

# The Public

**A National Journal of Fundamental Democracy &  
A Weekly Narrative of History in the Making**

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## EDITORIAL

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### Lecture Fees and Land Values.

When the New York Evening Post drew an analogy between the "unearned increment in land of the single taxer" and the frequent and liberal lecture fees that William J. Bryan commands because of his political prominence, we took it for a joke. But our eyes did not deceive us: the analogy was elaborately presented in a serious editorial. Neither did our recollection fail us: the New York Evening Post has never joked. Our impulse, therefore, was to explain the matter quite elementarily to the Evening Post. But that would have been a waste of effort; for the Evening Post is firmly fixed in all its elementaries. Yet there are those not so firmly fixed, to whom a brief elementary explanation of the difference between Mr. Bryan's lecture fees and the so-called "unearned increment" of land might not come amiss. We sometimes suspect Mr. Bryan's own thought upon this subject of being a little "woolly on the edges"—not so much, perhaps, with reference to his lecture fees, as with reference to the "unearned increment" of land. So we shall venture a primer lesson for the benefit of whomsoever it may concern.



Our purpose will be helped if we quote the New York Evening Post for a text:

Now, it is easily possible to maintain that political prominence possesses a striking analogy with the unearned increment in land of the single-taxer. So

many people settling in one place push up land value. So many people talking about the same man make up prominence. Thus to appropriate the work of others is almost "predatory."

Is it remarkable that we mistook this at first for a joke? And yet, when one reflects upon it, one finds that lurking in that analogy is a common notion—common alike in workshop and college, in counting room and socialist club. We allude to the loose expression that it is the community that "creates all values." From that notion comes the inference from some sources that all values, and from other sources that no values, belong to society. But let us reflect. "So many people settling in one place push up land value," says the *Evening Post*; and "so many people talking about the same man make up prominence," which brings high wages for his work. Does it follow then that the higher rental of the land and the higher wages of the lecturer are in the same category of fair-play ownership? No one would say so if he understood the question.

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Because he is prominent, Mr. Bryan can command higher wages as a lecturer than if he were not prominent. But don't his higher wages belong to him as truly as if they were at the margin of subsistence? In either case he, and he alone, does the work for which they are paid. If they belonged to a common fund, the man himself would be common property. Ordered by the commonalty to lecture, he would in that case have to lecture whether he wished to or not, in order that the common fund might get its own. From this conclusion there is no escape. Either he does not belong to himself, or else all that is voluntarily paid him for his work, be it little or much, and whatever the circumstances, fairly belongs to him. The only question raised is one of free contract between the man whose lectures are wanted and the persons who want them. But how different fundamentally is the rental of the planet—our planet, which, according to every reasonable standard of "the square deal," is obviously a common inheritance in usufruct for the living. If any particular spot rises in value from increase in demand for it, this is not a call upon some one to do something in analogy with increased demands for a lecturer; it is a call from the settlers to be allowed to do something for themselves. What they pay for this permission to anybody but themselves as a community, is an *unearned* exaction from the aggregate of the labor of that community; but what they pay for permission to hear the lecturer, be it little or much, is an *earned* exaction from

him. The owners of the land get ground rentals without doing anything; the lecturer gets nothing for lecturing unless he lectures.

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This contrast involves the whole difference between "rake-off" and wages. The demand is indeed regulated in both cases by the wants of the people, rising as they rise and falling as they fall. But the supply of the one is, in the very nature of things, afforded freely by the planet; whereas the supply of the other has to be furnished laboriously by the individual lecturer. Where, then, is the easily maintained analogy?

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### The Single Tax in Oregon.

We are trying to figure out what the Saturday *Evening Tribune* of Seattle means when it implies that the single tax could have "only the slightest bearing" on unemployment, while arguing that "land is an absolute necessity to the race." We should suppose that inasmuch as the single tax would release all unused land to all industry, thereby raising the demand for labor to the limit of the demand for labor products, it would have a very considerable bearing upon the problem of unemployment. But the reason for supporting a measure is of less practical importance, perhaps, than the fact of supporting it; and as the Saturday *Tribune* urges its readers in Oregon to vote for the single tax amendment in June (p.110), its failure to perceive the far-reaching economic effects of that simple measure is of minor importance for the present. This is not the first instance of entertaining an angel unawares.

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### News About Henry George.

This news comes by way of Los Angeles and through an editorial in the veracious *Daily Times*. Everybody who didn't know it before, as well as everybody who knew the contrary, may learn from that editorial several things that would be important if true. They may learn that Henry George "was a paternalist." They may learn that "his theory of government looked to the governing powers to supervise, direct and control about all the activities of human life and of individuals." They may learn that when Henry George said "I am for men," he meant, not to deplore class conflicts (which he did mean, by the way), but to create antagonism "between the man and wealth, between the mere sentient being and the achievements of life." They may learn that Henry George "all his life long had a personal quarrel

with the competitive method of living." They may learn much more of like import, but this is enough to justify their inference—those of them that have read any of George's books—that the editorial writer who filled two-thirds of a column of the Los Angeles Times with that stuff, was either an irresponsible ignoramus or just a hired liar of the garden variety.

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### Jane Addams on Police Despotism.

The response of Miss Jane Addams of Hull House, to the more than usually bitter attacks upon social settlements in connection with the Averbuch affair in Chicago (vol. x, pp. 1226, 1232), rises to the needs of the time. It appears in "Charities and the Commons," and it stands as a well founded indictment of police practices that have had the effect of impressing upon our immigrant population a conviction that there is little difference between American liberty and Russian autocracy except the name. The specifications of Miss Addams's calm indictment will come as a surprise to readers who have depended for their news of the Averbuch affair upon newspaper falsifications. All the more should they command attention. One of her statements and comments should be spread far and wide until every body with an American soul realizes its significance. It is this:

There are many hundreds of adherents in the colony [Russian Jews] to the theory that the boy [Averbuch] was obscurely induced to go to the Chief's house by a man in the employ of the Russian government. Certainly nothing could happen which would so well serve the purpose of the Russian government, and the American public is taking it in exactly the way which makes it most valuable to the Russians. Would it not provoke to ironic laughter that very Nemesis which presides over the destinies of nations, if the most autocratic government yet remaining in civilization should succeed in pulling back into its own autocratic methods the youngest and most daring experiment in democratic government which the world has ever seen?

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### Police Oppression.

Close upon the heels of the Grady bill (p. 102) against the "sweating" and "mugging" of unconvicted prisoners, as the police call the process, comes a gratifying decision of the Supreme Court of New York sustaining an action for damages against the head of the police force. "Where members of a city police department," so the reported syllabus reads, "seized relator after he had been bailed for an offense and before trial, and carried him to the police station, and there com-

pelled him to submit to be photographed, measured, etc., for the Bertillon system, such conduct constituted a gross violation of relator's right to personal security, and entitled him to sue every person concerned therein for damages." It is true that in this case the prisoner had been released on bail. But the only difference in the personal rights of an accused person awaiting trial on bail and one unable to give bail, is the detention; and the fact that in one case the police detain the prisoner to await trial, and in the other he is in the constructive custody of bondsmen, can make no difference whatever as to his rights in any other respect. It would be a queer state of affairs if rich persons accused of crime were legally exempt from "rogues' gallery" exactions, and the poor and friendless so accused were not.

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### Mr. Taft and the Sphinxes.

It is whispered about New York that Mr. Taft made a bad impression before the Sphinx Club, which is an association of allied publishers, advertisers and advertising agents, mostly Republicans. At its April dinner the subject of subsidized journalism had been selected, and in view of his brilliant "get-away" with the bumptious bankers at the Economic Club (vol. x, p. 1111), Mr. Bryan was chosen for the affirmative. Unfortunately, Mr. Bryan could not be in New York at a convenient time, and Mr. Taft was invited instead. The audience was in numbers inferior only to that of the Economic Club when Mr. Bryan addressed it; but the occasion was infinitely inferior in interest. Mr. Taft glued his eyes to a manuscript, departing from its carefully carved phrases not even for an instant. But that wasn't the worst of it. Instead of speaking frankly on subsidized journalism, as it was known Mr. Bryan would have done, or upon any other live subject, Mr. Taft regaled his audience with a discussion of encyclopedic origin upon periodical literature—a subject on which almost any of his hearers, says one of them, "could have given him cards and spades." The effect was unmistakable. Even his friends made no concealment of their profound disappointment. It was what theatrical folk call a "frost," but might better be called a "gloom." And the toastmaster accentuated the gloom by calling for a show of hands on the question of voting for Mr. Taft for President, getting a favorable response of less than 25 per cent. Our correspondent contrasts with this dispiriting affair the appearance of Mr. Bryan before New York audiences exactly similar to this one, except

that they were not friendly at the beginning but were so at the end.

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### Governor Johnson's Simplicity.

Those vigorous protests of Governor Johnson that he is no friend of James J. Hill, nor of Tammany Hall, nor of the Wall street crowd, betray great simplicity, taking the Minnesota Governor at his word. He wholly misses the point. We may all agree with him, if he wishes it so, that neither Hill nor Tammany, neither Wall street nor Roger C. Sullivan is his friend. But the point is that they are Bryan's enemies. They know that they cannot defeat Bryan in the open, yet they are determined to defeat him if they can. To do that they must first throw the Denver convention into confusion. To do this they must prevent Bryan from getting two-thirds on the first ballot. That much accomplished, they hope to pick their man. Whether Johnson is the man they would pick, no one knows but themselves. They might stand by him throughout the convention, and they might not. If they secured his nomination at the convention, they might serve him as they served Parker—also a candidate whose only platform was that "he could win." But whatever they may decide later on, their only present use for Johnson is to wrest a third of the convention from Bryan. In this sense, if in no other, Governor Johnson is the candidate of Hill and Wall street, of Tammany Hall and Roger C. Sullivan—in a word, of all the Big Interests and their political tools. If Governor Johnson does not see this, he may be acquitted of consciously conniving with the Interests. But in that case he must be regarded as altogether too simple for official responsibility, at a time when there are luscious chestnuts in the fire and Wall street monkeys that want the loan of a catspaw, thank you, to pull them out.

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### Direct Legislation in Kansas City.

Mr. H. M. Beardsley, recently the Republican mayor of Kansas City, Mo., is doing excellent work as a democratic Republican in the charter building in which Kansas City is engaged. One of the provisions he stands for is the initiative, the referendum, and the recall. Of the recall he said to the Charter Board, as reported in the Kansas City Times of the 29th, that he has revised his former hostile opinion. Here are his words:

My objection in the first instance was that a man elected to public office might have a problem to work out that for a time would force him to fight against

the stream—against the popular will—but in time they would come to the same viewpoint as himself. Armed with the power of recall, though, they might oust him before he had time to work out his problem. That was what I first thought, but I have changed my view. If ever an issue of that kind should arise I firmly believe the people would give the official a fair opportunity to show his sincerity and demonstrate the wisdom of his problem. I believe no attempt would be made to use the recall except upon the most serious conditions.

That view is perfectly reasonable, and experience goes to demonstrate its soundness. Regarding the initiative and referendum, ex-Mayor Beardsley gave his unreserved support to the draft submitted to the Charter Board by Mr. John Z. White. Mr. White is representing direct legislation sentiment in Missouri, and in that connection is at present co-operating with its supporters in Kansas City.

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### Embarrassment of the Iowa Railroads.

When the railroad companies brought suit in the Federal Courts to restrain the enforcement of the 2-cent-a-mile passenger regulation in Iowa, they overlooked a possibility that has now become a reality. Instead of losing money under the 2-cent rate in Iowa, they have made money. The regulation went into effect ten months ago, and the reports for the first six months are now out. These reports show an increase of receipts on all the eight roads but two. The aggregate increase of the last half of 1907 (2-cent fares) over the corresponding half of the previous year is \$383,057—the difference between \$6,904,460 in 1906, and \$7,287,517 in 1907. It seems that low fares actually pay. Yet it takes a railroad expert to foresee that they won't and to be surprised that they do.

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### Chicago School Leases.

Unless the Supreme Court of Illinois reverses the Appellate Court sitting at Chicago, the Big Business interests will have to depend upon agreeable relations with school boards to succeed in looting the public school fund any further. For nearly three years they have withheld the increased ground rentals because of a technical error in the appraisalment under the decennial revaluation clauses of the leases. This point sustained, they insisted that no revaluation could be made for the present decennial term; but on the latter point the Appellate Court decides against them. It has been the hope of these lessees to have the revaluation clauses canceled altogether, thereby turning long leases with de-

ennial revaluation clauses into long leases without any revaluation clauses. The Tribune, the Daily News, and some other tenants succeeded in doing this with an accommodating school board in 1895 (vol. ix, pp. 796, 939), but there is little likelihood that there is in the present school board a majority willing to grant so valuable a concession to the prejudice of the schools. Whether the next board may do so will depend upon Mayor Busse, who has the appointment of one-third of its members within the next sixty or seventy days. How valuable the concession would be may be inferred from the fact that the Tribune, under the cancellation of its revaluation clause, is paying hardly more than half the ground rent, value for value, that tenants whose revaluation clauses are still in force will have to pay.

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### Tariff Reform.

How well the Protectionists realize the danger of putting print paper and pulp on the free trade list. It would be indeed like pulling down a supporting pillar of the Protection temple. Every trust-commodity that goes upon that list is a blow at the Protection principle. If this were not realized by the Interests and their political allies, the tariff would be taken off paper at once, for the newspapers want it so. But the high priests of Protection have read the Samson story.

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### Constitutional "Checks and Balances."

President Hadley of Yale re-states the fundamental division of powers under our form of government. He does not regard the old statement, that they are divided into legislative, executive and judicial, as altogether without exception. In his opinion "the fundamental division of powers in the Constitution is between voters on the one hand and property owners on the other." That is, the forces of democracy are set over against the forces of property, with the executive and legislative powers as their instruments of warfare, and the judiciary as arbiter between them. It is an excellent restatement, except that it is not quite complete. To round it out, we should remember that this arbiter between the forces of democracy and property is recruited almost to a man from the property camp. Isn't our judiciary made up of lawyers trained in the tactics of property interests?

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### A Definition in Civics.

The Goo-goo is a good citizen who has never been tempted.

## RUSSIANIZING THE AMERICAN POST OFFICE.

An instance of postal censorship which has just come to our attention is so pathetic that it should awaken even the most indifferent citizen, provided he has a love for childhood in his heart, to a realization of the menacing advance the American postal censorship has made. The exquisite cruelty of this case cannot but arouse just indignation wherever the story goes, and we frankly hope it may go far.

It comes to us directly from Dr. Edward Rumely, of La Porte, Indiana, who is of the family which was the founder of the agricultural implement factory of that name, established at La Porte fifty years ago by his grandfather. Upon returning to his native place a year or more ago, after long scientific training abroad, Dr. Rumely set about building up a preparatory school for boys upon an approved German model. It is located near La Porte and is known as "The Interlaken School." Although so recently established, this school has attracted wide and favorable attention, and the number of resident pupils is already large. It is Dr. Rumely's custom to fetch the mail for his school from the La Porte post office to the school grounds. While upon this errand one day last week, the 29th, he experienced a surprise which he forthwith described to the Postmaster General with natural yet reserved indignation. It was the pathetic instance of postal censorship referred to above.

The story is vividly told in Dr. Rumely's letter to the Postmaster General, and we quote that communication in full:

In writing this letter I am doing something that may look like mixing in.

Ten minutes ago I went to our local postoffice here to obtain the mail for the Interlaken School. Among the letters, I received one which bore the name of The Interlaken School and had been sent from there on April 4th to Prof. A. W. Birkholz, 628 Second Avenue, So., Minneapolis, Minn. Across the face of it was stamped the words, "Fraudulent. Business of addressee declared fraudulent by order of the Post-office Department."

This letter was mailed by one of the pupils of the school to his father. He is a bright, black haired little boy of eleven, he loves his father above everything else on earth and has been eagerly awaiting word from him. I cannot bring myself to believe that any authorities at any time have the right to interfere in such a harsh way with intimate personal relations between members of a family. When a student in Europe I used to hear reports of the action taken by the Russian government to interfere with the correspondence of the students attending the

German universities with us, but could hardly believe them.

I do not know how this case appears from your point of view, but I have a very vivid impression of it from the point of view of this little lad, who has been attempting to get into correspondence with his absent parents and who did not know why he had no answer from them.

I am acquainted with Mr. Birkholz and know something of his work. But few men whom I have met have so strong a personality as he. There is a field in medicine that is new and but little explored at the present time. It relates to the influence of mind over body and to the direct influence of one mind upon the other. Everywhere physicians are beginning to recognize this force. The laws are not as yet formulated. One thing is certain, however, that some people are possessed of greater power than others. I know, from the closest scientific observations made by some of the authorities of medicine at the German, Swiss and French universities, that some men can be "healers" for their fellows. Many of the patients treated by men like Birkholz are undoubtedly cured, and those cures are as real as if effected by the use of drugs.

I wish that you would furnish me the name of the medical specialist employed by the Postoffice Department to pass on the merits of this case. I am asking this on my own initiative and without the knowledge of any of the parties concerned. I believe it my right as an American citizen to know how far this arbitrary control of the mails is going to be carried.

As may be inferred from Dr. Rumely's letter, Mr. Birkholz has practiced some system of mental healing. He is said to have advertised powers he did not possess. He may have overestimated his powers, or even have overstated his own estimate; but there seems to be no evidence that he is engaged in a fraudulent business, unless all assertion of mental powers as yet not scientifically understood is to be classed as fraudulent. Nevertheless he is postally outlawed by arbitrary decree from Washington.

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Some time ago, as we are informed, Mr. Birkholz was tried at Minneapolis and acquitted of the accusation of fraud. Notwithstanding his acquittal in court, however, the Post Office Department has declared his business fraudulent, and has returned all letters addressed to him to the writers, with the damning words stamped upon the envelope which Dr. Rumley describes as having been stamped on the letter returned to the proscribed man's little boy, who, in the innocence of childhood, had tried to communicate with his postally outlawed father.

Mr. Birkholz himself says he did not know that his mail was being returned to the senders. He thought it was being held at Minneapolis awaiting

a final decision of the Department. But it now appears that hundreds of his letters have been returned to their writers with the "fraudulent" stamp upon them, some of which have contained money in payment of services ordinarily regarded as legitimate.

But what if it may be true that Mr. Birkholz lacks the mental powers of healing he supposes himself to possess? Shall a Washington bureau therefore declare him a postal outlaw? What if it may be true that he neither possesses nor supposes himself to possess the powers he professes? Shall the issue be decided by a bureau at Washington? What if it may be true that his business is fraudulent? Shall the penalty be imposed by a Washington bureau? Shall this bureau make him a postal outlaw for life? Shall it forever bar him from receiving any letters by mail? Shall all his letters, even from his little boy away from home at school, be withheld from the father? There is nothing more bureaucratic and cruel in the postal censorship of Russia.

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Truly the American postal censorship is advancing rapidly (vol. viii, pp. 420, 815; vol. xi, pp. 50, 59). It may indeed be said that the Birkholz case does not differ, except in its pathos, from hundreds of others in which men can get no mail in their own names during the term of their natural lives—none from friend or family, from father, mother, child or wife. But the bureaucratic powers that make such arbitrary outlawry common are easily stretched year by year. They have been so stretched that now they fairly reach out for what were once esteemed as cherished rights in this country.

Starting far back in the ruck of immorality by arbitrarily excluding obscene communications from the mails; then lottery circulars; then fraudulent advertisements; then anarchistic publications—this bureaucracy has developed to a point at which there is no hesitation in adjudging as indecent that which is pure but unpopular, as fraudulent that which is honest but mysterious, and as treasonable that which is in truth patriotic.

Instances of the latter class of postal outlawry subject to arbitrary decree by the postal bureau are afforded by the very recent experience of Mr. Benj. R. Tucker of New York. Mr. Tucker calls himself an "anarchist." But the value of this designation depends upon its definition. If "anarchy" means chaos, then Mr. Tucker misnames his philosophy. But what if "anarchy" means peace and order under a regime of individualism?

What if it means the dream of Thoreau and Emerson, the philosophy of Stirner and the social structure conceived by Josiah Warren? What if it means a society without bureaucratic government? At any rate Mr. Tucker neither throws bombs, nor advises the throwing of bombs, nor inculcates "habits of thought among the ignorant" that lead to bomb-throwing. On the contrary he is a man of peace. One of his methods of securing peace is to encourage the use of "stickers" with legends upon envelopes going through the mails. Of these "stickers" he has a list of 48 which he recently submitted to the postal authorities for an opinion as to their mailability, and a ruling has just been made by the Assistant Postmaster General for the Post Office Department. According to this ruling the following legends, if pasted or printed on envelopes, wrappers or post cards, render the enclosed matter unmailable:

What one man believes about God, another believes about government.

It can never be unpatriotic to take your country's side against your government. It must always be unpatriotic to take your government's side against your country.

What would you do to a man who was in the habit of doing what government does?

We think a man needs to be governed—and we let him govern others.

You don't like Pinkertons? Well, at any rate, they do less discreditable work than the police, the militia, and the army—and they do it cheaper.

The outcome of every form of government on record has been that the bad got more than their proportionate share of power. The like is not true of any respectable business. Therefore government is not a respectable business.

What I must not do, the government must not do.

The institution known as "government" cannot continue to exist unless many a man is willing to be government's agent in committing what he himself regards as an abominable crime.

Government keeps doing what it would jail me for doing.

Government regularly enforces its commands by the threat of violence; and government often commands things which it is ridiculous and outrageous to enforce by such a threat.

Considering what a nuisance the government is, the man who says we cannot get rid of it must be called a confirmed pessimist.

At almost every point of history government has been found to be the greatest scandal in the world. Why? And when anything else has been extremely scandalous, this has usually been on account of its association with government. Why?

"Wherever you touch government, you seem to touch the devil."—Henry W. Nevins in Harper's Magazine, February, 1906.

"The direct and indirect expense of government swallows up at least half the income of the multitude that live by their daily toil, though the services that

they receive from it are worth hardly one-sixth of this amount."—De Molinari.

Don't enlist in any service where you are liable to be ordered to help kill a man (or men) that you think ought not to be killed.

Anarchism is the denial of force against any peaceable individual.

Government enforces laws of privilege and monopoly, and thus creates vagrants. Then government, by force, sends vagrants to jail at the nod of a magistrate. Then government, by force, collects taxes to support magistrates and vagrants.

"Home is the girl's prison and the woman's workshop."—Bernard Shaw.

"If we'd begun a few years ago shuttin' out folks that wudden't mind handin' a bomb to a king, they wudden't be enough people in Mattsachusetts to make a quorum f'r th' Anti-Impeeryal S'ciety."—Mr. Dooley.

If common folks should not be made to pay for uncommon schools, why should uncommon folks be made to pay for common schools?

"The most revolutionary invention of the nineteenth century was the artificial sterilization of marriage."—Bernard Shaw.

The population of the world is gradually dividing into two classes—anarchists and criminals.

"He who slays a king and he who dies for him are alike idolaters."—Bernard Shaw.

"The more mandates and laws are enacted, the more there will be thieves and robbers."—Lao-Tze.

"There are no bastards in Ireland; and the bastard is the outward sign of inward grace."—George Moore.

"Democracy substitutes election by the incompetent many for appointment by the corrupt few."—Bernard Shaw.

"Office-holding of all sorts, from the President down to the constable, will, in a few years more, be ranked in the public mind as positively disreputable."—Stephen Pearl Andrews.

The only protection which honest people need is protection against that vast Society for the Creation of Theft which is euphuistically designated as the State.

With the monstrous laws that are accumulating on the statute books, one may safely say that the man who is not a confirmed criminal is scarcely fit to live among decent people.

Think of it! If you paste any one of those legends upon the envelope of a letter, the letter will be thrown out of the mails. It will never reach its destination. And not because of the pasting on, observe; but because of the sentiment. The sentiment is unlawful! And who determines this? A bureau at Washington. Its decision is final. We do not ourselves adopt all these sentiments, but what of that? Think of the despotic power that can exclude any of them from the American mails.

Now notice the remainder of Mr. Tucker's list of "stickers." On the legality of these the Attorney General for the Post Office Department rules that Mr. Tucker and the purchasers of his

"stickers," if they attach them to mail matter, must do so on their own responsibility. This means that they must take their chances. It means that the Department, according to its mood, may or may not exclude mail matter on which these legends are pasted, but will give no advice in advance. Here are the legends, which, if pasted or printed upon mail matter, may or may not make it unmailable, but regarding which Department advice is withheld:

Whatever really useful thing government does for men, they would do for themselves if there was no government.

Why need there be a prohibitory tax on the business of letter-carrying by private persons?

"A country which pays even five per cent interest, to say nothing of the rates of Wall street, must from time to time, commit bankruptcy."—Chas. A. Dana.

A man has a right to threaten what he has a right to execute. The boundary line of justifiable boycotting is fixed by the nature of the threat used.

"The law does not require a man to cease to be a man and act without regard to consequences when he becomes a juror."—Lysander Spooner.

"Any law which debars a man of the right of employing such a messenger as he prefers 'abridges' his 'freedom of speech.'"—Lysander Spooner.

"All governments, the worst on earth and the most tyrannical on earth, are free governments to that portion of the people who voluntarily support them."—Lysander Spooner.

"Where everything is done through the bureaucracy, nothing to which the bureaucracy is really adverse can be done at all."—John Stuart Mill.

"The ultimate result of shielding men from the effects of folly is to fill the world with fools."—Herbert Spencer.

"Nothing is forbidden by the law of nature except what is beyond every one's power."—Spinoza.

"I care not who makes th' laws iv a nation, if I can get out an injunction."—Mr. Dooley.

"It will never make any difference to a hero what the laws are."—Emerson.

"It takes a thoroughly selfish age, like our own, to deify self-sacrifice."—Oscar Wilde.

"Usury depends for its existence upon the super-added, social, unnatural value which is given artificially to the material of the circulating medium."—Wm. B. Greene.

"Liberty means responsibility. That is why most men dread it."—Bernard Shaw.

If there were more extremists in evolutionary periods, there would be no revolutionary periods.

"In vain you tell me that artificial government is good, but that I fall out only with the abuse. The thing—the thing itself is the abuse."—Edmund Burke.

"There is one thing in the world more wicked than the desire to command, and that is the will to obey."—W. Kingdon Clifford.

"Thought makes everything fit for use. The vocabulary of an omniscient man would embrace words and images excluded from polite conversation."—Emerson.

We suggest a comparison of those two sets of

legends with a view to noting how the merest caprice of bureau officers may determine the mailability of letters.

On this point it should be stated that the immediate predecessor of the present Assistant Attorney General specifically ruled that one of the paragraphs noted above as unmailable was mailable. We refer to the one reading as follows: "Considering what a nuisance the government is, the man who says we cannot get rid of it must be called a confirmed pessimist." On the same point, the post office at Detroit recently condemned mail matter deposited by Mr. Joseph A. Labadie, because there was on the wrapper one of these "stickers," regarding which the Department withholds its advice, the one namely, which reads: "Where everything is done through the bureaucracy, nothing to which the bureaucracy is really adverse can be done at all."—John Stuart Mill.

So we have reached a step in our postal censorship at which the caprice of the official may determine either way the lawfulness of mail matter.

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Let it not be forgotten that the action of the postal bureau in these matters is not only arbitrary and capricious, but that it is absolute. The courts will not interfere.

This has been decided by the appellate court of three Federal judges before which the case of Mr. E. G. Lewis of St. Louis recently came. Mr. Lewis had been made a postal outlaw by arbitrary decree of the Post Office Department (vol. viii, p. 420) precisely as Mr. Birkholz has been since. And as the letter of Mr. Birkholz's little son to the father was returned to the boy stamped "fraudulent," so were the letters of Mr. Lewis's wife to her husband returned to her. Mr. Lewis instituted injunction proceedings, but without avail, the Federal judge before whom they were heard having decided that there is no power in the courts to protect the postal rights of a citizen against the decrees of the Postmaster General, whether his decrees are right or wrong. Upon appeal the three judges of the appellate court have now sustained that single judge. One of the three does indeed say that the power to review the action of the Postmaster General exists; but the other two hold that there is no such power.

And those two judges who deny their power are sustained in principle by the Supreme Court of the United States, which has decided that when a person claiming to be an American citizen, native born, is excluded from the country as an alien Chinaman by the immigration bureau, upon a star

chamber and almost *ex parte* hearing, the courts can grant no relief. The case in which that decision was made is reported in the United States Supreme Court reports, volume 198 at page 263. Its effect is summarized in Franklin Pierce's powerful work, "Federal Usurpation,"\* in these words:

If a Chinaman is born in the United States and unquestionably is a citizen of this country, and goes to China for a visit and returns, and is subjected to such a summary trial as to citizenship, and found by the Immigration Commission not to have been a citizen, and the papers are certified to the Secretary of the Treasury who determines that the decision of the Commission is correct, the man must be banished from the country, although he is a citizen, because the finding of the Commission under such circumstances, is conclusive upon him, and no court has the power to interpose and protect his liberties.

In legal principle the same thing would be as true of any other native American, whether of Irish, Scotch, German, Italian, or even Mayflower ancestry, if the Secretary of the Treasury should sustain the Commission of Immigration in falsely holding him to be an alien Chinaman.

Of course the same principle would apply if the Postmaster General should decide that any person's business is a fraudulent business, however legitimate it might be in fact. The truth of the charge could not be questioned in the courts. The only question there would be the decision of the postal bureau. If that bureau holds a business to be fraudulent, the person conducting it is thereupon, without further ceremony, sentenced to be deprived for life of all right to receive mail matter, his correspondence is returned to the senders, his business is destroyed, his reputation is sullied, and even his wife and his child are effectually prevented from corresponding with him by mail.

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Such a system obviously lends itself not only to great oppression in the spirit of fanaticism, but also to great corruption. Whether it has yet been corruptly used we are of course unable to say. But upon this point Edwin C. Madden's story of "The U. S. Government's Shame,"† throws several "side lights."

Mr. Madden was Third Assistant Postmaster General when the crusade against Lewis of St. Louis, referred to above, began in the Post Office Department, and he discloses the inner secrets of that case. Whether the bureaucratic assault upon

Mr. Lewis's business and the making of him a postal outlaw was corrupt or not, every reader of Mr. Madden's book may judge for himself. But there is one statement in this book with which everybody should heartily agree. It is this: "Some day, may it not be far distant, a great man will come out of the mass. He will write into the postal laws the sane provision that the use of the United States mails is the right of every person who pays the lawful postage; and that it is not a privilege to be taken away at the caprice of any official. He will make it necessary for the Postmaster General and his subordinates to give their attention to the management, perfection and expedition of the mail service, leaving private business matters to be dealt with according to the ordinary processes of law. This man will put an end to the tyranny of the postal establishment of today, and will make it impossible to destroy the good name and credit of any citizen by means of a fraud order."

Is there no such man in Congress now? Can no such man be sent to Congress at the coming election?

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## EDITORIAL CORRESPONDENCE

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### TRACTION QUESTION IN NEW YORK.

Brooklyn, N. Y., May 2.—The transit question in New York is a daily, almost hourly source of anxiety, distrust and anger to our citizens. In the words of the chief exploiter, Thomas F. Ryan, this city is a "clover patch." And verily, the control of this city's transit facilities is a gold mine—a placer mine with "pay dirt" of exceeding richness. No rock has to be removed to get at the gold, no blasting, except occasionally of a reputation theretofore considered impeccable. Here too the morganatic relations between the dominating factors in the nation's predatory combinations (the railroads, interstate; the urban—surface, subway and elevated; the giant gas companies, and the biggest of the industrials, the Standard Oil Co. and the Steel trust, the large newspapers, and the political bosses) are most nearly perfected. Few outside of the large cities, and not many within, realize the existence of this trinity which rules our municipalities, and through them much of the government, State and national. Because the "clover patch" is so rich, the trinity bitterly opposed the famous Elsberg bill, giving the city of New York the right to operate as well as construct future subways in default of satisfactory bids for private operation, also permitting bids for construction alone, leaving equipment and operation for a later date. Four years of ceaseless struggle was required to secure this measure. Not only did we have to fight the hired "accelerators of public opinion" but we also had to contend against the old Rapid Transit Commission.

Because of this union of hostile forces no real

\*Published recently by D. Appleton & Company, New York. See review in this issue of The Public.

†Recently published by the National Book Company, Detroit. Price 50 cents.

action was ever had under the Elsberg law. No bids were ever submitted. On one occasion they were ready but were withdrawn. The reason for withdrawal was the action of the Board of Aldermen in voting unanimously to require that the bids be asked for construction alone, leaving the matter of equipment and operation for a later time. The traction manipulators had planned, through the supineness, if nothing worse, of the Rapid Transit Commission, to gobble the whole business, hook, line and sinker. By getting the right to equip and operate with the construction contract, they aimed to shut out for generations all possibility of competition. Particularly were they anxious to obtain these enormously valuable franchises in advance of general knowledge of the richness of the subway "clover patch."



While the various civic bodies which joined with the labor organizations in the agitation for the Elsberg law have been content to rest from their labors, the forces of privilege have been sleepless, conducting a continuous campaign for its repeal or emasculation. Their "accelerators" having been found out, other agencies had to be employed. With the unlimited loot from their exploitation of existing public utilities, this is always an easy matter. No one believes that the "half million" and more which its officers admitted on the witness stand that that prince of monopolists, the "Warwick" of the Cleveland administration, Wm. C. Whitney, took from the treasury of the traction trust and of which no accounting was ever asked or made, represents the limit of the debauchery of public officials, or that such acts are obsolete. By such methods the Robinson bill, intended to "take the sting" out of the Elsberg law, was forced through the legislature just before adjournment.

In order that the demand upon the Governor that he sign it should not be too baldly antagonistic to the popular will, some kind of public endorsement of the amendatory measure must be had. For this there existed no better atmosphere than historical Cooper Union, if it could be judiciously handled. Because of its association with all the great popular movements for several decades it was the one place from which an endorsement would best suit the purposes of the traction bosses, who could then say, Even the radicals admit private construction is inevitable.

The first attempt was made in advance of the action of the Assembly in voting for the bill. This failed, owing to the alertness and aggressiveness of a few of the Henry Georgeites of 1886 and 1897. By vigorously protesting from the body of the audience, appealing to it not to be fooled by those who were trying to pull the traction chestnuts out of the fire, the scheme for a popular endorsement ignominiously failed.



On the 28th the effort was renewed. But the educational work performed at the prior meeting had borne good fruit. Despite the most strenuous efforts to commit the meeting to the program of endorsement, the opposition to it, ably led on the floor by John Martin and Fred. C. Leubuscher, were overwhelmingly victorious. Only six votes were recorded

in favor of the bill, while the audience of 1,200 to 1,400 rose en masse to vote in the negative.

But mark what followed. With twice as many reporters present as at the previous meeting (the proceedings of which were reported at considerable length in all the papers), with the proceedings at an end as early as 10:15 p. m., and with nothing of importance such as a large conflagration, a mine disaster, a railroad accident, a shipwreck, or even a proclamation or special message from the White House to crowd other news from their columns, not one of the New York papers had a line about the meeting. Except for the few thousands who may learn of it at first hand from those present, the six or more millions who get the New York papers daily will have no knowledge that such a meeting took place, and of course cannot know how completely this effort to steal a popular endorsement of a vicious act of the legislature was beaten.

Nor is that all. Announcement was made by the chairman of the meeting that the bill would have a hearing before the Mayor at 2 p. m. on the 29th. Several of those who had participated in the people's victory of the previous night intended to be at this hearing and voice a further protest. Arriving there at the announced hour, they learned that the hearing had been at 10:30 a. m. Fortunately, Fred. C. Leubuscher had made inquiries and discovered the time the hearing was to be held. It should be explained here that under the city's charter all exclusively city bills have to be referred to the Mayor for action. If disapproved they are returned to the legislature, if still in session, for repassage; otherwise they are defeated. If so repassed, they then go to the Governor. Arriving at 10:28 a. m. Mr. Leubuscher was informed that "as no one had appeared in opposition" the bill had been passed along. This was tantamount to approval. Pointing out that he had arrived before the hour set for the hearing, Mr. Leubuscher claimed the right to be heard in opposition, so the bill was rather ungraciously taken up and Mr. Leubuscher voiced the sentiments of the meeting of the previous night. He called upon the Mayor to respect the will of the people as expressed in a referendum vote in 1894, when the people declared by more than three to one for city construction.



But the Mayor signed the Robinson bill and it went to the Governor for final action. A closer examination of its provisions discloses greater dangers than heretofore suspected. Competent lawyers now declare that the Public Service Commission can under its terms grant extensions of the present elevated roads in perpetuity, and that contracts for all future subways can be so drawn as to be considered as "extensions" and, therefore, on same terms, viz., fifty years with a twenty-five renewal, and to be "free from taxation."

A hearing having been asked of the Governor, his secretary writes that Governor Hughes "will not be able to give hearings on thirty day bills."

There is but one way now to defeat this infamous measure. Only by bombarding the Governor with letters of protest denouncing the contemplated outrage upon the citizens of New York can it be defeated. Let him be made to understand that the people are

as keenly alert to the conspiracies of the traction trust as he seems to believe them to be against race-track gambling, and that they will hold to account all who aid these conspiracies, as he appears to believe they will hold to account those who continue to oppose his anti-gambling measure, and we can yet save future subways from spoliation at the hands of those who use a part of their ill-gotten gains to corrupt our politics.

At this time when the nation's leader in the cause of municipal ownership has achieved a splendid far-reaching victory in Cleveland, supineness on our part here in New York would be nothing less than a crime.

ROBERT BAKER.

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**ONTARIO'S TREATMENT OF JUVENILE DELINQUENTS.**

Toronto Junction, Ontario, May 2.—J. J. Kelso acts under the Ontario government much in the same capacity as Harris R. Cooley in Cleveland. Formerly boy criminals were sent to a reformatory built according to the old fashioned ideas of prison discipline, with high stone walls and barred windows. In this building there was, of course, no sort of home life or sympathetic intercourse with the boys, and it had long been known that it was a reformatory in name only. It was in fact an elementary training school in crime, from which the boys graduated into the jails and penitentiaries of the Province.

The government becoming convinced of the failure of their own system of treatment, though with but little faith in Mr. Kelso's theories, some years ago gave him the power of guardianship over all the boys at that time in the institution, with liberty to remove them at his discretion. He gradually withdrew them, placing them upon their honor for good behavior in homes throughout the Province, and the old reformatory building has been converted into an asylum for the insane.

Mr. Kelso exhibits views, showing the boys as he found them, and after they had been placed in surroundings more favorable to character development. His experiment has been eminently successful. Views are also shown of the districts from which many of these boys come, the original breeding places of crime, which indicate the need of a more fundamental reform than that of the treatment of criminals—a reform that will abolish the incentive to crime.

S. J. CHUBB.

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**THE DAY BEFORE.**

San Francisco, April 30.—We San Franciscans fondly imagine all eyes are turned us-ward these history-making days. At present writing we are in the last-minute throes of getting ready. It is a prodigious, a herculean task, for the brave, struggling, overburdened city. Yet San Francisco is the ultimate argument in this contention fairly forced upon her, and she must respond. Time has been when she would easily have lifted herself, a miracle of light, and transcending beauty, from the embrace of her circling waters. She will do her best to sustain the old-

time reputation; but the fact remains she has so many ways for money in rehabilitation, not one cent ought to go for this useless pageant.

In spite of all, the spectacle will be like that of a beautiful woman commanded to appear when her superb toilet is but half made—costly ornaments in her coiffure with her feet in frayed boudoir slippers.

Since the putting to sleep of the proposed city ordinance to raise liquor licenses, and the decree of beautiful souvenir certificates for saloon and restaurant contributors, the slow-growing fund has taken a new start. The liquor interest always carries a club concealed about its person.

Well and anyway, San Francisco wanders up and down her picturesque hills and away to the blue waters of bay and ocean the same, her breeze is as invigorating, wild flowers crowd the slopes and dells—the old and nameless charm remains. Dancing and feasting are the same in all cities—and all for the glorification of man's lowest and most brutal instinct. Think what the thousands of men and the millions of money could do for the material development of the country.

The whole spectacular affair is a Roosevelt-Republican campaign feature, but there is danger that when the tumult and the shouting dies, a boomerang has cleft the air. There is a suspicion that "the people," in whose name all this war racket is kept up, do not thirst for militarism, with the back-bending, heart-breaking burdens that go with it.

EUFINA C. TOMPKINS.

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**THE FLEET IN SAN FRANCISCO BAY.**

For The Public.

Oh beautiful, oh wonderful, oh pitiful—

These words are on our lips  
As from our green Presidio hills  
We watch the battleships.

What grace in every curved line,  
What grandeur in the sweep,  
As they part the swirling waters  
And tread the mighty deep.

Oh wonderful the genius  
Of man's God-like brain and hand,  
To build these glorious monsters  
And hold them in command.

Oh pitiful the story  
Of human wrong and sin:  
Man builds these beauteous monsters  
For slaughter of his kin!

EUFINA C. TOMPKINS.

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The increase of standing armies and navies, accomplishing no result but increased burdens on the people, is inevitable unless the practical men of the civilized world insist upon a rational settlement of international difficulties. Is it not time for rational beings, who have abandoned tattooing, eating raw flesh, and all other savage practices except the savage practice of settling difficulties by war, to take for their motto, not the outworn charge, "In time of

peace prepare for war," but, "In time of temporary peace, prepare for permanent peace"—Lucia Ames Mead.

## NEWS NARRATIVE

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

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

Week ending Tuesday, May 5, 1908.

### Mayor Johnson's Cleveland Victory.

Pursuant to the conditions of the Cleveland traction settlement (p. 105) formalities were perfected on the 28th. The stock of the Cleveland Electric ("Con-con") was reduced from \$23,400,000 to \$12,870,000. This covers its old properties. An increase of its stock to \$35,000,000 was then authorized for the purpose of taking in the Forest City ("Threefer") at \$1,805,600 and providing means for retiring bonds and making improvements. Next in order, the Cleveland Electric formally surrendered all existing franchises and accepted the new "security franchise," which makes a 25-year grant at 6 tickets for 25 cents, to be effective in case the plan of transfer to the "holding company" on a 3-cent fare basis proves a failure. The name of the Cleveland Electric is to be changed to the Cleveland Railway Co., and all litigation with the low fare companies is to be dismissed. The lease to the "holding company" (The Municipal Traction Company) for fifty years, of all property and rights possessed or to be acquired, had already been made. The directors of the "holding company" are now increased from five to nine. They are as follows: (Old directors) A. B. Du Pont, Edward Wiebenson, C. W. Stage, Frederic C. Howe, and William Grief; (new directors) F. H. Goff, Ben T. Cable, Newton D. Baker, and Tom L. Johnson.

In celebration of this victory for low fares, the "holding company" devoted the first day of its complete authority, the 27th, to free rides. From early morning until the next morning everybody rode free. This is to be established as an annual custom in honor of the day. In fact the Cleveland low fare movement contemplates, probably at no distant day, the establishment of free rides to everybody all the time. Of this, Mayor Johnson said in the Cleveland Press on the 28th, alluding to "free ride day":

With the ideal city will come free street car service permanently; so this day, I hope, is prophetic of what the future holds in store. The end of my

street car policy will not be accomplished until car rides in Cleveland are as free as water at the fountain in the Public Square. I would run the cars just like elevators are run in skyscrapers. Tenants bear the cost of elevators. Taxpayers would bear the cost of cars. Of course, property owners in the end wouldn't pay the cost any more than owners of big buildings pay for the elevators. Landlords would increase charges to renters, and renters would charge boarders more.

On the 28th, the second day of its complete authority, the "holding company" began operation with universal 3-cent fares within the city, 1 cent extra for transfers (an exaction to continue only 90 days), and 5 cents for suburbanites (also to be modified as soon as the new arrangements disclose the cost of suburban service). The wages of the motormen and conductors of the old company were at once increased 1 cent an hour to equalize with the wages theretofore paid by the low fare company, and provisions were made for supplying all with uniforms free.

At one time a strike disturbance was threatened. It came from the old employes of the Cleveland Electric, or "Con-con." The "Con-con" had continued paying 1 cent an hour less than the "Threefer." But, apparently for the purpose of influencing the election of city officials, in connection with its efforts to get extended franchises, it had made an agreement a year ago with its men to add 2 cents an hour provided extended franchises were given it before May, 1909. Its men now claimed that the "security franchise" entitled them to an increase of 2 cents instead of 1 cent, and that the claim held good against the "holding company" as the lessee. The "holding company" refused to recognize the 2-cent contract as valid either morally or legally, but offered arbitration, which has been arranged for. The men also objected to paying fares under the rule of the "holding company" which abolishes all passes. When asked about the possibilities of a strike, Mayor Johnson said on the 1st: "There will be no strike of the street car men in Cleveland. How can they strike when both du Pont and the Threefer are willing to arbitrate any differences that may exist? The street car men will not refuse to arbitrate when the company is willing to do it."

Some suburban towns have gone into the courts to enforce 3-cent fares beyond the city limits at once.

Both Mayor Johnson and Mr. Goff credit Elbert H. Baker, General Manager of the Cleveland Plain Dealer, with playing an important part in the compromise adjustment. They say that "the plan

by which the settlement was made possible was conceived by Mr. Baker;" that it was he who suggested that they act as mediators; that it was through his efforts that they undertook the negotiations. They add: "At the outset Mr. Baker exerted tremendous influence in the interest of adjustment, and throughout the negotiations his cooperation has been of the most vital importance."

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#### Presidential Politics.

Conventions preliminary to the national nominating conventions (p. 108) have been held during the week in several States. In Connecticut the Democratic convention on the 29th named an uninstructed delegation, in which Alexander Troup is one of the delegates at large. The Republican convention of Pennsylvania, also on the 29th, endorsed Philander C. Knox for President; and on the same day, the Republican convention of Vermont refused to instruct for any candidate, as did the New Jersey Republican convention on the 5th. The Independence League of New York on the 2d named delegates to its national convention, among them being William Randolph Hearst and Alfred J. Boulton. The Democratic convention of Ohio, which met on the 5th, has not yet acted, but the news dispatches as we go to press are to the effect that the followers of Tom L. Johnson were defeated by those of Judson Harmon by 463 to 430 on a contest from Lucas county, reported as a test question.

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The Home Rule Democracy of New York was organized at Utica on the 25th. It represents opposition to the domination of the Democratic party in that State by Messrs. Murphy and Connors. A provisional committee of eleven, headed by Senator McCarren and William G. Rice, formerly secretary of Governor Hill, was appointed. Of the sixty counties of the State, thirty-one were represented at the organizing conference.

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#### The Labor Movement in Politics.

Samuel Gompers, President of the American Federation of Labor, spoke to a large audience on the 3d at Chicago in support of the new political movement (p. 82) of organized labor.

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#### The New Portuguese Cortes.

After being without a parliament for nearly a year, owing to the arbitrary action of the recent Premier, Mr. Franco, who dissolved the last Cortes on May 11, 1907, and refused to call another, though the Constitution requires that immediately upon dissolution new writs are to be issued (vol.

x, p. 230), the new Cortes of Portugal, elected on the 5th of last month (p. 38), were formally opened on the 30th at Lisbon, by the young King Manuel. In the composition of the new parliament the smaller parties have lost in their representation; and the two principal parties, answering more in their pose than in their principles to the usual conservative and liberal parties of most national legislative bodies, have increased their strength. In the last Chamber of Deputies there were 54 Franquists, or followers of the Premier; 44 Progressives, or liberals; 23 Regenerators, or conservatives; 5 Independents; 4 Republicans; 3 Dissidents, and one Nationalist. In the present Cortes there are 62 Regenerators (conservatives), 59 Progressives (liberals), 17 Independents, 7 Dissidents, 5 Republicans, 3 Franquists, and 2 Nationalists. The Progressives and the Regenerators, though nominally political opponents, maintained under the old regime an attitude toward each other that earned for them in combination the name of "Rotativists," for they were to all intents and purposes one party, with alternate sections in power. Their corruption is assigned as the provocation for the assumption of autocratic power by the Premier and the late King Carlos, an assumption that bore the usual fruit of arbitrariness—hatred and assassination. To both parties is credited the carrying to perfection of a system which permitted all manner of abuses in connection with election returns. With an excessively illiterate electorate they have not found it difficult, it is declared, to play constantly into each other's hands, maintaining their rotation in power, and absolutely checking the growth of a true popular government.

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#### Little Wars, and Rumors of Wars.

Mulai Hafid, the usurping brother of the Sultan of Morocco (vol. x, p. 1213), at one time apparently winning in the struggle with his *fainéant* brother, is now reported to have been entirely vanquished, and to have taken refuge with wild tribes far in the south.

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From the French "sphere of influence" in Senegambia on the west coast of Africa, and from the English "sphere of influence" in eastern Africa, in the neighborhood of Khartoum, have come stories of massacres of European officers and their commands, by natives.

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The Kurds, a pastoral predatory race living on the borders of Turkey and Persia, and whose raids into Russian territory recently brought an invasion of Russian troops into Persia (p. 84), are pillaging and massacring in Persian Armenia,

and their control offers a difficult problem to the Persian Assembly, which finds itself too much impoverished to furnish the requisite troops:

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Relations between the British government in India (vol. x, p. 1019) and the Ameer of Afghanistan (vol. ix, p. 398) have not been altogether friendly of late, and the Ameer's people have appeared to be preparing for war. A dispatch from Simla, the British summer capital of India, on the 3d, announced that a body of Afghans, between 13,000 and 20,000 strong, had crossed the borders into India on the 1st, and had attacked the block house in the Khyber Pass, famous for its strategic fortification. They were repulsed, but remained in the neighborhood. In the meantime a plot in the south of India for the assassination of high British officials, including General Kitchener, commander in chief in India, has been discovered, and its proportions are such that it is regarded as having the character of a revolutionary movement. Numerous arrests have been made.

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In the Western Hemisphere a little revolution and its defeat are reported from Peru; Colombia is still fearing a war with Panama in combination with Venezuela; and Guatemala is in trouble with her two neighbors—Mexico on the northwest, and Honduras on the east.

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## NEWS NOTES

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—England is to have her first skyscraper. The Liverpool city government has authorized the construction of an office building 300 feet high.

—By the burning of the New Aveline hotel at Fort Wayne, Ind., in the early morning of the 3d, many were seriously injured and eleven persons lost their lives.

—Senator Joseph W. Bailey was selected on the 2nd, as delegate at large to the Denver convention after one of the most bitter primary fights in the history of Texas.

—The Japanese training cruiser Matsushima was blown up by the explosion of a defective shell on the 30th, while lying at anchor in the harbor of Makang, Pescadores Islands. The cruiser sank almost immediately. About 240 lives were lost.

—The Rev. Morgan Dix, rector of "Old Trinity" in New York since 1862, and connected with that church since 1855, died at the rectory on the 29th, at the age of 80 years. Dr. Dix was a son of Major-General John A. Dix, former Governor of New York.

—Mrs. Beulah Hawkins was reported from Los Angeles on the 2nd to have slept continuously for 87 days in the county hospital there. Upon awaking she said she recalled, many times, when she was asleep, things that had happened in her life before. Part of the time she was conscious; she never felt

hungry or cold; positions did not tire her; she felt most of the time as if in a nightmare; she had no control over her thought or speech.

—On the 2nd at New York city 40,000 Catholic laymen, ranging in years from 20 to 60, marched in review along Fifth avenue before the Archbishop of New York and his guest of honor, the Irish prelate, Cardinal Logue of Armagh. It was the climax to a series of rejoicings over a century of organized Catholicism in the city. Archbishop Farley received a letter from President Roosevelt congratulating him on the success of the celebration.

—A news dispatch of the 3rd from New York to the Chicago Record-Herald reports arrangements to place on the American market the invention of Hermann Blau of Augsburg, Germany, a chemist who has been supplying German patrons with bottled gas. "Instead of buying kerosene," says the dispatch, "the householder can go to the store and ask for a Blau cartridge. The cartridge is five inches long and an inch thick. It can be inserted in a lamp, and for twelve hours will burn steadily at a cost of 10 or 15 cents for several nights.

—The British House of Commons reassembled on the 28th after the Easter recess (p. 38). The Unionists are trying to force the new Premier, Mr. Asquith, to declare himself positively on the subject of home rule for Ireland. Questioned on the 4th, the only statement the Premier would authorize was that it was impossible for anyone to determine now what issues would be placed before the country at the next general election. He reiterated that the policy of the Liberal government had been plainly expressed in his speech in the House of Commons on March 30, when a resolution was passed favoring Irish control of Irish affairs, subject to imperial authority (p 11):

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## PRESS OPINIONS

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### "Flesh and Blood So Cheap."

The Railroad Trainman (labor), May.—It is cheaper to kill workmen than to protect them. It is an easy matter to sell a device to save time but one to protect life cannot be given away. The whole story rests in the neglect of our government to enact liability laws that will force the employer to provide safety appliances and use them.

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### Police Oppression.

The Baltimore News (ind.), April 23.—The New York State Senate has just passed a bill which involves a very important question of personal right and liberty under Constitutional guarantees, and which is certainly deserving of serious consideration not only in New York, but in every State. The bill now pending at Albany makes unlawful the application of the Bertillon measurements to or the photographing of a prisoner before he has been found guilty of a crime. It is a very well known fact that some lamentable mistakes have been made in the photographing of innocent persons unjustly charged with crimes, and that the fair repute of more than one honest and respectable citizen has been blasted by being compelled to sit before the

camera like a common thief whose picture already adorned the rogues' gallery. The Bertillon system is a good thing, but it has been misused in not a few instances. Surely it is time also that the "third degree," that barbarous relic of the Middle Ages, should no longer be permissible in a police station.

+ +

#### The Successor to the Crown.

The (New Orleans) Morning World (ind.), April 26.—We rebelled when British tyranny grew too insolent. The crown entirely vanished; but the process of upper and under-dog-making continued just as in the days when monarchies began to sprout. The crown vanished, but a new and invisible sceptre took its place. It was impersonal, elusive, shifting, and it based its power on land-ownership. A commodore left his posterity a fortune, to-day incalculably enormous, by simply holding onto the land of Manhattan Island. With a land basis we create the entity, "corporation," a tremendous power for good and progress and an equally dangerous menace to liberty.

+ +

#### Governor Johnson.

The (St. Louis) Mirror (ind.), April 23.—It is pitiable to see a man used as he is being used by people who care not for him at all but only want to use him as a club with which to beat another. A fine President a man would make who can't protect himself by natural gumption and native dignity against such usage!

+

The Omaha Evening Bee (Rep.), May 2.—The failure of Governor Johnson's friends to break into the Bryan strength in the Illinois Democratic convention has not discouraged the Eastern Democrats, who are still hoping to arouse sufficient sentiment to prevent the Nebraskan from receiving the necessary two-thirds vote at Denver. . . . If the estimates are correct it would require but eighty-five additional delegates to prevent the nomination of Mr. Bryan. The framers of the table, however, have been exceedingly liberal and generous in making up the "un-instructed or doubtful" columns. . . . All this speculation is interesting principally as disclosing the persistent opposition of a large element of the Democrats to Mr. Bryan. Their tardy attempt to defeat him for the nomination is hardly likely to accomplish its purpose, but makes it plain that the re-nomination of Bryan at Denver will no more solidify the party than did the nomination of Judge Parker at St. Louis four years ago.

+

#### Tom L. Johnson's Victory.

The Dubuque Telegraph-Herald (dem. Dem.), April 29.—Mayor Tom L. Johnson of Cleveland has won his seven years' contest with the traction monopoly of Cleveland, and thus scored the most signal victory ever achieved in American municipal affairs.

+

(St. Paul) Minnesota Union Advocate (Labor), May 1.—Cleveland is one of the towns they do things in in this country. For the first time in the history of the world on this continent—but, by the way, not

in Australia—the people had free access to their own transportation facilities in that city last Tuesday. It was in celebration of the inauguration of the three-cent fare plan. Three-cent fares! Think of it! And that is the city in which we have been told right along they have an anarchist mayor. Wonder if the United States Supreme Court will have a chance given to it to declare this reckless disregard of plutocratic rights unconstitutional?

+

Johnstown (Pa.) Democrat (dem. Dem.), May 1.—Mayor Tom Johnson's victory in his long and bitter fight for low street car fares has been celebrated by a day of free rides and the anniversary of the great event is henceforth to be observed in the same manner. Thus one day in each year the people of Cleveland are to ride on the trolley cars without money and without price. This is a realization of just 1-365th of Mayor Johnson's ideal. What he hopes to reach as the campaign of education progresses is free street car service, just as free elevator service is universally provided in office buildings. This may seem utopian, but it is intensely practical and it is proposed by one of the most practical men alive.

+

Lincoln Steffens in Cleveland Press (ind.), April 28.—Cleveland is leading the world in the solution of municipal problems. The victory that she has just won marks the greatest advance in municipal government in the history of the United States. The end of this first battle is, in this city, the beginning of the end. For other cities, however, it is only the beginning. They have their whole fight yet before them. . . . Cleveland has had one great advantage. She has had a great leader. In Tom L. Johnson this city has had a leader who not only inspired confidence, but who has achieved. His battles have been battles in behalf of his people, and he has stood unwaveringly for principle.

+ +

The Cleveland Press (ind.), April 28.—If any one had told us that we would not know just what to say editorially on the day that 3-cent fare became an accomplished fact in Cleveland, we would not have believed it. Yet that is about the situation. There seems to be so much to say, and yet when we start to write it seems that the fact of the great victory of the people of Cleveland is so much more important than mere words that we are at a loss for the words. One of the thoughts that we want to express is that while the saving to the public of the difference between 5-cent fare and 3-cent fare is a big thing, it is of small consequence compared with the tremendous fact that the people of this city have regained control of their own streets and that from this day on the street railway system of this city is to be operated in the interest of the people as a whole instead of in the interest of a few men comprising a private corporation. Another thought—"The Press" believes that Tom L. Johnson has done what no other man in the world could have done in leading the people to victory. He has made good every pledge he has ever given to the people of Cleveland and in doing so has overcome obstacles which would have meant defeat a thousand times to a man less honest,

less courageous, less resourceful. Tom, you have fought a splendid fight and won a magnificent victory and "The Press," speaking for its great family of readers, congratulates you. "Well done, good and faithful servant."

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Cleveland Plain Dealer (Dem.), April 29.—The acceptance by Mayor Johnson and F. H. Goff of places on the commission, or holding company, that is to administer the street railways of Cleveland, gives assurance that this body will never lack able guidance. . . . With the active management of the lines in the hands of Mr. du Pont and with Mr. Johnson, Mr. Goff and City Solicitor Baker as members of the commission the people of Cleveland will feel certain that the street railroads will be ably administered under the new regime. . . . The material reduction in the rate of fare, which is certain to be permanent, is the result of the tireless efforts of the Mayor, for it is certain that without some such vigorous campaign as that waged by Mr. Johnson for seven years no such concessions would have been made. Out of it all has come good, and the result has not been disastrous to the stockholders of the old company. Certainly Cleveland has cause for jubilation, and cause for the unanimous laudation of the two men whose recent efforts have brought the war to an end.

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The Milwaukee Daily News (Dem.), May 1.—After a seven year struggle, Tom Johnson has won his 3-cent fare fight in Cleveland. . . . The purpose of the holding company is to give the public the benefit of the service at the cost of operation, after the fixed charges have been met. It is to act as a trustee for the public, rather than as a profit-making corporation. The same plan was offered to the people of Chicago, and it was the purpose of the Dunne administration to adopt it in event that the municipal ownership law should fail to stand the test of the courts. But the voters of Chicago did not have the necessary singleness of purpose and were delivered over to the traction syndicates through the Busse "business" administration. And herein is to be found the secret of Tom Johnson's success. The people stuck by him. In the long fight for 3-cent fares in Cleveland, Mayor Johnson met with defeat after defeat. The legislature was used to block his plans. The Supreme Court was alert to protect the interests of the Hanna syndicate. The corporation press of the country found in Johnson and his 5-cent fare program a butt for their ridicule. And yet at every election Johnson had behind him a majority of the people of Cleveland. They did not become discouraged. They refused to accept any "half loaf" from the Hanna interests. And their confidence in Johnson at last has been justified. Such men as Tom Johnson are rare in American politics; but, it should be remembered, there are few such constituencies as that of Cleveland.

+

Philadelphia North American (Ind.), April 30.—Mayor Johnson is convinced to-day that his victory has far more than any local meaning. What he proposes to demonstrate in Cleveland is an object lesson to the whole world. He believes that he will

teach every municipality the earning possibilities of public service corporations when run along new lines—those lines being the gaining of the good will of the public and the cheapening and betterment of service. . . . Up to the point of his belief that the greatest asset of a traction company is the conviction of a well-treated people that the company is interested in the public welfare we agree with the Johnson doctrine. . . . We cannot follow it up to Mayor Johnson's ultimate hope. His real idea is that there is no more reason why any community should impose a charge of even a penny for street car service than for taxing people for crossing a city bridge. From 3-cent street car fares he hopes to move to free ferries, and from those to free street cars, not during one, but during every day of the year. There The North American parts company with Tom Johnson. For once we deem his idea too altruistic. But he will make no hasty move toward realizing his theory that street car accommodation is a necessity which municipalities should supply free as its pavements. And if in the future he should prove that ideal practical, we would be very glad to admit our error of judgment. The fact remains that Tom Johnson stands to-day the acknowledged conqueror in one of the finest of all chronicled fights. On that platform he was elected Mayor four times; he faced and whipped all the influences controlled by the money and the hatred of Mark Hanna and John D. Rockefeller; he fought the courts; he fought the newspapers; he fought the politicians and the capitalists; he fought the legislature, and even the State constitution as construed by political judges. All these forces were against him. But the people were with him. And so this fighting man, after seven years of defeat, stands to-day victor with the shattered fragments of a monopoly under his feet.

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#### A PLAIN STATEMENT.

##### For The Public.

This is addressed to you, Mister Man,  
It's up to you to do what you can  
To better the world's condition.  
You may think the main end is to care for yourself,  
Lay by your own store of lands and of pelf;  
But that way leads to perdition.

Perhaps you have money and talent and power,  
Consider yourself the "Man of the hour,"  
An "Empire builder," and great.  
But consider a moment, and study your spool  
That you won, or you hold, from God's common  
soil—  
How much of it did you create?

And if you have aught that your hand and your brain  
Did not bring into being, your labor is vain,  
And the high gods will bring you to grief.  
For if you exact from less powerful men  
The fruits of their toil, by God's law you are then  
A villain and coward and thief.

T. K. H.

## THE EARTH HATH HE GIVEN TO THE CHILDREN OF LAND OWNERS.

For The Public.

From the Real Estate Register of January, 1915.  
VESTED RIGHTS.

The Supreme Court of the United States, a week or two since, decided a case of more than ordinary importance to owners of real estate and others.

We have not yet received a full copy of the opinion, but because of the importance and novelty of the issues decided, present a resumé sent in by a reliable person.

The Manhattan Aerial Navigation Company is the owner of a fleet of air ships, which transport freight and passengers from point to point in Greater New York, and from the City of New York to many other cities of the Union. It has well established routes for its ships, and under the regulations established by the City of New York for city traffic, and by the State for *intra* State traffic, and by the Congress of the United States for inter State traffic, the Manhattan company has the exclusive right to use these routes. The necessity for exclusive use is apparent, for without it there would prevail the same sad conditions that formerly existed, that is, collisions, etc.

For the use of these roads the Manhattan company, and for that matter all other aerial navigation companies, have heretofore refused to pay. The claim has been advanced by these companies that the air was free, that no one had a monopoly of the air, any more than any one had a monopoly of sea navigation—so much in use up to recently. They contended further that it was proper enough to lay out lanes, along which ships might travel, etc., but they denied that anybody could charge for the use of these lanes, excepting, of course, the governmental charge for surveying the routes, policing them, and like things.

Owners of real estate have always contended (This journal has consistently supported the claim.—Editor Real Estate Register.) that the owner of a plat of ground owns everything beneath and above it, or as the law phrases it—down to the center of the earth and up to the sky above. (*Cujus est solum, ejus est usque ad coelum.*) This has been laid down in so many decisions that it would be superfluous to cite them; it is elementary, and a change of the rule would violate the most sacred traditions of the Anglo-Saxon Race.

No amicable settlement being possible, Mr. William Fitzhugh De Astor, a citizen of England, but a holder of much real estate in New York City, filed his suit in the Circuit Court of the United States for the Eastern District of New York.

The plaintiff set forth that altogether the route used by the Manhattan company covered a space of 100,000 square feet, upon any given plane, above the plaintiff's ground; that this was well worth an annual rental of \$1.00 per square foot, etc.

The defendant demurred, but the demurrer being overruled, as lawyers term it, the defendant answered that the air had no value, the amount claimed was excessive, etc.

In the lower court the jury found for the plaintiff, and assessed the annual rental at \$50,000, being one-fifth of the rental value of the ground.

The Manhattan company carried the matter to the Court of Appeal, and the issue was finally submitted to the Supreme Court of the United States.

Numerous and eminent counsel appeared on both sides, for it was a test case, involving untold sums of money. All the arguments that ingenious and learned and talented counsel could think of were advanced, and after having the case under consideration for nearly three months, the Supreme Court finally affirmed the lower court, four of the nine Justices dissenting; and it is now the settled doctrine of the land, unless the Court should hereafter reverse itself, that balloons or other aerial craft, have no right to navigate the air without the permission of the owner of the ground beneath, who, of course, is the owner of the air above it, even as he is the owner of the coal or other mineral deposit below the surface.

It is indeed strange that this should ever have been contested. If I who own the surface do not own up to the sky, then how far up do I own? And if I own all the way up, how can any one make use of the air above my ground, unless with my consent? The whole contention is preposterous, and the decision of the Supreme Court emphasizes the idea which we have so often set out, that every invention and discovery, every improvement in machinery, medicine, science, art or what not, must and eventually does redound to the benefit of the owner of real estate.

When a man buys a piece of real estate, he buys all its potentialities. Take printing presses, as an instance. Until the invention of the presses now in use, a press covered a vast area. This, of course, was worth a certain rental. When the present press was invented the area occupied by a press of treble the capacity was less than one-fourth the area occupied by the old. Result, as we see it everywhere: the smaller area brought the owner as much rent as the greater did before the invention of the new press. And it is entirely right that it should be so, because all that the printer wanted was a piece of earth to put his press on, and the smaller space was after the invention worth more than the larger area before the invention. Now, desirable sites for presses do not

increase, but need for presses does. As more presses were needed to supply the demand, the competition of the owners of presses soon raised the value of the sites.

So with aerial navigation, its discovery and the invention of processes which made it possible rebound to the benefit of the owner of real estate, even as the discovery of gold would. Suppose science found some way to utilize the common earth ten or fifteen feet below the surface of the ground in New York, quite naturally the owners of those surfaces would benefit. Therefore we have always advised investment in real estate. It does not matter where you buy, the constant increase in population, by immigration and naturally, the discovery of uses for ground not heretofore dreamt of—all will sooner or later make valuable the present least productive ground. Think of the value which would be added to city real estate, if our engineers and architects succeeded in building houses two hundred stories high, even as they now build houses one hundred stories high. Nor is that impossible. Ten years since—in 1905—forty stories was considered quite wonderful. Forty stories since—in 1875—eight stories was the greatest height. It does not require much reasoning to demonstrate that a building one hundred stories high makes the ground on which it stands ten times more valuable than it would be if you could erect only a ten-story building.

The decision of the Supreme Court must be gratifying, not only to owners of real estate, but to that large and conservative and patriotic element which holds dear as life itself the preservation of every vested right. Once the foundations of that class of rights are permitted to become shaky, and the proudest boast of Anglo-Saxon civilization will be a thing of the past. So long, however, as our courts maintain vested rights in all their integrity, progress and enlightenment will follow enterprise in every field of human endeavor. The merchant, the miner, the manufacturer—all will feel that their labor is not in vain, so long as the courts will protect the right of every man in what he owns; and no fanciful and fantastic speculations about the freedom of the air, or any like anarchistic or socialistic doctrine, must be permitted to influence the rock-ribbed principles of justice and right as laid down by our fathers. Again we say: "*Cujus est solum, ejus est usque ad coelum.*"

The Manhattan and all other corporations should arrange with the owners of the soil over which the airships are navigated. The various legislatures should enact legislation to expropriate these routes, in the same way that ground is at present expropriated for railways, etc. The right of eminent domain possessed by a sovereign people will serve to control the avarice of any land owner.

It may also be well for the legislatures to establish what may be called aerial public roads for general use. Rights for that purpose can be purchased from land owners, and any difference in price, or obstinate refusal to sell, can be referred to the courts for settlement, under the well understood principles of eminent domain and expropriation proceedings.

SOLOMON WOLFF.

\* \* \*

## UNCLE SAM'S LETTERS TO JOHN BULL.

Printed From the Original MS.

Washington, D. C.

Dear John:

The world was made for the English sparrow;  
Ask him, ask him.

The world was made for the English sparrow;  
Ask him if 'tis true.

I've grown somewhat keeful of makin' rhymes, John, but I send this one over the ocean freely, knowin' it can be no worse than the sparrow you sent me. I admit he has character. He wigs his partner in the rain, standing knee deep in the gutter as he pulls hair. His little back is solid self-conceit. He is a very Chevalier Bayard in being without shame, but I couldn't say he was without reproach, and he is mightily like some people I know.

I'm a buildin' warships myself, and increasin' my army, but sometimes I have lucid intervals and would he willin' to shift the whole raft of fighters to that particular heaven where fightin' is holy. And these new battleships in times of peace, because somebody else has one, as if they were Easter bonnets! I yield, but I tell you I don't take much interest. But why battleships in times of peace, if you are going to live right? The fashion changes before you get 'em built. They are no good nowhere. Their guns explode in the turrets and kill the men. They blow up themselves, and get us into a war, for it's easier to fight Spaniards (by proxy) than to own up the coal bunkers were too near the magazine. They are useless agin anarchists, for their guns will not reach Paterson, New Jersey, the Postmaster General, nor the Supreme Court. Then why should my farmers sweat in the mow to keep 'em a-goin'? Why should my farmers pay one million dollars a year to support each battleship, because Roosevelt and Hobson got so scared in the Spanish war that they are rattled yet? And what are these warlike men afraid of? Both live inland, when at home; and there never was a time when inland people were more safe from Japanese than now. I can't understand it. Muskeets are coming, and flies, but Japanese? Oh, scare me with something mean and white!

Why, right around from the President's house,

on the first street, a good bowshot away, is a collection of Japanese art ware and things, brought up from the Jamestown Exposition and exposed for sale. They are such things as you almost never saw—artistic and lovely beyond description. Quaint and unique they are, yet always with a strange blending of artistic delicacy and mechanical daintiness that makes them an increasing delight. There must be something inwardly nice about the little people who make these dainty things, and I wish we recognized it more, and praised them for the really worthy and good things they do. I wish I had a President who could see beautiful things at his front gate as quickly as warships an ocean away. I don't believe he ever saw 'em. Leastways, I never noticed he sent in any message.

I guess Congress was in session; anyway there was nothing doing. So I came out upon the terrace. Above me was the great dome. I stood at the seat of empire. Slowly I paced the ramparts of my capitolian palace, looking westward down the avenues of trees. The sun had set in golden glory and the rose was yet in the evening sky. A purplish haze was rising in the direction of the President's House and it touched the bone of the white shaft to the Father, and I said: "What is this thing that comes creeping, creeping upon the land?" And as I looked toward the Pacific, with the clouds still pink in the upper sky, I saw America before me, its past and present. I saw the Republican Party, a youthful Ivanhoe, un-honored and unknown, with no support but virtue and the power of Almighty God, ride up the lists and touch the Templar on the shield; and I saw it again when the once great knight had become a hoary and disreputable sinner, aged and without shame, wealth in his practice and corruption in his principles, and without the power of knowing good from ill. And I said: This thing that comes creeping on the land is night. May the morning come!

May it come soon; and when it comes, sweet and fresh and holy, may the black rule of the big stick and the warship have passed away, and the golden rule of a Greater Leader have greater vogue.

Yet I take these things easy, John; and, as I shouldered my umbrella, I did a vaudeville stunt, a campaign song, as I passed down under the sycamore trees. The Republicans can sing it if they like, this Fall.

Oh, bury us under a sycamore tree,  
And coax the birds to sing to we;  
For we'll be there a long time, Honey,  
For we'll be there a long, long time.

UNCLE SAM.

\* \* \*

It is more difficult and more meritorious to turn men from their prejudices than to civilize barbarians.  
—Voltaire.

## BOOKS

### PHASES OF AMERICAN IMPERIALISM.

**Federal Usurpation.** By Franklin Pierce (of the New York Bar) author of "The Tariff and the Trusts." Published by D. Appleton & Co., New York. Price \$1.50 net.

This excellent Constitutional discussion by a New York lawyer of distinction, a publicist who won his spurs in his assault upon the protective tariff as the fortress of the trusts (vol. ix, p. 1076), aims not at preserving the Federal Constitution in perpetuity as its makers left it, but at protecting it from amendment by judicial construction and administrative and legislative usurpation.

The beginning of well-defined usurpations of power is traced by Mr. Pierce to the period of the Civil War. He finds that they gathered force during the period of reconstruction, were slightly checked by the administrations of Presidents Hayes and Arthur and President Cleveland's first, and are now under full headway. He frankly acknowledges the natural tendencies of our time toward centralization, but against these he makes no contest. On the contrary he wisely urges that "centralization which results from natural causes should be sharply distinguished from concentration of power through usurpation."

Beginning with the birth of the Constitution, the book briefly summarizes the usurpations incident to civil war and reconstruction, and follows this with an explanation of the conditions following the war with Spain. It truly describes the latter conditions as having been "exactly the conditions which have preceded a change from democracy to empire and despotism ever since the world began." The chapter on Congressional usurpation is especially valuable and significant of despotic tendencies, as is that on the Supreme Court. The tendency of this tribunal toward holding that the Federal government's powers are not derived merely, but are inherent, is ably presented. "That doctrine once established," comments the author, "the Constitution at one blow is reduced to blank paper, and then our judges may commence to examine the exercise of power by absolute governments in the history of the world as a basis for ascertaining what power is vested in Congress." Mr. Pierce has not overdrawn the possibilities at this point. Executive and legislative usurpation may be held in check or reversed by popular mandate; but usurpation through the judiciary presents a different and much more dangerous problem.

Among the other subjects in connection with which the author traces tendencies to Federal

usurpation is the construction of the treaty power, which would enable the President and the Senate to bind every citizen by treaty in almost every important respect. The interstate commerce clause, and usurpation through administrative bureaus also come in for a full share of consideration.

In connection with the latter phase of his subject, Mr. Pierce makes a startling quotation from the head of a national bureau—not Russian but American. "It has been my province," he quotes from Secretary Root, "during the last four years and a half, to deal with arbitrary government. It has been necessary for me not only to make laws and pronounce judgment without any occasion for discussion—except in so far as I would choose to weigh the questions involved in my own mind—affecting ten millions of people. And not only to make laws and pronounce judgment, but to execute judgment with overwhelming force and swiftness." This allusion is to our bureaucratic government of the Filipinos, thousands of miles away. Bureaucratic government as arbitrary and absolute over all Americans, through postal regulations and decrees, and over native born Americans through decrees of the immigration bureau, are shown in the same chapter.

To suggestions for restoring democracy to the

Republic the author devotes an entire chapter. His chief suggestion is a Constitutional convention to make changes suitable to the times and our experience as a Republic; the principal one of which, he argues, should be the referendum, because that strengthens public opinion by making the people themselves participants in legislation.

This book stands out in strong relief as a highly necessary and ably conceived and constructed work on governmental evolution and Constitutional adjustments. That it were better if we had no written Constitution at all, than to have one which enables court and Congress and administrative bureaus to usurp power while preventing the people from checking this march of despotism, is the impression with which one rises from reading Mr. Pierce's book.

## PERIODICALS

The Red Book (Chicago) lives by telling short stories that impose no intellectual strain upon its readers and yet are entertaining to scores of thousands. In the May number it makes one of its occasional departures into the realm of stories that not only interest but stimulate. This story is by Brand

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+

The Labor Union Advocate (Chicago) for May is a special number, full of interesting portraits, and of peculiar value for its report of a large part of the speech of Raymond Robins (p. 82) before the Chicago Federation of Labor last month.

+

To-Morrow (Chicago) for May gives over its editorials largely to the tendencies toward suppression

of free speech, in the course of which it observes the significance of the modern use of "anarchist" as a substitute for the older use of "heretic"—both for the same purpose. Among the contributed articles is an excellent criticism by C. F. Hunt of Mr. Lewis's rather unthinking lecture on the "fallacies" of Henry George.

+

Moody's (New York) for April is obliged to concede that "little of an optimistic nature can be said at the moment regarding the outlook for a revival in general business." It also observes that conditions appear to be shaping themselves so that Mr.

# The Public

is a weekly review, giving in concise and plain terms, with lucid explanations and without editorial bias, all the news of the world of historical value.

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