root of the evil of defective justice in every city in the land, for we find in this haste to get votes the corrupting and demoralizing touch of "politics." The Italian consul at New Orleans, after speaking of the large number of his countrymen who are orderly and useful citizens of Louisiana, goes on to say in an interview published shortly after the riot:

This does not exclude the fact that there are among them about a hundred criminals escaped from Italian prisons, most of them long since naturalized as Americans, mixed up in the city and State politics, and caressed and protected by politicians through whose support several have obtained important political places. Their especial occupation was to naturalize the newly arrived Italians here.

Is it any wonder that, under such conditions, the whole system of criminal detection and prosecution became so paralyzed that nothing but a mob could restore the reign of justice and order? And who was responsible for the power which the criminals had gained in the community? Was it the criminals or the men who had received them with open arms and nourished and petted them into power?

Here is the point for every American to consider, and to keep on considering until it shall arouse him to the necessity of bearing his part of the burden in the government of the community in which he lives. In how many of our large cities has the machinery of criminal regulation and prosecution escaped all taint of the same kind as caused the uprising in New Orleans? In how many does it poison every branch of the municipal service, beginning with the police and running up to the highest executive and judicial officers? Is it not notorious that "politics" is at the bottom of all our naturalization laws, and that if it were not for the greed of the politicians for more votes in elections, we should have far more stringent regulations for admitting foreigners to the suffrage? In how many of our cities is the police force absolutely free from the control of "politics," and is there any large city in which the contact between the political bosses and the criminal and semi-criminal classes is not so close as to compel, to a greater or less degree, the protection of the latter from the vigorous and fearless administration of the laws? In how many of our large cities are the police justices, who sit at the fountainheads of justice, upright and just and fearless magistrates,

and in how many are they the agents of "politics," and the friends and protectors of the criminals whose support is valuable to politics?

Let us ponder these questions, and ask ourselves whether we are prepared to do in other cities what has been done in Cincinnati and New Orleans. Let us ask ourselves if we are prepared to tolerate the evils of misgovernment which we know to exist, and which we refuse to take a hand in correcting, until they so completely destroy our lawful methods of government as to force us to destroy them in turn by the unlawful and barbarous methods of riot and lynching. Shall we sit quietly and slothfully by and allow our boasted civilization to become a failure, and then try to set it right by hanging to the lamp-posts or shooting like dogs the miserable creatures whom our own negligence or indifference has permitted to get control over us?

These are the real lessons to draw from the New Orleans riot. It may be that our immigration laws are too lax or too poorly enforced; it may be that we ought to exclude more rigorously than we do the swarms of people who come to us from Europe, but our worst evils in government are not due so much to bad immigrants as to native indifference, or connivance, or cowardice, which permits or encourages ignorant or vicious immigrants to be put to base uses for political ends. If we are content to allow our cities to be governed by the least intelligent and least moral elements of their population, we must not complain if they make and administer laws to suit their own tastes; and we must be prepared to face, sooner or later, the crisis which will come when the laws cease to give the community that protection upon which its very existence depends. If we are going to do this, and are inclined to depend upon lynching to set us straight when the crisis arrives, it would be wise to have some system of martial law in readiness for use, for that would be at once a more effective and a more civilized method than that of a mob.

## OPEN LETTERS.

### Female Education in Germany.

ALTHOUGH the education of women has never been a subject of such widespread interest in Germany as it has been in western states, particularly England and America, a tendency towards reform is nevertheless present as a steady factor of the intellectual movement of the day. One small class of educational reformers, under the late jurist Holtzendorff, hold advanced and radical views as to the claim which the female population has upon the state for higher education. A larger and more moderate class, led by the famous and successful Lette, claim for German women such advantages as may be had in the common school, in special training schools, and in the domestic school. But the mass of Germans still hold to the conservative and traditional idea founded upon their belief that home is woman's true sphere. Between the three there are naturally many combinations. Giving the great majority of female schools over to the last-named

class, there remain the Victoria Lyceum as a type of the extreme advance that reform has made in Germany,— an almost isolated case,— and the female industrial schools of Nöggerath and Clement in Brieg and Berlin, the cooking-school in Cassel, the domestic school in Neviges, and the public household school for factory girls at Pforzheim, as examples of the successes that have followed in the wake of the Lette Union. The latter school, which was called into life in 1865 by the personal efforts and writings of the statesman and economist, President Lette, enjoys the patronage of the Universal German Women's Union and its numerous branch unions. The Victoria Lyceum is a separate and independent institution, like Vassar or Wellesley.

My own experiences as a student were gathered at the Victoria Lyceum and at the Empress Augusta Seminary, in Charlottenburg, Berlin,— an advanced conservative school,— after my graduation from a New Jersey female college. The earliest stages of a German girl's education I have not gone through, therefore;