

offenders, or for the hunting up of evidence against them, and where, according to common belief, both judges and juries are occasionally "squared" or "got at." Many crimes would go unpunished if some more speedy and efficient method of dealing with them were not adopted. This method is found in a volunteer jury, summoned by the leading local citizens, or in very clear cases, by a simple seizure and execution of the criminal.¹ Why not create an efficient police? Because crime is uncommon in many districts—in such districts, for instance, as Michigan or rural Wisconsin—and the people have deliberately concluded that it is cheaper and simpler to take the law into their own hands on those rare occasions when a police is needed than to be at the trouble of organizing and paying a force for which there is usually no employment. If it be urged that they are thus forming habits of lawlessness in themselves, the Americans reply that experience does not seem to make this probable, because lawlessness does not increase among the farming population, and has disappeared from places where the rudeness or simplicity of society formerly rendered lynch law necessary. Cases however occur for which no such excuse can be offered, cases in which a prisoner (probably a negro) already in the hands of justice is seized and put to death by a mob. And within the last few years there has been in several States, and notably in parts of Southern Indiana,—a high, rough, wooded country, with a backward and scattered population,—a strange recrudescence of lynching in the rise of the so-called White Caps, people who seize by night men or women who have given offence by their immoral life or other vices, drag them into the woods, flog them severely, and warn them to quit the neighbourhood forthwith. The legislature of Indiana has been considering a plan for checking this practice by making the county in which such an outrage occurs liable in damages to the person maltreated. Similar outrages are often reported from other States to the south-west of Indiana, as far as Mississippi. In Ohio they were promptly repressed by an energetic governor.

¹ The savageness which occasionally appears in these lynchings is surprising to one who knows the general kindness of the American people. Not long ago the people of East Kentucky hunted for a murderer to burn him to death, and the White Cap outrages are sometimes accompanied by revolting cruelty.

The so-called "Molly Maguire" conspiracy, which vexed and terrified Pennsylvania for several years, showed the want of a vigorous and highly trained police. A sort of secret society organized a succession of murders, much like the Italian Camorra, which remained undetected till a daring man succeeded in persuading the conspirators to admit him among them. He shared their schemes, and learnt to know their persons and deeds, then turned upon them and brought them to justice. This remarkable case illustrates not any neglect of law or tenderness for crime, but mainly the power of a combination which can keep its secrets. Once detected, the Molly Maguires were severely dealt with. The Pittsburg riots of 1877, and the Cincinnati riots of 1884, alarmed the Americans themselves, so long accustomed to domestic tranquillity as to have forgotten those volcanic forces which lie smouldering in all ignorant masses, ready to burst forth upon sufficient excitement. The miners and ironworkers of the Pittsburg district are rough fellows, many of them recent immigrants who have not yet acquired American habits of order; nor would there have been anything to distinguish this Pennsylvanian disturbance from those which happen during strikes in England, as, for instance, at Blackburn, some years ago, and during the recent coal strike at one or two places in Yorkshire and Derbyshire, or in times of distress in France, as at Decazeville in 1886, had it been promptly suppressed. Unfortunately there was no proper force on the spot. The governor was absent; the mayor and other local authorities lost their heads; the police, feebly handled, were overpowered; the militia showed weakness; so that the riot spread in a way which surprised its authors, and the mob raged for several days along the railroads in several States, and over a large area of manufacturing and mining towns.

The moral of this event was the necessity, even in a land of freedom, of keeping a force strong enough to repress tumults in their first stage. The Cincinnati riot began in an attempt to lynch two prisoners who were thought likely to escape the punishment they richly deserved; and it would probably have ended there had not the floating rabble of this city of 300,000 inhabitants seized the opportunity to do a little pillage and make a great noise on their own account. Neither sedition

had any political character, nor indeed any specific object, except that the Pennsylvanian mob showed special enmity to the railroad company.

Still more recently (1892) the same moral has been enforced by the strike riots on some of the railroads in New York State and in the mining regions of Idaho, by the local wars between cattlemen and "rustlers" in Wyoming, by the disturbances at the Homestead works in Pennsylvania, and by the sanguinary conflict which arose at the convict-worked mines in Tennessee, where a mob of miners attacked the stockades in which were confined convicts kept at labour under contracts between the State and private mine-owners, liberated many of the convicts, captured and were on the point of hanging an officer of the State militia, and were with difficulty at last repressed by a strong militia force. Such tumults are not specially products of democracy, but they are unhappily proofs that democracy does not secure the good behaviour of its worse and newest citizens, and that it must be prepared, no less than other governments, to maintain order by the prompt and stern application of physical force.¹

It is a regrettable evidence of the extent to which public authorities have seemed to abnegate the function of maintaining order that the habit has grown up among railroad directors and the owners of other large enterprises of hiring a private armed force to protect, at the time of a strike, not only the workmen they bring in to replace the strikers, but also their yards, works, and stock in trade. A firm which began business as a private detective agency has for years past been accustomed to supply for this purpose bodies of men well trained and drilled, who can be relied on to defend the place allotted to them against a greatly superior force of rioters. This firm keeps not less than one thousand men permanently on a war footing, and sends them hither and thither over the country to its customers. They are usually sworn in as Sheriff's deputies, on each occasion before the proper local authority. So frequent has been the employment of "Pinkerton's men," as

¹ There is a great difference between different States and cities as regards police arrangements. The police of New York City are efficient and indeed somewhat too promptly severe in the use of their staves; and in many cities the police are armed with revolvers.

they are called (though it is not always from Messrs. Pinkerton of Chicago that they are obtained, and the name, like *Delmonico*, seems to be passing from a proper into a common noun), that some new State constitutions (*e.g.* Wyoming, Idaho, Montana, Washington, Kentucky) and statutes in other States (*e.g.* Massachusetts) expressly prohibit the bringing of armed men into the State, and a Committee of Congress has recently been investigating the subject, so far without result, for it is going a long way to forbid a man by statute to hire persons to help him to protect his property when he finds it in danger, although bills with this object have been introduced into State legislatures. These strike cases are of course complicated by the fear of a State governor or a mayor to make himself or his party unpopular by taking strong measures against a crowd who have votes. Here we touch a difficulty specially incident to a directly elected Executive,—a difficulty noted already in the cases of elected judges and elected tax-officers, and one which must be taken into account in striking the balance between the good and the evil of a system of direct and pervading popular control. The remedy is doubtless to be sought, and will in extreme cases be found, in the displeasure of the good citizens, who, after all, form the voting majority. But it is a remedy which may follow with too tardy steps. Meantime, many large employers of labour find themselves obliged to defend their property by these *condottieri*, because they cannot rely on the defence which the State ought to furnish, and the *condottieri* themselves, who seem to be generally men of good character as well as proved courage, are so much hated by the workmen as to be sometimes in danger of being lynched when found alone or in small parties.¹

One hears in some States of laws which are systematically evaded, sometimes by the connivance of officials who are improperly induced to abstain from prosecuting transgressors, sometimes with the general consent of the community which perceives that they cannot be enforced. Thus some years ago the laws against the sale of liquor on Sundays in the city of Chicago were not enforced. The bulk of the population, being

¹ It is probably this popular hostility to the employment of Pinkerton's men, stimulated by the collision at Homestead, that has caused them to figure but little in the most recent strike troubles.

German and Irish, disliked them, and showed its dislike by turning out of the municipal offices those who had enforced them, while yet the law remained on the statute-book because, according to the Constitution of Illinois (one of the most experimental of the newer constitutions, as appears from its adoption of minority voting), it takes a majority of two-thirds in the legislature to repeal an Act; and the rural members, being largely Prohibitionists, stand by this law against Sunday dealing. When in Texas I heard of the same thing as happening in the city of San Antonio, and doubt not that it occurs in many cities. More laws are quietly suffered to be broken in America than in England, France, or Germany. On the other hand, it is fair to say that the credit which the Americans claim of being pre-eminently a law-abiding people is borne out by the general security of property and person which, apart from the cases of strikes, mentioned above, the traveller remarks over the East, most of the Middle States, and the more thickly peopled parts of the West.¹ Political disturbances are practically unknown outside some few of the Southern States, where there are occasional collisions between whites and negroes, nor are they frequent or virulent in those States. Even when an election is believed to have been fraudulently won, the result is respected, because it is externally regular. Fights seldom occur at elections; neither party disturbs the meetings or processions of the other in the hottest presidential campaign. Such a series of disturbances as London and Lancashire saw in the beginning of 1882, when the meetings of a number of members of Parliament with their constituents were broken up by Irishmen, or party opponents masquerading as Irishmen, or such another series as marked the close of the agitation on the Franchise Bill in 1884, excites the wonder of Americans, who ask whether Englishmen can be fit for free government when they have not yet learnt to let their opponents meet and talk in peace.

The habit of obedience to constituted authority is another test, and one which Plato would have considered specially conclusive. The difficulty of applying it in America is that there

¹ There is little use in comparing the aggregate of crimes reported and of convictions with the aggregates of European countries, because in disorderly regions many crimes go unreported as well as unpunished.

are so few officials who come into the relation of command with the people, or in other words, that the people are so little "governed," in the French or German sense, that one has few opportunities of discovering how they comport themselves. The officers of both the Federal and the State governments, in levying taxes and carrying out the judgments of the Courts, have seldom any resistance to fear, except in such regions as those already referred to, where the fierce mountaineers will not brook interference with their vendetta, or suffer the Federal excisemen to do their duty. These regions are, however, quite exceptional, forming a sort of *enclave* of semi-barbarism in a civilized country, such as the rugged Albania was in the Roman Empire. Other authorities experience no difficulty in making themselves respected. A railroad company, for instance, finds its passengers only too submissive. They endure with a patience which astonishes Englishmen frequent irregularities of the train service and other discomforts, which would in England produce a whole crop of letters to the newspapers. The discipline of the army and navy in the war was nearly as strict as in European armies. So in universities and colleges discipline is maintained with the same general ease and the same occasional troubles as arise in Oxford and Cambridge. The children in the city schools are proverbially docile. Except when strikes occur, employers do not complain of any trouble in keeping order among their workpeople while at work. So far, indeed, is insubordination from being a characteristic of the native Americans, that they are conspicuously the one free people of the world which, owing to its superior intelligence, has recognized the permanent value of order, and observes it on every occasion, not least when a sudden alarm arises. Anarchy is of all dangers or bugbears the one which the modern world has least cause to fear, for the tendency of ordinary human nature to obey is the same as in past times, and the aggregation of human beings into great masses weakens the force of the individual will, and makes men more than ever like sheep, so far as action is concerned. Much less, therefore, is there ground for fancying that out of anarchy there will grow any tyranny of force. Whether democracies may not end in yielding greater power to their executives is quite another question, whereof more anon; all I observe here