

of organized labor and the demands for industrial legislation. The emphasis placed upon industrial and economic justice as the bases through which sympathy must nowadays more and more work, was the main subject of many of the most important sessions, notably that on Occupational Standards for wages, hours and sanitation, where Mr. Paul U. Kellogg and Dr. H. B. Favill were the chief speakers. The paper of Mr. Sherman Kingsley on the relief given to the sufferers by the Cherry disaster, as compared with ordinary charity relief, is likely to form the basis of any forthcoming American legislation for compensation for industrial accidents.

Parallel with the Conference were the sittings of the Executive Board of the National Women's Trade Union League, which welcomed a new local league in Cleveland presented by Mrs. Frederick C. Howe. Two public meetings were held—one a large banquet with 300 present, and later a conference held on the vacant Saturday afternoon attended by numbers of the delegates to the Charities' Conference, who were able thus to listen to the women workers' story, and question women and girls themselves. The local president, Mrs. D. W. Knefler, and her fellow-members surpassed themselves in the welcome they extended to their sisters.

Alice Henry.

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## INCIDENTAL SUGGESTIONS

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### LAND FOR THE LANDLESS.

New York, May 19.

A recent number of the German "Year Book for Land Reform" prints the following statement by the Mayor of Posen, chief city of German-Poland:

An interesting experiment was made last year by the City Council of Posen, upon the suggestion of Councillor Lemmel. This was to give land to the poor, instead of the usual money support given by the city.

The City Department of Land Ownership bought 1,450 square yards of land at a reasonable price and gave it to families with children at the rate of 200 square yards to each family. The land was given to the people in the month of April. They bought the necessary seeds themselves and the Department of Parks gave a number of cart loads of manure from the streets. The favorite crops were potatoes, cabbages, carrots, beans, spinach, lettuce, tomatoes. As a rule the produce was used for the table of family raising it, but several families, accustomed to garden work, found it possible to raise enough, beyond what they needed for their own use, to send to market. This giving of land to the poor reduced to an astonishing extent the sum of the official charity in money-giving for that year. A number of families needed no more money assistance, even among such families as were accustomed to receive a yearly dole from the Public Charities. And many others received much less than they had done before.

But it is not in this saving of the public money that we find the most important factor of the new idea. . . . It is rather in the educational value of such a plan. As the season drew to a close and the balance was drawn up to find out whether the plan should be continued in the following year, even its promoters were surprised to see the general interest among the working people for the farm project. There was a universal request that the plan be continued and enlarged so that many more families might be aided in this way. The results for the second year are equally satisfactory and the City Council has decided to make the scheme a permanent feature of city government and to add to the number of farms as rapidly as possible.

(Signed) DR. WILMS,  
Chief Mayor of Posen.

Interesting and beneficial of itself, the important factor of this Posen experiment is the right spirit in which it was undertaken, and the comprehension of the lesson taught by it to the municipal authorities.

Mayor Wilms' closing words show that he understands the immense value, along educational lines, of this new departure in public "charity," which, unlike most charity, is based on an understanding of justice. A spreading of the Posen scheme would do much to teach all kinds of people in the cities some important economic truths about the connection between a right to the land and the wages question.

GRACE ISABEL COLBRON.

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## THE LAW IN THE JURY BOX.

Cincinnati, May 20, 1910.

The mysterious manner in which juries are drawn in this country has resulted in my being summoned into court several times as talesman. Each time I was excused as soon as I explained to the judge and the attorneys in the case at trial, that I would be guided entirely by my own views concerning the law as well as the evidence. The last time this occurred the case happened to be a murder trial. If I had not already made my position clear on the previous occasions, I might have succumbed to the temptation this last time to keep my opinion to myself, get on the jury, and prevent the State from committing a legal murder. I could easily have done so with a clear conscience, for while I know the custom is to question prospective jurors regarding their private opinions, it is clear that such questioning is merely to obtain information which does not properly concern the court. While the statute law may ordain that citizens opposed to capital punishment may not serve as jurors in murder cases, it is one of those legislative acts which are invasive of natural rights and not entitled to respect.

The theory that jurors, because they are laymen, are in duty bound to accept the judge's opinion of the law in preference to their own because the judge is a graduate of a law school, is one that cannot be justified by any reasoning. The judge's opinion of the law is just as likely to be declared wrong by a higher court as is that of a lawyer not on the bench, or even a layman's. In fact, there are only five men in the United States, the majority of the Supreme Court at Washington, who can deliver a legal opinion without risk of being overruled by a higher court; and even they run the risk of one of their number changing his mind, joining with the minority and thus reversing the previous opinion.

As a matter of fact, the courts do hold that it is a layman's duty to know all about the law, even though he has never attended a law school. This is evident in the legal maxim that has been made to have all the force of law, to the effect that "ignorance of the law excuses no one." This principle is adhered to by the courts in face of the fact that it is utterly impossible under existing conditions for any man, whether lawyer or layman, to be absolutely sure what the law is on any matter. If any one doubts it, let him ask a lawyer's opinion on a legal question. He will get the opinion probably, but no valid guarantee that the courts will uphold it. If he should summon up enough courage before guiding his action by the lawyer's advice, to ask a judge on the bench whether he may safely follow the advice given, he will get very little satisfaction. If the judge should graciously refrain from sending such a sacrilegious scoundrel to jail for

contempt, he will nevertheless tell him that if he wants to find out whether or not the action he is contemplating is within the law he must try it and see if the experiment will result in landing him in jail or not.

A year ago a Philadelphia editor received an article for publication which severely criticized a certain politician. The editor was cautious. He submitted the article to two attorneys to learn whether or not it was libelous. Both assured him that it was not. He accordingly published it. He got six months in jail for libel, and had to serve it, too, although judge, jury, Governor, Board of Pardons and the Supreme Court of the State knew all the circumstances of the case quite well.

The principle that "ignorance of the law excuses no one," is justifiable only on the assumption that the law forbids nothing but what a man ought to refrain from doing, even though no law on the subject existed. It is perfectly proper to assume that whether a man has studied law or not, he ought to know the difference between what is morally right and what is morally wrong. It is perfectly proper to punish a man who deliberately violates moral law whether he knows anything about statute law or not. If no law existed against murder it would be all right to punish a murderer anyway.

The ante-bellum law that punished a man for assisting a fugitive slave to freedom made it none the less the moral duty of every man to assist a slave's escape. The principle that ignorance of the law is no excuse, clearly implies that such immoral enactments as the old fugitive slave law are not valid. Otherwise, it is itself unreasonable and wrong.

A prominent lawyer to whom this reasoning was submitted was unable to return any other answer than that if a man did not know the law he ought to consult a lawyer and be guided by his advice, or if unable to hire one should consult a legal aid society. He declared that any attorney would be guided by established legal principles in giving advice, and that the court will "usually" be guided by the same principles in rendering decisions. Then when he was further asked whether his own statement that "the courts will usually be guided," etc., did not imply an admission that sometimes they will not be, admitted that such was the case. So it seems that even the lawyers admit that a man who follows legal advice is only gambling after all. Under such circumstances, a layman is certainly justified in placing as much confidence in his own opinion of the law as in that of a legal student.

Another attorney who found fault with my position on this matter, declaring it to be every citizen's duty to submit to the law no matter what he may think of it, backed down from his stand when asked how his return of property for taxation squared with the State law on the subject. There are very few advocates of unquestioning submission to law who can measure up to that test.

DANIEL KIEFER.

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A little New York five-year-old—this is a true story—heard his parents talking of King Edward's death. "Why did he die?" he asked. "Perhaps Roosevelt wouldn't have shot him after all."

A. T. P.

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## NEWS NARRATIVE

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To use the reference figures of this Department for obtaining continuous news narratives:

Observe the reference figures in any article; turn back to the page they indicate and find there the next preceding article, on the same subject; observe the reference figures in that article, and turn back as before, continue until you come to the earliest article on the subject; then retrace your course through the indicated pages, reading each article in chronological order, and you will have a continuous news narrative of the subject from its historical beginnings to date.

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Week ending Tuesday, May 24, 1910.

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### The Ballinger Investigation.

Frederick M. Kerby, the government stenographer whom Secretary Ballinger dismissed for "treachery," was a witness in the Ballinger investigation on the 17th before the Congressional committee (pp. 460, 466). He explained his reason for making public the fact that Secretary Ballinger's subordinate, Assistant Attorney General Lawler, had made the first draft of President Taft's opinion exonerating Ballinger and condemning Glavis, by saying that—

so long as there was a chance of his (Kerby's) appearing on the witness stand he thought it would not be right to give the matter to the press; but upon seeing that Ballinger had falsely told the committee that he had no knowledge of the Lawler draft, and learning that Mr. Brandeis was cut off from getting his (Kerby's) information before the committee, also that documents called for by Mr. Brandeis were being withheld, he (Kerby) thought it his duty to make the facts public.

Asked by Secretary Root, who is reported to have exhibited extraordinary excitement, if he did not consider himself engaged in a very disreputable transaction in making his public statement, Mr. Kerby replied that he considered it reputable. In the same connection at another stage of his testimony, being asked why he gave out confidential information, he replied:

I considered that my position as one of the clerks in the government service was not as a confidential clerk to the Secretary, but a confidential clerk to the government.

From information derived from this witness, correspondence between Secretary Ballinger, George W. Perkins (of J. Pierpont Morgan & Co.) and R. H. Thomson (formerly city engineer of Seattle), was sent for. One of the letters from Ballinger to Thomson, dated May 9, 1909, and marked "personal and confidential," was as follows:

Last Sunday I was the guest of George W. Perkins at Yonkers. Mr. Perkins is at the head of the house of J. Pierpont Morgan & Co., as you perhaps know. He told me that he had arranged for a special boat to take himself and party, including his family, to Alaska for the investigation of the feasibility of ex-