asinorum" problem; but if he'll turn to trigonometry he'll find a shorter and easier way.

It is believed, and said, that political and economic peace will usher in the era of Brotherhood of Man. But isn't it true that the world-wide democratic movement is but an expression of the desire for and the belief in the Brotherhood of Man? And isn't it true that the desire for and belief in that Brotherhood is the force that is turning the thoughts of men to ways and means of political and economic peace? Are we not coming to believe, more and more, that the Brotherhood way is the natural way, and that we must follow the natural social and moral law in order to attain it?

Isn't that the source of the warmth and moisture, acting upon proper soil conditions, that are germinating or sprouting the seeds of popular government—"responsible representative government," as Governor Woodrow Wilson says—and that have caused the plant to blossom here and there? And isn't the same thing true of the seed planted by Henry George, which could not possibly germinate and spring to life in a world of warfare?

Then is not this the psychological moment for peace pacts between the professional Sluggers of the earth, the "strong arm" men who have set Brother against Brother? Freedom from war is an element of liberty. We shall have clearer thought when our ears are less distracted by the throbbing of war drums and when our eyes have a rest from the ghost-dancing of warriors. Reducing the output of war scares and de-Hobsonizing the press will enable us to make calm preparation for the necessary operation of sticking the taxation lancet into the economic tumors called "swollen fortunes" and thus letting out the purulent money which is the anti-social pus of a malignant abscess.

"All things," even Carnegie, "work together for good."

W. G. EGGLESTON.

EDITORIAL CORRESPONDENCE

GUSTAV R. WEIKERT.

Detroit, Sept. 13.

The cause of Direct Legislation in Michigan has lost a hard and effective worker and a gallant champion in the death of Gustav R. Weikert, who has just passed away, aged 66 years. He was a most efficient enthusiast in his chosen reform field. No sacrifice was too great for him to make if by any chance it would advance the people's rule. He had faith in the people—a true democrat. For many years he was the moving spirit in such organizations as the Michigan Progressive Voters' League and the Detroit Henry George Association, and his recreation consisted in the main in supplying voters with literature bearing on the initiative, the referendum and the recall.

Mr. Weikert was a draftsman in the employ of the Detroit Electric Lighting Commission, a municipal enterprise engaged in the business of lighting the thoroughfares of the city at the general cost of the taxpayers. He had under his charge important data, and he was as faithful to the city in his work as he was to the cause of direct legislation.

While viewing life from the materialistic standpoint, in the main, he was far from being irreligious. Rather his religion took the direction of love for his fellowman, instead of regard for a creed. And while he believed that property had rights, he held that the necessities of the human being—the right to an equal opportunity with other human beings to an equal chance for obtaining a livelihood—were paramount to all property rights not based on labor.

Frederick F. Ingram, in his remarks at the Detroit Crematorium, where the body was incinerated, voiced the sentiments of Mr. Weikert's comrades when he said:

> In intensity of purpose he was a John the Baptist, a Peter the Hermit. Though he was not always understood, he was always respected. Himself indifferent to the accumulation of property, he enjoyed the confidence of many who make that the chief aim in life. Though not a member of any labor organization, his influence with the sons of toil was great. Always in controversy with those who believed in the rule of the few—the rule of "the best people"—he was usually able to make his plea for democracy, the rule of the common people, interesting even to them.

Mr. Weikert slowly starved to death. For eight weeks before the end came, no food passed his lips. With full possession of his mental faculties while the cancerous growth racked him with pain, his only regret was that he could not live a little longer in order to do more for direct legislation. His time was always at the service of The Cause; and he scrimped himself financially in order that he might do his part in raising the needed funds to carry on the work.

Gustav R. Weikert, a Swiss by nationality, a citizen of the world by preference, a lover of liberty and righteousness, a champion of equal opportunities, an enemy of privilege, is now but a memory; but it is a memory that will long survive in this community.

JUDSON GRENELL.

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GOOD USE OF THE INITIATIVE IN MAINE.

Skowhegan, Me., Sept. 14.

The Maine Republican State convention of 1896 adopted a platform containing a plank in favor of direct primaries. The Republican legislature the following year flatly repudiated the platform promise. The subject came before the legislative session of 1909 and was there referred to the session of 1911. Its friends then began to realize that their only hope lay in organized effort.

In December, 1909, the address of State-Master Stetson to the annual session of the Grange contained a ringing appeal for a direct primary law, and while the effect of that was still in the air, interested citizens met in Augusta and organized the Direct

Primary League of Maine. Several months were spent in the study of the legislation and experience of other States, and finally a bill was formulated with great care and especial reference to conditions and customs in Maine. Shortly afterwards both the Republican and the Democratic State conventions adopted platforms containing direct primary planks.

But the friends of the direct primary wisely placed little reliance upon those convention resolutions. They set out, instead, to invoke the Initiative clause of the Constitution. To do that it was necessary to secure the signatures of not less than 12,000 legal voters. Both the State Grange and the Federation of Labor co-operated, and the task was finally accomplished with the expenditure of only a few hundred dollars.

When this bill and petition were introduced in the legislature, as required by the Maine system, the politicians paid no more attention to it than they had before. They did pass an apology for a direct primary law, however, to make the people think they had lived up to their platform. Under the Maine Constitution our bill then had to go to the people, and the Governor called the special election upon it for the same date as that set for the referendum on the rum question.

We did very little campaigning, but considerable literature was distributed among the voters explaining the bill and its probable effect upon Maine politics. Evidently the politicians didn't care to buck anything backed by both the Grange and organized Labor, so they all kept quite aloof. The vote was taken September 11th, and although the returns are not quite all in, they show a vote in round numbers of 60,000 for the bill to 20,000 against. We "Maniacs" rather think that now we shall be able to handle our politicians and public servants.

The real lesson in it all is that without the direct legislation amendment to our Constitution, which was adopted in 1908, the will of our people would probably have been thwarted for years to come.

CHRISTOPHER M. GALLUP.

INCIDENTAL SUGGESTIONS

HOW TO PULL THE SUPREME COURT'S TEETH.

Grand Rapids, Mich.

Whatever may be thought of the merits of Victor Berger's old age pension bill itself it must be conceded by all who reject the "judicial infallibility" dogma, that the Socialist Congressman has by the introduction of this measure incidentally performed a great public service by dealing a body blow not only to this heresy but to the more dangerous one of judicial supremacy and irresponsibility. Reference is here had to the last section of the Berger bill,* which runs:

> That in accordance with section a, article 3 of the Constitution, and the precedent established by the act of Congress passed over the President's veto March 27, 1868, the exercise of jurisdiction by any of the Federal courts upon the validity of this act is hereby expressly forbidden.

*See on same subject in The Public, current volume, pages 842, 874.

The clause of the Constitution referred to provides that "In all cases affecting ambassadors, other public ministers and consuls, and those to which a State shall be a party, the Supreme Court shall have original jurisdiction;" but that in all other cases "the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as Congress shall make."

Four times the Convention of 1787 refused to insert a clause in the Constitution giving the Supreme Court power to annul acts of Congress. But the Supreme Court has repeatedly exercised this power; and it has for years been generally accepted as a fact that Congress was helpless to resist judicial usurpations by that tribunal—that the Supreme Court, in fact, had become, through gradual, insidious encroachments, the sovereign and irresponsible power. When it has been proposed in Congress to curtail or regulate injunction jurisdiction in certain cases, and to provide for jury trials in contempt cases not committed in presence of the court, the claim has been strenuously set up that this would be an unconstitutional encroachment on the functions of the judiciary of which the Supreme Court would and should make short work.

There seems to be no question, in the face of the foregoing Constitutional provision, of the ample power of Congress to regulate, limit or exclude Supreme Court jurisdiction except in the comparatively few cases where it is original. But, as Mr. Berger points out in his speech in defense of this section of his bill, the United States Supreme Court, by unanimous decision, given by Chief Justice Chase April 12, 1868, has expressly upheld this power of Congress. Mr. Berger thus states the occasion of this decision:

> Congress on March 27, 1868, enacted over President Johnson's veto, a law prohibiting the Federal courts from passing on the validity of the Civil War reconstruction laws. The cause of this defiant act of Congress was the fact that the Attorney General had expressed the opinion that these acts were unconstitutional, and had therefore refused to appear against one McArdle of Mississippi, who had an appeal for a habeas corpus writ before the Supreme Court, he having been arrested by the military authorities for newspaper criticisms of their conduct.

In sustaining the validity of this act of Congress the Supreme Court said: "The appellate jurisdiction of this court is, strictly speaking, conferred by the Constitution; but it is conferred with such exceptions and under such regulations as Congress shall make." Further on the Court says: "It is quite clear, therefore, that this court cannot proceed to pronounce judgment in this case, for it has no longer jurisdiction of the appeal, and judicial duty is not less fully performed by declining ungranted jurisdiction than by firmly exercising that which the Constitution and law confer."

It is surprising that a Congressional and judicial precedent of such far-reaching scope as that brought to the front by Mr. Berger has been practically ignored by nearly all the daily journals of the country. For, under this unanimous Supreme Court decision, Congress has unquestionably power not only to prohibit that court from nullifying any act of Congress except by a unanimous bench (as provided in a pending bill), but likewise to prohibit it from