hearing more of Mr. Hemmerde in the near future. The Liberal Party of Great Britain is now moving on sound Liberal lines; it is laying firmly and truly the foundations for further progress. All the forces of landlordism and of "capitalism" are uniting against them. To-day they are fighting not only for the present but for the future of Liberalism in Great Britain, and their backs are against the wall. Last mail brought us accounts of a projected national campaign throughout the length and breadth of the country on behalf of Land Reform and Land Taxation. And in this campaign we doubt not but that Mr. Hemmerde's fire and eloquence will be requisitioned, and will serve to place him in the very forefront of those fighting the battle of progress, justice and liberty.

THE BRITISH BUDGET.

The cry of alarm set up by the privileged classes ought to reassure us that whatever the inherent imperfections of the new Budget it has served one wholesome purpose—which is to begin the war that can have but one termination, between the House of Want and the House of Have. The Poet Laureate of the House of Have has already broken forth in an ill natured and unmusical snarl, which is another illustration how the want of a broad social outlook and that finer sympathy with great movements which have distinguished all artists of the first rank, have made of Rudyard Kipling the shrieking fish-wife of strident song.

Then, too, though this Bill is not likely to do much to break up the great estates in the country, its ultimate effect will be to bring within the sphere of future taxation the great social fund which of right belongs to the people of Great Britain, whose appetite will grow by what it feeds on. For let it be proclaimed from the house tops that these land values which are at the basis of every swollen fortune are ours of right, and that we say this who have no "Hate in our soul," nor "envy" for our "neighbor," but are against all "tribute" and are the true friends of those "who have striven and gathered possession"—providing only, Mr. Kipling, that such possession is based on equity.

But it ought not to be left to the enemies of the British Budget to point out its defects. The fact is, the further we stray from the simple proposition of Henry George the more we are involved in confusions and complexities. We therefor accept as adequate apology and explanation of the deficiencies of the Bill the statement of Mr. Lloyd George that if critics of the Budget knew anything about Henry George or had read his works they would know that "there is not a single tax in the Budget that he would approve of," and this is absolutely true.

No doubt Mr. Henry George's chief point of criticism would be that provision in the Bill which takes for the state 20 per cent. of the increased value of the land when it is sold, when it passes by death or on the creation of new leases. In this Mr. Lloyd George has borrowed from the German *zuwachsteuer*, the defects of which were indicated in the Single Tax Review for January-February, 1908. Perhaps an additional reference to the unfairness of this tax should be made here. It is obvious that two pieces of land of equal value and constantly increasing in value would be very unequally visited by this impost in the event of the frequent transfer of one block, while the other remained unsold. In the latter instance, presumably that of a long term lease, the owner or lessee will continue to pocket the unearned increment. It is conceivable too that this new taxation by making the sale of land less free will operate rather to the perpetuation of great estates.

There is another phase of the Bill which seems to have escaped its critics, and that is to tax the increased value of land is to confirm the apparent righteousness of the private appropriation of present values. For after having levied upon this increased value, thus establishing the theory that it is the increase in value which is the property of the State, how shall the State again step in and levy upon a value which in a manner it has recognized as sancrosanct? May not the landlord with some show of reason plead a moral if not legal justification for immunity?

As our readers know there is a tax of

½d in the £ on the capital value of undeveloped land and ungotten minerals, land under £50 an acre to be exempt. Under this provision, Mr. Lloyd George assures us, all purely agricultural land will be exempt. This exemption was introduced to overcome the opposition of the members who represent the agricultural districts of Great Britain. Our readers need not be told that it is an inexcusable exemption. The tacit admission that land value taxation is inimical to the interests of the farmers will be made much of by the opponents of real tax reform. Think, too, of the value of a piece of land in the center of London exempt under this provision and a lot on the outskirt of the city of immeasurably lesser value, which must pay the tax. Of course, what will result is the turning of a lot of building sites into agricultural land—a process which we understand has already begun.

In a singularly able study of the Bill the Middletown *Guardian* points out that the proposed tax on "undeveloped" land not under £50 per acre must practically include all urban land—by which he means of course, all undeveloped urban land. This is Clause 2. "Let us look at Clause 27," says the editor, "which states that the expression, agricultural land, includes the use of land as meadow or pasture land, or woodlands, or market gardens, nursery grounds, or allotments, and the expression agricultural land should be construed accordingly. It will be seen that the Bill by no means exhausts the purposes to which land may be put, or for that matter allowed to be idle;" and the *Guardian* wants to know what of sporting estates, and asks if these were purposely excluded. It points out this explanation in the Bill: "Land shall be deemed to be undeveloped if it has not been developed by being built upon, or by being used for any bona fide business, trade or industry other than agricultural." These sporting acres, says the *Guardian*, "are above £50 per acre, and as the Bill stands must certainly be taxed." But the editor is not sanguine. He does not believe that Parliament "has such good things in store for the workers of the country." It is to be noted that Mr. Philip Snowden in the debate on the Bill asked the following question, "In regards to this land plan, I want to know whether the right hon. Gentleman proposes to include deer forests as undeveloped land, which may be put to better purposes, and whether he proposes to put his undeveloped land tax of ½d in the £ on this?" And there is no record in the report before us of any reply.

If we find ourselves perplexed by the complexities of the Bill we may console ourselves that this perplexity is shared by the editor of the *Guardian*, who has given much study to the subject. He calls it a "Lawyer's Bill," and says it "bristles with difficulties, perplexities and legal pitfalls." "We affirm," he says, "the utter inability of the lay mind to understand it."

In the debate in the House of Commons over the Bill it is significant however, that it was not its defects that were indicated. What occurred was a debate as to whether privilege should pay taxes—and on one side were the friends of Privilege and on the other its foes, more or less implacable. The arguments referred but incidentally to the provisions of the Bill. The full weight of the parliamentary debate was laid on that principle, the successful establishment of which means the equal right of all to the use of the natural bounties.

And though we have indulged in what we think are fair criticisms of the Bill, there is this to be said in its praise. It marks the most notable period in a contest already nearly thirty years old, but now entering for the first time on a grand scale upon the legislative stage. The Bill provides for a uniform valuation of all the land of Great Britain, which is a matter of very great importance. And let us not be deceived by what seems to us the halting character of the proposals. The spirit in which the fight is begun is the important thing, and here the attitude of Mr. Lloyd George himself is deserving of all praise. The *Outlook* (Tory) bids us remember that there was a time when the income tax stood at two pence, and reminds us that the predecessor of but two removes from the present Chancellor declared that "a man had as much right to his land as he had to the coat on his back." And this is the testimony of an opponent. What aeons of

thought we have bridged in a few short years!

Nor will Lloyd George and the Liberal Party rest where they have begun. A spirit is urging them on greater than they can discern, greater than they can conceive. It sprang from the seed sown by a little man with the spirit of a Viking and the heart of an archangel who passed with a thought like a flaming sword through Britain. It is the spirit of Henry George alive in the brains and hearts of men, and half articulate at last in the deliberations of the Commons.

J. D. M.

THE POWERS OF THE SUPREME COURT.

In the March-April number of the SINGLE TAX REVIEW, our tireless friend, Edward Quincy Norton, expresses the opinion that the United States Supreme Court has no power to declare on constitutional grounds that an act of Congress is void.

He says: "When the constitution of the United States was framed in the convention of 1787, it was proposed that the judges should pass upon the constitutionality of the acts of Congress. The proposition was defeated then and several times afterwards, when proposed. The opinion was universal among men of that day, that the judges ought not to have the authority to declare an act of the Congress void."

He also quotes a Chicago writer as saying: "The subsequent action of the Supreme Court in assuming the power to declare acts of Congress unconstitutional is without a line in the constitution to authorize it."

I most devoutly hope all this is true, for surely the judicial establishment should not be given an absolute veto on the acts of the legislature body. One would think that complete separation of the two bodies would be the better plan. Besides, if custody of the constitution were given to the Congress, that body could hardly disfigure it more than has the court. Was it not Justice Harlan who recently informed the other judges that they had abolished the eleventh amendment? However, Harlan may be an anarchist, or an undesirable citizen, or something.

When it was proposed that the judges lend their aid in the making of laws, the proposal was defeated by the convention. But when Mr. Norton says that it "was defeated several times," I hardly understand how he can follow that statement as he does, with the assertion that "The opinion was universal among men of that day, that the judges ought not to have the authority to declare an act of the Congress unconstitutional."

Besides the proposals to bring the judges to the aid of Congress in making laws, the question of the judges having power to protect themselves on constitutional grounds from any aggression by Congress was considered. Some delegates held that they could—some to the contrary. The matter did not come to a vote.

But, aside from all of this indirection, we have the definite words offered in the convention whereby the jurisdiction of the "federal courts" was fixed. Just what those words mean may be a matter of opinion.

The first proposal, I believe, occurs at page 733 of "Madison's Papers." It is as follows: That the United States Court "consist of one or more supreme tribunals, and of inferior tribunals."

At page 743, we are told that Pinckney submitted a draft giving the legislature (congress) power to "establish such courts of law, equity and admiralty, as shall be necessary," one such court to be a supreme court, whose "jurisdiction shall extend to all cases arising under the laws of the United States." In impeachment cases the Supreme Court was to have original jurisdiction.

At page 860, Mr. Gorham proposed that "jurisdiction shall extend to all cases which respect the collection of the national revenues, impeachment of any national officers and questions which involve the national peace and harmony."

At page 891, Hamilton proposed: "The supreme judicial authority to be vested in judges." The "Supreme Court to have original jurisdiction in all causes of capture, and appellate in all causes in which the revenues of the general government or