fectly true one, notwithstanding that it is the hackneyed excuse of men migrating from municipal ownership to corporation camps. Mr. MacVickar may not be such a man. We sincerely hope he is not. But our correspondent evidently thinks he is, and we have found her to be fair and reasonable as well as talented. Nor is she by any means alone among the municipal ownership citizens of Des Moines in thinking so. On the other hand, however, Mr. MacVickar is precise and emphatic in his declaration of continued fidelity to the cause of municipal ownership. Here, then, is an issue of intent, a question of purpose, which can be determined in only one way of which we know. When lack of powers or ways and means is an obstacle to municipal ownership, officials who really believe in municipal ownership place their emphasis upon the duty of overcoming or removing the obstacle, whereas officials who stand in with the corporations, place *their* emphasis upon the fact that the obstacle exists. Mr. MacVickar's intent must in fairness be tried by that test. With a municipal ownership mayor in the Commission, and not a single member who was a corporation candidate, a man of Mr. MacVickar's experience, acuteness and ability ought to have no difficulty in making visible those outward signs of the inward faith he declares, which might afford our Des Moines correspondent the opportunity we know she would welcome, of reversing her present unfavorable judgment.

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President Taft's Friends.

If it was right to judge Grover Cleveland by the enemies he had made, why not judge President Taft by the friends he has made? But maybe it would come to pretty much the same thing in the end.

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Excess Condemnation.

What is "excess condemnation"? It is a new name for a new thing, and few have heard about it. But a Constitutional amendment authorizing it is before the legislature of New York, and, according to the Civic Journal of the People's Institute of New York, it is in actual operation in Pennsylvania, Ohio, Virginia, Maryland, London, Paris and Berlin. It is very simple. When land is to be condemned for a public use, the adjacent land, which will be increased in value by this public use, is to be condemned also. "Excess condemnation" means condemnation of more land than is needed for the public improvement proposed, in order that the improvement may be paid for out of the consequent increase in land values. Here is an illustration from the Civic Journal: "A great boulevard is to be cut. This will cost money to the city; it will add millions to real estate values along the boulevard. Politicians anticipate this, speculators get a 'tip,' there is heavy buying of land. The boulevard then adds an *unearned increment* of hundreds per cent to adjacent property. As things now stand, the speculators get all, the city nothing save what increased taxable values yield. Excess condemnation simply allows the city to buy this adjacent land, reserve part for subsequent public uses, and reap the profit on the rest. The boulevard costs nothing, for the city's profit covers this and allows for lavish public improvements besides." What objection can there be to this, except by grafters?

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Presidential Possibilities.

Among the candidates announced for the Democratic nomination for President in 1912 are Gov. Folk of Missouri and Gov. Marshall of Indiana. This is encouraging.

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JUSTICE BREWER'S JUDICIAL DEMOCRACY.

The recent death of David J. Brewer has removed from the Supreme Court a transcendent democratic influence. And such factors can not well be spared from that body in this day of acute warfare between the few and the many.

Brewer was to the Supreme Court what Murdock is to the House of Representatives, or La Follette is to the Senate. He was irregular. He had caught the spirit of revolt. The impenetrable dignity and solemnity clothing the body in which he sat did not blind his eyes to fundamental conditions of right and wrong. He did not carry with him to the Court on his appointment that corporation bias which others of the Federal judiciary are supposed to have from long and profitable schooling in that branch of the law.

Rarely did Justice Brewer hesitate to accept an invitation to speak in public, in violation of those ethics of the Court which have been evolved from its exclusiveness. And he always expressed himself frankly. He opposed the view of the Supreme Court as an invisible body of Elder Statesmen, necessarily far removed from the people by reason of such greater wisdom and superiority.

Abhorring convention off the bench, he was consistent when sitting, in that he dissented freely from the majority decisions. Some of his dissenting opinions are inspiring in their patriotism, and

all of them are models of logic. They show a fervor and earnestness that reveal him a feeling member of the human family, and in this they exhibit a refreshing contrast to the general run of icy logic usually handed down by the Court.

One of these dissenting opinions hinges upon a principle of the most vital importance, and no American citizen can afford to be without knowledge of it. If Brewer had written nothing else in his whole career but the minority opinion in the case of Ju Toy, 198 U. S. Reports, 1044, he would have earned his right to reverent remembrance by his countrymen.

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Ju Toy was a Chinaman who was born in San Francisco. He was industrious and frugal, and on coming of age was able to gratify a natural desire to visit the land of his fathers. After such a visit and on his return to San Francisco, the Immigration Officer denied him permission to land. He appealed to the Secretary of Commerce and Labor, submitting proofs of his citizenship. The Secretary sustained the Immigration Officer and ordered him deported. He then applied to the United States District Court for a writ of habeas corpus. The Court appointed a referee to take testimony as to his citizenship and finally decreed Ju Toy a native-born American citizen and ordered him to be set at liberty. The Immigration Officer appealed to the Supreme Court, and the Supreme Court by a majority decision ordered Ju Toy deported.

By that majority the Court held that the findings of the Secretary of Commerce and Labor as to the facts of a person's citizenship are conclusive; that whether the findings are true or not, they are not subject to review in the courts.

Justice Holmes, for the majority, said:

> If, for the purpose of argument, we assume that the Fifth Amendment applies to him, and to deny entrance to a citizen is to deprive him of liberty, we nevertheless are of opinion that with regard to him, due process of law does not require judicial trial.
>
> It is established, as we have said, that the act purports to make the decision of the Department final, whatever the ground on which the right to enter the country is claimed.

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Little wonder is it that such a decision, under which any citizen might be seized and exiled upon the whim of a mere ministerial or bureau officer, should have aroused all the patriotic fires of the late Justice Brewer. His reply, while not law because in the minority, is nevertheless unanswerable logic.

"It will be borne in mind," he said, "that the petitioner has been judicially determined to be a free-born American citizen, and the contention of the Government, sustained by the judgment of this Court, is that a citizen guilty of no crime—for it is no crime for a citizen to come back to his native land—must, by the action of a ministerial officer, be punished by deportation and banishment, without trial by jury and without judicial determination." Elaborating that pregnant thought, Justice Brewer said further:

> Such a decision is to my mind appalling.
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> The right of a citizen is not lost by a temporary absence from his native land, and when he returns he is entitled to all the protection which he had when he left. From time out of mind the doctrine held by the Supreme Court has been "that any person alleging himself to be a citizen of the United States and desiring to return to his country from a foreign land, and that is prevented from doing so without due process of law, and who on that ground applies to any United States Court for a writ of habeas corpus, is entitled to have a hearing and a judicial determination of the facts so alleged; and that no act of Congress can be understood or construed as a bar to such hearing and judicial determination."
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> By the Fifth Amendment to the Constitution no person can "be deprived of life, liberty or property without due process of law." And in Hager vs. Reclamation District, No. 108, 111 U. S. 701, it was held that "undoubtedly where life or liberty are involved, due process requires that there be a regular course of judicial proceedings, which imply that the party to be affected shall have notice and an opportunity to be heard."
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> By Art. 3, sec. 2, of the Constitution, "the trial of all crimes, except in cases of impeachment, shall be by jury"; and by the Fifth Amendment, "no person shall be held to answer for a capital or other infamous offense, unless on a presentment or indictment of a grand jury." This petitioner has been guilty of no crime, and so it is judicially determined. Yet in defiance of this adjudication of innocence, with only an examination before a ministerial officer, he is compelled to suffer punishment as a criminal, and is denied the protection of either a grand or petit jury.
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> But, it is said, he did not prove his innocence before the ministerial officer. Can one who judicially establishes his innocence of any offense be punished for crime by the action of a ministerial officer? Can he be punished because he failed to show to the satisfaction of that officer that he is innocent of an offense?
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> The Constitution declares that "the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it." There is no rebellion or invasion. Can a citizen be deprived of the benefit of that so much vaunted writ of protection by the action of a ministerial officer?
>
> The rules of the Department declare that the statutes do not apply to citizens, yet in the face of all this, we are told that they may be enforced against citizens, and that Congress so intended.

Banishment of a citizen not only removes him from the limits of his native land, but puts him beyond the reach of any of the protecting clauses of the Constitution. In other words it strips him of all rights that are given to a citizen. I can not believe that Congress intended to provide that a citizen, simply because he belongs to an obnoxious race, can be deprived of all the liberty and protection which the Constitution guarantees, and if it did so intend, I do not believe it has the power to do so.

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The majority decision in this case, in effect reenacts the infamous Alien law of the early Adams administration, under which any person too frank in his criticism of a corrupt administration might find himself stripped of citizenship and in exile. The first subject of experiment in the enforcement of that law was an "obnoxious foreigner," but the white citizen soon followed as legitimate prey.

Washington bureaucrats, already emboldened by the Ju Toy doctrine, have thrown into jail and held incommunicado, one De Lara, in spite of his claim of citizenship; and the charge that De Lara's real offense was that he made himself obnoxious to Diaz by aiding in the exposure of the Mexican slave traffic, has not been satisfactorily explained.

While Brewer's opinion is a minority one, and hence not law today, the fact that it is enduring truth gives us hope that it may be law tomorrow.

STERLING E. EDMUNDS.

EDITORIAL CORRESPONDENCE

HENRY GEORGE, JR.'S, OBSERVATIONS IN THE EAST.

New York, April 23, 1910.

The old order changeth. The new economic and political forces in the country are at work.

The announcement from Washington that United States Senators Aldrich and Hale, of Connecticut and Maine respectively, will retire from active politics, is the strongest proof of the strong radical tide that is running in New England. Subsequently to my Western speaking tour (p. 344) under the management of Mr. F. H. Monroe of the Henry George Lecture Association, I went on a brief tour under the same management into New England. I spoke once in Boston, twice in Cambridge, once in Lynn, Mass., once in Manchester, New Hampshire, and once in Portland, Maine. In all of these places I heard the same kind of "insurgent" talk I had heard in Iowa and Minnesota.

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My addresses in Portland and Manchester were before the Economic Clubs of those cities. Clubs of this kind are of recent date in New England. They are the outgrowth of the spirit of inquiry which is stirring the whole country. They are composed largely of the leading progressive men of their communities, who get together once a month or so during the cooler weather to listen to discussions of current economic questions by men of various points of view.

The subject for consideration before the Portland and the Manchester meetings was "The Cause of the Increasing Cost of Living." The most significant thing about these two meetings was the personnel of the speakers and the radical nature of their utterances. At the first meeting I found myself associated with Henry B. Gardner, of Providence, R. I., and Mr. Byron W. Holt, of New York. Professor Gardner has the chair of Political Economy at Brown University, Providence, R. I. He teaches the Single Tax as applicable for local purposes. Mr. Holt is chairman of the Free Trade Committee of the Reform Club of New York and is an untiring advocate of the Single Tax.

I spoke first and contended that the rapid growth of monopolies of various kinds and their increasing exactions would sufficiently account for the very high and increasing general prices, and I took pains to describe the tariff and the privately owned railroads as the chief causes of these rising prices, pointing out, however, that even were these removed by the declaration of free trade and the taking over of the railroads as public highways into public hands, the landlords would reap the benefit of freer production. Speculative rent would rise and absorb all the advantage, unless the single tax should be applied to land values to prevent this speculative rise.

Professor Gardner contended that while I had explained high prices, I had not explained increasing prices; that the latter was to be explained by the greatly increased output of gold, the measure of prices, relatively to other things; and that this increase of prices would probably continue for a decade, owing to the probable continuance of this relatively increased output of gold.

Mr. Holt supported Professor Gardner with an ably written paper, in which he presented statistics and authorities.

It is not because of the gold or anti-gold argument that I speak of this meeting, but because of the fact that three men pronouncing themselves against the tariff and for the Single Tax should be listened to with interest and applause by an organization of the leading banking, business and professional men of the leading city in Republican Maine.

It explains why Senator Hale of that State now pleads advancing years and delicate health as reasons why he should not again stand for the Senatorship. Rebellion against the present order of things that discourages business at every turn and that has so much to do with the high cost of living reveals itself in general discontent. I heard much of it while I was in Portland—the most open and direct opposition to Senator Hale and to his son who is out as a candidate for the Congressional seat formerly held by Thomas B. Reed in Portland; and most of this came from men who had always been Republicans.

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In Manchester I found the same private radical talk. The town's chief activity is in the manufacture of cotton goods. Manchester has long stood fast