

## THE TALE OF A SUIT

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(For the Review)

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By HON. JAMES F. MINTURN, Judge Court of Appeals, New Jersey.

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About the time I began to practice law I became interested through clients in the struggle of the Irish tenants to possess the land. While journeying from Buffalo I became interested in the newspaper accounts of the lectures of Henry George, and observing that these lectures served to elucidate the problem of the Irish tenant farmer, I inquired at the newstand for the works of Henry George, and was handed two paper-covered books, "Social Problems" and "Progress and Poverty." On the train coming to New York I began reading them.

Needless to say that once I had entered the charmed edifice there was no retreating. The door closed behind me to every other species of literature, and by the time the train reached New York I had finished "Social Problems" and was well into the entrancing pages of "Progress and Poverty." There are books which one may peruse and cast aside for days and weeks until sufficient leisure time is had to resume their perusal, and the reader is in no wise perturbed by the intermission. Then there are others which once begun will not be denied, but pursue the reader day and night. Such to me were these two famous books.

Like most lawyers and students of Anglo-Saxon jurisprudence, my conception of the land problem was circumscribed by the notion that it presented only a question of property, the fundamental concept of which was the feudal tenure supplemented by the Decalogue doctrine of *meum* and *tuum*. This education had made it difficult for me to deal in *foro conscientiae*, as the lawyers say, with the Land League problem of restoring the land without compensation to the so-called landowner. But the awakening came when I read these books and I lived in the hope that some day I would enjoy the honor of greeting their author.

The opportunity came in a most unlooked for manner. A man named Hutchins died in the neighborhood of Camden, New Jersey, leaving a last will by which, after almost disinheriting his second wife, he left the bulk of his estate to his children by his first wife and ten thousand dollars to a friend to be called "The Hutchins Fund," to be controlled by Henry George, "for the express purpose of spreading the light on social and political justice and liberty in these United States of America by the gratuitous, wise and economically conducted distribution all over the land of said George's publications on the all-important land question and cognate subjects." So read the terms of the bequest.

This will was contested by the heirs, and after a hearing before the

Court of Chancery, the vice-Chancellor presiding, decided (I quote) "that a bequest for the distribution of books in which the author describes the system by which the land owners hold the title to their lands as robbery is not such a charity as the courts will enforce."

I always felt that this adjudication was anomalous in jurisprudence and should be reversed at the earliest opportunity, but I did not foresee that at an early day I should be instrumental in having it so declared. But while seated in my office one day shortly after the determination of the case a short, well-built gentleman, plainly attired, entered and presented a letter of introduction from Louis F. Post, with whom I was acquainted. The letter introduced me to the author of "Progress and Poverty," and my hope was realized.

The man I saw before me was of striking appearance and unusual individuality. His head was large, and his forehead broad and high, and beneath two bright eyes that directed their vision to you and at you unflinchingly and constantly. His beard was dark reddish and somewhat touched with gray. But what struck me most forcibly was the childlike simplicity, candor and outspoken honesty of the man as manifested in his conversation. This element of his personality was what Dr. McGlynn in after years referred to as the Christ-like character of the man, and what induced others in a less loving spirit but with no small degree of truth, as is now acknowledged, to call him "St. George." To me it was the sense of intellectual and moral greatness of the man that impressed me and that seemed to permeate the room, as though some great figure out of the pages of time had suddenly presented himself before me.

His errand was a simple one. He did not want this fund. His books circulated themselves. He had been down to Camden to investigate the situation and he found an old widow left without sufficient means to support her. He had never known of the existence of Hutchins, but had learned from the widow that the children were bitterly opposed to her and that she expected no help from that quarter. Mr. George went to the children—grown up persons—and explained the situation to them. He offered to give his bequest to the widow provided they would turn over a like amount from their share to her; but they refused. He desired that I should arrange to turn over to the Court the amount of his bequest so that it might be administered for the benefit of the widow. I told him that it could not legally be done. He thought he could see the Chancellor and make the offer that some means might be devised to accomplish it.

I gave him a letter of introduction to the Chancellor, after advising that he owed it, in justice to himself as well as to the correct establishment of the law for future generations of reformers, that this adjudication of the Court of Chancery be reviewed and set aside. He said that it had never occurred to him in that light, but that he would advise me after he had consulted with the Chancellor.

In due time I heard from him. The Chancellor had confirmed my advice and there was nothing left to do but continue the litigation on appeal. The argument in the Court of Appeals was most interesting, due mainly to the fact that it consisted in large part of an economic discussion, interlarded with constitutional principles. In the court below the Vice Chancellor had predicated his view largely on the fact that Mr. George had referred to the present system of landowning as "robbery." In the Court of Appeals it was made apparent that he was not the first reformer to use strong language in condemnation of an existing iniquity. The great Master of the Christian Dispensation, it was shown, had referred to the entrenched owners of privilege in His day as "thieves," and had whipped them out of the temple. Their religion, all a veneer, was likened to "tinkling cymbals" and they themselves were called "hypocrites" and compared to "whited sepulchres." So also the acknowledged literary authorities of the 19th century, like Herbert Spencer, realizing the rank injustice of the system, had declared in "Social Statics," "Had we to deal with the original robbers we should make short work of it." Copious extracts from "Progress and Poverty" were read to a court that was all intense with the novelty and educational force of the argument. The final excerpt was from "The Problem of Industrial Life"—the closing chapter of the book. "I have in this inquiry followed the course of my own thought. When in mind I set out on it I had no theory to support, no conclusion to prove. Only when I first realized the squalid misery of a great city, it appalled and tormented me, and would not let me rest for thinking of what caused it, and how it could be cured. But out of this inquiry has come to me something I did not think to find, and a faith that was dead revives."

This was enough. It was an appropriate, eloquent and convincing peroration. It supplied the *raison d'être* for the work; and it opened in the full sight of the judicial eye the great soul and the inspiring imagination of the man behind the book. In a few weeks the decision came overturning the judgment of the court below. Chief Justice Beasley, one of the shining luminaries of the New Jersey Supreme Court at that period wrote the opinion and stated therein: "These works of Mr. George have greatly elucidated and enriched in many ways the subjects of which they treat and are very valuable contributions to the science of economics." And again, "It has not been and could not be reasonably alleged that the writings in question are either sacriligious or immoral."

And again referring to the argument that the books charged that the present system of land tenure was based upon illegality, he says that if such a theory were acknowledged as a basis for legal criticism, "It may well be doubted whether it would not be altogether impracticable to discriminate between the works of the leading political economists of the present age, for it is believed that few could be found that do not in material partic-

ulars make war more or less aggressive upon some parts of every legal system as it now subsists. Certain it is that neither the political economy of Mr. Mill or the "Social Statics" of Mr. Herbert Spencer could be so circulated, for each of these very distinguished writers denies the lawfulness of private property in land."

In the very first chapter of "Progress and Poverty" Mr. George prefaces his discussion with these lines from Mrs. Sigourney:

Ye build, ye build, but ye enter not in  
Like the tribes whom the desert devoured in their sin;  
From the land of promise ye fade and die  
Ere its verdure gleam forth on your wearied eye.

With equal appropriateness these lines are applicable to the results of the struggle and labors incident to this famous suit as related to me by Mr. George while seated with him in the midst of his family and friends in his home in New York City some years afterwards. He had gone to Camden after the victory and offered the heirs to contribute the amount of his bequest to the old unfortunate widow if they would contribute a like sum, but their hearts were adamant and he met with a peremptory refusal. Thereafter before an accounting could be had the trustees of the fund absconded, and nothing in the way of material gain ever reached Mr. George's hands as the result of all the effort and struggle.

Shortly after the lonely old lady died. She had neither kith nor kin to solace her dying hours, or to close her weary eyelids. Penniless and alone they left her in distress and death—a sad monument to the ambitions and altruistic hopes of the donor of the Hutchin's Fund. But the pathetic closing chapter is not without its vision of relief. Another action on the stage enobles the scene and spreads the veil of charity over ignoble selfish humanity.

When the sun was going down in that South Jersey village a few friends of the deceased widow followed in her funeral train to the grave where they laid her. And when the last clod of earth had been heaped upon her mortal resting place, the few simple, kind-hearted neighbors, the only surviving witnesses to her misery and distress each turned as they left to shake the hand of and call down a blessing upon the solitary stranger in that cortege.

He had come from a distant city to make one of the mourners. He had paid her physician for his attendance upon her, he had ordered the funeral director and paid him, and he now stood at her grave with her humble neighbors in the old country churchyard. Then her poor world-wearied body was laid to rest in the peaceful breast of mother earth. The stranger was the author of "Progress and Poverty."

Years have come and gone since these scenes were enacted. Yet as I look back and recall the vision of the man and his works, and the tremendous

influence for good they have wrought on the world, and the abiding enlightenment that subsists wherever these works are read, the memory of this extraordinary man lives again. I am thereby consoled with the belief that the fight for the "Hutchin's Fund," with its incidental publicity, was productive of a gain that can not be measured in dollars.

Speaking for myself and the effect of the man and his writing upon one bred and trained in the devitalized economy of Adam Smith and inoculated with the feudal traditions and the narrow learning of the school of Blackstone, where feudal wrongs and injustices are extolled and defended as part of a great legal system, I can never sufficiently acknowledge the debt of gratitude I owe to the author of "Progress and Poverty," for the illusions he has dispelled, and for the awakening to a new life of a conscience and an intellect theretofore groping in the dark and seeking the light of truth and justice in vain.

The impress of his works upon me is ineffacable, and the memory of the man and the vision of humanity which he pictured must linger with me, as I feel it will with struggling mankind, to the very end.

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## GOLDEN MAXIMS.

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BY JAMES BELLANGEE

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[The following are epigrams carefully selected from the many memoranda books left by the late James Bellangee, of Fairhope, whose death was chronicled in the last issue of the *SINGLE TAX REVIEW*. There is every reason to believe that all of these were original with the gifted mind that penned them, though it is not impossible that some of the contents of these little books, because kept solely for his own edification, may have escaped being credited to others.

In making our selections from this collection of epigrams which, though lacking the spicy nature of the maxims of Rouchefoucauld, or the labored finish of those in Colton's "Lacon," are nevertheless striking examples of this literary form, we have been guided, not solely by considerations of merit, but also by their suitability to these columns. It is not unlikely, therefore, that many of those rejected for this use might be esteemed of a superior order of merit. All reveal a fine quality of mind and heart—EDITOR *SINGLE TAX REVIEW*].

One wrong never makes a right, but every wrong necessitates the introduction of some artificiality or conventionality in order to make it endurable.

We should not judge a man by the company in which he is found, but by his influence upon that company.