

equally unsuccessful; but it certainly extends more hope of victory, and is worth making. This effort must be concentrated on a change that will be simple. Not only is the average legislator incapable of understanding a complicated scheme, but the simpler the bill the less opportunity there is of discussion of details, and change of incidentals, and the more hope it has of passage.

My suggestion is a change that will make a two-thirds majority necessary for the passage of a bill through either house of Congress, or a legislature. No measure absolutely demanded by the people will fail to secure such a majority. The presidential succession bill did not, for instance, at the late congressional session. And so with every such bill. If the people do not demand its passage, it ought not to pass. The bill that is simply the idea of the legislator is an unnecessary bill,—and these bills form the bulk of our new laws.

The Constitution provides for a two-thirds vote to propose amendments, deeming it necessary to make the vote more than a majority, to prevent ill-considered action. Yet, all will agree—with the possible exception of the prohibitionists—that we have as many amendments as are needed.

Ill-considered action is what we must guard against to-day in mere law-making, and the requirement that bills should receive this two-thirds vote is the simplest safeguard yet suggested. In a smaller country, perhaps, the bills might be voted on by the people after the final adjournment of the Congress or legislature. In a State, this certainly would be a safe and by no means inconvenient plan. But a movement in this direction would be more radical, and would have less of a chance of success. A measure that changes the vote necessary to the passage of a bill, from a bare majority to two-thirds, would meet with greater support, and would have a fair chance of success. If adopted, it would satisfactorily meet the evil it was intended to remedy—it would reduce the bulk of legislation; would prevent the passage of most unnecessary or dangerous bills; and would leave ample opportunity for the passage of good laws, demanded by the people; besides insuring their better execution when passed, since the larger the majority favoring a law, the stronger will be the effort to carry into effect its commands.

Charles Fiske.

#### Lynching.

THE number of reported murders in the United States in 1882 was 1266. There were only 93 persons executed and 118 lynched,—in all, 211. Consequently, very nearly 1055 criminals escaped. We say very nearly, because some criminals may have had more than one victim each. If any of those who were executed and lynched were innocent, then perhaps more than 1055 criminals escaped. Under any government where 1173 murderers out of every 1266 escape legal execution, it is a wonder that there are not 1000 lynched, instead of 118. A man planning a cold-blooded murder may safely calculate upon more than eleven chances for escape to less than one for his detection, conviction, and execution; and taking in the conjoint probabilities of legal and extra-legal capital punishment, he may safely calculate on five chances to one, for escape.

Lynching will hardly be defended by any man in sober mood. What is the remedy? *Increased care and*

*zeal upon the part of all good citizens to secure the execution of the law.* If all men, good and bad, could rely upon *that* in every case of capital felony, there would perhaps be almost no case of lynching.

Taking the figures of 1882 as a basis, it would appear that if hereafter out of every 1266 murderers, 619 were sure to be executed, the cases of lynching would probably diminish to 58; if, out of every 1266, only 66 escaped, there would probably be not more than 7 cases of lynching. Of course this is only mathematical, subject to the fluxions introduced by free human nature and ever-changing circumstances, but these would probably be in favor of the abandonment of the lynching process. We see that even when it is known that only *one* in about every *fifteen* murderers is legally punished, the people lose patience only to the degree of taking into their own hands the punishment of less than one in nine escaped murderers. This must give us the assurance that such are the restraints of our Christian civilization as to warrant the belief that if the present rate of legal executions were doubled there would be less than half the number of cases of lynching. The conviction should be strong in us all that it is the duty of each citizen to see, so far as in him lies, that the laws applying to the taking of human life be promptly and thoroughly enforced. Laxity in this increases the danger to every man. Certainty and promptness of punishment would diminish both ordinary murder as well as lynching. It is not a comfortable fact to contemplate that in each State of the Union we have on an average *forty murderers* now going about freely among the population.

In treating this phenomenon one must take the statistics of the country generally. It is only fair, however, to say that lynching is rarer in the Eastern and Middle States than in the Western and Southern States. It would naturally more readily occur in frontier communities in which it was difficult to meet the case by any accepted legal process, while it would be destruction to the inchoate community to allow the special crime to go unpunished. On the other hand, it would seem that the cases of escaped criminals are more numerous in our Eastern than in our Western States. There must be something in our compact population and in the provisions of our civilization to make it more easy for a murderer to escape. Three times murders have occurred near the residence of the writer, in the city of New York, to which not the slightest clew seems to have been found. In addition to the moral sentiment which will not acquit the guilty, there seems to be the need of an intellectual alertness which will not allow a criminal to elude both the processes of law and the violence of popular resentment.

Charles F. Deems.

#### The Powel Portraits of Washington.

THE oil-painting from which the frontispiece of this number of THE CENTURY Magazine was engraved was painted from life in 1784 by Joseph Wright, a pupil of Benjamin West. The portrait was a commission from Mrs. Elizabeth Powel of Philadelphia, and through inheritance is now owned by Samuel Powel, Esq., of Newport, Rhode Island, through whose courtesy we are permitted to engrave it for the first time. Of this portrait it is stated that "Washington wrote