

Jim. We don't want him any longer. Ballinger will conserve our "natural resources" now. If he can't do it, there's some railroad managers and mine owners that will help him.'

"Of course, I don't mean that Taft said them identical words, but then he must have been thinkin' right along that line or he wouldn't have grabbed Mr. Pinchot off the vine so sudden.

"Yes, sir! I think Taft has a very broad mind. He wants to curb the bad trusts and conserve the good ones. He wants to save the dividends to the big corporations, and help the people that pay the dividends in exorbitant charges. He wants to reform things without hurting the fellows that profit by the things that need reform, and if he stays in office long enough I think he'll get there. But Taft is not alone. He has a whole lot of company. There's many a man that wants to be good without stopping the evil things that he is doing. There's many a man that wants to relieve the poverty of the poor if it can be done without removing the cause of the poverty. And so I'm inclined to swear by Taft, and to hope he will be able to reconcile the antagonistic things and save the old party. Biggles, I think I'll go to the back alley and draw a few puffs."

Dobbs is a good fellow, but he confuses me with his absurdities.

GEO. V. WELLS.

* * *

FRANKLIN AND FREEDOM.

An Address by Joseph Fels to the "Poor Richard" Club of Philadelphia, January 6th, 1910.

The City of Philadelphia is indebted to an honored merchant, Justus C. Strawbridge, for a beautiful statue of her first citizen and adopted son, Benjamin Franklin. The statue is in the highest degree pleasing, and itself appears well to match the encomium by Washington which, with dignified simplicity, graces the pedestal:

Venerated for benevolence,
Admired for talents,
Esteemed for patriotism,
Beloved for philanthropy.

He who knows Benjamin Franklin only from his extraordinary, varied and persistent services to his country, State and city; his observations and pioneer work in gathering secrets from Dame Nature; and the homely and quaint maxims of "Poor Richard," has not sounded the depths of his feelings; has not yet learned the whole worth of the man. There are three subjects which engaged Franklin's thoughts which, I am sure, he would emphasize, could he converse with us from his pedestal by the postoffice. His counsel might not be welcomed by the people of Philadelphia, but I am sure none could take offense from his benevolence was innate.

"His statue in Boston was placed," said his

eulogist, "to receive, and I had almost said, to reciprocate the daily salutations of all who pass."

In such kindly spirit I wish to speak of three subjects which engaged Franklin's thoughts. They concern the questions of trade, peace and the tenure of land.

A Free Trader.

Franklin was opposed to the theory and practice euphemistically, but improperly I think, known as "protection," but sometimes defined as "public taxation for private purposes." He was not of that timid class known to-day as tariff reformers. He did not even believe in tariff for revenue. He believed that any governmental interference between buyer and seller was wrong, and productive of evil. He was uncompromisingly a free trader. The importance of the subject will justify quotations at length.

And when the government had been solicited to support such schemes by encouragement in money or by imposing duties on importation of such goods, it has been generally refused, on this principle, that if the country is ripe for the manufacture, it may be carried on by private persons to advantage; if not, it is folly to think of forcing nature. . . . The governments in America do nothing to encourage such projects. The people by these means are not imposed on either by the merchant or mechanic.—From "The Internal State of America."

I make no comment further than this: we have progressed since then, yet complaints of imposition to-day are widespread.

In 1775, when the colonies were restive under the restrictions imposed by England, Franklin suggested the following proposal:

Whenever she (England) shall think fit to abolish her monopoly . . . and allow us a free commerce with all the rest of the world, we shall well agree to give and pay into the sinking fund 100,000 pounds sterling per annum for the term of one hundred years.

To counteract the proposed restraining acts of Parliament, Franklin moved in Congress, July 21, 1775, as follows:

That all custom houses in the colony shall be shut up and all officers of the same discharged from the execution of their several functions, and all the ports of the said colonies are hereby declared to be henceforth open to the ships of every state in Europe that will admit our commerce and protect it.

Franklin's biographer, the lamented Albert H. Smyth, of our Central High School, said: "Franklin's freedom of trade was based on a natural right." Personally I am a free trader. I respect every man's right to buy or sell to the best advantage, believing that "mind your own business" is the best part of the Golden Rule. May I respectfully suggest to my fellow citizens that, if Franklin's theory be unsound, their settled judgment of Franklin's wisdom must be revised. The revision must include also in its dis-

approval the opinions of Washington, Jefferson, Madison, Patrick Henry and all the signers of the Declaration of Independence; for therein is an indictment of George III. "for cutting off our trade with all parts of the world." It must also question the wisdom of that provision of Magna Charta which declares:

All merchants may safely and without molestation depart from England and come to England as well by land as by water, to buy and to sell, free from all evil duties.

It is interesting to note that the just and gentle founder of Pennsylvania, that "holy experiment," did, for the general good, refuse a great financial temptation (entirely legal) for a monopoly of trade with the Indians. Penn has recorded his feelings that Pennsylvania had been given him to honor the Lord's name, and to serve his truth and people, that an example and standard might be set up to the nations; therefore, "I determined not to abuse his love, nor to act unworthy of his providence, and so defile what came to me clean."

Although Franklin's opinions were radical, they were expressed with so much moderation, kindness and persuasiveness that further quotations are tempting. In a letter to Peter Collinson, he wrote:

In time, perhaps mankind may be wise enough to let trade take its own course, find its own channels, and regulate its own proportions, etc. At present most of the edicts of princes, placards, laws and ordinances of kingdoms and states for the purpose prove political blunders; the advantages they produce not being general for the Commonwealth, but particular, to private persons or bodies in the State who procure them, and at the expense of the rest of the people.

In 1784, in a letter to Vaughn, he wrote:

I am sorry for the overturn you mention of those beneficial systems of commerce that would have been exemplary to mankind. The making England entirely a free port would have been the wisest step ever taken for its advantage.

There are hosts of sincere protectionists who fear the ruin of their country if traders be allowed to fetch and carry without let or hindrance. To them I respectfully commend Franklin's words written in 1774:

It were therefore to be wished that commerce were as free between all the nations of the world as it is between the several counties of England; so would all by mutual communication obtain more enjoyment. These counties do not ruin one another by trade; neither would the nations.

Cobden, whose mind, Smyth says, was fertilized by Franklin, held that the moral progress and elevation of a people depend, first of all, upon a removal of carking care, and upon the ability to secure with reasonable labor, the loaf, the coat and the roof. It was clear to Franklin, as to

Cobden, that free trade best provided for the certainty of these conditions for his countrymen, but his interest was broader than the colonies; it embraced the world. In a letter to the Englishman, Hume, he writes:

I have lately read with great pleasure the excellent essay on the jealousy of commerce. I think it cannot but have a good effect in promoting a certain interest too little thought of by selfish man, and scarcely ever mentioned, so that we hardly have a name for it; I mean the interest of humanity, or common good of mankind. But I hope, particularly from that essay, an abatement of the jealousy . . . of the commerce of the colonies.

This "interest of humanity or common good of mankind" for which Franklin sought a name, shall we call it cosmopolitanism—a citizenship of the world? It is that for which saints have prayed, and philosophers have taught, and poets have sung. Yet with clear vision Franklin saw in the trader, however humble, however selfish or prosaic, yet unconsciously its missionary, a courier for civilization, a promoter of peace on earth and good will among nations. Instead of "setting the dogs upon him," he advised that the trader should be welcomed with open arms. "Many," said the prophet, "shall run to and fro, and knowledge shall be increased." It is the demand of the trader which removes barriers separating mankind; witness the Atlantic cables, the Suez Canal, the Simplon Tunnel, and the brave attempt at Panama, appalling in difficulty. Success to them all, workers together for good! Well has Stephens said: "Trade is the Peacemaker of God, and in her service shall be brought to pass the saying that is written, 'Every valley shall be exalted, and every mountain and hill shall be made low; the crooked shall be made straight, and the rough places plain; and the glory of the Lord shall be revealed, and all flesh shall see it together.'"

War and Peace.

However tempting the subject may be, let us leave it to consider briefly Franklin's testimony against war. In 1783, after the return of peace, he wrote to Sir Joseph Banks, as follows:

I join with you most cordially in rejoicing at the return of peace. I hope it will be lasting, and that mankind will at length, as they call themselves reasonable creatures, have reason and sense enough to settle their differences without cutting throats; for, in my opinion, there never was a good war, or a bad peace. What vast additions to the conveniences and comforts of living might mankind have acquired, if the money spent in wars had been employed in works of public utility! What an extension of agriculture, even to the tops of our mountains; what rivers rendered navigable, or joined by canals; what bridges, aqueducts, new roads and other public works, edifices and improvements, rendering England a complete paradise, might have been obtained by spending those millions in doing good, which in the last war have been spent in doing mischief; in

bringing misery to thousands of families, and destroying the lives of so many thousands of working people, who might have performed the useful labor!

"Never a good war or a bad peace!"—an amazing conclusion! However much you or I may differ with Franklin let us realize the breadth of his sympathies. Perhaps we, as a people, are mistaken in our alarms and preparations for war. Perhaps it may not be necessary or advisable to prepare the Big Stick and the Dreadnaught. Perhaps by a scrupulous respect for the rights of all men, white, black, brown or yellow, they may come to love us, and never dream of harming us! So thought William Penn; his "holy experiment" was successful. So also thought Lycurgus the Spartan,—“for he did not fence the city with walls, but fortified the inhabitants with virtue, and so preserved the city forever.” So also thought Ulysses S. Grant (alas! that his thought was too late). On his return from his voyage round the world, he said:

Though I have been trained as a soldier, and participated in many battles, there never was a time when in my opinion, some way could not be found of preventing the drawing of the sword. I look forward to an epoch when a great recognized committee of nations will settle international differences, instead of keeping large standing armies as they do in Europe.

Before, therefore, we approve of another war, let us pause to think of the advice of Franklin; let us look beyond the pomp and circumstance of war; rather let us in imagination look upon devastated fields, upon bereaved households, upon broken mothers, sad-eyed widows and helpless children. The glory is transient; the grief is permanent.

The Land Question.

What were Franklin's thoughts upon the land question? That question which, slowly here, but swiftly in England, is engaging political thought, and promising dramatic developments. The question was not in his day pressing, as the question of trade had been. The settlements on the seaboard were trifling; behind them lay a continent untouched. Franklin has, however, recorded interesting observations. I quote from his "Internal State of America":

We are sons of the earth and sea, and like Antaeus in the fable, in wrestling with a Hercules, we now and then receive a fall; the touch of our parents communicates to us fresh strength and vigor to renew contests. . . . The truth is that though there are in America few people so miserable as the poor of Europe, there are also very few that in Europe would be called rich. It is rather a general happy mediocrity that prevails. There are few great proprietors of the soil, and few tenants; . . . very few rich enough to live idly on their incomes.

We pride ourselves upon having progressed since that day. We have millionaires and multi-

millionaires, also we have tramps and paupers. The strain of business life is increasing. Women and children are pressed into the ranks of labor; the fireside and the playground are drafted for the machines. And on our streets at night I see sadder sights than these. We have progressed.

Let us quote from Franklin's "Observations on the Increase of Mankind":

Land being thus plenty in America, and so cheap that a laboring man that understands husbandry can in a short time save money enough to purchase a piece of new land sufficient for a plantation whereon he may subsist a family, such are not afraid to marry, for if they even look far enough forward to consider how their children when grown up, are to be provided for, they see that more land is to be had at rates equally easy, etc., . . . but, notwithstanding this increase, so vast is the territory of North America, that it will require many ages to settle it fully, and till it is fully settled, labor will never be cheap here, where no man continues long a laborer but gets a plantation of his own.

These hopeful words were written in 1751 by a man thoughtful, careful and restrained in the use of language. Franklin did not foresee. The lapse of time is far from having been "many ages," yet to-day Labor is cheap—dirt cheap. That being whom the Psalmist declared to be a little lower than the angels, whose possibilities are boundless; that being whom Shakespeare apostrophized so gloriously as "in apprehension so like a god"—is a drug upon the market. When you built your new opera house, such beings fought for a chance to dig its cellars. To meet the needs of the poor, so vast is the problem that charity finds it necessary to be "organized" and statistical; and the quality of mercy has become strained. We read, and forget, that the bread line at the Bowery Mission has increased from 1,500 to 2,000 men—not vagabonds, says the Mission Superintendent, but men out of work. And newspaper accounts of suicides because of despondency are common. The vast territory which was to be a safeguard against poverty for "many ages" is but sparsely settled. Yet stories of distress are commonplace, perennial and alas! "tiresome." We dismiss them with a shrug.

Last January, Secretary Garfield, submitted information of 32,000 cases of alleged land frauds, mainly in States west of the Mississippi. The fact is ominous. Lowell saw that destruction lies that way as destruction had waited for Rome:

Where Idleness enforced saw idle lands,
Leagues of unpeopled soil, the common earth,
Walled round with paper against God and Man.

A philosopher has told us that in Nature there are no punishments; there are only consequences. In Nature, as in mathematics, two and two make four, yesterday, to-day and forever. But, when we consider the remedies which we apply to the consequences, the words of John Stuart Mill can-

not be too often repeated: "When the object is to raise the general condition of a people, small means do not merely produce small effects; they produce no effects at all." The good intentions of our Good Government Clubs and our Municipal Leagues are acknowledged, but—"hell is paved with good intentions."

We complain that the men in the bread line sell their votes; what else have they to sell? Neglecting equity, we defraud and disemploy them; we do not attend to the public business; the public business is neglected, and the consequences annoy us. "Drive thy business," says Poor Richard, "or it will drive thee."

Had similar conditions existed in Franklin's time, I think he would have studied them; he would have been put upon inquiry; his benevolence was of a kind that walks with open eyes, that traces effect to cause, that seeks remedy, and is not satisfied with palliatives. But at that time the question was not urgent, and the public demands on Franklin's time were constant. Otherwise, I think he could not have failed to concur in the opinion expressed by Thomas Jefferson. Being in France thirty-four years afterward, and observant of the causes which soon after brought to pass the French Revolution, Jefferson wrote:

Whenever there are in any country uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. The earth is given as a common stock for man to labor and live on.

The Single Tax.

The last letter which I shall quote is most pleasing and most important—a fitting finale. It was written in 1768 from London to Du Pont de Nemours in France—that Du Pont whose sons founded the powder works near Wilmington, Delaware:

I received your obliging letter of the 10th of May, with the most acceptable present of your "Physiocratie." . . . There is such a freedom from local and national prejudices and partialities, so much benevolence to mankind in general, so much goodness mixt with the wisdom in the principles of your new philosophy, that I am perfectly charmed with them, and wish I could have stayed in France for some time to have studied at your school, that I might by conversing with its founders have made myself quite a master of that philosophy. . . . I had, before I went into your country, seen some letters of yours to Dr. Templeman, that gave me a high opinion of the doctrines you are engaged in cultivating, and of your personal worth and abilities which made me greatly desirous of seeing you. . . . I am sorry to find that that wisdom which sees in the welfare of the parts the prosperity of the whole seems yet not to be known in this country. It is from your philosophy only that the maxims of a contrary and more happy conduct are to be drawn, which I therefore sincerely wish may grow and increase till it becomes the governing

philosophy of the human species as it must certainly be that of superior beings in better worlds.

Like most strong men, Benjamin Franklin was careful and moderate in his language, as we have seen. It is therefore, worth while to examine doctrines of which such a man says, "I am perfectly charmed with them," and for which he hopes such growth and increase that they may become the governing philosophy of the human species.

The Physiocrats were philosophers and political economists who lived in France in the reign of Louis XVI. The most prominent members of the school were Turgot, the King's Minister of Finance, and Quesnay, his favorite physician. Their doctrine was, in a word, the narrow one that government should do no more than to protect and preserve the rights of life and property, and to administer justice. Governmental interference with production and exchange was not allowable. Trade was to be free, and the entire revenue, the "*impot unique*," was to be taxed from the rent of land. This proposal of Quesnay to substitute one single tax upon rent (for all others) was praised by the elder Mirabeau "as a discovery equal in utility to the invention of writing, or the substitution of the use of money for barter."

Do these words appear to be extravagant? That I regret, for extravagance is weakness. Let me ask you to forget them, and to recall, instead, those of one who is notably calm, philosophical and moderate. It was of this philosophy that Franklin wrote, "I am perfectly charmed with it"; it was of this philosophy that he expressed the hope that it might finally govern the whole race; it was this philosophy that he thought worthy of superior beings in better worlds.

The philosophy which so charmed Franklin, and from which he hoped so much, was unhappily placed. It was making progress, undoubted progress, when the storm of the French Revolution broke; it was overwhelmed, and became naught but a memory to the students of history. It is a curious fact that this doctrine should have been independently thought out and revived in after years by a young man who knew nothing of the great Frenchmen who preceded him; a young man, moreover, who was born in Franklin's loved city of Philadelphia, a reader of Franklin's works, and an eager attendant upon lectures at the Franklin Institute. Like Franklin, too, a printer, a philosopher and a free trader. He wrote what John Russell Young characterized as "a solemn message to mankind." The message was "Progress and Poverty," couched in masterly English worthy of the subject. But as of old, so to-day, a prophet is not without honor but in his own country and among his own kin. Lightly regarded in his native city and land, his revived doctrine of the "*impot unique*," the doctrine which had so charmed Franklin, here known as the "single tax," is in the Antipodes, in Germany and

in England marching apace. I think the time will come when Henry George's birthplace on Tenth street will rival in attractive power our Independence Hall.

Benjamin Franklin once wrote of his gratification in the thought that his works were respectfully quoted by others. Allow me here on my part to acknowledge a keen pleasure in thus spreading further the pure and peaceful counsels of this printer, philosopher and statesman.

When next I pass the statue by the postoffice I shall be mindful of the advice of Franklin's eulogist at Boston. I shall tip my hat, and shall almost expect the face of bronze to light with pleasure.

Finally, I cannot do better than to ask "Poor Richard" to speak to you the concluding words: "A word to the wise is enough, as Poor Richard says."

* * *

THE LAND SONG.*

Air—"Marching Through Georgia."

Sound a blast for Freedom, boys, and send it far and wide!

March along to victory, for God is on our side!
While the voice of Nature thunders o'er the rising tide—

"God made the Land for the People!"

Chorus—

The Land! the Land! 'twas God who gave the Land!
The Land! the Land! the ground on which we stand!
Why should we be beggars, with the ballot in our hand?

"God gave the Land to the People!"

Hark! the shout is swelling from the East and from the West:

Why should we beg work and let the Landlords take the best?

Make them pay their taxes for the Land—we'll risk the rest;

The Land was meant for the People.

Chorus—

The banner has been raised on high, to face the battle din:

The Army now is marching on the struggle to begin.

We'll never cease our efforts till the victory we win,
And the Land is free for the People!

Chorus—

Clear the way for liberty! the land must all be free!
Britons will not falter in the fight, through stern it be,

Till the flag we love so well shall wave from sea to sea,

O'er land that's free for the People.

Chorus—

*As sung by from 5,000 to 6,000 people massed about the Parliament buildings at the moment when the House of Lords were rejecting the Budget (vol. xii, page 1161). Printed and published by the Land Values Publication Department, 376-377 Strand, London, W. C. Price, with music, by mail, two pence.

BOOKS

FEDERAL COMMON LAW.

The Power to Regulate Corporations and Commerce.

A Discussion of the Existence, Basis, Nature and Scope of the Common Law of the United States. By Frank Hendrick, of the New York Bar. First Ricardo Prize Fellow in Harvard University. Author of "Railway Control by Commissions," etc. Published by G. P. Putnam's Sons, New York and London.

Up to the period of the Civil war, it was a commonplace among lawyers in the United States that the Federal courts have no common law jurisdiction. The firmly established principle was that these courts could acquire jurisdiction only from statute—the written Constitution, or acts of Congress authorized by it. But with the subsequent development of great corporate interests, and the astute discovery that the Fourteenth amendment (adopted with nothing else in view than the protection of Negroes in their personal and political rights), could serve corporations by bringing their litigations into Federal courts where the judges were far removed from the people, the idea that the Federal courts have no common law jurisdiction began to fade in the professional mind. And it kept on fading until the old phrase is seldom heard any longer at the bar.

One effect of this subtle change will illustrate the point. For a long time even after the perversion of the Fourteenth amendment had begun, the idea prevailed that no State could spawn corporations upon other States without their consent. This idea rested upon the doctrine of comity between nations, the theory being that the States were nations as to everything except the powers they had surrendered through the Constitution to the Federal government. But the idea was nullified in practice by corporate interests. Securing charters of incorporation in one State—New Jersey, for instance—they claimed and exercised the right to do business in any or every other State whether it liked it or not.

These interests were so enormous that the inaction of the States thus invaded by artificial persons created by other States, was long attributed to the financial power of the invading interests. But here we have a book which declares the right of a corporation of one State to go into another as if it were a natural person; and this novel contention is based upon the novel doctrine that there is a common law of the United States—in other words, that the Federal courts have common law jurisdiction.

Not merely are these courts assured of their power to call the common law to their aid after acquiring jurisdiction by statute, but, as the point is suc-