

ous, the wonderfully varied west. Its population is as nothing, yet its lands suitable for farms, its forests, its mineral regions, its grazing tracts, its very watersheds and watercourses are enclosed. Not a ten-thousandth part in use, or, at least, its highest use, but practically the whole held speculatively for a "rise." It is a colossal speculation in a prime necessity of human life—in mother earth.

The masses of men are cut off from access to the soil, save at an increasing price, and more and more men cannot pay the price. They cannot become fixed to the soil, but are compelled to roam about in quest of work. They roam and roam, until hope dies within them, and pride is smothered. Then they become human coyotes called "tramps."

In a letter written from France in 1785 to Rev. James Madison, Thomas Jefferson said:

Whenever there is, 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. If for the encouragement of industry we allow it to be appropriated, we must take care that other employment be provided to those excluded from the appropriation. If we do not, the fundamental right to labor on the earth returns to the unemployed.

This means that instead of making human coyotes, we should open the land to labor—we should tax out the speculators.—Henry George, Jr., in *Boyce's Weekly* for Feb. 11.

THE GOOD JUDGE.
CONTEMPORARY HISTORY
by
Anatole France.

Translated for *The Public* by Frank W. Garrison.

M. Goubin wiped his glasses. He had tender eyes and a penetrating glance, and he looked at Jean Marteau intently and said with more surprise than sympathy: "You say you have not eaten for 36 hours?"

"That is true," replied Jean Marteau. "I have eaten nothing for 36 hours. But I erred—it is bad form to lack food. Hunger should be a crime like vagrancy; but in reality the two crimes are identical and article 269 punishes with from three to six months in prison those who have no means of support. Vagrancy, says the code, is the state of vagrancy. The great offenders are persons whom no lord owns as his vassals, who have neither home nor means of subsist-

ence, and who do not habitually engage in any trade or profession."

"It is remarkable," said M. Bergeret. "that the conditions of these vagrants, liable to six months' imprisonment and ten years' surveillance, is precisely that in which the good St. Francis placed his companions. St. Francis of Assise and St. Anthony of Padua, if they came to preach in Paris to-day, would stand a very good chance of being summarily dispatched to the 'lock-up.' I do not say this to turn the police upon the wandering monks now swarming here. They have means of support and practice all trades."

"They are respectable because they are rich," said Jean Marteau, "and vagrancy is only forbidden to the poor. If I had been found under my pear tree, I should have been arrested and that would have been justice. Possessing nothing I should have been presumably an enemy of property and it is justice to defend property from its enemies. The august task of the judge is to secure to each one that which is his, to the rich man his riches and to the poor man his poverty."

"I have meditated upon the philosophy of law," said M. Bergeret, "and have concluded that all the justice of society is based upon two axioms: 'Theft is infamous.' 'The product of theft is sacred.' Those are the principles which assure the security of individuals and maintain order in the state. If one of these guardian principles were forgotten the whole structure of society would crumble. They were established at the beginning of the ages. A chief clad in a bear skin, armed with a stone hatchet and a sword of bronze, with his companions entered the stone enclosure where the children of the tribe were gathered with the herd of women and reindeer. They had carried off the girls' and young men of the neighboring tribe and took with them the meteoric stones which were precious because swords which would not bend could be made from them. The chief climbed a hillock in the enclosure and said: 'These slaves and this iron which I have taken from the weak and despised are mine; whoever stretches his hand over them will be struck with my hatchet!' Such is the origin of laws. They are old and barbarous in spirit, but since justice is the consecration of all injustices, everyone is satisfied. A judge may be good, for men are not all wicked; but law cannot be good, because it is prior to all idea of justice. The changes that have been made in it in the course of time have not altered

its original character. Jurists have made it subtle but left it barbarous. In fact it owes its respectability and seeming authority to its ferocity. Men are inclined to worship strange gods, and that which is not cruel does not seem venerable to them. The amenable believe in the justice of laws; they have no moral standard higher than the judges, and, like them, believe that because an action is punished it is deserving of punishment. I have often been touched to see in the police courts or courts of assizes that the prisoner and the judge are perfectly at one in their conception of good and bad. They have the same prejudices and a common moral standard."

"It could not be otherwise," said Jean Marteau; "an unfortunate who has stolen a sausage or a pair of shoes has not on that account penetrated deeply or with profound insight the origin of law and the foundations of justice. While those of us who are not afraid to see in the origin of codes a consecration of violence and iniquity, are incapable of stealing a cent."

"But, after all," said M. Goubin, "there are just laws."

"Do you think so?" demanded Jean Marteau.

"M. Goubin is right," said M. Bergeret. "There are just laws; but law having been instituted for the defense of society, cannot be in spirit more equitable than that society. So long as society is founded on injustice the function of the laws will be to defend and sustain injustice. And the more unjust they are the more respectable they will seem. Observe, also, that, being ancient, for the most part, they do not represent altogether present iniquity, but a past iniquity—rougher and more brutal. They are the monuments for barbarous times which have survived to a gentler period."

"But they are revised," said M. Goubin.

"They are revised," replied M. Bergeret. "The Chamber of Deputies and the Senate work over them when they have nothing else to do. But the harsh fundamental principle remains. As a matter of fact I should not greatly fear bad laws if they were interpreted by good judges. It is held that law is inflexible. I do not think so. There is no text which does not lend itself to divine interpretations. Law is dead—the magistrate is living. He has a great advantage over it. Unfortunately he seldom makes use of it. Ordinarily he proves more dead, colder and more insensible than the text which he inter-

prets. He is not human; he has no pity. The spirit of caste stifles all sympathy within him. I refer only to upright magistrates."

"Most of them are upright," said M. Goubin.

"Most of them are upright," assented M. Bergeret, "if we refer to common righteousness and morality. But is it enough to be simply an upright man in order to exercise without error or abuse the monstrous power of punishment? The good judge ought to unite simple rectitude with the philisophic spirit. That is a good deal to ask of a man who is intent on his career and anxious for promotion. Not to mention the fact that if he shows a moral sense superior to that of his time he will become odious in the eyes of his colleagues and arouse universal indignation. For, all morality which is not our own, we class as immorality. All those who have brought a little new goodness into the world have earned the contempt of upright men. Precisely that has happened to President Magnaud. Here are his decisions collected in a little volume. When they were pronounced, austere magistrates and virtuous legislators were indignant. The decisions are marked by a profound philosophy and delicate feeling. They betray a most elevated mind and tender soul. They are full of pity; they are human; they are just. It was the opinion of the bench that President Magnaud did not have the judicial mind, and the friends of M. Meline accused him of not having enough respect for property. It is true that the 'whereases' on which his judgments rest are singular, for every line betrays an independent mind and a generous heart." M. Bergeret, taking a little volume from the table, turned the leaves and read:

Probity and delicacy are virtues much easier to practice when one does not lack anything, than when one is destitute.

That which cannot be averted ought not to be punished.

In order justly to appreciate the crime of the indigent, the judge ought, momentarily, to forget the comfort which he enjoys, so that he may put himself as nearly as possible in the unfortunate place of the destitute.

The care of the judge in his interpretation of the law ought not to be limited to the special case which is submitted to him, but should extend to the consequences, good or bad, which his decision might produce in a general way.

"And I have cited almost at random," added M. Bergeret, closing the book. "They are living words reflecting a noble soul."

Mr. Carnegie's gift of \$1,500,000 to put up a building for The Hague Court

of Arbitration to sit in is indeed warming.

At the time of the Homestead imbroglio (Judge Gray instructs us that strikes are not war) Mr. Carnegie got himself talked about some by his reluctance to arbitrate.

But if he had arbitrated, the chances are he would have been beaten and forced to raise wages, and if he had raised wages, who may say that he would nevertheless have this \$1,500,000 about his clothes?

Time is never in a better business than when it is vindicating the purposes of great and good men.—Life.

"David B. Hill doesn't seem to be so conspicuous as he used to be."

"No; he ought to petition the New York legislature to change his name to Valley." G. T. E.

When it was proposed to create yet more public offices, the stupid masses were made suspicious.

"There is no work for more offices!" protested the masses.

But fortunately constructive statesmen were not lacking.

"More offices," explained these, "will necessitate the erection of additional public buildings, which means a graft for about everybody."

Now the masses changed their tune and filled the air with paeans of thanksgiving, in that there was somebody at hand to tell them what was what.—Puck.

"Don't you think three-cent street car fares would pay?"

"Oh, I don't know as to that; but if they were legalized it would be gross injustice to the shoe dealers."

G. T. E.

I'm glad the sky is painted blue,
And the earth is painted green,
With such a lot of nice fresh air
All sandwiched in between.
—Unknown.

The Englishman, the Russian and the American rushed into one another's arms. "We are brothers!" they exclaimed.

The Boer, the Finn and the Filipino wondered—not because of the assertion—they wondered that for once the gentlemen had spoken the truth.

G. T. E.

BOOKS

THE LOST ART OF READING.

If a reader has not lost this art, he will find exceeding delight in this book (The Lost Art of Reading, by Gerald Stanley Lee, Putnam's Sons, \$1.75). He will like to own it and keep it near, that he may, at any time, and especial-

ly when depressed by the literary rush, take it up for ten minutes or an hour or longer. After he has got into fairly intimate acquaintance with the scope and spirit of it, he will not care much at what page it falls open; he will like to browse about in it anywhere. It will be a very good test for him whether he has lost the art of reading—as expounded by the author. For if he has, then the chances are that he will be utterly unable to get on with it. No hustler need apply.

The pity is that those who need it most may most likely find it hard reading.

I would enjoin upon the intending reader not to give up too soon, not to be deterred by certain mannerisms in the table of contents or in the very first section, and not to be discouraged by the thought that he has lost the art until he has read—at least to midway page five. There he will come upon the following:

"One almost wonders sometimes, why it is that the sun keeps on year after year and day after day turning the globe around and around, heating it and lighting it and keeping things growing on it, when, after all, when all is said and done (crowded with wonder and with things to live with, as it is), it is a comparatively empty globe. No one seems to be using it very much, or paying very much attention to it, or getting very much out of it. There are never more than a few men on it at a time, who can be said to be really living on it. They are engaged in getting a living and in hoping that they are going to live sometime. They are also going to read sometime."

The author does not tell us why nearly all of us have to be engaged all the time in getting a living and can only hope to live sometime; but he does tell us with wonderful insight and cleverness how the modern rush to gain life is destroying the good and beautiful things that make it worth living. It is especially the literary rush—the rush for quick-raising culture and get-there education—with which he deals.

With all its lightness of style and play of delicate satire, it is a serious book. It is a book that the American public at the present stage of our game of life would do well to ponder. There are certain sets of people that ought surely to take it to heart—such as teachers and librarians and all promoters of organized knowledge. It is perhaps the author's central point of attack, where he satirizes and tells the truth about the deadening effects of so much organization and machinery in the modern processes of promoting education. In crisp but pleasant humor and in good form, he pleads for freer spirit, and protests against subjecting every earthly and heavenly thing to science and system.

As to the subject announced in the