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The prudent man considers well before telling a lie. It may not be believed.

The prize of \$1,000 offered by Mrs. Irving, of Chicago, for a successful business or professional man who can conduct his business for 30 days without lying, has been claimed by a Chicago alderman!

When clergymen pay a dollar apiece for babies to baptize, as a clergyman of Reading, Pa., is reported to be doing, the growing intimacy between mammon and piety is illustrated with ludicrous minuteness of detail.

Mr. J. G. Johnson, of Kansas, chairman of the executive committee of the democratic national committee, expresses the universal feeling of democratic democrats when he says he doesn't want "a democratic party that has to be labeled to distinguish it from the republican party."

There is a bright side for the "apertenant territories." Congressman Hull, of Iowa, already has personal interests to guard in the Philippines, and very soon, very likely, other American statesmen will be so deeply interested in our dependencies that it will be just like looking after their own affairs when they begin to legislate over the gap between the flag and the constitution.

Republican papers in Chicago take great satisfaction out of the reports that the Carter H. Harrison democracy of the Windy city has dropped Wm. J. Bryan as a presidential candi-

date. If they had done this now for the first time they would be rather late, for Mr. Bryan himself has declared that only in special and improbable circumstances will he be a candidate again. But the fact is that the Harrison democracy of Chicago anticipated Mr. Bryan's announcement by several months. They dropped him during the presidential campaign.

A dispatch from St. Petersburg asserts that the Russian minister of finance has raised the tariff duty on American bicycles 30 per cent., and on several resinous products of the United States 20 per cent. This is supposed to be prejudicial to the interests of American producers. But any sensible man may discover, upon a moment's reflection, that it will be more prejudicial to Russian consumers. They must pay higher prices for the bicycles and resinous products they use.

Some boasting is being done by the fiscal authorities of Chicago because they expect to increase the valuations of personal property for taxation. This means that they hope to make it harder than before for people to bring personal property to Chicago or to keep it there. One might suppose from this that cities flourish in proportion to the amount of personal property they drive away. Yet all will admit that abundance of personal property testifies to the commercial greatness of a city. Then why try to drive it away by taxation?

It is somewhat painful to see the vigorous attacks upon the supreme court that are being made by papers and public men who were aghast at the comparatively mild criticism which Mr. Bryan and the Chicago platform made five years ago. Shall we infer that the sancity of the su-

preme court depends upon the judgment it renders? To respect a court upon that principle is not much of a virtue. Anybody can respect a court that decides for him. The test of one's confidence in the judiciary comes when the decision goes against him. This is not to say that we entertain any exalted degree of respect for the court in its Puerto Rico decisions. That would be impossible after reading the opinions. There is much in those opinions that is worthy of the highest respect from any point of view, legal or political. But not one of them makes a sustained analysis of the constitutional principles at issue. Not one of them so applies constitutional principles to the facts involved as to produce a harmonious exposition of constitutional law of general application. Not one of them has the slightest chance of ever becoming a legal classic. Yet what an opportunity for a legal classic these Puerto Rico cases offered. For the sake of their own reputations, if for no other reason, the supreme court judges would be wise if they ordered a rehearing of the cases, and then put upon record opinions worthy of the court and the question.

Though President McKinley has in the most pronounced and emphatic manner declared that he is not and never will be a third term candidate for president, that this expresses his "long-settled conviction," and that he would not accept a nomination even if tendered, nevertheless let no supporter of his despair. If the circumstances require Mr. McKinley to forego this "long-settled conviction" for the sake of his party and the continued prosperity of his country, his public record is a guarantee that he will make the sacrifice. It would not be Mr. McKinley's first sacrifice of

conviction upon the altar of patriotism and politics. He was a silver coinage man who gave up his monetary convictions to save the "honor of the nation" by becoming president. Long a strenuous advocate of the "home market" for American products, he has now assumed the task of prying open foreign markets for the sake of the great trusts upon which the prosperity of his country depends. Denouncing "forcible annexation" of alien territory as "criminal aggression" within the purview of the American "code of morals," he nevertheless suppressed this ethical conviction to promote a policy of forcible annexation to the extent of dictating a treaty of cession from Spain and carrying on an unauthorized war of conquest against the friendly Philippines. And though he formally and impressively described the concession of free trade to Puerto Rico as a "plain duty," yet he used the influence of his office and the power of its patronage to protect the industries of his country from the ravages of Puerto Rican imports. Mr. McKinley is nothing if he has not been self-sacrificing. His record proves him incapable of shrinking from the sacrifice even of "long-settled convictions," when the occasion demands it.

A candidate for renomination he assuredly will not be. But if the body of the republican party were to rise up and demand his nomination as the originator and protector of American prosperity; if the great modern chevaliers d'industrie who furnish Mr. Hanna with campaign funds upon the basis of their confidence in Mr. McKinley as a "safe man," were to second and foster this demand; and if in response to these pressing mandates the republican convention were with virtual unanimity to tender Mr. McKinley the unparalleled honor of a third nomination, he would no doubt be constrained to sacrifice his "long-settled conviction" against a third presidential term. The sacrifice would be no greater than the others he has made. It could cost

him no more pain than his abandonment of the "home market" theory for the project of forcible entry into foreign markets, or his disinterested and patient shifting from the platform of silver coinage to that of the gold standard; it would cost him less than his divergence from the path of "plain duty" toward Puerto Rico, or his "criminal aggression" in the Philippines. He may be depended upon to do his part if his party calls him. And that it will call him is almost as certain as human prophecy can possibly be. Should the present gaseous prosperity survive until the republican convention of 1904, and continue to deceive the masses of the people with its elusive promises, its association with Mr. McKinley's name will almost inevitably move the rank and file of his party to demand his retention in office as the only person of any party who can prevent its collapse. In that event the demand will come with the spontaneity and resistless force of a political avalanche. It is not altogether improbable that Senator Depew, whose advocacy of a third term nomination culminated in Mr. McKinley's protest, and whose hopes and expectations have other aims than Mr. McKinley's renomination, foresaw this contingency, and started a third term discussion thus prematurely with the shrewd design of forcing just such a disclaimer as Mr. McKinley has made. But if Senator Depew thinks he has ruled Mr. McKinley off the presidential track, by causing him to proclaim a "long settled" conviction against a third term and an ardent personal desire and firm intention to return to private citizenship, then Senator Depew misreads Mr. McKinley's fluctuating record and miscalculates his ability to make sacrifices of personal comfort and convictions.

For a degree of impudence, which nothing but supreme confidence in the assinine stupidity of the people can account for, a recent editorial in the New York Sun, said to be under the control of J. Pierpont Morgan, ex-

cells. After attributing Bryan's defeat to his making opposition to plutocracy the keynote of his presidential canvass, the editorial referred to exclaims:

War upon plutocracy is hopeless. The democracy will never prevail until it satisfies the country that the democrats, not the republican party, are the real friends and instruments of plutocracy. They must offer more favorable conditions for money-making than the republicans can furnish, or they will remain indefinitely as poor in political strength as they are to-day.

Since plutocracy means government by the rich, the comment upon that Sun editorial and its context, made by the City and State, of Philadelphia, one of the few real organs of public opinion that are left to fight the battles of democracy against the plutocracy which raises its head in both the democratic and the republican parties, commends itself to calm consideration. Says City and State, referring to the editorial—

It openly and with all assurance throws down the gage of battle in the issue before the country of "the Dollar or the Man." Those who have asserted that the real fight going on in the country is precisely about that, have been accused of demagoguery. Let not the appearance of Mr. Bryan's name prejudice any so that they cannot see the significance of what is here uttered so vauntingly. Commercialism, according to this, and in its grossest and hugest shape, is in the saddle, and is bound to ride us just where it will. It is well to have what is central and supreme in the conflict acknowledged to be just what it is, and not have it treacherously obscured.

Senator McLaurin, the senatorial representative in South Carolina of the McKinley administration—the senator who claims to be a democrat while advocating republican policies and voting with the republican party—does not shine as a man of superabundant veracity. One of the things he has ventured to say for the purpose of exciting southern prejudice against the national leader of the democracy is that Mr. Bryan, when a member of congress, refused in the democratic caucus to support Crisp, of Georgia, for speaker, because Crisp

had been a confederate brigadier. Mr. Bryan was in fact equipped with much better reasons. Crisp was a protectionist, whereas Mills, his adversary, was a free trader like Bryan himself. The confederate brigadier issue has long been deader than a coffin nail, except when politicians of the McLaurin variety raise it to excite idiotic prejudice in one direction in the south and in another in the north.

Georgia has a sheriff to be proud of, in the person of Joseph Merrill. He is sheriff of Carroll county, in the western part of the state, and has won deserved distinction by rigidly enforcing the law against a white mob, for the protection of a despised and probably criminal negro. The negro had been convicted of murdering a white boy, and was to have been legally hanged at Carrollton on the 7th. But his lawyers made out a case entitling him to a hearing on appeal before the supreme court, and the execution was stayed. Disappointed and angered at this delay, the mob which had assembled to gratify a morbid passion to see the hanging, made an assault upon the jail. Despite the warning of the sheriff, they battered down the outside door and entered the building. Then they demanded of the sheriff the key to the negro's cell. When he refused, they advanced threateningly upon him and his little squad of deputies. It was his cue, according to precedents in negro cases (north as well as south), to yield gracefully at that point to superior force, and allow the negro to be taken out and hanged or burned. But Sheriff Merrill exhibited an unexpected indifference to the precedents. Instead of yielding, he told the mob to stop or they would be fired upon; and when they persisted in their advance he gave the order to fire. One of the mob dropped dead and two were badly wounded. The surprise of the survivors was indescribable. Here was something novel. They had not calculated upon dealing with a sheriff who knew his duty and dared perform it; and when they realized the truth,

they were so demoralized by panicky fear that they retreated, helter skelter, every man for himself, like the pack of cowards they were. The sheriff now consulted the county judge, communicated with the governor, got military assistance, and sent the helpless negro convict safely to Atlanta. Both the county judge and Gov. Candler acted with commendable judgment, and up to the full measure of their official responsibility; but to Sheriff Merrill justly belongs the credit of protecting his prisoner, maintaining the orderly process of the law, and saving his state from the disgrace of another infamous lynching.

An astounding report is sent out from Washington. It is nothing less than a statement that the post office department has decided to override an act of congress after consulting a few newspapers of the country and receiving their approval. According to this story the third assistant postmaster general, Mr. Madden, has long been anxious to exclude from second-class privileges in the mails those publications that depend upon the distribution of premiums and prizes for a subscription list and live upon their advertisements. These publications are really not legitimate periodicals, and Mr. Madden is quite right in wishing to have them excluded from second-class privileges. But when congress refused to cut them off, he prepared to resort to an expedient which is utterly without justification, unless the postal service is indeed subject to the arbitrary control of the postmaster general. Having taken the opinion of 372 newspapers, and found that a majority approve his purpose, he contemplates doing by a department regulation what he could not induce congress to do by statute. In other words, he purposes usurping the powers of congress, under color of departmental interpretation and depending for support upon the newspapers he has consulted. That is the only inference admissible. If the exclusion from second-class privileges can be done by legitimate department-

al regulation, why was it not done long ago? Why did Mr. Madden try to get congress to make the exclusion by statute? On the other hand, if a statute was needed, by what right does Mr. Madden make the exclusion by means of a department regulation?

At the convention of the American Medical association, held this month in St. Paul, the meeting of military surgeons recommended the reestablishment of the army "canteen," a recommendation which the convention subsequently approved. The "canteen" is a military drinking club, intended for privates and noncommissioned officers. Congress has prohibited it, and the temperance and prohibition sentiment of the country is strongly opposed to its reestablishment. The objections urged against the "canteen" are in the nature of objections to having the United States government go into the retail liquor business. Over against these objections, advocates of the "canteen" set the argument of military necessity. They say that soldiers will drink, canteen or no canteen, and that it is not only better for them, but necessary from considerations of discipline, to have them drink a little at a time in a military saloon, which is under military control and to which they have constant access, than to load up in irresponsible saloons and come back drunk whenever they go off on leave. The question is really a very simple one. At bottom it is not a temperance question at all. If we are to have a standing army, with soldiers scattered in every part of the world, we must either recruit it from total abstainers or provide places at which unadulterated liquors can be procured and where they may be drunk in comfort, with moderation, and under the control of commandants. And inasmuch as it is impracticable to confine recruiting to total abstainers, or in any other way to maintain a regular army in which there shall be no drinking, the real question is not whether we shall have "canteens," but whether we shall have a regular army.

If we are to maintain a regular army, with detachments scattered over the world, not only must there be can- teens; there must also be still more re- pulsive provision for preserving the health while catering to the vices of the men who fill the files and make killing their trade. The army must be an efficient machine. Military of- ficers so insist, and their arguments— conceding the necessity for a standing army—are irrefutable. The contro- versy will always hark back to the crucial question, Shall we have a standing army? Standing armies come high, and the degradation of a governmental system of military sa- loons and brothels is part of the awful price.

Census bulletin No. 63 (issued April 26) is an interesting document. It is a special report on the coke in- dustry. This report justifies its own conclusion that—

the modern tendency of industry to concentrate in a comparatively small number of establishments is strikingly exemplified in the coke industry, where there is an increase of only 23, or 10.6 per cent., in the number of establish- ments reported, as compared with 1889, while the increase in the number of tons of coke produced is 96.2 per cent., and in the value of all products, 115.7 per cent.

But the report does more than justify that conclusion. It justifies another which it not only does not express, but actually appears to gloss over. Observing that there has been a great- er increase in the amount of capital invested than in the product, it adds, with the ingenuousness of a narrator who tells the truth in a form which he hopes will not reveal it, that there has been—

a nearly equal increase in the number of wage earners, and in the amount paid in wages.

This does not say, indeed, that wages in the coke industry have increased since 1889. On the contrary, the fact of increase in the number of wage earners and the fact of increase in the total of wages paid, are brought into juxtaposition, so that a little consid- eration would suggest to the reader that there had been no increase of indi-

vidual wages. Yet the hasty reader might infer from the statement that individual wages had risen; and no pains are taken to warn him against that false inference. Every other fact is itemized, but individual wages are not. Yet upon the faith of the tables of this census bulletin, individual wages in the coke industry since 1889 have very decidedly decreased.

Notwithstanding the vaunted in- crease of product and values in the coke industry in 1899, as compared with 1889, there has been, according to the census bulletin under discus- sion, an absolute decrease in individ- ual yearly wages of more than \$35. In 1889 the aggregate sum of \$4,072,632 was paid in wages, and there were 8,998 wage earners, which yields an average annual sum for each of \$452.61. But in 1899, although \$7,- 085,736 was paid in wages, there were 16,999 wage earners to share it, which allows for each only \$416.83, a de- crease of \$35.78. Were we to disre- gard employes under 16 years of age, considering only men, the annual wages for men in 1889 would be \$454.49, and in 1899 \$417.69—a de- crease of \$36.80. So much for the de- cline in wages absolute.

As to wages relative—that is, wages compared with product—the decline is still greater. This may be seen by reference to the following items ex- tracted from the tables of the census bulletin:

1889—Value of products.....	\$16,498,345 00
Cost of materials.....	11,509,737 00
Net product.....	\$4,988,608 00
Net product per wage earner (8,998 wage-earn- ers) .....	\$554 50
Individual wages .....	452 61
Surplus product .....	\$101 89
1899—Value of products .....	\$36,585,445 00
Cost of materials .....	19,665,532 00
Net product.....	\$15,919,913 00
Net product per wage-earner (16,999 wage earn- ers) .....	\$936 00
Individual wages .....	416 83
Surplus product .....	\$519 17

Thus it appears that whereas in 1889 the wage earners each got within \$101.89 of the net products of the industry, in 1899 the net products amounted to \$519.17 more for each

than each of them got. Or, to put it in the form of percentages, whereas they got 81 per cent. of the net prod- uct in 1889, they got less than 45 per cent. in 1899.

But not so with the trust which controls the coke industry. Though the wage earners were immensely less prosperous in 1899 than in 1889, both relatively and absolutely, the trust was vastly more prosperous. This is demonstrated by the following table drawn from the tables of the census bulletin under consideration:

1889—Value of products..	\$16,498,345
Cost of materials...\$11,509,737	
Salaries .....	113,632
Wages .....	4,072,632
Misc. exp.....	394,784
Net product .....	\$407,560
1899—Value of products..	\$36,585,445
Cost of materials...\$19,665,532	
Salaries .....	797,296
Wages .....	7,085,736
Misc. exp.....	2,184,968
Net product .....	\$5,851,913

Here we find that after deducting from the gross product, not only cost of materials and wages of workmen but also all salaries and miscellaneous expenses, there was a net product in 1889 of only \$407,560. But in 1899 it had risen to \$5,851,913. Now, to those sums, what was the proportion of in- vested capital? In 1889, according to the census bulletin under review, the capital amounted to \$17,462,729; and as the net product that year was \$407,- 560, this capital earned about 2½ per cent. In 1899, the capital amounted to \$36,502,679; and as the net product then was \$5,851,913, that capital earned about 16 per cent.

If census bulletin No. 63, which we have commented upon above, gives a fair indication of the general drift of business, we can now understand why it is that the evi- dences of prosperity which are so abundant and obtrusive among trust magnates, must be searched for with a microscope among workingmen. With wages falling from \$452.61 in 1889 to \$416.83 in 1899, despite a more profitable product, and profits rising from 2½ per cent. on the in- vested capital in the former year to 16 per cent. in the latter, it is no won-

der that opinions differ on the subject of prosperity.

There is increasing evidence from many quarters of the growing strength of the fiscal movement which has been officially inaugurated in Colorado by the "Bucklin bill," and which is known there as the Australasian system of taxation. One of the latest of these movements is reported from New Jersey. A meeting called by well-known residents of the eastern and northern part of the state is announced to be held at Belleville on the 15th. The call is addressed to all citizens of the state who believe in home rule in taxation, regardless of what form or method of taxation they prefer. Lawson Purdy, of the New York Tax Reform association, is to address the meeting, and its specific object is to form a New Jersey Tax Reform association. That this meeting is no tentative affair is indicated by the fact that only a few weeks ago the citizens of Franklin township, in Essex county (the Newark county), at their annual town meeting, unanimously adopted a report of the township committee which urges upon the legislature the establishment of local option in taxation, supporting the recommendation with the argument that it—

would permit the tax payers of each taxing district to decide for themselves which class or classes of property should be taxed and would make it possible to grant any desired exemption for the purpose of attracting capital and business enterprises. The advantages of this proposed method of securing tax reform are becoming universally recognized, the same having recently received the endorsement of the New York chamber of commerce, the League of American Municipalities (at its convention in Charleston, December, 1900), the New York state commerce convention (Syracuse, June 6, 1900) and the governor of Colorado in his message to the legislature.

The same report recommended the Purdy plan of equalizing state taxes by mathematical calculation as a substitute for the present unsatisfactory method of investing boards of equalization with discretionary authority.

Moses Hallett, dean of the law fac-

ulty of the University of Colorado, and federal judge for that state, faithfully described the kind of "progress" this nation is making under the spur of world-power enthusiasts and money-power devotees, when, in his address to the graduating class of the law school he said:

The spectacle presented is that of a nation in rebellion against absolute power; afterward a government established in protest against absolute power and professing to rule only by the consent of the people and disclaiming authority in other lands and over other people. Such were the United States of America at the end of the eighteenth century. One hundred years later the same nation and government, in total disregard of the principle on which it was established, repudiating every declaration of authority upon which it came into power, with shameless perfidy takes into its possession other lands and peoples with intent to rule them absolutely and with the power of the sword.

"Famous western novelists write the news for the Chicago American." This is a quotation from an advertisement. Novelists write the news! That explains the peculiar quality of the American's news department.

#### AN ANALYSIS OF THE SUPREME COURT DECISIONS IN THE PUERTO RICO CASES.

The text of the opinions of the judges in the Puerto Rico cases having now been published in some detail, an estimate is possible, not only of the scope of the decisions as precedents, but also of the leanings of the judges with reference to the McKinley colonial policy, and the probabilities, consequently, as to the action of the court in future cases involving that policy.

#### I

In determining the scope of a court decision as a precedent, the opinions of the judges, that is, the reasons which they present in support of their conclusions, are not essential. Though they throw light upon the question, they may be no more valuable for that purpose than the opinion of a text writer. They are not themselves authoritative. The decision (including, of course, the reasons upon which it rests necessarily), and not the partic-

ular line of reasoning which the judges advance, is what constitutes the precedent. A decision reaches no farther, therefore, as a precedent, than to cases the facts of which necessarily come within the same principle. It is not to be extended to other sets of facts merely because the opinions of the judges might warrant the extension. In other words, the opinions by which judges undertake to explain or justify their votes upon deciding a case, are something entirely different from the decision. The opinions are only the explanations of individual judges. They are nothing more even when all the judges of the court concur. But the decision is the official act of the court itself, applying to a given set of facts principles of law which are presumed always to have existed, and which, for the sake of uniformity if for nothing else, ought to be similarly applied to similar cases in the future.

With reference to the Puerto Rico cases, then, the first thing to consider is not what the judges said, but what the court officially and authoritatively decided. It was that determination that disposed of the particular cases, and which, as a precedent, should dispose of future cases that turn upon the same general facts or facts substantially analogous.

To ascertain what these decisions were, we must do two things. In the first place we must marshal the material facts of the cases; in the second, we must note the nature of the judgment with reference to those facts.

#### II.

There were two cases. One was decided against the government; the other was decided in its favor. The case in which the court decided against the government is known as the De Lima case. That in which it decided in the government's favor is known as the Downes case.

The De Lima case was a law suit brought by an importer against a custom house collector to recover tariff duties exacted of and paid by him upon an importation of goods from Puerto Rico into a state of the American union.

The duties had been collected under the Dingley tariff act, upon the theory that, with reference to tariff

laws, Puerto Rico remained a foreign country notwithstanding the treaty with Spain which ceded it to the United States. They had been collected after the ratification of that treaty, but prior to the Foraker act setting up in Puerto Rico a government under American control. The question at issue, therefore, stated in general terms, was this: After the acquisition by treaty of foreign territory by the United States, but before congress legislates with reference thereto, are imports from that territory subject to duties under existing tariff laws imposing duties upon imports from foreign countries?

By rendering judgment for the repayment to the importer of the duties he had been compelled to pay, the court decided that question in the negative. As matter of precedent, therefore, it is now the law that acts of congress imposing tariff duties upon imports from foreign countries cease to operate with reference to foreign territory acquired by treaty, immediately upon the ratification of the treaty of cession. Reducing this precedent to its most comprehensive terms, it is a declaration by the supreme court of the legal principle that, with reference to existing customs tariff laws, the ratification of treaties of cession instantly and of its own force divests the ceded territory of its foreign character. Whether it divests it of that character in other and distinguishable respects, this case does not decide.

The Downes case, like the De Lima case, was a law suit brought by an importer against a custom house collector to recover tariff duties exacted of and paid by him upon an importation of goods from Puerto Rico into a state of the American union. But in the Downes case, the duties had not been collected under the Dingley act. Though collected after the ratification of the treaty, as in the De Lima case, they were not collected until after the Foraker act, and were in accordance with its provisions.

An essentially different issue from that in the De Lima case was presented, therefore, by the Downes case. The former case turned upon the question of the continued application of an existing tariff statute to a coun-

try to which it once constitutionally applied, after that country has been acquired by treaty. The latter turned upon the question of the constitutionality of so much of a statute organizing the territory acquired, as imposes tariff duties upon goods coming from that territory into a state of the union.

The constitutional clause in question in the Downes case was part of section 8 of article I., the part which, after empowering congress "to lay and collect taxes, imposts and excises, to pay debts and provide for the common defense and general welfare of the United States," requires that "all duties, imposts and excises shall be uniform throughout the United States."

The essence, then, of the issue in the Downes case was uniformity of taxation. The question the court had to decide was this: After the acquisition by treaty of foreign territory by the United States can congress temporarily organize the acquired territory in such manner as to impose duties upon goods coming from its ports into one of the states, without infringing the uniformity clause of the constitution quoted above. That congress cannot impose duties upon goods coming from one state into another is clear. This is specifically prohibited by paragraphs 5 and 6, of section 9, article I., which read: '(5) "No tax or duty shall be laid on articles exported from any state;" (6) "No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state, be obliged to enter, clear or pay duties in another." But even without these specific prohibitions there can be no doubt that congress would be prohibited by the uniformity clause, already quoted, from making tariff discriminations upon commerce between the states. The question presented to the court by the Downes case, therefore, required that tribunal to decide whether congress is held to this uniformity when legislating for the organization of newly acquired territory.

By rendering judgment against the claim of the importer for repayment of the duties exacted of him, the

court decided that congress is not so bound. Consequently, as matter of precedent, it is now the law that the uniformity clause of the constitution with reference to taxation does not apply to acts of congress for the organization of newly acquired territory; but that in such cases congress may in its own discretion impose duties upon imports from those territories into the states.

Taking these two cases together we have precedents for the following principles of constitutional law:

1. The treaty-making power (consisting of the president and the senate) may acquire inhabited territory for the United States by treaty.

2. Territory so acquired ceases, instantly and by force of the treaty, to be foreign territory with reference to existing tariff laws imposing duties upon imports from foreign countries.

3. Congress has power to organize such territory, and in doing so may impose duties upon goods imported from it into a state, without regard to the uniformity clause of the constitution.

Nothing further seems to have been involved in the two cases. They do not appear to have required for their determination the adjudication of any other question. Nothing else, therefore, has been decided by them. Consequently, as precedents, they determine nothing more than that in future cases of the same kind, and in cases falling within the reasons upon which these decisions necessarily rest (which may be very different from the reasons advanced by the majority judges in their opinions), the court must either overrule one or both of these decisions, or decide in harmony with these principles.

### III.

But the opinions of the judges, though they are not decisions and do not stand as precedents binding the court in future, are extremely luminous in their indications of how the court, if the personnel remains unaltered, would probably decide more vital questions of colonial policy.

The decisive vote in each case was cast by Justice Brown. Eight of the judges were equally divided. Four

stood for the government and four against it in both cases. By joining those opposed to the government in the De Lima case, and deserting them for those in favor of the government in the Downes case, Justice Brown dictated the judgment. His opinions, therefore, demand attention first.

In the De Lima case Justice Brown's fundamental postulate is that a constitutional treaty is the supreme law of the land, except in so far as subsequent acts of congress may conflict with it, an exception which applies to acts of congress themselves as well as to treaties. One of the ordinary incidents of a treaty, he then observes, is the cession of territory. Consequently, territory acquired by treaty is acquired as absolutely as if it were done by act of congress. Upon this basis he rests his conclusion that Puerto Rico "became territory of the United States, although not an organized territory in the technical sense," by the ratification of the treaty with Spain. Therefore it belonged to the United States and was subject to the disposition of congress. Having determined that point, he inquires whether the island remained subject to the existing tariff laws, that being the issue in the De Lima case. This depended, he thought, upon one or the other of two theories, namely, either (1) that the word "foreign" in the tariff laws continues to apply to such countries as were foreign when these laws were enacted, notwithstanding a change in their actual condition; or (2) that acquired territory remains foreign under the tariff laws until congress formally admits it to the tariff rights of the states. Justice Brown rejected both theories. He set aside the first upon familiar principles of statutory interpretation. The second he disposed of upon the ground already taken by him, that ceded territory loses its foreign character by the mere act of cession.

The opinion of the same judge in the Downes case adopts the De Lima decision for its foundation, namely, that upon the cession to the United States Puerto Rico ceased to be foreign territory. And it concedes that if upon ceasing to be foreign territory it became part of the United States, the Foraker act is unconstitutional.

But it argues at length that in the uniformity clause of the constitution the words "United States" are intended to describe not the nation or republic or empire, but the federated states as distinguished from the outlying national domain. Incidentally Justice Brown intimates the possibility of certain constitutional restrictions upon congressional legislation for outlying territory. But his most significant expression is in these words: "If it be once conceded that we are at liberty to acquire foreign territory, a presumption arises that our power with respect to such territory is the same power which other nations have been accustomed to exercise with respect to territory acquired by them." Since, therefore, it is not only conceded but asserted by Justice Brown that the United States is at liberty to acquire foreign territory, it follows that he would hold, if the question arose, that the power of congress over such territory is as free from constitutional restrictions as the power of Great Britain over a crown colony.

So Justice Brown may be counted on the side of the colonial policy, on the side of the crown colony system, on the side of the doctrine that the constitution does not follow the flag, on the side of the empire and imperialism.

Three of the justices who disagreed with Justice Brown in the determination of the De Lima case, but agreed with him in the determination of the Downes case, were totally at variance with him in his reasoning. These were Justices McKenna, Shiras and White. They concurred in a dissenting opinion by McKenna in the De Lima case and in a supplementary opinion by White in the Downes case. From these two opinions, therefore, we may infer the probable attitude of McKenna, Shiras and White toward future questions of colonialism.

Justice McKenna's opinion in the De Lima case leads up to the conclusion that Puerto Rico did not cease to be foreign territory within the meaning of the tariff laws immediately upon ratification of the treaty of cession. He argues that the controversy is narrower than is implied by setting off the word "foreign" against

the word "domestic." It is whether the constitutional provision as to revenue uniformity applies to territory acquired as Puerto Rico has been acquired. On this issue Justice McKenna distinctly declares his opposition to the theory that the country can be crippled as a world power by the necessity of making revenue regulations uniform.

Justice White's opinion in the Downes case, in which McKenna and Shiras concurred, makes the decision depend upon whether Puerto Rico had at the time of the passage of the Foraker act "been incorporated in and become an integral part of the United States." Considering that question he argues that the United States has in virtue of its sovereignty the same powers of acquiring territory and of determining its relation to the territory acquired that any other nation enjoys; but that the treaty-making power, though it may acquire, cannot incorporate territory without the assent of congress. This assent may be implied. When, for instance, a treaty of cession contains a provision for incorporation, if it be not repudiated by congress that provision has the force of law. It is a self-executing provision. But when the treaty either contains no provision for incorporation, or expressly provides to the contrary, there can be no incorporation until congress so declares. Such being the character of the treaty ceding Puerto Rico, and congress not yet having incorporated that island and made it an integral part of the United States, it remains a territory of which congress may dispose at pleasure, of which the inhabitants are not American citizens, and to which the uniformity clause of the constitution consequently does not apply.

From these two opinions it is sufficiently clear that Justices McKenna, Shiras and White would sustain the crown colony policy. They would evidently balk at no constitutional restrictions, if the colonial enterprises in which this country is seeking to rival Germany, France, Russia and Great Britain were at stake. So long as congress refuses or neglects to "incorporate" Puerto Rico and the Philippines, Justices McKenna, Shiras and White may be depended upon to hold that those countries, though not "for-

eign," yet are not integral parts of the United States, and that, subject only to express limitations of the constitution, the power of congress over them and their inhabitants is absolute. Whether they would go so far as to hold that this power is so far absolute as to be capable of being delegated by congress to an individual, as with reference to the Philippines has been done, cannot be predicted.

Over against these four justices—Brown, McKenna, Shiras and White—are four who hold diametrically opposite views. They are Chief Justice Fuller, and Justices Brewer, Peckham and Harlan. All concur in the opinion of the chief justice, and Justice Harlan adds an opinion of his own. Both these opinions justify the inference that the four justices last named would be hostile to any sort of colonial or imperial legislation.

Only one of the nine justices refrained from joining in the opinions on either side in either case. This was Justice Gray. He concurred in the judgment in the Downes case and dissented from that in the De Lima case, standing with the administration in each. But the only clew to the reasoning that guided him is a report of his remarks announcing his concurrence in the judgment in the Downes case. In substance those remarks were:

The civil government of the United States cannot extend immediately, and of its own force, over territory acquired by war. Such territory must necessarily, in the first instance, be governed by the military power under the control of the president as commander in chief. Civil government cannot take effect as soon as possession is acquired under military authority or even as soon as that position is confirmed by treaty. It can be put in operation only by the action of the appropriate political department of the government at such time and in such degree as that department may determine. There must of necessity be a transition period. So long as congress has not incorporated the territory into the United States, neither military occupation nor cession by treaty makes the conquered territory domestic territory in the sense of the revenue law. But those laws concerning "foreign countries" remain applicable to the conquered territory until changed

by congress. . . . If congress is not ready to construct a complete government of the conquered territory, it may establish a temporary government, which is not subject to all the restrictions of the constitution. Such was the effect of the act of congress of April 12, 1900, entitled: "An act temporarily to provide revenues and a civil government for Puerto Rico and for other purposes." The system of duties temporarily established by that act during the transition period was within the authority of congress under the constitution of the United States.

It would appear from that deliverance that Justice Gray is to be classified with the judicial supporters of a colonial policy. True, he exempts congress from constitutional restrictions only with reference to temporary legislation, but as he also declares that permanent organization of a territory depends upon the action of the political department in its own good time, the temporary exemption from constitutional restraint might, with his full assent judicially, be perpetuated by perpetuating the transition period.

Summing up these opinions it may fairly be inferred that any crown colony policy of congress which did not flagrantly violate the express constitutional reservations in favor of personal liberty would be sustained by Justices Brown, McKenna, Shiras, White and Gray, and that Chief Justice Fuller and Justices Brewer, Peckham and Harlan would oppose crown colony policies altogether. By five to four, therefore, the imperialists have the supreme court on their side.

#### IV.

But this situation is not altogether without encouragement to anti-imperialists.

In the opinion of the majority of the justices the whole matter is within the domain of congress. To congress, therefore, let the anti-imperialists turn. By educating the people to an understanding of what a crown colony policy means, by reminding them of its inconsistency with American ideals, and by showing them that it is borrowed from autocratic governments, their love of their country's honor may revive, and a new congress with a new president may be commissioned to confer upon "our

new possessions" that independence which they crave and of which our republic should have been the last to deprive them.

Should congress adopt that course, Justices Brown, White, McKenna, Shiras and Gray are obligated by their opinions, which recognize congress as supreme, to give it judicial sanction; and Chief Justice Fuller and Justices Brewer, Peckham and Harlan would doubtless concur, though for different reasons. Through congress the American people may yet, with the unanimous assent of the supreme court, remedy the wrongs that American imperialism has done to weaker peoples, restore American ideals, cleanse the flag, and, relinquishing their unholy ambitions for world power, reestablish the republic in the eyes of the world as the great exemplar of personal liberty and local self-government.

## NEWS

Senator Depew startled the leaders of his party one day last week by giving out a serious and argumentative interview advocating the nomination and election of Mr. McKinley as president for a third term. The interview was treated at first by the republican press as a "jest of the genial Chauncey." But when, on the 9th, an interview was given out at Cincinnati by Congressman Charles H. Grosvenor, of Ohio, which appeared in the papers of the country on the 10th, and in which Mr. Grosvenor seconded Senator Depew's proposal, the matter took a serious turn. As Mr. Grosvenor has acted as the special representative of the administration on the floor of congress, his interview had an air of authority. And there was no mistaking its earnestness. "There has been no time in our history," said he, "when conditions would so justify the election of a president to a third term as in the case of Mr. McKinley. McKinley is personally the most popular president we have had in a long time, and he has certainly most creditably performed the duties of his high office. I think it is time, furthermore, to demolish the fiction that there is an unwritten law, established by Washington, that no president of the United States may accept a third term. The facts are, as any student of the times may discover, that it was fear of defeat which impelled Wash-

ington, to decline a third nomination. Being a federalist, he was the object of violent attacks on the part of the democrats of his day, and recognizing the growing strength of his opponents he doubted, as I believe, his ability to again secure an election if he should run." It was this interview doubtless that brought out from President McKinley an emphatic declaration upon the subject. He gave to the press on the 11th the following announcement:

Executive Mansion, Washington, June 11.—I regret that the suggestion of a third term has been made. I doubt whether I am called upon to give it notice. But there are now questions of the gravest importance before the administration and the country, and their just consideration should not be prejudiced in the public mind by even the suspicion of a thought of a third term. In view, therefore, of the reiteration of the suggestion of it I will say now, once for all, expressing a long-settled conviction, that I not only am not and never will be a candidate for a third term, but would not accept a nomination for it if it were tendered me.

My only ambition is to serve through my second term to the acceptance of my countrymen, whose generous confidence I so deeply appreciate, and then with them do my duty in the ranks of private citizenship.

WILLIAM M'KINLEY.

The Cuban constitutional convention listened on the 11th to the reading of the letter from Secretary Root, mentioned last week. It had reached Havana on the 6th. This is the letter notifying the convention that the American troops will not be withdrawn from Cuba nor the Cuban republic recognized by the United States, until the Platt amendment shall have been accepted without qualifying words of interpretation. After listening to the letter, the convention appointed the 12th for decisive action. On that day a majority of the committee on relations submitted as a substitute for their former report a report recommending the adoption of the Platt amendment as passed by the American congress, and that it be made an appendix to the Cuban constitution. This substitute was adopted by the convention by a vote of 16 to 11.

Routine news from the Philippines is varied this week with an announcement of arrangements for the surrender of Gen. Cailles and a brief report of a skirmish. The dispatch re-

garding the surrender of Cailles specifies four conditions which he exacts, namely, (1) suspension of hostilities during the negotiation; (2) Gen. Cailles's troops to receive military treatment and to be invested with the franchise; (3) instead of \$30 payment for each rifle surrendered, a fund of \$100,000 to be created for the benefit of the widows and orphans of Filipino soldiers; (4) two American deserters to receive full pardon. As the dispatch tells of the departure of an American officer to arrange for the surrender, it is supposed that the terms proposed are acceptable. Gen. Cailles is the Filipino leader who came into prominence after the capture of Aguinaldo, and has been usually described in the dispatches as an outlaw to whom military rights would not be accorded. The reported skirmish occurred near Lipa, in the province of Batangas. The Americans were planning to attack a Filipino force ahead of them, when their flank was fired upon. The attacking Filipinos were compelled to retreat, but the Americans lost three officers killed and one officer and three men wounded. Emilo Zurbano, of Tabayos province, has proclaimed himself Aguinaldo's successor as Filipino chief.

The evacuation of China, reported last week, is progressing. Count von Waldersee, the German general in command of the allied forces, resigned that function on the 4th and left China. The British troops contemplate leaving early in July. An edict of the Chinese emperor, announcing that the Chinese court will remove from its present location to Peking on the first of September, has been published. Regarding the Chinese indemnity mentioned last week, the American government notified the powers formally on the 10th that it will not unite in a joint guarantee of the powers for insuring payment. Constitutional restrictions are especially mentioned as preventing this country from entering into such an arrangement.

News from South Africa is less favorable to the Boers than last week, several British victories in small engagements being reported. Among other reports is one to the effect that Lord Kitchener and Gen. Botha have been in communication with a view to the latter's surrender. There are vague rumors, also, of the probability of peace. These are due in some de-

gree, doubtless, to the arrival in England of Mrs. Louis Botha upon a peace errand. She has since gone to Belgium, where she met Dr. Leyds, the Transvaal foreign agent, and expects to meet President Kruger. A rumor that the permanent committee of The Hague court of arbitration has taken steps to secure mediation is denied.

#### NEWS NOTES.

—A constitutional convention for Virginia met at Richmond on the 12th.

—Sir Walter Besant, the noted English novelist, died on the 9th in London.

—Robert W. Buchanan, the English poet and critic, died in London on the 10th.

—The international jubilee convention of the Y. M. C. A. met at Boston on the 9th.

—For president of the general council of the department of the Seine, France, the general council elected, on the 12th, a socialist.

—The steamer Northwestern, the pioneer vessel of Chicago's ocean-going merchant marine, has succeeded in reaching the other side of the Atlantic safely, after a voyage of 44 days out of the port of Chicago, including five days' delay in the St. Lawrence river.

—Another Chicago decision in black-list cases has been rendered, this time by Judge Waterman. He holds with Judge Baker that blacklisting is lawful, putting it on the same legal ground with boycotts and strikes. Four other Chicago judges have decided the question otherwise.

—C. F. Peterson, a well-known Swedish journalist of Chicago, died here on the 11th, aged 58 years. A teacher among his countrymen of the economic doctrines of Henry George and the spiritual philosophy of Swedenborg, Mr. Peterson was also one of the foremost Swedish editors and authors in America.

—Judge Tuthill, of the Chicago juvenile court, has decided to commit to public institutions for medical treatment in cases of serious illness, children whose parents place them under faith cure treatment. He distinguishes between children and adults, holding that while adults are at liberty to choose their own modes of cure, children are entitled to the kind of medical service which they need according to generally accepted notions.

Between the claim of freedom that all men are entitled to equal political rights, and the dogma of tyranny that might makes right, there is no middle ground.—Moorfield Storey.

## MISCELLANY

## DER BOEREN.

For The Public.

Fight on, brave souls with Botha and De Wet!

Ye noble men and boys, whom to oppose  
Requires ten times your force in English  
foes.

God crown your arms with freedom's victory yet,

For hallowed is your strife, ye patriots bold;

And may your every aim be true to thrust

The tyrant's legions into Afric's dust—

Fools that they are, mere purchased things  
and sold.

That heart is pulseless to our nation's  
creed

Who lauds the coining of men's blood  
to gain

Gold for a clique and subjects for a  
reign.

Or for assaulted freedom does not bleed.  
Rise, freemen, all! ere King and Would-  
Be King

And Greed the knell of all republics ring.

FRANKLYN QUINBY.

New York City.

## LOTTERY BY ANOTHER NAME.

Some of the newspapers have adopted a scheme for increasing circulation which has all the ear marks of the old Louisiana lottery. These papers announce enormous prizes to be given as a reward to those who guess nearest to the population of a city or state, or the vote to be cast at some future date. As there is no possible means of determining either the population or the vote the game is as purely one of chance as a guess on a wheel of fortune or on the drawing of a lottery. Only those are allowed to guess who send the subscription price of the paper with the guess, and sometimes the subscribers are encouraged to guess a large number of times. The whole system is demoralizing; it encourages and cultivates the get-something-for-nothing idea which lies at the foundation of all gambling, whether at the card table or on the stock exchange. A lottery cannot run unless it takes in more than it pays out, therefore, the chances are always against the man who patronizes it. If he keeps investing the probability is that he will put in more than he takes out, and if he wins a prize early he is apt to waste the money because it came to him so easily.

It is not probable that the post office department will long tolerate these guessing contests, but while they are permitted they will exert a baleful influence upon the morals of the country.—The Commoner.

## MR. DOOLEY ON THE CONSTITUTION.

"I see," said Mr. Dooley, "th' supreme court has decided th' constitution don't follow th' flag."

"Who said it did?" asked Mr. Hennessy.

"Some wan," said Mr. Dooley. "It happened a long time ago, an' I don't raymimber clearly how it come up, but some fellow said that ivrywhere th' constitution wint, th' flag was sure to go. 'I don't believe wan wurrud iv it,' says th' other fellow, 'Ye can't make me think th' constitution is goin' thrapezin' around ivrywhere a young liftinant in th' ar-my takes it into his head to stick a flag pole. It's too old. It's a home-stayin' constitution with a blue coat with brass buttons onto it, an' it walks with a goold-headed cane.

"It's old an' feeble, an' it prefers to set on th' front stoop an' amuse th' childer. It wudden't last a minyit in thim thropical climes. 'Twud get a pain in th' fourteenth amindmint an' die befure th' doctors cud get ar-round to cut it out. No, sir, we'll keep it with us, an' threat it tenderly without too much hard wurruk, an' whin it plays out entirely we'll give it dacin't buryal an' incorporate our-silves undher th' laws iv Noo Jarsey. That's what we'll do,' says he. 'But,' says th' other, 'if it wants to thtravel, why not lave it?' 'But it don't want to.' 'I say it does.' 'How'll we find out?' 'We'll ask th' supreme coort. They'll know what's good f'r it.'"—F. P. Dunne, in Chicago American of June 9.

## UNCLE SAM'S LETTERS TO JOHN BULL.

## HE PRAISES THE SIGNERS. STILL WANTS TO TRADE.

Printed from the Original Manuscript.

Dear John: How are your folks? A little nervous, I guess; but standin' out. They are good grit. Now my boys don't somehow hev the strength of their elder brothers—lack character—want to foller after somebody—after you or some European model. The older boys was different. They owned themselves, and had the sign out. Why, I mind when Ethan Allen, an' Is Putnam, an' Mad Ant'ny Wayne, an' Washington, an' Pat Henry, an' Lee, an' Marion and a lot of 'em, was to the fore, it wasn't fashionable to pattern after you, nor healthy. The tories hed to skip to Canada them days. The boys was resolute.

Take the signers of the Declaration of Independence down to Philadelphly, John. Why, I ain't got more than three

men on the continent that'll line up with them signers to-day. Fact!

An' what's more, if the signers was now on deck some of these youngsters would have to take to the woods. Yes, siree!

If jest my old signers, no more, was to land in "old Philidel," and find out how things were, the pot would begin to boil. It would! You'd never git another mule out of New Orleans, John. No, sir!

But my youngsters, they do amaze me. Why, I believe in my soul if your King Eddie would walk down Pennsylvania avenue and snap his fingers, my whole administration would drop in behind and foller like collie dogs. I do! They're a-doin' it to-day. Now, I can't lean back in my cheer, shet my eyes and imagine a signer a-follerin' a king—unless he was sightin' a gun at the same time.

An' nerve! Do you mind how they signed that paper with a halter round their necks, John Hancock a leadin'? There ain't a prettier piece of nerve in this world than John Hancock's signature. King George would have hung him on sight, but he wrote it plain—not a quiver.

Say! I'll trade you for those two Boer republics! Save you a million a day! Think about it!

UNCLE SAM.

## DIARY OF AN ADVANCE AGENT.

(WHAT WE MAY COME TO.)

From London Punch of May 15, 1901.

Monday, 10 a. m.—Reached England. Country half asleep.

4:00 p. m.—Reached London. Village awake, but not really spry.

4:30.—Reached "Hotel Magnificent."

4:45.—Went all over it. Nice house. Do as a "pied a terre" for our directors when over here.

5:0.—Bought it.

8:0.—Dinner. Arranged to turn dining-room into anteroom for callers. Tired. Counted cheques. Bed.

Tuesday, 9:0 a. m.—Read "Times" at breakfast. Leader disparaging our company. Must see to this.

10:0.—Saw proprietors of "Times."

11:0.—Bought "Times."

12:0.—Heard of difficulty with staff. Editor resigned.

1:0 p. m.—Bought some editors.

1:5.—Lunch.

3:0 to 6:0.—Interviewed company's competitors; three minutes each.

6:0 to 7:0.—Wrote chequus.

8:30.—Theater. Play, "The Ironmaster." Don't like the sound; suggests rivalry; must see if rights are to be had.

Wednesday. — Curiously unlucky

morning. Admiralty wouldn't sell fleet. War office refused to scrap guns. Colonial secretary declined to let me have Jamaica as a tip for our ashes. At this rate no use staying out. Picked up Thames steamboat fleet for an old song on way back. Will do to run on the canals inside our fitting slop.

Thursday, 5:0 p. m.—Things been humming to-day. Steamboat deal evidently leaked out. Bought the P. and O., Cunard, White Star, Orient, Union Castle, and North German Lloyd. Bought the Liverpool docks. Bought the London and Northwestern. Cabled to my company that they might begin making.

Friday, 10:0 a. m.—Cable from company asking me to buy less and sell more. Nonsense. Plenty of time for selling. Much better policy to buy up all our customers first; sell to ourselves then, and make sure of orders.

4:0 p. m.—Bought Holyhead harbor. Made an offer for St. George's channel.

Saturday, 9:0 a. m. — Cable from home, "Rival trust formed. Under-selling. Return at once."

10:0 a. m.—Returning.

#### MAYOR JOHNSON'S WAY.

"Mr. Mayor," exclaimed Maj. W. J. Gleason, entering the board of control meeting yesterday morning, "I want to make a complaint."

"Go ahead."

"The Big Consolidated is preparing to relay its tracks on Cedar avenue and put down the old cobblestones between tracks."

"What's the kick?"

"They're an eyesore and—"

"Come forward, Mr. McCormack," called the mayor to the manager of the Big Consolidated.

"We're only relaying one track," said McCormack, "next year we'll relay the other and put down Medina block stone between both tracks."

"Is that satisfactory, Mr. Gleason?" asked the mayor.

"Yes, if they do it."

"Will you write a letter to the board agreeing to do that?" inquired the mayor of Mr. McCormack.

"I will."

"Another thing," said Maj. Gleason, "they're putting these cobblestones on our lawns."

"Will you repair all lawns?" said the mayor, turning to McCormack.

"We are willing to do anything we can."

"Will you repair the lawns?"

"We'll put down boards and protect them."

"Will you repair the lawns?"

"Um—er—yes."

"Will you include that in your letter?"

"Yes."

"Are you satisfied, Major?"

"I am."

"What's the next business?" inquired the mayor.

Before the board adjourned Manager McCormack returned with the letter in question.

"Hold on," exclaimed the mayor, "this don't say you are going to relay the second track next summer. If you don't agree to relay it then we'll make you pave between the tracks you are now tearing up, with block stone, if we can."

"I think we will relay the second track next summer, but if you insist on that I want to consider the matter further."

"All right. How long do you want?"

"Until to-morrow."

"Have you begun laying any of those cobblestones?"

"Yes."

"Stop it, will you, until we agree as to that second track?"

"I don't know as I should."

"Then you won't?"

"I don't see why I should."

"Tom Galvin," cried the mayor. The deputy director of public works came forward. "Go right out to Cedar avenue and stop the men who are relaying cobblestones there. Don't allow them to begin again until you hear from this board."

Galvin hustled out. McCormack's face flushed, but he didn't have a word to say.—Cleveland (O.) Plaindealer of June 4.

The park police were the subject of an extended conference yesterday between the mayor and Director of Public Works Salen, in whose department the parks are. Complaint had been made to the mayor that at Lake View park Tuesday, while the boat race was on, the people were peremptorily ordered off the grass, either by the park police or other custodians.

"I want to know about that, Charley," said he when the director entered the room. "Is it true that people were not allowed to stand on the grass?"

"I had not heard about it."

"Well, I have. Look into this matter right away. Call in the men who ordered the people off and find out what they have to say. The grass in the parks is not for the people to look at, as I have said before. It is there to be used. Those policemen

or no one else had any right to order people off the grass at Lake View or any other park.

"By the way, have all the 'Keep off the grass' signs been taken out of the parks?"

"I am told that they have been, except in spots where grass seed has been planted."—Cleveland Plaindealer, of June 6.

"Reduce the water rents," exclaimed Mayor Johnson Wednesday, when asked if he favored the movement started by the Wade Park Improvement association. "Well, I should say I am in favor of that proposition. It is wrong to tax the water users for more than the absolute cost of supplying them. Observe that I say that it is wrong to tax them more than the cost. If it is possible to give it to them less than cost it ought to be done.

"The water rents should not be one cent in excess of what is absolutely necessary to maintain the department. They are now thousands of dollars in excess of that amount and the surplus is being used to pay for improvements of the system. There ought not to be one cent of surplus.

"All improvements of the system should be paid out of the general funds of the city.

"I understand that a measure is to be introduced into the city council providing for a reduction of water rents to an amount equal to what is necessary to pay the running expenses of the department. It will have my hearty support."—Cleveland Plaindealer, of June 6.

#### TOM L. JOHNSON'S PLANS.

Extracts from a private letter from Tom L. Johnson, mayor of Cleveland, O., on subjects of general interest.

We are attempting, with some show of success, to equalize the assessment of land values, paying almost no attention, of course, to inequalities in the valuation of improvements. With this letter I inclose you a pamphlet by W. A. Somers, the tax expert of St. Paul, Minn., which explains our method. Mr. Somers has been with us some time, giving instructions to the engineers and valuers, and as an improvement of his plan has adopted my suggestion to have a large blackboard at one end of a room in which a hundred people could be seated so as conveniently to see upon this blackboard a map drawn with white chalk showing about one-hundredth part of the

city, in blocks, but without property lines. This blackboard will also exhibit in figures the value of the center lot on each of the four sides of each block, these valuations to be calculated in each instance upon the basis of the market price per front foot (100 feet in depth) of the least valuable property on the block and the side of the block to which the center lots so valued respectively belong. The center lots so valued will serve as standards or units for the valuation, by comparison, of the more valuable lots.

I think that Mr. Somers's invention for valuing property for taxation, as explained in his pamphlet, will very greatly facilitate our work; and with the aid of the blackboard arrangement I have explained above, we hope to utilize it in such manner as to present the question of bare land valuation to an interested audience. The assessors are expected to act as judges; my representative will be prosecuting attorney, as it were, advocating high valuations; individual owners will be expected to defend low valuations if they can.

What I look for in the end is an increase of the aggregate of lot valuations to a point at which they will bear to the aggregate improvement valuations something like the proportion of two or three to one. Today, land and improvements are assessed at about the same amount.

In addition to this work, I have employed Prof. E. W. Bemis, and we have been making a campaign against the present assessment of steam railroad property for taxation. Eighteen or 20 of the railroad assessing boards have met in Cleveland, and we have been able to show in each case that the railroad property was assessed at from 5 to 15 per cent. of its true value in money, averaging very much below ten per cent. when considered all together. These local boards have made only slight increases in assessments as a result of our appearing before them, and we propose to carry a protest to Columbus before a board of equalization composed of four state officers who have the power to increase these assessments without limitation. We may fail there, also, but we are arousing this entire state on the subject, and the question appeals to the rural districts more strongly than was anticipated.

Our aim is to make this the principal issue at the election of members of the legislature next fall. Should

we succeed in doing that, I predict a revolution in the conservative country vote.

We propose showing that more than \$500,000,000 of steam railroad property escapes taxation through the ignorance or cupidity of the auditors in the 88 counties. We will also show how much each county loses by the present unjust plan. There isn't a county in this state that is not affected, and the distinctively farming counties are the heaviest losers.

From the responses I have received from all classes of citizens in this state, I feel that we have touched a sympathetic chord, and I look for great results for just taxation. It seems to me that the issue of taxing railroad property as high in proportion as other property, will be the thin end of the single tax wedge. It will give us a hearing before the farmers that we could hardly have hoped to get in any other way; and to get a hearing before them for the single tax is assuredly to get their cordial support.

My ability as mayor to accomplish something for the single tax cause is growing on me. Opportunities seem to be opening up. For instance, a board of equalization, having to deal with all classes of property in this city, assessing real and personal property, steam railroads, street railroads, gas companies, etc., is in existence here. This board has never used the power in the past and has generally been filled by very ordinary, if not corrupt men. I have discovered that this board is appointed by the mayor, two every year, they holding office for three years. By some strange accident I am the only mayor in the state of Ohio that has this appointing power. The first two vacancies would have occurred the 16th of next July, but that was too far off for my purposes. I have, therefore, found pleasant and profitable occupation for four of these men in other city positions, and now I am appointing four out of the six who can be absolutely relied on against all temptations, and the other side has just waked up to the fact that this board may raise Cain.

Whether they will attempt to legislate it out of existence next January at Columbus, or have the supreme court declare the law unconstitutional, I do not know nor do I care; the damage will probably be done before they can act. I expect to put \$100,000,000 on our tax duplicate. It is now less than \$200,000,000,

and if this process does not raise the dead in this locality, I very much miss my guess.

#### A PAIR OF UNPROFESSIONAL CRITICS.

For The Public.

MacMillin was just recovering from what the doctors called nervous prostration resulting from too intense application to business operations that had taken an unfortunate turn.

"Read something dramatic and moving," he said to Jeannette, who sat absorbed in some volume which he eyed with curiosity. "What have you?"

"Tolstoy's Resurrection," Jeannette returned, briefly.

MacMillin sank back heavily. "Something religious, I suppose," he sneered.

"The church doesn't call it so. Let me read the opening chapter," said Jeannette, who was unhampered by conventions in her quest of moral and political truths.

MacMillin listened. At the end of the chapter he bade her "Go on."

"Is it dramatic and moving?" she questioned, with a smile.

"Very novel situation," MacMillin assented. "But that Nekhludoff is a fanatic and a fool, I'll be bound."

"Refreshing to find a hero—aye, and a heroine—a little off the conventional color," Jeannette said, reading on with a dramatic rendering of the successive situations in which individual and governmental iniquity were uncovered with ruthless hand.

"These things might be true of the beastly Russian nation, but nothing of the sort is possible in our free America, with its perfect social and political equality," interjected Mac, with patriotic pride.

"Are you sure?" flashed Jeannette over the open pages that she had been turning rapidly, with omission of details not bearing directly on the great moral issues of national life which were beginning to be an interesting study in her experience.

MacMillin glanced aside from her clear, questioning eyes.

"Oh, I know you are thinking of rascally politicians, self-seeking government officials, corrupt courts of justice, and all that sentimental fol-de-rol that fire-brained agitators like this traitor Tolstoy are flourishing like a red flag to inflame bucolic minds," he said, contemptuously. "Of course it is human nature to be somewhat self-seeking. In fact, our very progress in all directions is due to selfishness first of all. What is the use of denying it?"

"And what is the use of making human nature an apology for mean, ignoble motives?" questioned Jeannette. "Without a higher ideal there is no real development, but inevitable retrogression."

"But what is the good of Nekhludoff's unselfishness in offering himself a living sacrifice to a degraded woman like Maslova, who does not even comprehend his high ideal?" pursued MacMillin, changing the direction of his objections.

"Beg pardon. But in this case Maslova's ideal was higher than that of Nekhludoff. It was not sacrifice and restitution that she wanted. It was love. In declining to accept his offer of marriage she was more unselfish than he in making it. He was seeking simply atonement for his sin. She was saving him from deeper profanation of the love which, under all her degradation, burned with sacred fire in the holy of holies in her soul."

And Jeannette, taking up the book, pushed on to the act of Nekhludoff giving away his landed estates to the uncomprehending and scarcely grateful peasants.

"Why, that is a wonderful tribute from the Russian count to our American Henry George," commented MacMillin, with large emphasis on the nationality of a writer whom he knew by hearsay only. "Why don't single taxers make a leaflet of that passage in 'Resurrection' for free circulation among millionaires and grasping landlords in general?"

"Possibly they find the real doctrine too crudely presented," said Jeannette, ignoring the sarcastic laugh attending the suggestion. "But single taxers, and every other lover of honor, justice, truth and fair dealing, must love this book for its fearless analysis of human character and motive, for its scathing denunciation of the hypocrisies of church and state, and for its clear presentation of the divine law of love as the rule of all private and public action."

"Yes—ye-es," drawled Mac, wearily. "But, after all, what is the upshot of all this tragedy and suffering? You have read the book, I perceive. Save me from the agony of sympathizing with these poor wretches by showing how in the inevitable state of things the misery can be prevented."

Jeannette turned to Nekhludoff's simple study of the Gospels which unfolded to his own understanding a perfectly clear course of action in every condition and relation of life.

"That might do for a Nekhludoff, who is only Tolstoy in another guise," said MacMillin, with his air of worldly wisdom. "Think of leaving the criminal unjudged and unpunished because we are ourselves sinners!" he exclaimed, with virtuous wrath. "Such a state of affairs—I don't care on what authority—would unsettle the very foundations of social order, and bring chaos and confusion that would wreck our civilization. It is anarchism—*anarchism* pure and simple, and a menace to society and the government which would be speedily overturned by the acceptance and practice of such doctrines!"

Jeannette smiled at the speaker's excitement. "Have you found 'Resurrection' 'dramatic and moving' enough?" she questioned. "It serves its purpose if it makes us think. What, after all, are the shaking foundations that you fear but the breaking up of customs and conventions which have crystallized around principles falsified and perverted by human selfishness? Cut loose from your conventionalized habits of thought—or lack of thought—and look at these Gospel laws from the standpoint of reason, unbiased by self-seeking, and see what an illumination they cast on all our vexed questions! They need no interpretation to our inner consciousness. A simple statement of them may bring us to our knees in an adoration and longing that the preachments of the church have not inspired. Think of the higher civilization we may enjoy when every individual and every nation is governed by these simple Gospel laws!"

"But—" objected MacMillin.

"Think!" insisted Jeannette.

A. L. M.

#### THE FILIPINO LINE OF ARGUMENT.

A letter written by a soldier in the Philippine islands, under date of Manila, January 21, 1901, to the Philippine Information Society of Boston, with permission to publish. We reprint from the Springfield American of May 24, 1901. The writer of the letter calls it "An Interview with an Irreconcilable," and says of the interview: "Believe me, while we talked, not the faintest intention of reporting his words or mine ever for one moment occurred to me. It lacks the merits of the professional interview, and the demerits, too. For each of us was in dead earnest to mutually reveal his mind, and in a measure I know we did so."

I was returning to my company, stationed in Nueve Ecyá, after a few days' leave of absence from my regi-

ment in Manila. I boarded the train just as it was pulling out of the Tondo station, shouted farewell to my friend, with apologies for leaving him to settle my score with the charioteer, and then looked round at the third-class compartment I had scaled. Deference to the Manila Railway company and the law of the libel prevent my saying more than this. (I quote a veteran who knows the line.) The second class is better because it has all the doors knocked off, while the doors of the third class have survived, obstructing the view and preventing the free egress of air and smuts from the engine. Never mind. "Laetus vorte mea" was the motto of a very young soldier, as Mrs. Ewing said, and it must do for the older soldier, too, if he is worth his mettle. So a smile of satisfaction lighted up my face as I contemplated the filthy vehicle in which my lot was to be cast for the next couple of hours. The crowd of Filipino passengers reviewed and discussed their obstructive baskets of multifarious purchases, prattling among themselves incessantly the while. But it was the young man who sat silent that I singled out as one that might have something to say. And he had.

I borrowed his newspaper, a new publication, half in Spanish, half in Tagalog, the policy of which is, it maybe, to justify the Americans to the Tagals. It was full of flatulent and urbane promises of millennial joys under the American rule, decidedly annoying to a man who realizes how slightly forms of government affect intrinsically the lives of the governed. It was most depressing; and after returning it we both sat in silence for a mile or two as the checkerboard of rice fields rushed by, reminiscent of Alice's journey with the White Queen through the looking-glass. I think that we glanced at each other in turn. "He, I noticed, was tidily dressed in a gray cotton suit and straw hat, a well-built young man, obviously a Filipino in whose veins runs a strain of European blood—*mestizo* is the word. There was nothing to distinguish him from many another; he was a typical Tagalo, until you saw his eyes, and they, one might possibly notice, were in direct communication with his soul, not subject to the common distorting intervention of the flesh.

It was I who started the conversation, by nodding toward his newspaper, and saying: "You agree with it?" And the answer came in melodious and incisive Castilian: "No, I do not believe in it at all." "Why?"

"The Americans give us fair words, but their actions differ widely from the principles they enunciate; they say one thing and do another. They talk of equality, but they believe it less than any other country in the world. What about the social condition of the American negro in the United States? The barrier between him and his fellow-citizens who are white is as impassable as that which divided Lazarus from Dives. What white American to-day acts as though he really believed the quip of the Latin clown (salamanca): 'Nemo a me alienum puto?'"

I interrupted him. I granted that herein we are false to our principles. Can a just-minded man do else?

"And we," he continued, "are we not as capable of self-government as the American negro? Place us fairly in the category of human races, and you cannot dispose us lower than him; in truth we are, as a race, much more refined." I assented. "You admit him to the rights of citizenship. What we ask is that equality which your constitution hypothecates should be put in practice. We know that greedy European powers would scramble for our islands on the pretext of protectorate if the Americans abandoned them. We ask you to maintain the protection of your rich government. We are willing to be taxed to pay the cost of such protection—the protection of the younger brother by the elder. But we want autonomy, we want an independence within the limits of the Philippines. We detest and feel intolerable this subjection to the whimsical tyranny of the white man, who is by his whole previous circumstances incapable, I say it deliberately, incapable of fully sympathizing with and understanding us. How can he know how to govern us, if he neither knows nor loves us? Knowledge and love are vital elements of true government. We want to govern ourselves without the irritating sense of supercilious superiority which your inquisitorial government indicates by its presence. You think yourselves superior, not equals; you are infidels to your own constitution; otherwise why this lawmaking by legislators and this law-enforcement by soldiers, who are not elected ad hoc by your people, much less are they representatives of our own selection. We are subject—slaves is an equal word—to the chance nominees of your president and his war minister. We want, and many of us agitate for, independence for the

Filipinos, under the protection of your flag."

"I quite understand," said I, "what you want. But how is your Filipino republic to be constituted? How, for instance, will you obtain true and proportionate representation of the Moros, the subjects of a despotic king or sultan, and how will you get them to Manila?"

"We shall abandon, as far as the Philippine republic is concerned, the Moros, and all others who are unwilling to freely ally themselves with our junta."

"You would narrow then the term Filipino?"

"Yes, certainly, we are different races. The southern islands have never rendered more than nominal obedience to the crown of Spain. And even your own great republic, with its fair words about 'inalienable rights,' has entered into an unholy and unjustifiable compact, recognizing slavery and despotic government in Tolo, and anarchy a thousand times more cruel than ever this island has known."

How could I, who know so little of the past history of the Philippines, gainsay him? Whether he was right or wrong I know not. So after a moment or two's silence, I reverted to matters of knowledge.

"That subject is difficult," I said. "But you are a patriot, you care much for your native land. You are fit, at this hour, to take part in government; but the true natives (Indios), the people in general, they are apathetic. What care they so long as rice and dinero are abundant? Your own immortal poet, Jose Rizal, peer of Victor Hugo, points to the cancer (*noli me tangere*) and tells, what I, too, have learnt, your people in general care more for the cockpit, for gambling, for amours and paramours. You understand me, I think, without my saying more?"

And then there came into his eyes that mysterious look, which twice before I have seen in other men—once when in childhood, I saw Mazzini—baffled yet hopeful still—in London; and again in John Ruskin's eyes when undergrads in the gallery of the Indian museum at Oxford jeered at some remark of his in the last lectures which he ever delivered there.

It was almost bitterly he replied after a pause: "I cannot see how you will lessen our ceaselessness, our apathy—how you will kindle our enthusiasm. The only moral preceptors our people have from America are

your soldiers, who are not paid to teach us how we ought to think and act. Do they, by their example, offer us the pattern of good life? Are they moderate in drinking; do they set their faces steadfastly against gambling; have they a chivalrous regard for the honor of women, and their own? You know," he added with emphasis, "the true answer to these interrogations, for you are yourself a soldier." He did not look for reply, nor was any vouchsafed, for I am an enlisted man and I know.

I couldn't leave the subject thus, and at length, in awkward phrases of pigeon Spanish, I put it to him thus: "Every great European power which has dependencies governs them as autocratic masters of a servient race. The English teach their Indian civil servants, before they leave home, Sanskrit, so that they may be able to command the Indian in the Indian tongue; England makes no, or very little, effort to Anglicize the native Indian; as he was, so he is, and so will he remain. The Dutch do the same, and never dream of qualifying an oriental people for the task of self-government. On the other hand, the United States has set before itself the uniquely heroic obligation of qualifying tropical races to exercise with discretion the rights of citizenship, an experiment without precedent in the world's history, trusting that its fidelity to the principles of the constitution will be rewarded in a few years by cheerful and wise co-operation of the Philippine population, who already are mastering the English language, and assuming American manners with almost incredible celerity. With the schools staffed with teachers of strict integrity, trained in American educational methods—the best in the world, I explained, for I had traveled much—a new phase of oriental life would blossom, and his children's children would rise up and call the United States blessed, though to-day insurgent bullets still sporadically plug against convent walls and whistle through nipa shacks where our troops are quartered. Heroic is the ideal, and daring is the experiment, but with the imperturbable confidence which has enabled us to make a great nation out of inharmonious and unaccustomed elements, we go forward to the work of making an oriental race compeers of the Teutonic." I paused. His look of amused incredulity arrested my attention; I could say no more, my blossoms of

rhetoric withered in the bud. But he had listened patiently, helping me here and there with a word.

He took up the parable: "We, too, would prefer to work out our own salvation, instead of having your great nation to work it for us. I have read your history, and the very obstacles which confronted you and which you overcame gave you stronger hearts to go forward, and conquer fresh ones. It is adversity which makes great nations as well as great men. And you will make our path to civilization easy, you say? But I would a thousand times rather let my people learn in the school of experience the lessons of statescraft. Thus you learnt it yourselves by insurrection against your own fathers; we meet a more proper antagonist in you to whom we owed no filial obligations, you, who came here under the guise of friendship—so you said—to help us free ourselves from the intolerable cruelty and rapacity of Spain. Rather the open claim of imperial dominion, with all the undisguised arrogance of English supremacy, than the claim of brotherly equality covertly masking your contempt for and distrust of us, the flat-nosed savages of the Philippine islands. There is a word—I hesitate to use it—hypocrisy—which describes your attitude toward us, for after revolting from the dominion of England, you try to quell our rebellion against the white man. But the meridian of your greatness has been reached, and now you will decline among the world powers, diminishing in diplomacy abroad and mutual recriminations at home. Your declension began that day, when having bought the rights of Spain in this archipelago, you denied the authority of the Filipino republic, whose headquarters were over there," he said, indicating Malolos church as we drew up at the station. The confusion and bustle of our fellow-passengers wrestling and struggling with their overflowing baskets of merchandise, the importunity of would-be vendors of water, boiled eggs, rice, oranges and cakes, diverted the conversation.

When we restarted my curiosity in my companion compelled me to ask whether he had taken part in the insurrection. And this is what he told me.

He is now 25 years old. Some years ago he entered the Spanish army and rose to be a sergeant in an infantry regiment. When the insurrection broke out he joined the insurgents

and fought against Spain, being commissioned a first lieutenant. He saw a good deal of fighting then, and when the American government started to suppress the republic he fought against the Americans till lately (no time specified), when he saw the futility of further armed resistance, except to be killed in the cause. His wife and two young children would have no one to support them if he were killed, so he had abandoned the army, and now he works as a clerk in Manila for 25 pesos (\$12.50 in gold) a month. Out of this he pays five pesos for rent and has 20 pesos for clothing, food and luxuries for himself, wife and two children.

I told him he ought to get better wages than that; he said he could if he signed a declaration of loyalty to the American government, and "that I can never do," he said, "for I love my country, and if I saw likelihood of freeing her from this miserable American espionage I would again bare my sword or shoulder a gun to free her from the evil power of white men."

We were nearing Calumpi, where we must part. I asked for his card. He had none, but readily wrote in firm, clear, scholarly hand his name and address in my pocketbook.

"You know not what risks you run in giving me this," said I in jest; "you do not know but what I am a secret service man."

"I think not," he replied, as we held each other's hands, and looked each other steadily in the face. "I know that you care for the honor of your country, as I for mine. Adios."

"Adios!" I answered, and meant it, God-speed.

A little later as I looked at the river banks from the deck of the Napindan I marveled why we revere the memory of William Tell, of John Hampden, of George Washington, while we hold in bondage in Bilibid, and deport as convicts to Guam, men who have, too, risked their lives and given their all—home, wealth, wife and children—for love of country.

Kurius—But doesn't the constitution ever follow the flag?

Blount—Oh, I suppose it does when a judge follows the constitution.

G. T. E.

It is hard, sometimes, to get our conscience to take a practical common-sense view of our actions.—Puck.

GOD'S STEWARD.

To you who pray by night and day  
That Wealth may be your share,  
And give no place to God's good grace,  
I say: Beware, beware!

The fattened purse can bless or curse,  
And this we know full well;  
Gold paves the street for idle feet,  
And speeds them fast to Hell.

For Hell is not that final spot  
That waits for sin's redress,  
It is the sphere all souls find here  
Who dwell in selfishness.

Nor, hooped and horned, by mortals  
scorned,

Do devils skulk below;  
But crowned with pelf, and love of self,  
Purse proud, through earth they go.

They beggar toll, they seize the soil,  
(God's gift to one and all);  
They sling loud psalms, and scatter alms  
That blight where e'er they fall.

With greedy lust and might of trust,  
They take the laborers' bread;  
Nor understand his lifted hand  
When offered alms instead.

The thirst for gain blunts heart and brain;  
The gold-mad mind is cursed;  
O, you who pray for wealth to-day,  
Seek God's large wisdom first.

No mortal mind alone can find  
The gold-paved path to right.  
With reverent mien ask Powers unseen  
To lead with love's great light.

—Ella Wheeler Wilcox, in New York Journal.

Spratt—I don't see anything unusual about the promotion of your soldier friend. Rapid advancement is very common these days.

Scobie—But you forget that my friend is a regular.

G. T. E.

"There's wan thing I'm sure about,"  
"What's that?" asked Mr. Hennessy.

"That is," said Mr. Dooley, "no matter whether th' constitution follows th' flag or not, th' supreme coort follows the election returns."—F. P. Dunne, in Chicago American.

Waverly—Well, I think you'll have to admit now that the flag is not followed by the constitution?

Furlman—I'm afraid I'll have to admit that it isn't followed by the decalogue either.

G. T. E.

Our missionary friends protest against the use of the word "loot."

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But it seems to us fully as good a word as "plunder." Perhaps "memento," or "keepsake" would find more favor.—Chicago Tribune.

Mrs. Goodsoil (answering ring)—What is it, little girl?

Mary—Please, ma'am, we've lost our kitty. She left yesterday, and we're hunting her. We want to know if you've seen a cat by the name of Minerva go by your house.—Puck.

"Yes, I consider my life a failure."

"O Henry, how sad! Why should you say that?"

"I spend all my time making money enough to buy food and clothes, and the food disagrees with me and my clothes don't fit."—Life.

### BOOK NOTICES.

Aubrey's "Rise and Growth of the English Nation" seems to me the best history of any people ever written. It is, as it professes on the title page, a history of and for the people. It is the only history I know of which makes its central theme that which is of course the supreme theme, namely, the struggle for popular rights and social justice.

In the nature of things those who have written the great "literary" histories have not been men who stood in intelligent sympathy with the great movements of the masses. This author does clearly understand such movements, and sees their supreme importance in historical development. And yet I think his claim for the book is correct, that "it is written in no partisan or sectarian spirit." If it be partisan, it is so on the side that has hitherto had no partisan in works of such scope.

The general histories and school histories are for the most part utterly worthless in dealing with social problems, and the larger histories either subordinate these problems to descriptions of wars, courts, and the husks of constitutions, or else deal with them from the point of view of the privileged classes. Such histories have put into the minds of children and grown people entirely erroneous opinions in regard to some of the greatest events and heroes of history. They have made us think of such men as John Ball, for example, as a sort of insane crank, instead of holding him up as a hero to be revered for his fearless and unselfish support of the rights of the people. Even the books that venture to give some praise to such leaders do so in a half-hearted manner.

I believe that the following words of Aubrey have a wider application than for the particular period of which he speaks. I will give this quotation which I happen to strike, as it illustrates my point and shows his attitude. After reading the pages that lead to the passage no one can judge his words as too severe:

The charges against John Ball, of being an incendiary preacher and a mad fanatic, are absolutely devoid of foundation. They were recklessly made by hireling scribes who sold their facile pens to the ruling classes. The story of men like John Ball, Wat Tyler, Jack Cade and others who became the mouthpiece of the mute, suffering, helpless and oppressed multitude, has been told by men who had no sympathy with popular rights. Their evidence is un-

trustworthy, being tainted by prejudice and hatred.

It is well that the "multitude" have found a mouthpiece in the author of an able and complete English history. Green's is a great history, far superior to its predecessors; but even Green fails to give due weight to the "one increasing purpose" of popular rights, which should form the basis of every history.

My only acquaintance with Aubrey's history is in a three-volume edition published by Appleton & Co., in 1896. It is because the work has not received in the ordinary literary periodicals the welcome it seems to me to deserve, that I express this opinion of the value of the book, an opinion formed in the first reading several years ago and recently confirmed by a second reading.

JAMES H. DILLARD.

"Poems of the New Time" (New York: The Alliance Publishing company) is a volume of verse by Miles Menander Dawson, the subjects of which are of wide range and the general sentiment socialist. It is sincere but not poetic.

### MAGAZINES.

—In "The International Socialist Review" for June, Herman Whittaker explains certain misconceptions of Marx by his disciples, and Emile Vinck tells the story of socialism in Belgium, while Ernest H. Crosby contributes a poem on the dangers of "reverence."

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