

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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The Muckraker.

When Ex-Governor Folk of Missouri said in a recent lecture of his that those who profit by abuses in government are usually loudest in denunciation of those who point out abuses, he explained the wild outcry against "muckrakers."

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Peace at Any Price.

To say that "a well organized army and navy is the best guarantee of peace," as Mr. Choate did say the other night at a "peace society" dinner in New York, is to take some liberties with common sense and a good many with history. Mr. Choate seems to be a peace man at any price—at the price even of war.

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The Problem of the Unemployed

Secretary Straus is reported to have said that "the man who shall solve the problem of the unemployed—which may be insoluble—but if capable of being solved, that man shall earn everlasting gratitude and fame from the entire world." He is more likely, however, to earn a conspicuous place on a scaffold. For the problem is, as Mr. Straus intimates it may be, an insoluble one—insoluble, that is, without destruction to "vested rights."

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"New Idea" Republicans.

In the heart of the Republican party of today, as it was in the heart of the Democratic party

more than half a century ago, there is reviving a democratic sentiment which is hopefully prophetic. It may be identified with individual Republican leaders here and there, men of whom La Follette is the type; but in New Jersey it has taken impersonal form in what its local enemies have in derision dubbed the "New Idea." Here, also, there are personal identifications, of course, but in the public mind it is the idea rather than the personalities that dominate. The movement has brought to the battle front such men as George L. Record, Mark M. Fagan, Everett Colby, Mayor Low of Passaic and James G. Blauvelt.



Something of the animating spirit of the "New Idea" movement may be seen in this quotation from Mayor Low's address as chairman of the Passaic Board of Trade's memorial meeting in honor of Abraham Lincoln, on the 13:

There is in this land today a system of feudalism which has under control the processes of production and distribution and is just as binding and just as certain a source of menace to the people as any of the earlier systems of slavery. You and I are obliged to pay tribute to this system, which has increased the cost of living forty per cent. in the last seven years, during a period when the necessaries of life could be produced and distributed cheaper than ever before in the history of the world. This condition of things is fostered by corporate control of the government. Government by the people, for which Abraham Lincoln stood, has come to be a farce. The great problem of today is to put the people back in possession of a stolen government. Abraham Lincoln was the great exponent of the "new idea" in politics. Who will take his place in solving the problems of today?



The same democratic spirit moved Mr. Blauvelt (a Republican member of the legislature and author of the pending bill for home rule in taxation in New Jersey) in his address at the Lincoln dinner of the Republican Club of Rutherford, of which we append an extract:

Let us not deceive ourselves. The eternal struggle between right and wrong, of which Lincoln spoke, is still with us. Accustomed to the forms of special privilege, we, in our praise of what is, lose sight of the fact that government from Lincoln's time to now has offered no plan, nor have our statesmen apparently troubled their heads about a plan by which the man who labors and does the toll of the world shall have the product of his labor. It is very well for us who sit here and dine in luxury and ease to talk about the good times and good conditions, but those good times and good conditions which spread to you and me are not general. They are common only to a small portion of the population. While by the use of machinery, while by inventions

and doing our work according to method and system which large numbers permit, the productiveness of man is manifestly greater today than it was a short period ago, yet a meager portion of the benefits that flow from this increased productiveness is brought to the man who labors. It is not enough for us to talk about political rights: we must go farther and beyond that and relieve our present system of those features which permit one man to amass a million dollars or a thousand million dollars while thousands of other men, willing to work, anxious to work, are starving for the lack of the opportunity to work, and when they do work get such a small return for their labor that they are deprived of the ordinary comforts of life. Lincoln and the men of his day removed the fetters both political and material that held millions of men of an alien race in bondage. The question which is presented to you, to me, and to the rest of the people in this broad land today to solve is infinitely greater—it means the abolition of bondage for millions of men of our own race. That is the problem which must be solved, and the quicker we begin to devote our attention to it the sooner we shall reach a solution. The men in Lincoln's day little dreamed when he was elected that within three years the emancipation proclamation would go forth, yet we know that inside of that period emancipation was accomplished, and we may hope that within a reasonable period a solution, or partial solution, or some solution of our present problem, our present injustice to the men who labor may be wrought. I cannot conceive that it is the purpose of a just God to surround man with a land of unbounded provision and prevent man from enjoying it. It must be by some artificial system they themselves have established that men are denied the enjoyment of the bounties of God.



There is no mistaking the spirit of those speeches. No perfunctory rehash they of the mere words of Lincoln, amplified and devitalized. Those are not mere empty echoes that Lincoln set reverberating in connection with a phase now obsolete of the eternal struggle for democracy; they are, in connection with a new phase of that struggle, fresh expressions of Lincoln's ever-living thought.



Displaced Labor.

By machinery one man can plane as many boards as could have been planed by sixty with hand planes. "Fifty-nine men that the world does not need!" One man can shell as much corn in an hour as a hundred and ten could have shelled half a century ago. "One hundred and nine men that the world does not want!" One man and two boys will turn out as many hanks of yarn as 12,000 men fifty years ago. "Nearly twelve thousand men that the world has no use for!" That is the way Health-Culture puts the problem of the unemployed. But it is all wrong. The world does

need those men; it does want them; it has use for them. The proof is in the fact that so many people want planed boards and can't get them, so many want shelled corn and can't get it, so many want hanks of yarn but must go without. Until every son and daughter of Eve has all he wants, labor-saving machinery will not explain the problem of the unemployed. The explanation must be sought for in conditions that prevent the men whom "the world does not need," whom "the world does not want," for whom "the world has no use," from exchanging labor with those who do need them, who do want them, who do have use for them.

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The Farm Employment Fake.

Very circumstantially and explicitly does John C. Earl, financial secretary of the Bowery Mission of New York City, dispose of the newspaper yarns about the crying need for workers on Western farms. He leaves no reasonable room for doubt that, as to such of these stories as he has run down, they are without substance. Nebraska was the field of his investigation, as it had been the source of the stories that he tried out. Of course, the Western farmers need help—occasionally and temporarily. But that Western farms offer any relief for the unemployed is not true, and the exploitation of stories that they do is deceptive and often cruelly so.

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Social Problem Study.

Under the general direction of the Rev. Richard H. Edwards there centers at Madison, Wisconsin, a movement for the systematic study of social problems. Although this movement has at the start put forward problems which may be considered as "safe," its program leads on to those that are distinctly elemental; and the method adopted for studying the former gives high promise of thoroughness in dealing with the latter.

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The first subject proposed is the liquor problem, and the second the Negro problem. We mention only these two because the outline for study of the others has not yet been published. Turning the leaves of the liquor problem outline, we find a brief explanation, followed by a bibliography prepared by the University Library originally for library purposes, and classified under such heads as statistics, liquor laws, health, personal efficiency, poverty, crime, the saloon, politics, Sunday closing, various methods of control (from government dispensaries to prohibi-

tion), and so on. Periodical as well as book references are given, and literature on all sides is impartially cited. A similar course is followed in the bibliography of the Negro problem, which falls into such classifications as history, Negro population, economic, industrial, social, moral and religious conditions, political status, crime, and various lines of solution. On either subject a student with the Edwards outline in his hand, could readily review the whole field of theory and research, and do it intelligently. Subjects yet in preparation include such problems as immigration, labor, poverty, excessive and concentrated wealth, municipal government, and crime.

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These outlines, although well adapted to personal study, are especially prepared for the use of civic organizations, social settlement clubs, labor unions, Y. M. C. A. classes, granges, men's clubs of churches, and the like; and to none of those organizations could they fail to be valuable. Originating in a church, as the movement did, the outlines for investigation and study do not neglect the religious factor, but the religion is Christianity as distinguished from mere Churchianity.

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The Cart Before the Horse.

This is what Llewelyn Davies said of the policy of the British ministry in having introduced the small land-holdings measure in advance of the land value taxation measure. In a very important sense it is true. The small land-holdings measure stimulated land buying, which enhanced prices, there being no land value taxation to stimulate land selling. But perhaps the very objectless thus offered may add to the land value taxation measure a popularity it would otherwise have lacked.

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A Valuable Hint.

How to protect inventors in their legitimate earnings as inventors without creating monopolies, has long been a troublesome question. The present patent laws do neither. Under these laws, capitalists usually snatch the benefits of the invention from the inventor, and then make it a monopoly for grinding the public. It was Tom L. Johnson, we believe, who proposed a simple remedy. He suggested that the inventor, instead of being given a monopoly, be given a right to a reasonable royalty. And at the recent session, that remedy found its way into Congress for a limited application. It was embodied in a bill for the

protection of composers of "canned music"—the sheets or discs that are used in graphophones. The bill provided that these composers shall receive a royalty of two cents upon each disc or roll manufactured for reproduction of the music on a mechanical device; and monopolization is prevented by a clause providing that if reproduction is permitted at all by the composer, any concern may have the right to reproduce upon payment of the royalty.

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The Police "Sweatbox."

Ever since Inspector Byrnes imported the "sweat-box" from continental Europe, it has grown in favor among incompetent detectives until its use has become revolting and disgraceful. We have often had occasion to denounce this un-American infamy (vol. x, p. 242; xi, p. 123), but for many years our denunciations and protests seemed like the outcry of a voice in the wilderness.

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By common consent, even lawyers—whose traditions ought to have taught them better—scorned the idea that criminals have any rights of protection against "sweat-box" cruelties. "What matters it how confessions are got, so long as they come." This was the general opinion. That weak minds might yield false confessions in fear or hope, and strong ones be reduced by mental torture to the weakness necessary for extorting false confessions from them, was disregarded. The prevailing notion was that criminal procedure is for the punishment of the guilty; its function of protecting the innocent had been forgotten. So far had this tendency gone that our highest courts refused their protection to victims of the sweat-box who repudiated confessions extorted from them.

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But a better tendency has set in. In Philadelphia, for instance, only the other day, Judge Bregy denounced the sweat-box in charging a jury in a murder case. A Negro woman was on trial for killing her husband. According to a detective's own story on the witness stand, he had taken her to a darkened room and after questioning her had suddenly sprung a window shade and revealed to her her husband's corpse. In this case the cruel shock did not weaken the woman's mind, and the detective got no confession. She still protested her innocence. It might have been otherwise if the detective had taken the precaution to prevent her sleeping for two or three days before the ordeal, as is sometimes done. At

the trial she was acquitted after Judge Bregy, who presided, had uttered these just words on the lawless torture to which as a helpless prisoner she had been subjected:

I regret exceedingly that any officer of the law should resort to the practice of torturing, threatening and frightening into making a confession. Detectives ought to investigate cases and find witnesses who know something about the occurrences and if any of them would devote his time to that work instead of torturing witnesses to get a confession out of them, which saves them the work of hunting up witnesses, it would be a great deal better for the cause of justice. I hope that some day some innocent defendant, when he gets out of the toils of the law, will bring them to account and make them answer for the gross outrage upon their rights that is perpetrated in the name of justice. They have no right to do this thing. A confession, if it is made, must be a voluntary confession. It is a blot upon the administration of justice in this country that this practice is permitted by police authorities to exist at all.

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SUPERINTENDENT COOLEY AND THE PUBLIC SCHOOL SYSTEM.

His career as Superintendent of the public schools of Chicago, lends general interest to the withdrawal of Edwin G. Cooley (p. 180) from that office. Not only has his reputation gone abroad as that of a great educator and courageous pioneer in educational reform, but his official policies are identified with interests and influences of a kind which are a blight upon the public school systems of all our large cities. For such value, therefore, as his service in Chicago may offer, we shall briefly consider it with all the impartiality we can command and as impersonally as possible.

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When Mr. Cooley said to a group of business friends at a farewell banquet at the Union League Club, that in his official career in Chicago he had fallen short of his educational ideals, he spoke with no less truth than candor. He did have educational ideals. And if he had been unhampered in developing them, he might have become in truth a great educational leader, supported with enthusiasm by one of the largest and best teaching bodies in the country, and consequently so entrenched in public esteem as to defy the most powerful hostile influences.

When, however, in the same farewell speech to his friends, Mr. Cooley said he had done the best he could, his words were ambiguous. If he meant the best he was capable of doing, then he did not do the best he could. But if he meant the best possible under the circumstances as he judged

them, his statement is accepted here. Though personal critics impeach his good faith in the exercise of his judgment, we shall assume that it was his judgment and not his motives that went astray.

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The circumstances were exceedingly complex and difficult.

Even to the superficial difficulties, there were three baffling angles. At one were the raw and vulgar political interests centering at the City Hall, precisely like those that center there now, except that they were Democratic instead of Republican. These regarded superintendents of schools as primarily dependents of the party organization. At another of those angles were the Big Business interests of the "loop" region, which demanded of a superintendent of schools that he be loyal to them, and for such a superintendent that he have a free hand. At the third angle were the teachers' interests—the interests of the men and women who come directly in contact with the school children every day, and upon whom in the end the public school system must depend for results.

Beneath the surface were other and still more baffling difficulties. The Big Business interests had underground alliances with the political organization interests, and both had spheres of influence extending into the powerful clubs, the great newspaper sanctums, and the larger religious denominations. As if this were not baffling enough there was, besides, the traditional Protestant-Catholic enmity ready at any time also to make trouble for a superintendent of schools.

How to reconcile all those conflicting groups was the problem that confronted Mr. Cooley when he became Superintendent. It was no trivial task that lay before him, and condemnation of his course can not be lightly pronounced.

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Evidently he concluded that those groups and interests could not be harnessed together. In this he was doubtless right. He seems also to have concluded that his success as Superintendent would depend upon making the most powerful his ally, and putting down the rest. Without implying that his judgment was wrong in this, his choice of allies was unfortunate—for educational purposes. He chose the Big Business interests. Nor did he choose these for any mere personal advantage, we shall assume, but as the most available, in his judgment, for the accomplishment of his difficult task as Superintendent.

Among the insuperable difficulties which this choice entailed, was the impossibility of adapting it to educational leadership. It necessitated a financial service wholly incompatible with leadership in education. Instead of being free to formulate educational plans and policies in pursuit of his educational ideals, submitting them to the finance committee for approval or rejection on financial grounds and upon the responsibility of that committee instead of his own, Superintendent Cooley found himself—altogether without design or expectation on his own part, we make no question—under the deadly burden of financial responsibility for the schools. In the name of education, he was obliged to formulate uneducational financial schemes.

Thereby he won the support of the Big Business interests, and retained it until recently, but at the expense of a demoralized teaching force which finally developed almost unanimous contempt for his educational administration.

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Considered by itself and without reference to the difficulties which had entangled him, Superintendent Cooley's administration seems to have deserved the contempt it finally got from the teaching force.

His most notable "educational" policy, for instance, the only one his administration was prominently identified with, is the so-called "Cooley promotional system." This has been widely heralded and ignorantly regarded as an educational device of transcendent educational merit. Yet it has no educational substance nor any educational history. Its characteristics in both respects are simply financial.

Though purporting to regulate the promotion of teachers, this device has no promotional function in any educational sense. The "promoted" teacher goes on with the same school work, in the same school room, with pupils of the same grade, after "promotion" as before; and in the same school with unpromoted teachers, it may be, of equal or greater ability, acquirements and length of service. The "promotion" is not from a lower to a higher grade of work, but only from a lower to a higher range of salaries for the same work.

The device was invented by Superintendent Cooley several years ago, at the request of the chairman of the finance committee at that time. It did not come before the educational committee until years afterward, and then, after minute investigation deliberately made, it was abolished. Originally adopted by the school board upon ap-

proval by the finance committee alone, its restoration after its abolition was made without deliberation and by a school board but recently "packed" (as the Supreme Court of the State decided), by a political "machine" mayor, with representatives or dependents of Big Business interests.

In order to secure this salary "promotion," teachers have to receive from their principals high marks for efficiency; and these marks are "equalized" at headquarters, where the characteristics of principals as markers are reviewed and their markings revised—a horizontal increase of teachers' marks by principals who are "low markers," and a horizontal decrease of marks by those who are "high markers." After this ordeal—a secret process—teachers notified that they have the required high efficiency mark, and having already served some six or seven years, are eligible to take an examination, or to offer study credits from "accredited institutions," for "promotion" to the higher salary group. If they then pass the examination, or produce enough credits, they are "promoted." That is, their names are transferred on the salary sheet from the large group of teachers where salaries increase in small amounts automatically year by year for six or seven years and then stop increasing, into the comparatively small group of teachers in which salaries continue to increase from year to year for three years longer.

The effect of that device was not to make better teachers, but the contrary rather; it was not to strengthen the force, but to demoralize it. It merely kept down the aggregate of salaries, in so far as it had any affirmative effect. By establishing two maximums, and restricting the larger to a small number, through obstructing the passage of teachers from the lower to the higher salary group by means of ingenious rules, a low average maximum could be maintained while a high specific maximum was apparently within the reach of all teachers and actually paid to a few.

That this was not only the effect of "the Cooley promotional system," but was probably also its purpose, was emphasized by circumstances attending the recent repudiation of the Chicago Art Institute as an "accredited institution." As the President of the Board of Education quite candidly said, the credits allowed by that institution under "the Cooley promotional system," had increased the amount necessary for salaries by \$160,000 for the year. There was no complaint that incompetency in teachers had been fostered, nor that those getting salary increases through Art Institute credits were not earning the increase as well as those previously advanced to the

higher salary group. The sole complaint was that the financial side of the school system had been prejudicially disturbed!

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Superintendent Cooley's misjudged alliance with the Big Business interests, which entangled his administration in the meshes of the miscalled "promotional system," placed him for other reasons also in an attitude of hostility to the teaching body. When salaries were cut for lack of money, and the Chicago Teachers' Federation therefore instituted its famously successful legal proceedings against some of the Big Business interests of Chicago for tax dodging, it aroused the undying animosity of those interests. In such circumstances the Superintendent could not be even neutral without losing his ally—and consequently his authority, as he doubtless judged.

At first the Federation was attacked for "meddling" with the tax question, something with which "teachers as teachers had no concern," even if it did operate to keep down their salaries and thereby discourage their work. But when in self defense against the assaults of the allied financial interests, the Teachers' Federation joined the Chicago Federation of Labor, it was attacked for becoming a trade union. This is the pretended objection to it today. Its real offense, however, is the original one—its persistency in trying to enforce the law against tax dodging by the Big Business interest of the "loop."

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It was of course a consequence of his alliance with the Big Business interests, that Superintendent Cooley found himself not only burdened with Big Business responsibilities on the financial side of the school system, but thereby grossly handicapped for leadership on the educational side. He had been forced to adopt the Big Business method of drivership for leadership, and in his judgment he could not safely reverse that policy when the opportunity offered,—and it did offer,—however earnestly he may have desired to do so.

That necessity sealed his fate as an educator. Although he had been constantly bringing new teachers into the system—people who naturally looked to him for leadership at first and trusted him, he quickly lost their confidence by the uneducational methods which he felt himself powerless to abandon and constrained to enforce.

Had he been untrammelled by his unfortunate official dependence upon Big Business influence,

and yet been unable to acquire or to continue to command the confidence and enthusiasm of the teaching force, he would stand condemned for inborn incompetency. But hampered as he was, such a fundamental condemnation would be unwarranted. It was a sheer impossibility for him, as it would have been for any one else, to retain at once the support of Big Business and the confidence of the teaching force. In winning the selfish friendship of the former, it was inevitable that he should lose his own freedom to co-operate in full fellowship with the latter.

Without this freedom, without this fellowship, without the confidence and enthusiasm that nothing apart from these can inspire, no man, however true his educational ideals or great his educational qualifications in other respects, can successfully administer a public school system.



That this criticism has been neither unjust nor uncalled for, is evident from other signs than those to which we have alluded. The very circumstances of Mr. Cooley's withdrawal give convincing testimony.

In a school board with 20 living members, 15 of whom were appointed especially to support Mr. Cooley's policies, only 8 could be kept in town and drummed up at a special meeting to ask him to withdraw his resignation, and only 7 at a regular meeting to adopt the flattering resolution of acceptance offered by his friends when he confirmed his resignation. The teaching force, other than the principals, made no public sign either individually or through any of their organizations. Though the principals' association courteously invited him to a god-speed and farewell luncheon, the invitation was accompanied with no authoritative expression of approval of his Chicago work. It remained for a coterie of Big Business men, and for these alone—men who for the most part know little of the public schools and care less, so that they be cheap,—to organize a dinner at the Union League Club for the purpose of praising Mr. Cooley's service as Superintendent of the Chicago schools. Praise from local business interests for educational service when local educational interests are silent, is not praise from Sir Hubert.



The Chicago public school system has been from the beginning of Mr. Cooley's superintendency, almost wholly and nearly all the time at the mercy of the Big Business interests of the "loop." In this respect it has only gone farther in the direction in which the public schools of all our cities are

tending. Whether or not that has been due to any fault on Mr. Cooley's part, it has not been without his acquiescence. We regret the necessity for saying so, for we believe that Mr. Cooley is not actuated by sordid motives, and we repeat our belief that he had educational ideals which have been disappointed but which might have been realized in high degree but for the difficulties he attempted to overcome by means of his unfortunate alliance with the Big Business "crowd."

With genuine good wishes, therefore, for his success in the business career for which he has abandoned his educational ambitions, we trust for his sake that when the mystery enveloping his withdrawal—for mystery it is—shall have cleared away, Mr. Cooley may be found to have provoked the necessity for his resignation, by revolting at last against the exactions of the Big Business interests which began by demanding his fealty and ended by marring his career.

INCIDENTAL SUGGESTIONS

ON THE EVE OF VICTORY.

I have been a single taxer for about twenty-four years, and a radical ever since I was about twenty. So I have become accustomed to the predictions of various reformers that their scheme of regeneration would be perfected in from five to ten years. Nevertheless, I have never felt so hopeful of immediate success for the single tax in some form as I do today.

To me, and to many others less sanguine than I, it seems that we are on the very eve of victory; that in some places we have already succeeded. We must have more details of Kai Chau, but according to Mr. Max Hirsch we have a working example of a large scheme there, and it meets with the greatest approval and success. Those readers of the "Public" who missed the article in the issue for the week of February 19th should get it and read that article of Max Hirsch's. It is the most inspiring thing on the progress of single tax, although it is confined to a plain statement, that I have read for a long time.

One of the most encouraging signs of our success is the abatement of antagonism. In Rhode Island, where we have unfurled the flag, it is not even hooted at, and it is not necessary any longer to pursue the "gum shoe" methods. I am no politician, but I have no confidence myself in "gum shoe" methods anyhow. I do not want to get the Kingdom of Heaven by force; I do not want the reform till the people are ready for it, but I think that we may reasonably look for a great revival such as has swept over the world: this time the revival to be on economic instead of what are called religious lines.

In this we shall have the assistance of socialists who are taking kindly to our remedy. It can be shown to socialists that the only hope of raising

the money to buy out the means of production and distribution is through a tax upon the value of the land; and that, on the other hand, we must begin by taking the land, else all our efforts will result only in additional presents to the landlord.

We have a few thick headed, thick-skinned brothers who do not see that there is fighting enough to be done with those who are against us; it is not necessary to fight with those who are on our side. As far as their lights show them, even those persons who seem to be against us are doing the best that they know how, and as their Father can forgive them, so can we, for what seems to us to be their shortcomings.

BOLTON HALL.

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, March 2, 1909.

Another Traction Decision in Cleveland.

The Federal court at Cleveland, through Judge Knappen of Michigan, sitting in place of Judge Tayler, made a decision on the 27th in connection with the traction receivership (p. 204), which puts at rest another of the claims of the old monopoly company to constructive extensions of franchises. The decision related to the Woodland and West Side lines, on which a 3-cent fare franchise was granted a year ago, upon the theory that the old 5-cent fare franchise expired February 10, 1908. But the old interests insisted that the 5-cent fare franchise had been extended by construction to July 1, 1914, or at the least until January 26, 1910. In consequence of this claim the receivers asked the court to determine whether they could charge 5 cents fare under the contention of the old interests, or were restricted to 3 cents under Mayor Johnson's contention. The decision completely disposes of all the contentions of the old interests as to the constructive extension of franchises. It holds that the 5-cent fare franchises on the lines in question expired February 10, 1908, and that the receivers have no authority to charge higher fare on those streets than the 3-cent rate granted by the council to the low fare company.

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Creation of the Calaveras National Forest.

Among the last acts of Mr. Roosevelt as President is his approval of the bill for creating the Calaveras National Forest, of California. This reserve includes the famous Big Tree grove. By

arrangement which the bill authorizes, the owner of that grove—Robert B. Whiteside, a rich lumber-land owner of Minnesota—agrees to an exchange of the timber in two groves for stumpage on government forest land. Efforts to accomplish some such result have been promoted for nine years or more, especially by the California Club of Women, but until this year no satisfactory arrangement could be made with the owner.

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The land to be acquired under the bill, which is now a law, includes about 960 acres in what is known as the North Calaveras Grove in Calaveras County, and 3,040 acres in the South Grove in Tuolumne County. The North Grove contains 93, and the South Grove 1,380 giant sequoias. Any tree under eighteen feet in circumference, or six feet through, is not considered in the count. The North Grove contains ten trees of a diameter of twenty-five feet or over, and more than seventy of fifteen to twenty-five feet. The bark runs from six inches to two feet in thickness. Most of these trees have been named. "The Father of the Forests," now down, is estimated by Hittel, in his "Resources of California," to have had a height of 450 feet and a diameter at the ground of more than forty feet when it was standing. "Massachusetts" contains 118,000 board feet of lumber; "Governor Stoneman" contains 108,000 board feet; the "Mother of the Forest," burned in the forest fire which licked its way into a part of the grove last summer, contained 105,000 board feet. Each of those trees is equal in lumber to the product grown ordinarily on fifteen or twenty acres of timber land. Among the names of other large trees in the two groves are "Waterloo," "Pennsylvania," "James King," "Old Bachelor," "Pride of the Forest," "Daniel Webster," "Sir John Franklin," "Empire State," "U. S. Grant," "W. T. Sherman," "J. P. McPherson," "Abraham Lincoln," "Connecticut," "Ohio," "Grover Cleveland," "Mrs. Grover Cleveland," "Dr. Nelson," "General Custer," "Dr. J. W. Dawson," "General Hancock," "Knight of the Forest," "Two Sentinels," and "Old Dowd." Besides the giant sequoias, there are hundreds of sugar pines and yellow pines ranging up to 275 feet in height and 10 feet in diameter. There are also many white firs and incense cedars in both tracts.

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President Roosevelt and British Government in India.

British government in India (p. 207) having been applauded by President Roosevelt in a recent speech at the Metropolitan Methodist Church in Washington, the Society for the Advancement of India, with headquarters at 42 Broadway, New York city, has sent him an open letter, which the society now publishes in full, criticizing his ill-informed statements.

In refutation of the President's assertion that British rule in India is a "colossal success," the letter declares that, on the contrary, it is a despotism worse than that of Russia, and in support of its declaration it submits authorities and says in part that—

the people of India have no voice whatever in the management of their own affairs. The small number of Indians on government councils are, with rare exceptions, appointed by the government. Their functions are merely advisory. They have no power in the management of Indian affairs. Not a tax can be changed, not a rupee of the people's own money appropriated for any purpose, however urgent, without the consent of British officials. Even the new "reforms" proposed by Lord Morley will effect no essential change. Lord Morley himself declares: "If it could be said that this chapter of reforms led directly or necessarily up to a parliamentary system for India, I, for one, would have nothing to do with it." Even freedom of speech and of assembly are permitted only under the severest limitations and the most galling espionage, and freedom of the press has been taken away. Fully one hundred editors are serving terms of from three to ten years in prison, many of them without trial, in not a few cases without even having been informed of the nature of their offense. The crime almost invariably charged is "sedition." In India the mere discussion of reforms is punished by open or secret imprisonment. There is no Indian home that is not liable at any hour of the day or night to be forcibly entered and searched at the instigation of spying police. There is no Indian gentleman, however high his standing or unimpeachable his character, who may not at any moment be arrested and hurried away to an unknown prison. Nine such arrests and incarcerations took place recently in a single week. Even distinguished Englishmen visiting India have their mail tampered with and are shadowed by the police if they are so much as suspected of any sympathy with the Indian people. All telegraphic and other news from India is closely censored in the English interest. What is learned by the world is for the most part only the English view. But one in Mr. Roosevelt's position should have adequately informed himself before undertaking to speak on a subject affecting the interests of some three hundred millions of people. Adequate information is available. The English Labor party is taking up the wrongs of India, determined that they shall no longer be ignored. Distinguished and able Englishmen, many of them members of Parliament who have also had long service in India, are, in increasing numbers, espousing the cause of India, resolved that the truth shall be known.

Sir Henry Cotton, M. P., is quoted: "Indian administration as carried on to-day is a system of pure absolutism from the Viceroy downwards, as autocratic as that of the Czar of Russia." The idea that the Indian people have any real share in the government of their own country, he pronounces "absolutely illusory." The letter insists that to assert, as President Roosevelt did, that In-

dia is incapable of governing herself, is to fly in the face of history:

India governed herself for thousands of years. In the history of India, we find empires as illustrious and well ordered as any in Europe. The same objections were made by the supporters of Lord North's government regarding the American colonies—that "if left to their own direction they would speedily fall into mutual strife, anarchy and ruin." In like manner when Japan began her modern career it was generally predicted that she could not carry on a government under modern conditions. At the time England first entered India, three hundred years ago, the old Mogul Empire was breaking up, new political and military adjustments were forming and the country was in a state of unusual turmoil, which gave the English their opportunity. But this was a temporary condition, and would have passed as similar periods in other countries have passed. For two thousand years India has been far more peaceful than Europe. There is no record of Indian wars worse than the Thirty Years War in Germany, and none that compare at all in loss of life with the wars of Napoleon; neither does Indian history show anything that in anarchy and violence equals the reign of terror in France." As to disturbances between Hindus and Mohammedans, these have lived side by side without conflict for hundreds of years at a time, under both Hindu and Mohammedan rulers, and there has at no time been any greater hostility between them than between Roman Catholics and Protestants in Europe.

The letter goes on to flatly contradict President Roosevelt's claim that England does not draw a penny from India for English purposes:

Englishmen in India often speak of themselves as birds of passage. Edmund Burke called them "birds of passage and of prey." Avenues through which tribute is drained are (1) rich pensions received by retired English officials; (2) salaries of English officials in India, the highest paid in the world; (3) business profits sent to England by Englishmen in India—Englishmen who are charged with having deliberately destroyed Indian enterprises for the purpose of supplanting them; (4) large remittances to England by the Indian government for military stores, equipment and arms used in India "partly for purposes of defense against possible foes, but much more to hold the Indian people themselves surely in subjection;" (5) interest on English investments made in India "most of them not desired by India or for her benefit"—merely "forms of exploitation." The annual tribute thus paid by India to England is rated at from \$125,000,000 to \$150,000,000. According to her ability to pay India is taxed by her foreign rulers more than twice as heavily as England and more heavily than any country in the world. The tax on salt alone has reached 2,000 per cent of its cost price. The terrible famines in India are not caused by any lack of food, but by an abject poverty brought about by British rule.

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British "Suffragette" Movement.

Another march upon Parliament was made by "suffragettes" (p. 207) on the 24th. A procession

from Caxton Hall, the headquarters, was broken up by the police almost as soon as it started. A second was formed, but this also was broken up. Several arrests were made, among them being Mrs. Pethick Lawrence, Lady Constance Lytton, (sister of Lord Lytton and daughter of a former viceroy of India), Miss Stratford Dugdale (daughter of Commander Dugdale and cousin of the Honorable William R. W. Peel, who was elected on the 23d in a by-election as member of the House of Commons for Taunton), Miss Daisy Solomon (daughter of the former Premier of Cape Colony), and Mrs. Catherine Elizabeth Corbett (an aristocratic supporter of the suffragette movement). Upon being arraigned on the 25th, the prisoners refused to give security for future good behavior and were sentenced to imprisonment for one month each, except Mrs. Lawrence, who was sentenced to two months because she had been previously convicted of a similar offense in connection with the "suffragette" movement.

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In the scholarly address which Ethel M. Arnold gave on the 27th in the music hall of the Fine Arts Building at Chicago on "The Progress of Woman in Europe," she spoke at first rather as a student of the feminist movement in the varying phases which it has taken on in the principal countries of Western Europe; but when she came down to Great Britain and today, it was evident that her interest was very far from being academic and that woman suffrage has in her as ardent and sincere an advocate as the anti-suffragists can claim in her distinguished sister, Mrs. Humphrey Ward. She expressed herself as feeling that one result of the enfranchisement of British women must be the general raising of the whole status of women, both mental and moral, and the more harmonious working together of the two halves of the human race. Industrially, she said, that the British working woman is in urgent need of the ballot, for until women have a definite political value their industrial organizations must be more or less neglected both by labor politicians and labor experts. Miss Arnold cited Elizabeth Robins in personal testimony as well as for the picture of the militant movement she has enshrined in *The Convert*. "Have you seen the militant workers?" she asked. "Have you been to their headquarters?" "Then go," she added, with a sort of suppressed fierceness: "they work in blinkers, but a cause whose advocates give up time, money, freedom, health if necessary, does not depend for ultimate success on the wisdom or unwisdom of its followers." Although thus acknowledging the services of Mrs. Pankhurst and the Women's Social and Political Union, Miss Arnold herself belongs to the more conservative branch of the movement whose educational work

for forty years is regarded as having prepared the way for the rapid advance of the last three years.

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Woman Suffrage Movement in the United States.

Over 1,000 representative women from 26 counties of the State of New York appeared before the judiciary committees of both houses of the legislature at Albany on the 24th in behalf of an amendment striking the word "male" from the suffrage clause of the State Constitution. They were opposed by representatives of the anti-equal-suffrage movement. A mass meeting was held by the suffragists in the evening.

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Bills submitting to referendum in the State of Washington the question of woman suffrage, were signed by the Governor of that State on the 25th. The referendum is set for the November election of 1910.

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A woman suffrage joint resolution has just been passed by both houses of the South Dakota legislature. The resolution provides for a Constitutional amendment allowing equal suffrage and is to be voted upon by the people at the next State election.

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In Kansas on the 24th a woman suffrage bill was defeated in the lower house of the legislature by a vote of 57 to 59.

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Meetings under Socialist auspices in behalf of equal suffrage were held simultaneously on the 28th, in accordance with prearranged plans, in New York, Milwaukee, Cleveland, Philadelphia, Cincinnati, St. Louis and Chicago.

NEWS NOTES

—The 37th ballot for Senator in the Illinois legislature on the 25th (p. 133) gave Senator Hopkins only 61 votes.

—Further indictments for "fake" labor strikes have been found against Martin B. ("Skinny") Madden (p. 209) and his associates at Chicago.

—"Lucky" Baldwin died on his California ranch, Santa Anita, on the 1st, of pneumonia, at the age of 81. He is reputed to have been worth \$25,000,000.

—Dr. William D. Crum, the Negro whom President Roosevelt appointed collector of customs at Charleston, S. C., resigned the office on the 1st, to take effect on the 4th.

—The Standard Oil rebate case (p. 40) has been resumed at Chicago, this time before Judge Anderson instead of Judge Landis. Judge Anderson has already decided incidentally that he will limit the prosecution to 36 offenses. This would reduce the

fine, in case of conviction, from \$29,240,000 to \$720,000 as the maximum.

—The Women's Trade Union League of Chicago has arranged a series of musical evenings for Sundays in the people's assembly hall of small park No. 3, Fisk and 20th streets, at 8 o'clock.

—A bill introduced in the New York legislature on the 26th, proposes to give the consent of the State to the creation by Congress of a new State to be called Manhattan, and to comprise the counties of Westchester, New York, Kings, Queens, Richmond, Suffolk and Nassau.

—The Italian Parliament has been dissolved, and the general elections fixed for the latter end of March. This Parliament was elected in November, 1904, and when it met counted nearly 350 ministerialists and a variegated opposition of 140. During its life it was led by five ministries.

—In the case of the prosecution, by the Illinois Tax Reform Association, of the Board of Review at Chicago for under-assessment for taxation of the holdings of the McCormick and the Deering families, in the Harvester trust (p. 60), Judge Windes granted a mandamus on the 27th ordering a re-assessment.

—President Roosevelt refused on the 23d to see M. M. Mangasarian, lecturer of the Independent Religious Society at Chicago (p. 209), relative to the request of that society that he withdraw his imputation in one of his books upon the character of Thomas Paine. Mr. Mangasarian made the President's refusal to see him on this matter the subject of his lecture on the 28th.

—In the people's hall of small park No. 1, of Chicago (Chicago avenue and Noble street), free Sunday lecture courses have been arranged for the spring under the auspices of West Park No. 1. Educational Club. Among the subjects are "Ethical Aspects of Social Democracy," by Prof. Moore, March 14; "Modern City Democracy," by Graham Taylor, April 11; and "Present-Day Tendencies in Social Legislation," by Prof. Kennedy, May 23.

—Instead of bringing into the Senate the subcommittee reports on the absorption by the steel trust of the Tennessee Coal and Iron Co. (p. 209), the judiciary committee decided on the 1st by a vote of 7 to 5 to make no report as a committee but to allow each member of the committee to report for himself individually. Seven statements were accordingly made on the 2nd, upon the floor of the Senate, some by Democrats and some by Republicans, but all condemning the steel trust's action as illegal.

PRESS OPINIONS

Rooseveltianism.

The Milwaukee Daily News (Dem.), Feb. 22.—The Roosevelt conception of efficient government is essentially autocratic and in his desire to "do things" he has little patience with Constitutional or other restraints. His theory is that the ends justify the means and he is so constituted that whatever ends he has in view are deemed by him to justify any means that he may employ. The good that he has

worked has shrunk immeasurably when placed in the balance with the evils that he has threatened.

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The Suffrage Right.

The (Lincoln, Neb.) Wagerworker (lab.), Feb. 27.—The men who talk loudest about woman's place being in the home are the men who have done most to bring about industrial conditions that force women out of the home and into the industrial field. It matters not whether a majority of women want to vote. If one woman wants to vote, and it is just and right that she be allowed to vote, she ought to be given the right, even though every other woman in the Republic took no interest in the subject.

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A Common Affiliation.

(Herman B. Walker in) La Follette's, Feb. 27.—Then the Sunday saloon question was injected, and the machine encouraged both the brewers and the local optionists to get into politics when the third campaign opened. Between these two fires they beat Fagan for re-election in Jersey City, after he had won a renomination in hard-fought primaries. The ministers and the church people were against him because he had not closed all the saloons on Sunday, the gamblers because he had ruined their business, the machine politicians because he had interfered with graft, the railroads and corporations because he had tried to make them pay their taxes. It was a curious and a rare sight to see ministers of the gospel, ex-gamblers, dive-keepers, machine heelers, corporation lobbyists, and policemen who had lost their jobs for grafting, all working together at the polls to beat Fagan.

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The Chicago Teachers' Federation.

Chicago Daily Socialist (Soc.), Feb. 26.—Nicholas Murray Butler . . . took occasion on his recent visit to Chicago to declare that the Teachers' Federation should be driven out of the schools. He advises that at the close of the present school year every teacher should be given the alternative of a position in the schools and membership in the Federation. If the teachers refuse to give up their organization he advises that a gang of strikebreakers be secured by advertisements in the daily press. . . . Since Butler is one of those most frequently spoken of as a probable successor of Cooley, it seems quite probable that he is speaking the mind of the present school board in making this announcement. The representatives of steel, beef, books, etc., on the school board are probably ready to carry out this plan. It is the plan that they have found successful at the stock yards and the steel works, why should it not be used in the schools? Did this board not pledge itself to introduce "business methods" into the schools, and what is more "businesslike" than a blacklist, a lockout and a gang of strikebreakers? . . . The trade unions of Chicago cannot afford to permit the Teachers' Federation to be destroyed. It will not be destroyed unless they permit it by their timidity or inactivity. The trade unionists of this city can stop all such talk forever by a proper use of their ballots at the

municipal election which will take place in a few weeks. The presence of half a dozen representatives of the working class in the City Council would stop all such talk as that of Butler's.

RELATED THINGS

CONTRIBUTIONS AND REPRINT

THE FLEET.

Edmund Vance Cooke in the Independent.

This is the song of the thousand men, who are multiplied by twelve,
Sorted and sifted, tested, tried, and muscled to dig and delve.
They come from the hum of city and shop, they come from the farm and field,
And they plow the acres of ocean now, but tell me! what is their yield?

This is the song of the sixteen ships to buffet the battle and gale,
And in every one we have thrown away a Harvard or a Yale.
In them are the powers of Pittsburg, the mills of Lowell, and Lynn,
And the furnaces roar and the boilers seethe, but tell me! what do they spin?

This is the song of the myriad miles from Hampton to the Horn,
From the Horn away to that western bay, whence our guns were proudly borne;
A royal fleet and a host of hands to carry these rounds of shot!
And behold! they have girdled the globe itself and what is the gain they have brought?

This is the song of the Wasters, well "Defenders," if you please,
Defenders against our fellows, with their wasters, even as these,
For we will not learn the lesson known since ever the years were young,
That the chief defense which a nation needs is to guard its own hand and tongue.

This is the song of our folly, that we cry out a glad acclaim
At these slaughtering ships in the shadow of which we should bow our heads in shame.
That we clap applause, that we cry hurrahs, that we vent our unthinking breath,
For oh, we are proud that we flaunt this flesh in the markets of dismal death!

This is the song of our sinning (for the fault is not theirs, but ours),
That we chain these slaves to our galley-ships, as the symbol of our powers;
And we crown men brave, who on land and wave fear not to die; but still,
Still first on the rolls of the world's great souls are the men who have feared to kill.

THE MORAL VALUE OF LABOR ORGANIZATION.

From a Speech by Raymond Robins before the City Club of Chicago, February 17, 1909.

Fair-minded employers have given convincing testimony to the value of trade agreements between organized laborers and themselves, not only in maintaining industrial peace, but in preventing the baneful competition of sweatshop products with goods made under fair working conditions. Government officials, national and State, have borne witness to the beneficent power of organized laborers in aiding the enforcement of school, factory, sanitary and health regulations. Enlightened ministers of the gospel and teachers of morals have testified to the inherent strength of the union among laborers in strengthening and defending the morality of the individuals within the organization. Upon this high consideration for the social welfare, let me submit a case in point that will illustrate the moral significance of this very organization that the Supreme Court has found to be "a conspiracy in restraint of trade."

In a city on the Atlantic coast are two hat factories within two blocks of each other. In one of these factories the girls in the trimming department are organized as a local of the United Hatters of North America. In the other factory the girls in the trimming department are not organized. A little over a year ago the foreman of the floor where the trimmers work in the unorganized factory insulted one of the girl trimmers. She stood her ground and told him in plain language what she thought of him. She was discharged for insubordination. This girl wrote to the owner of the factory and had a registry receipt purporting to be signed by him. She never received any reply, and was out of work for some weeks. Some months after this incident a similar insult was offered to a girl by the foreman on the trimming floor of the organized factory. The girl, who was "shop woman" on that floor for the United Hatters of North America went to this foreman and said: "You cut that out. We won't stand for anything like that in this shop." He replied: "You go to hell! What have you got to do with it, anyhow?" She answered: "I've got a whole lot to do with it, and if you don't go to that little girl and apologize, I will call a shop meeting right now." He replied: "If you do, I'll fire you." She said: "No, you won't, either!"

Then this little woman, who is less than five feet tall, "called shop," and 170 odd girls laid down their work. She told the girls what the trouble was, and they agreed that they would starve before they would go back to work if the foreman didn't apologize to the little foreign girl he had insulted. Here the general superintendent came

into the controversy, and after a conference in the office the foreman was discharged, and that little woman is still shop woman on that trimming floor, and there isn't any foreman in that factory who thinks he can insult a girl while she is at work just because she is a foreigner and poor.

Now, I submit that the organization of laborers known as the United Hatters of North America had more power on that trimming floor, not only to preserve fair wages and hours, but to preserve individual virtue and the hope and fidelity of the home for poor and sorely tempted working girls, than all the churches and universities within the limits of that city. Yet this is the organization that, in extending its benefits to other workers in other factories, is condemned as "a conspiracy in restraint of trade"!

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NATIONAL NEIGHBORLINESS.

A Plea For Neighborly Relations With Spanish-America, Rather Than Paternalistic Meddling.
Editorial in the New York Times
 of February 23, 1909.

Regard for our commercial welfare demands a careful consideration of our relations with our Latin neighbors of South America, and the development of such cordial official understanding with these nations will favor our efforts for trade development. We have complacently viewed the voyage of a fleet of battleships around the South American coasts, the formal and official visits of a member of our Cabinet to those countries, and the official courtesies with which the most polite race in the world has received them as evidences of existing good will and eternal friendship. But formal and official protestations of affection need something behind them to establish good understanding in fact.

Each new development of our attitude toward that continent is closely scrutinized by each of the Latin republics. The recent change in our interpretation and application of the Monroe Doctrine, until it is no longer a shield for the weak, has been shrewdly followed by their statesmen, while the Calvo doctrine has been called into existence to serve as a check against the encroachments of the future. Since we began to cherish the desire to be considered a "world power" no eyes have followed our policies more keenly than those of these southern neighbors. True it is, perhaps, that we have accomplished "results," careless of the practical benefits or evils that would follow them, to leave entirely out of consideration any merely academic questions of justice, equity, or fair play. We foment, aid and conduct a revolution against the United States of Colombia to a successful end, and that act would seem to commit us to sympathizing and

sustaining revolt against injustice, oppression and corruption. If it did, indeed, do this, there could be no cavil in the minds of any, either Latin or Anglo-Saxon. But scarcely has this revolutionary attainment been accomplished on the Isthmus than we promptly use the same powerful administrative machinery to suppress a revolution in Cuba—in this case a revolution against an inefficient political domination, so entrenched, however, that nothing less than an armed revolt could loosen its grasp.

We enter Central America and give peremptory orders as to their treaties and compel their signatures. Our officials announce what cities shall not be bombarded and limit the scope of the military operations of the forces in the countries to which they are accredited. To Venezuela we present a demand for the arbitration of a dispute, involving the interpretation of her laws, which has never been entered for trial within Venezuelan courts. We insist upon indemnity, and secure it, for another claimant whose naturalization is under grave suspicion.

And while we are busily engaged with these strenuous demands, the other nations are exerting themselves to further their official and commercial friendships that we carelessly imperil. While Venezuela has been struggling with the domestic problems and crises attending the sudden stormy advent of a new administration, we have been jogging her elbow with our insistent exactions, leaving it to Germany to play the part of mentor and faithful friend of the new régime. England has for the moment tactfully refrained from urging her grievances. Italy cordially greets the new administration by at once establishing a minister in Carracas in place of a chargé d'affaires. It is we alone who have seized this moment of Venezuelan stress and difficulty to clamor for the settlement of a disputed bill.

It is worth while for us to take thought about the effect of these procedures upon the minds of the statesmen and the peoples of the Latin republics. The policies we establish today may cause the gravest complications in the future. Surely it would be unwise to excite distrust and apprehension among peoples who should be our best customers. President Monroe pointed out that it is wise to preserve our neighbor's house from burglary, for by so doing it assists us in the protection of our own. But that principle carries with it no corollary of the right to regulate his domestic affairs as well, nor to proscribe or impose his diet.

Whatever energies we may devote to South or Central America can best be spent in furthering the most cordial relations and policies of which our whole commerce may share the benefit, rather than in the rescuing of dubious enterprises or in irritating altruistic meddling.

KARL HEINZEN.

Centennial of a Great German-American. Tribute by
Louis C. Elson in the Boston Daily Advertiser of February 22.

Probably among the hundreds of thousands who today celebrate the birthday of Washington, few but advanced Germans are aware that February 22 is also the birthday of a German hero who devoted his life to the cause of human freedom and who worked out the larger part of his task in America and in Boston.

Today is of especial significance to those who reverence the memory of this radical, the companion and friend of Phillips and Garrison, for it is the centennial of his birth.

Karl Heinzen was born in a little village not far from Cologne, Germany, February 22, 1809. His uncle was a bishop of the Catholic Church, and to him the lad was sent to be educated when five years of age. The worthy churchman little thought that he was training one of the boldest of iconoclasts and radicals. During the early stages of education nothing indicated the independence which afterwards became a leading characteristic of the reformer.

But after he had graduated from the seminary and attended the University of Bonn he entered the civil service department of the German government, and here at once the radical nature of the youth burst forth. Finding irregularities and dishonest practices in his department, he at once attacked them in a pamphlet which was sufficiently important to cause the government to ostracize him and to force him to leave the country.

America now became his field of operations. Here he became an advanced socialist and espoused the cause of human liberty with an ardor that seemed to come from the free soil that he trod. No form of tyranny was spared from his attacks, and both black and white slavery were denounced by him with a vigor that soon made him an important influence among the German radicals in this country. It was a very unpopular role to assume in those early days, and he was persecuted, as Phillips, Garrison and Thompson had been. He was obliged to undergo the greatest privations for the sake of his cause. He became editor of the "Schnellpost," preaching the doctrine of revolution against tyrants with no uncertain tones.

He predicted that the people would soon arise against their oppressors, and in 1848 his predictions were fulfilled in many parts of Europe. He at once returned to Germany to fight for the cause. But the uprisings of that epoch were doomed to general failure and the reformer was again obliged to fly his native land. Menial labor was now his lot, and he was obliged to support himself and wife and child on the pitiful

wages of three dollars a week. But nothing could subdue the stern spirit of the man, and he continued his writings, which were often enough printed, but seldom paid for. Soon afterwards, however, the "Schnellpost" was again given to his leadership.

The most influential Germans were then in the Democratic party, but Heinzen fearlessly advocated abolition, sometimes at his personal peril. The Free Soil party, to which he adhered, afterwards became the Republican party. Not content with advocating its obnoxious principles in the East, the bold fighter soon went to Louisville, where his outspoken advocacy of the black race caused his printing office to be sacked and himself to be stoned by a mob.

In Boston, where he next settled, he had at least the companionship of fellow-martyrs, and Garrison and Phillips welcomed him warmly.

His writings were always in German, but they were frequently translated (generally by Miss Julia Sprague) and they often appeared in Wm. Lloyd Garrison's paper, "The Liberator." He also founded his own journal here in this city, "The Pioneer," and in this his essays and editorials (in German) were as true to the cause of human advance and liberty as the needle to the pole. In addition to his co-workers he found appreciative friends in the well-known art publisher, Mr. Louis Prang, and the famous physician, Dr. Marie Zakrzewska.

His later years were spent in Roxbury, where he lived in modest retirement, revered by all who knew his noble and manly nature. His last years were clouded by paralysis, but the indomitable will remained with him to the last.

On this, his centennial day, it is fitting to remember a man who was greater than a lover of country, more than a patriot, for Karl Heinzen fought for the oppressed of the entire human race. It mattered not whether it was an Italian suffering through the bigotry of ecclesiastical laws, a German under the heel of military tyranny, a Negro under the lash of the task master, he fought for all, and he fought well and against overwhelming odds. It is fitting that on Washington's birthday the German liberator should be remembered also.

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LINCOLN AS AN ORATOR.

From the Address by William Jennings Bryan at the
Lincoln Centennial Celebration, Springfield,
Illinois, February 12, 1909.

In analyzing Lincoln's characteristics as a speaker, one is impressed with the completeness of his equipment. He possessed the two things that are absolutely essential to effective speaking—namely, information and earnestness. If one can be called eloquent who knows what he is talk-

ing about and means what he says—and I know of no better definition—Lincoln's speeches were eloquent. He was thoroughly informed upon the subject; he was prepared to meet his opponent upon the general proposition discussed, and upon any deductions which could be drawn from it. There was no unexplored field into which his adversary could lead him; he had carefully examined every foot of the ground and was not afraid of pitfall or ambush, and, what was equally important, he spoke from his own heart to the hearts of those who listened. While the printed page cannot fully reproduce the impressions made by a voice trembling with emotion or tender with pathos, one cannot read the reports of the debates without feeling that Lincoln regarded the subject as far transcending the ambitions or the personal interests of the debaters. It was of little moment, he said, whether they voted him or Judge Douglas up or down, but it was tremendously important that the question should be decided right. His reputation may have suffered in the opinion of some, because he made them think so deeply upon what he said, that they, for the moment, forgot him altogether. And yet, is this not the very perfection of speech? It is the purpose of the orator to persuade, and to do this he presents not himself, but his subject. Someone in describing the difference between Demosthenes and Cicero said that "when Cicero spoke people said, How well Cicero speaks; but when Demosthenes spoke they said, Let us go against Philip." In proportion as one can forget himself and become wholly absorbed in the cause which he is presenting does he measure up to the requirements of oratory.

In addition to the two essentials, Lincoln possessed what may be called the secondary aids to oratory. He was a master of statement. Few have equaled him in the ability to strip a truth of surplus verbiage and present it in its naked strength. In the Declaration of Independence we read that there are certain self-evident truths, which are therein enumerated. If I were going to amend the proposition, I would say that all truth is self-evident. Not that any truth will be universally accepted, for not all are in a position or in an attitude to accept any given truth. In the interpretation of the parable of the sower, we are told that "the cares of this world and the deceitfulness of riches choke the truth," and it must be acknowledged that every truth has these or other difficulties to contend with. But a truth may be so clearly stated that it will commend itself to anyone who has not some special reason for rejecting it.

No one has more clearly stated the fundamental objections to slavery than Lincoln stated them, and he had a great advantage over his opponent in being able to state those objections frankly, for Judge Douglas neither denounced nor defend-

ed slavery as an institution—his plan embodied a compromise and he could not discuss slavery upon its merits without alienating either the slave owner or the abolitionist.

Brevity is the soul of wit, and a part of Lincoln's reputation for wit lies in his ability to condense a great deal into a few words. He was epigrammatic. A moulder of thought is not necessarily an originator of the thought moulded. Just as lead moulded into the form of bullets has its effectiveness increased, so thought may have its propagating power enormously increased by being moulded into a form that the eye catches and the memory holds. Lincoln was the spokesman of his party—he gave felicitous expression to the thoughts of his followers.

His Gettysburg speech is not surpassed, if equaled, in beauty, simplicity, force and appropriateness by any speech of the same length in any language. It is the world's model in eloquence, elegance and condensation. He might safely rest his reputation as an orator on that speech alone.

He was apt in illustration—no one more so. A simple story or simile drawn from everyday life flashed before his hearers the argument that he wanted to present. He did not speak over the heads of his hearers, and yet his language was never commonplace. There is strength in simplicity, and Lincoln's style was simplicity itself.

He understood the power of the interrogatory, for some of his most powerful arguments were condensed into questions. Of all those who discussed the evils of separation and the advantages to be derived from the preservation of the Union, no one ever put the matter more forcibly than Lincoln did when referring to the possibility of war and the certainty of peace some time, even if the Union was divided, he called attention to the fact that the same question would have to be dealt with, and then asked, "Can enemies make treaties easier than friends can make laws?"

He made frequent use of Bible language and of illustrations drawn from Holy Writ. It is said that when he was preparing his Springfield speech of 1858 he spent hours trying to find language that would express the idea that dominated his entire career, namely, that a republic could not permanently endure half free and half slave, and that finally a Bible passage flashed through his mind, and he exclaimed: "I have found it—and if a house be divided against itself, that house cannot stand," and probably no other Bible passage ever exerted as much influence as this one in the settlement of a great controversy.

I have enumerated some, not all—but the more important—of his characteristics as an orator, and on this day I venture for the moment to turn the thoughts of this audience away from the great work that he accomplished as a patriot, away from his achievements in the line of statecraft, to the

means employed by him to bring before the public the ideas which attracted attention to him. His power as a public speaker was the foundation of his success, and while it is obscured by the superstructure that was reared upon it, it cannot be entirely overlooked as the returning anniversary of his birth calls increasing attention to the widening influence of his work. With no military career to dazzle the eye or excite the imagination; with no public service to make his name familiar to the reading public, his elevation to the Presidency would have been impossible without his oratory. The eloquence of Demosthenes and Cicero were no more necessary to their work, and Lincoln deserves to have his name written on the scroll with theirs.

+ + +

MIND-CURING A RATE-MAKER.

W. G. Eggleston in the *American Magazine* for December. Copyrighted by the Phillips Publishing Co.

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On a straight, level piece of track the rails had spread under a long freight train, and the West-Bound Pacific Limited was tied up on a siding until the wrecking crew could make a run of forty-five miles, gather up the fragments and lay a few rods of track.

There was nothing to do but kill time; but there was some satisfaction in knowing that in the elegant private car attached to our train was the "Old Man," the president of the road, held up by a wreck on his own line. I was walking back and forth on the main track, thinking of what I'd do if I were president of the road, when a large man rushed out of the "Old Man's" car and called my name.

"Jove, Doc, I'm glad to see you," he said. "Come into the car. The Old Man's in an awful way."

"What's the trouble, Archie?" I asked. "Is he sick, or just mad, or both?"

"Don't know what's the matter—not mad—not even grumpy—just all gone to pieces. Seems to be out of his head half the time, moaning and praying and carrying on—never saw him that way before—seems to be nutty about the two-cent-a-mile laws; getting worse all the time—hasn't slept three hours in about two days."

"Now, Archie, I'll gladly do anything I can, but I haven't even a dinner pill with me."

"Oh, that's all right; you can do something for him. Run a stiff bluff on him if you can't do anything else. Come on."

The Old Man was stretched out on a comfortable lounge. He gave me a sharp look, pointed to a chair, and, as if I had caused his trouble, broke out:

"Well, what do you want? Country is go-

ing to ruin. Hughes is the only sane man in public life. Vetoed that fool two-cent bill. Told the Legislature it didn't know enough to make railroad rates. Two-centers! Roads need equipment. Business needs more cars and more track-age. Roads must borrow money for repairs and equipment. Fools trying to cut down revenues! Two cents a mile for carrying a passenger! Roads can't borrow money. Credit gone! Government will have to lend its credit and take charge of roads! Downfall of the Republic! Why don't you say something—do something?"

I grasped his wrist, took out my watch and began to count his pulse.

"How's the old thing pegging away?" he asked in a softer tone.

"Fifteen two, fifteen four, fifteen six, and a run of thirteen," I replied, as I turned and pressed the electric button.

"Bring a cup of weak tea," I said to the porter, "and ask Mr. Graham to come here."

"I can't drink tea," said the Old Man impatiently.

"Can't! You're too big a man to say 'can't.' Leave that to the little men who are successful at making failures. Ah, Archie! won't you dig up some folders for me, of as many roads as you can, and bring all the special-rate advertisements you can find?"

The Old Man sat up suddenly, glared at me and said gruffly:

"What do you want with folders? Are you crazy, or do you think I am?"

"I'm the crazy man," I replied. "I've lost my mind over the way the railroads are going to lose money if they have to carry passengers at less than three cents a mile, and while we're tied up by that wreck I want you to make me sane. You'll do it, won't you? I want the folders and the advertisements to prove that I'm right."

"I can prove it without them," he said.

"But not to me, for I don't understand book-keeping. Please let me prove it my way," I pleaded.

Archie and the porter came in, the first with a handful of folders and magazines, and the porter with the tea.

"Now, you drink your tea while it's hot, and light a cigar if you choose" I said to the Great Transportationer. "You'll have a cup of tea every twenty minutes until you go to sleep, and meanwhile we'll take some trips over the country at rates that are ruining the roads; trips at 'special low rates,' as the advertisements say. They're nice trips, but I don't take them, for I'd be helping to throw some roads into the hands of receivers. My brain is afire with the idea that a two-cent-a-mile passenger rate spells B-A-N-K-R-U-P-T-C-Y in letters that can be read across the continent."

"It does! It does!" he moaned.

"Of course it does. I felt that you'd agree with me. But here, in the high-priced advertising pages of these magazines, your general passenger agent is hollerin' for the whole nation to come and ride over your roads at less than a cent and a half a mile. He's trying to bust you!"

"Stuff! Nonsense!" shouted the Old Man.

"Here's the proof—two-column, six-inch advertisements, running every week in three of the highest-priced advertising media in the country—not less than \$4 an agate line, from \$50 to \$60 an inch; and that man is using 36 inches—*one yard of advertising every week*—imploing the public to bankrupt your road by buying for less than a cent and a half what I know and you say you can't afford to sell for less than three cents!"

"Where are we offering passenger rates at less than a cent and a half a mile?"

"Right here, in these ads. In June you offer a rate of \$54 from Chicago to Spokane and return, which is 1 cent, 3.9 mills a mile; and in July you offer round-trip tickets from St. Paul to Spokane at \$55, which is 1 cent, 8.4 mills a mile. In June your round-trip rate to Seattle from Chicago was 1.37 cents a mile, and the same month you offered a round-trip rate from Chicago to Vancouver for 1.28 cents a mile."

"You seem to be precise," he said.

"Seem? I *am* precise; for I'm talking to a precise man."

"But these are exceptional rates," he insisted. "We're not offering them all the time, nor to everybody."

"So I know. You're merely offering your 'surplus transportation,' so to speak, to the 'foreigners' outside of your territory, so as to keep your locomotives and cars and coal and rate-makers busy. You're giving the down-trodden foreigners of the East an opportunity to 'see the Rockies of Montana,' as your advertisements say, at less than a cent and a half a mile. But let's look at some other ads:

"In June your G. P. A. advertised round-trip tickets, from St. Paul to Spokane, for \$42.50, or 1.42 cents a mile, and St. Paul to Seattle for \$50, which is 1.36 cents a mile. Did you authorize that rate?"

"Of course I did. No rate is made on my road without my consent," he replied.

"All right. Then, later, when you advertised a \$60 round-trip ticket from St. Paul to Seattle, you made it only \$62.50 from Chicago. That's \$2.50 from Chicago to St. Paul and return, 884 miles over the Burlington, or only 2.8 mills a mile! Ten miles for less than three cents, and you say you can't afford to carry a passenger one mile for less than three cents! Do you wonder I've got a hot-box in my head?"

"But you don't understand——" he said

"No; that's the trouble. That's why I know I'm crazy. I don't understand why great Captains of Transportation buy high-priced advertising space to sell their transportation at less than cost. If I understood that I'd be sane. You tell governors and legislatures that less than three cents a mile will ruin the roads, and here you're advertising for all the buyers in creation to come and take what you have at less than a cent and a half. The same week that Wall Street praises a governor for vetoing a two-cent bill, you advertise that your road is anxious to carry passengers for less than a cent and a third a mile! You're dallying with calamity! Don't you see that, on your own statement, when you offer transportation at less than a cent and a half a mile you're losing one one-hundredth of a mill every fifty-two one-hundredths feet?"

"I knew it! I knew it!" he wailed. "Two-centers! Ruination!"

"Let's talk about something more pleasant. We'll go to Old Mexico and ramble about on the cheap rates there. We can do a lot of traveling in Mexico at less than two cents a mile.

"We can start from Albuquerque and jaunt around more than 5,000 miles in Mexico and return for 1.42 cents a mile. If you start from New York City with a ticket to the City of Mexico, price \$121.10, your rate for the round trip is 1.58 cents a mile. From Chicago the round trip is 1.59 cents a mile. It's cheaper to start from Kansas City, for the round trip from that point is only 1.45 cents a mile."

"You understand that, don't you?" asked the Old Man.

"Yes; the short-haul rate is lower because there's no water competition between Kansas City and the City of Mexico. If the roads can't afford to carry passengers for less than three cents a mile, I don't see why they experiment with so many different lower rates. The round trip from Denver to the City of Mexico is 1.93 cents a mile. From San Francisco it was 2.33 cents a mile early last June, but in July the Southern Pacific marked it down to 1.8 cents a mile. For the 2,582 miles from San Francisco to El Paso and return, the Southern Pacific charged 1.93 cents a mile, while for the 2,446 miles from El Paso to Mexico City and return, the Mexican Central charged only 1.65 cents a mile."

"How do you know they divided it that way?" asked the Old Man.

"I don't know how they cut it up after they got it. Maybe the S. P. took more. Anyway, after you get into the Mexico you can travel more than 3,000 miles, taking the nice little side-trips that the American roads make barrels of money on, and pay from 2.6 cents down to only 7 mills a mile."

"Bad business," said the Old Man. "Traffic doesn't justify it."

"Evidently. Funny they don't charge more; but those Mexican railroad men are amateurs. And then—but before I forget it, for I'm so indignant over these two-cent laws—I want to remind you that all the transcontinental lines are not only carrying through passengers at less than three cents a mile, but passengers get their meals and sleeping-car berths in addition to transportation for less than three cents a mile. A Chicago-Seattle round-trip passenger can pay \$62.50 fare, \$24 for his berth, and spend \$12 in the dining-car, and his rate is 2.7 cents a mile. So if you're not losing money on 1.35 cents a mile, long hauls, then two cents for local rates is better than selling life insurance for cats."

"No, no!" he protested. "It means ruin! It means the downfall of the Republic!"

"I guess you're right. But let's continue our journeys. Last June the Santa Fe was advertising cheap round-trip fares from both ends of its line, San Francisco to Chicago and return, \$72.50, or 1.4 cents a mile, but from Chicago to San Francisco and return, at the same time, 1.1 cents a mile; San Francisco to Kansas City and return, 1.66 cents a mile, and to Houston and return 1.34 cents a mile."

"Don't you understand that?"

"Certainly; it's perfectly simple. But let's go on. Last May, when the Shriners met in Los Angeles, the rates advertised were 1.36 cents a mile round trip from the East; and in July, when the National Educational Association met in Los Angeles, the first round-trip rate advertised was 1.4 cents a mile-average rate. But lower rates were advertised later—1.11 cents a mile from New York, Boston, Philadelphia, Omaha and Kansas City, 1.21 from Chicago and 1.3 from St. Louis."

"Well, what of it?" he asked.

"Nothing; nothing at all. All those rates were less than a cent and a third a mile, and six less than a cent and a quarter. Handsome invitations to State legislatures to enact two-cent laws."

"Pshaw! Members of legislatures never figure such things," said the Old Man.

"That's true; I'd forgot that. But about this \$82.75 round-trip fare, New York to Los Angeles. That's 1.11 cents a mile for the whole distance, 1.6 cents a mile from New York to Philadelphia and return, and only 9 *mills* a mile from New York to Chicago and return! How do they do such figuring?"

"It's a matter of arrangement between the roads," he replied.

"I see—on account of the fierce competition. Roads say they can't afford to carry passengers for two cents a mile, and prove it by carrying them for less than one cent a mile! On that \$82.75 rate from New York to the Pacific Coast the rate was 1.6 cents a mile over the 456 miles from New York to Philadelphia and back; but

on the \$108.50 round-trip ticket from San Francisco to New York, the rate over that same 456 miles was only 3.28 *mills* a mile! And look at these round-trip rates, advertised in June, July and August, from Eastern points to San Francisco, and from San Francisco to the same points:

	West from	East to
Boston	\$84.75	\$109.50
New York	82.75	108.50
Chicago	62.50	72.50
Omaha	50.00	60.00
Kansas City	50.00	60.00
St. Louis	57.50	67.50

"Suppose a legislature should fix such rates! The only one of those rates that's as much as 1.5 cents a mile is the one from San Francisco to Boston and return. Suicidal, isn't it?"

"Sometimes we have to make such rates to get business, to create business," he replied.

"Yes; when you need business. But last April you said the roads had more business than they could handle. And when you said that, the 'Katy' was advertising round trips to San Antonio for 9.33 *mills* a mile from St. Louis, 9.24 *mills* a mile from Chicago, and 8.13 *mills* a mile from St. Paul!"

"But the 'Katy' is trying to settle up Texas, so as to create more local freight and passenger traffic," the Old Man explained.

"Bankrupting itself to settle up Texas? I see. If you think it's good policy, why don't you try it on Montana, Idaho and Washington?"

"How'd I ever get back to the old rates?" he replied.

"Ask the 'Katy.' But let's go to Chicago and see more local rates. Here's a Northwestern folder, called 'Short Jaunts for Busy People,' giving two sets of round-trip rates to summer resorts on that road—tourist and week-end rates. The Northwestern is glad to get passengers to the Rockies and Pacific Coast over its Omaha and St. Paul lines at less than 1.5 cents a mile. But in its 'Short Jaunts,' where it has no competition, the tourist rates run from 3.05 down to two cents a mile, and the week-end rates from 2.35 down to 1.33 cents a mile; and, of thirty-seven rates given, no two are the same per mile."

"Why should they be?" he asked.

"They shouldn't. If they were, there'd be no use for rate-makers. Now, our friend John Doe takes these four 'Short Jaunts' during the summer at tourist rates—to Dousman, Milwaukee, Clear Lake and Crystal Lake. He travels 666 miles for \$17.35, which is 2.6 cents a mile. Dick Roe takes four week-end 'Jaunts' to Madison, Lake Ripley, Lake Mills and Powers' Lake—966 miles for \$17.50, or 1.81 cents a mile. Dick pays 15 cents more than John, and travels 300 more miles. That's 5 cents a hundred miles, local business. Only one-twentieth of a cent a mile! Ruin and desolation!"

"Say!" interrupted the Old Man. "How long can you keep this up?"

"Don't mind me. I believe you're clearing my head up. Now, again, you take ten trips to Clear Lake, 1,800 miles, for \$55, and I take ten trips to Forest Lake, 2,660 miles, for \$55. If your ten trips are worth the money, then the Northwestern has hauled me 860 miles for nothing—which is less than two cents a mile. When a road can carry one man 300 miles for 15 cents, and then carry another man 860 miles for nothing, I'm wondering if the directors have fixed the date for the downfall of the Republic."

"We can't adjust all those details," he said.

"No; they're unimportant. Here's a Milwaukee folder with some bargain-counter rates. Last April it offered these marked-down specialties:

\$33.00—Chicago to	Mile Rate.
San Francisco	1.45
Los Angeles	1.43
Portland	1.52
Seattle	1.04
\$30.50—Chicago to	
Spokane	1.32
Pendleton	1.48
\$30.00—Chicago to	
Laramie	2.81
Ogden	2.01
Helena	1.57

"Nine different mile rates over the same roads from Chicago to Laramie, 1,086 miles; five at less than a cent and a half a mile, and all less than three cents. Nine men leave Chicago on the same train, each with a ticket for one of those places, and no two pay the same rate per mile. Ogden rides 427 miles farther than Laramie, but pays no more. Helena rides 831 beyond Laramie, and pays no more. Now, how much more would the roads lose if they had ten passengers for Helena and one for Laramie than if they had ten for Laramie and one for Helena?"

"Humph! There's not a railroad man on earth can tell you that," replied the Old Man.

"That's queer. In each case the eleven tickets would cost \$330. In the first case the total mileage would be 20,256, and in the second case 12,801—both for the same money, but with a difference of 7,455 miles traveled."

"What's the difference to the roads, as long as they are running the trains, anyway?" asked the Old Man.

"None, I suppose—which proves that a two-cent rate means ruin. Now, I want you to take notice: San Francisco is 1,213 miles farther than Laramie, but the additional fare for that distance is only \$3. That's \$2.47 a thousand miles! One hundred miles for less than two bits! Ten miles for less than two cents and a half!

"Now, hold on to something while I remind you that the passenger for Spokane pays only 50 cents more for his 2,315-mile ride than the Laramie man paid for his 1,086 miles—or 50 cents for the extra 1,229 miles, and \$2.50 less than the San Francisco passenger paid for his extra 1,213 miles. Talk about ruin! At 50 cents for 1,229 miles, what's the rate per mile?"

"I won't take advantage of you. It's .000-406834743620 of a cent a mile, and yet you——"

I heard a gurgling sound, and thought he had fainted; but he was sleeping sweetly.

* * *

ARE WE ALL COWARDS ?

George Wallace in the South Side Observer, Rockville Center, N. Y., February 19.

A nation of free men should not be a nation of cowards. My own belief is that this widespread, demoralizing cowardice arises from the fact that our institutions give special privileges to the few and do not give equal opportunity to the many. If the ordinary business men or workmen had equal opportunity in life with all others, they would not be afraid to utter their sentiments on any question.

There are people who talk loudly and bravely on some topics, although arrant cowards on others, because on the latter topics there is some club swinging over their heads.

I have known men who shouldered a musket, offered their lives for their country, and were noted for bravery in war, but who lacked the courage to express their private convictions in many of the affairs of life after the war was over. These men are not naturally cowards; they have records for bravery on many a bloody field; it is the conditions of our life that make cowards of them in these particulars. They fear future penury and want; they know that the pittance allowed them in the form of a pension would be scarcely enough to keep soul and body together in old age; they have no desire to be sent away from their old homes even to a soldiers' home; they are compelled to sink their independence in the anxiety to save themselves and their families from want.

All such conditions must be wrong. It is not only my duty, but the duty of every citizen, to fight against conditions which produce demoralizing cowardice among the people. It is a sad condition for any nation when the spirit of independence is crushed among the people. As the poet has written:

Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay.

This lack of independence comes to every nation hand in hand with the accumulation of unearned fortunes. It is high time to put a stop to it in the free United States of America.

* * *

No man made the land; it is the original inheritance of the whole species.—John Stuart Mill.

BOOKS

THE MAKING OF LAW.

Law: Its Origin, Growth and Function. Being a Course of Lectures Prepared for Delivery Before the Law School of Harvard University, by James Coolidge Carter, LL. D., of the New York Bar. Published by G. P. Putnam's Sons, New York and London.

The distinguished author of these lectures, prepared for the law school of Harvard University, died soon after completing the rough draft of his manuscript and shortly before the time fixed for delivery. With only slight verbal revision the manuscript is published at his dying request and under the supervision of his partner, Lewis Cass Ledyard.

Mr. Carter's interest in the general subject of his lectures dates back to the heated controversy provoked many years ago by David Dudley Field's proposed codification of the laws of New York. Mr. Field, sought to bring the entire subject of jurisprudence within the boundaries of legislative or written law; Mr. Carter opposed Mr. Field with the contention that the written law has different functions from the unwritten, and that the former not only should not, but cannot swallow up the latter. In his will he provided a fund for the establishment in the Harvard law school of a professorship for the special cultivation of the distinctions between the provinces of the written and the unwritten law, and the manuscript of this posthumous book is his especial intellectual contribution to the same object.

The author finds that custom is the only law of society in the stages in which society is first exposed to scientific observation. Custom is traditional public opinion, passing on from one generation to another, varying with place and altering with time, and it is this that constitutes the unwritten law of a people. Individual conduct being regulated with reference to custom, disputes arise over differences of opinion regarding the custom or customs involved or their application. This necessitates the intervention of experts, judges, not to make a law for the case, but to decide with reference to the unwritten law or custom out of which the dispute arises. "Accordingly we find that the first step in the way of improving the administration of justice is to establish a tribunal for the sole purpose of determining controversies." In those early tribunals there was no written law. Judicial precedents did indeed come to be recorded and regularly followed, but precedent was simply a judicial declaration of custom, "authenticated custom," as the author calls it. Written law by de-

ree or legislation, was introduced with two objects: "to compose differences between various classes in society, and to furnish machinery by which the customary law might be more efficiently administered." From time to time it was resorted to, the better to adapt that machinery to the changing and developing wants of society; and where it was aimed directly at individual conduct it was for the purpose of securing better obedience to the customary law by public punishment of the more flagrant violations of custom, which is the office of the criminal law. Accordingly, legislation appears at first to have had nearly the same province as public law—the law governing the relation of the individual to society. Its operation on private law—the law governing the relation of individual to individual—has always been "remote and indirect and aimed only to make the unwritten law of custom more easily and certainly enforced." In this connection the author does not overlook the codifications of private law which began with Rome; but he regards these as exceptions only in name, the law enacted in such codes having existed before and having received little or no force from codification.

To existing custom, therefore, Mr. Carter assigns the standard of existing law—customs which the law condemns as bad being "really practices contrary to custom."

Proceeding then to inquire into the nature and meaning of custom and the secret of its powers, he concludes that it arose out of experiences indicating that "the square deal" makes the best game. Man learned in this way, for instance, "that he must not take the fruits of another man's labor," if he would be secure in the fruits of his own; and so the custom of private property arose. And as he discovered the beneficent results of experience in the direction of industrial specialization and social intercourse, moral sentiment began to develop. It was in soil like this that custom grew. It "is not the accidental, trivial and meaningless thing which we sometimes think it to be," but "the imperishable record of the wisdom of the illimitable past reaching back to the infancy of the race, revised, corrected, enlarged, open to all alike and read and understood by all."

At first impression it might seem that Mr. Carter regards custom so defined as the creator rather than the discoverer of moral law. Yet this quotation from page 129 suggests a philosophy more profound: "The moral nature becomes more sensitive, men become more inclined to act more and more upon motives of justice and benevolence to others." While he does not inquire "whether there is any such thing as absolute right," that question being outside the scope of his lectures, he thinks "it true that we all have a

certain feeling that there is such a thing as right in itself," and that "there is at times a real opposition" between custom and conscience. He believes, too, that in such cases it is the voice of conscience—provided it be "the true voice of conscience, and not what it is apt to be, that of ignorance, self-conceit or obstinacy"—that should be obeyed. His conclusion in this connection is that custom, however incompatible it may be with right in itself, "does in nearly every case dictate what is just, according to the common sense of justice" prevalent at the time and place in the circumstances. For customs, "being common modes of action, are the unerring evidence of common thought and belief."

Liberty is estimated by Mr. Carter as the primary condition of normal custom. By liberty he means freedom "to do what one pleases to do without any external restraint" other than what is necessary "to distinguish and separate the things which each individual may do or enjoy from the things which he may not do or enjoy without invading the equal liberty of others." One is somewhat staggered, however, upon finding that the author, as at page 342, is at a loss for an answer to the parasitical contention that if wealth were distributed among its producers equably in proportion to their production, it would "be wasted and misspent." Yet he has already answered it not only in general, with his plea for liberty, but with his statement on the preceding page that "whoever has power over his fellow men will use it in part at least for his own purpose." There are other instances of confusion when the author deals with the subject of what custom ought to be, which is not surprising, perhaps, from a man whose whole professional life was spent in contentions over what it is in its applications to individual controversies.

His summary, however, of the origin and function of law in those applications is altogether consistent. Law "begins as the product of the automatic action of society;" and is "self-created and self-existent" in custom. It is, therefore, impossible either "to make law by legislative action" or to abrogate it; for, although legislation may "reinforce custom and prevent violations of it," it will be ineffectual "if aimed against established custom." As to conduct "in plain conformity to custom, or the contrary," judgment as to right action is instantaneous and expert advice is unnecessary; but if the conduct is novel, its consequences must be deliberately considered, and in this work the study of the lawyer differs from that of other men "only in being pursued scientifically." Finally, conformity to custom being "the necessary form which human conduct assumes in social dealings, it is the only just and right form," and "no other standard can be erected over it."

BOOKS RECEIVED

—Iblis in Paradise. A Story of the Temptation. By George Roe. Published by the Henry Altemus Co., Philadelphia. 1908. Price, \$1.25.

—The Gullick Hygiene Series. Book Three. Town and City. By Frances Gullick Jewett. Published by Ginn & Company, Boston. Price 50 cents.

—The Gullick Hygiene Series. Book Five. Control of Body and Mind. Frances Gullick Jewett. Published by Ginn & Company, Boston. Price 50 cents.

—The A. B. C. of Taxation. With Boston Object Lessons, Private Property in Land, and Other Essays and Addresses. By C. B. Fillebrown, Pres. Massachusetts Single Tax League. Published by Doubleday, Page & Co., New York. 1909. Price, \$1.20 net.

—Lectures on the Industrial Revolution of the Eighteenth Century in England. Popular addresses, notes and other fragments. By the late Arnold Toynbee, Tutor of Balliol College, Oxford. New edition. Together with Reminiscences by Lord Milner. Published by Longmans, Green & Co., 39 Paternoster Row, London. Also New York, Bombay and Calcutta. Price \$1.

PERIODICALS

In Moody's Magazine (New York) for February, John Moody tells of the tobacco trust, and Arthur J. Dodge contributes a phenomenal article on "The Folly of Free Trade."

+

The "Evolution of Religion From the Psychological Point of View," by Irving King of the University of Michigan, the first section of an extended study in primitive religious development, appears in the Journal of Sociology (Chicago), which also contains the third of Louis Wallis' "Biblical Sociology." (Vol. xi, p. 645.)

+

Prof. John H. Wigmore, perhaps the most distinguished expert on the law of evidence in the world, contributes to the Illinois Law Review (Chicago) a unique and breezy but none the less searching criticism of Munsterberg's (p. 188) "Psychology of Crime," insofar as it proposes innovations upon existing rules of evidence.

+

Under the title of "Recent Socialism," C. F. Hunt contributes to the January-February Single Tax Review (New York) a deserved and keenly pointed, but well-tempered rebuke to those socialistic caricaturists of Henry George, who seem to find more satisfaction in quarreling with friends over academic differences than in fighting the common enemy.

+

Professor Kleene's paper on statistical study of causes of destitution, in the September Quarterly of the American Statistical Association, (491 Boylston

street, Boston), is a reassuring contribution on a subject that has been running wild. While he does not condemn the study of concrete cases of destitution for all purposes, he distinctly and rationally condemns the efforts to measure causes by this method. Considering "how causes are interlaced, how interdependent and inseparable are individual environment, racial trait and social structure," he finds it, apparently at least, "impossible to make any statement of the importance of causes in terms of relative magnitude" by means of "inductive study of concrete masses of pauperism." One of the counts in his indictment is the fact that "the data used are cases of dependency, not destitution;" and another that "in many instances the chain of causes appears to return upon itself"—a man being "destitute because of unemployment, unemployed because

of physical weakness, weak because of nature of abode and insufficiency of nutritious food, confined to unsanitary dwelling places and poorly fed and depressed because of his destitution." Very significantly does Prof. Kleene ask "What point in this circle should be selected for tabulation?"

+ + +

Pat had had trouble with his eyes, and a friend having advised him to consult an oculist, he went a few days ago to see Dr. W—, a distinguished specialist, for relief. On his arrival at the doctor's office he found the usual large number of patients in the ante-room awaiting attention, and though he was in a great hurry he was forced to wait several dreary hours before his turn came. He lost and regained his temper several times in the interim, but

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when all was over and he found himself out upon the street with the day half spent, indignation over the loss of valuable time was the predominant note in his feelings.

"But Oi had me revinge!" he ejaculated with a broad smile, as he told his friend Mike about it afterward, "Oi don't t'ink he'll keep me waitin' again loike thot."

"Phat did ye do to 'um?" asked Mike.

"Sure an' Oi wint back th' next day," said Pat, "Oi got there at noine by the clock an' ivery toime

they said 'twas me turn to go in Oi said Oi'd wait an' let some other felly have me place, ontill the clock sthruck twilve, an' thin Oi wint in. 'Well,' says he, 'phwat can Oi do for yez this mornin' Pat?' 'Nawthin!' says Oi, lookin' him shquare in the eye as Oi turned on me heels and lift the room. Bedad, Oi don't believe he knows yit what sthruck 'um!'—Harper's Weekly.

+ + +

A deaf but pious English lady, visiting a small country town in Scotland, went to church armed

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with an ear-trumpet. The elders had never seen one, and viewed it with suspicion and uneasiness. After a short consultation, one of them went up to the lady, just before the opening of the services, and, wagging his finger at her warningly, whispered, "The first toot, and ye're oot!"—Woman's Journal.

+ + +

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words, smoke cigarettes, whistle around the office, play tricks, or get into mischief."

Small Boy: "Yer don't want no boy; yer want a goil. See?"—St. Louis Times.

+ + +

Rag Doll: "Why, what on earth are you doing lying in the corner of the sofa there as though you were asleep?"

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