

omn painstakingness that in the 75 years, this family has cost the public in various ways not less than \$1,200,000! Why, that's nothing. The undegenerate Astor family has cost the public more than that in less time—millions more.

Americans are but just getting an inkling of the tremendous social and political forces that are clashing in China. We are accustomed to look upon the Chinese as a dead or dying race. But the march of events there is beginning to show us the same struggle between the people and privilege that has made our own history for more than 500 years, and has not subsided yet. Whether the young emperor be dead or not, remains a secret; but he has at any rate been forced to give up his imperial authority, and it is no secret that the reason for that is his democracy. Free press and the right of petition were among the rights he had officially recognized as belonging to all Chinamen; and he had set about the establishment of public schools and the setting up of modern ideas of education in place of the pedantic mummery that passes in China for intellectual culture. In fact the emperor seems to have been what the plutocrats of this country would call an "anarchist." He was as bad a man as Bryan. And dead or not, his reforms will live. It is not reformers that make reforms, but reforms that make reformers. Such ideas could never have penetrated the palace at Peking unless they had gained a hold upon a considerable proportion of the people; and the moral revolution in China to which the recent sensational disclosures regarding the emperor testify, must go on, in spite of court intrigue and probably of court crime.

#### ROOSEVELT'S ELEGIBILITY, ETC.

When Col. Theodore Roosevelt, of "rough rider" fame, abandoned his independent republican friends and became Thomas C. Platt's candidate for governor of the state of New York, he thereby excited the hostility of

Gov. Black, who had enjoyed the distinction of Mr. Platt's favor until by some official act of unwonted righteousness he impressed that political arbiter with the importance of laying hands upon a new protege. Gov. Black was himself a candidate for the republican nomination for governor, and he left no stone unturned to defeat the hustling colonel. One of the things he did in this connection was to raise a doubt as to Col. Roosevelt's eligibility.

According to the constitution of the state of New York, no person is eligible to the office of governor who shall not have been for "five years next preceding his election, a resident of the state;" and Gov. Black warned his party that Col. Roosevelt was even then a non-resident, in proof whereof he produced an affidavit made by the colonel himself. This affidavit, sworn to at Washington on the 21st of March, 1898, and used for the purpose of avoiding personal taxation in the city of New York, contained the following statement:

Since October, 1897, I have not had my domicile or residence in New York city, and have not and do not now own or lease any dwelling house there whatsoever. Last June I rented the house in which I am now residing with my family, at 1810 N street, Washington, D. C. In October last my family came on here from Oyster Bay, L. I., and since then I have been and am now a resident of Washington.

It will be observed that the essence of the affidavit is that on the 21st of March, 1898, Roosevelt no longer resided in New York city, but was a resident of Washington. On the face of things, therefore, the governor had made out his case. If Col. Roosevelt was a resident of Washington last March, he could not be a lawful candidate for governor of New York next November.

But this was only the surface of the matter. Roosevelt promptly declared that the affidavit did not affect his standing as a citizen of the state of New York in the least. "I signed that paper," he said, in a published interview, "only to avoid paying double taxes, in Washington and New York, on my personal property." And at the republican con-

vention a full explanation was made tending to show that, notwithstanding the foregoing affidavit, Col. Roosevelt had never ceased to be a resident of the state of New York.

To make this explanation, Col. Roosevelt and Mr. Platt selected Elihu Root, a leading member of the New York bar, a partisan republican, and one of the most astute lawyers of the state. Mr. Root told the convention that Roosevelt had spent his boyhood and cast his first vote at Oyster Bay, in the state of New York, and that this place had continued to be his home until, "for the purpose"—that was Mr. Root's phrase—of securing a seat in the legislature, he had acquired a residence in the city of New York, which he relinquished for his former home as soon as his term in the legislature expired. Some years later, "for the purpose," continued Mr. Root, of becoming a police commissioner of the city of New York, Col. Roosevelt again acquired a residence in that city, and when his object had been accomplished, and in order to accept a federal appointment at Washington he had resigned as police commissioner, he once more relinquished his New York city residence. This time, according to Mr. Root, Col. Roosevelt transferred his actual residence to Washington, but as before, he resumed his legal residence at Oyster Bay.

Here Mr. Root stopped to define the difference between actual residence and legal residence. A man's actual residence, he argued, is his abiding place whether permanent or temporary, but his legal residence is his permanent home. Hence actual residence and legal residence may or may not be at the same place.

Continuing his explanation, Mr. Root said that when Col. Roosevelt's lease to his New York dwelling expired, which was on the 1st of October, 1897, he returned his personal belongings to Oyster Bay, with the intention of making that place once more his permanent home; and to prove that this was Col. Roosevelt's intention Mr. Root detailed the circumstances under which the colonel made his Washington affidavit. When the tax authorities of New York city, in January, 1898, levied upon the colonel a personal property assess-

ment, he wrote to a friend in New York as follows:

Will I have to pay that personal tax if I am not a resident of New York? I now vote in Oyster Bay and pay my personal taxes there. I do not see how they can collect it.

That letter bore date January 20, 1898, about two months earlier than the date of the questionable affidavit. It was followed by one bearing date March 25, 1898, four days after the affidavit. In the latter, written to another friend, the colonel said:

I do not want to lose my vote this fall, and therefore I will just pay the penalty and pay those taxes in New York. Is it practicable to alter matters so as to have me taxed at Oyster Bay? Would this be practical or not? If not, then I will pay in New York anyway. I do not want to seem to sneak out of anything, nor do I wish to lose my vote two years in succession.

Besides presenting Col. Roosevelt's letters regarding his personal taxes—from which we have now quoted all that is material to the question—Mr. Root read a letter written last July by the colonel to the adjutant general at Washington, in answer to an official request for information, in which the colonel said:

I was born in New York on October 27, 1858, and have resided in New York ever since.

We have now given all the evidence yet made public on the question of Col. Roosevelt's eligibility, except one affidavit, which was not brought to the attention of the convention by Mr. Root. It was sworn to by Col. Roosevelt on the 24th of August, 1897, after he had moved to Washington and rented a house there, but before the expiration of the lease under which he had lived in New York. This affidavit also was made and used for the purpose of avoiding personal taxes. But whereas the former affidavit was intended to avoid personal taxes in New York city, where it is conceded that Col. Roosevelt did not at the time reside, this one was intended to avoid taxes at Oyster Bay, to which place he now claims to have returned upon relinquishing his residence in New York. The material part of the latter affidavit consists of a question officially propounded by the assessors of the town of Oyster Bay, and of Col. Roosevelt's answer. The question was: "On what grounds

do you ask for a reduction of the assessment of said personal property?" and the answer: "That I reside and vote in New York city."

It is not at all probable that any republicans will so far challenge party regularity and defy party organization as to bring the validity of Col. Roosevelt's nomination to the test of a court decision; but it is probable that in the event of his election the democrats will bring his right to the office to that test. What the decision would be we do not presume to guess. But upon the evidence so far published, the case would present no very difficult questions.

It is true, as Mr. Root insisted in his speech at the convention, that there is a legal distinction between temporary and permanent residence, and that the latter is the legal residence. Col. Roosevelt might therefore have been a permanent resident of Oyster Bay when he swore that he was a resident of Washington. That would depend upon whether he meant to imply in his affidavit that his Washington residence was temporary only and not permanent. The case would turn wholly upon his intention.

But intention in this matter, as in all other relations with which the law has to do, is ascertained not from subsequent professions of former intent, but by actions and contemporaneous professions. If Col. Roosevelt, at the time of his actual residence in Washington, did or said anything with legal solemnity, regarding his rights or duties as a legal resident of New York state, which was inconsistent with such rights or duties, he thereby manifested an intention of abandoning his legal residence there. The most important evidence, then, is the two affidavits mentioned above, though the correspondence adduced is valuable as a side light.

By the affidavit of August 24, 1897, Col. Roosevelt swore that at that time he was not a legal resident of Oyster Bay. Inasmuch as his oath to this effect was used to avoid a legal duty which would have attached to him as a legal resident of Oyster Bay, it should be taken as conclusive that on the 24th of August, 1897, he was not a legal resident of that place. A lim-

itation is thus put upon the inquiry at one end. The other end is limited similarly by the affidavit of March 21, 1898. In that Col. Roosevelt testifies that he did not then reside in New York city. Inasmuch as this affidavit was used to avoid a legal duty that would have attached to him as a legal resident of New York city, it too must be taken as conclusive. It follows that on the 21st of March, 1898, he was not a resident of New York city, just as that on the 24th of the previous August he was not a resident of Oyster Bay.

Now, as New York city and Oyster Bay are the only places in New York state in which Col. Roosevelt has ever claimed a residence, the question is very much narrowed. Not being a resident of Oyster Bay on the 24th of August, 1897, nor a resident of New York city on the 21st of March, 1898, we have only to ascertain where his legal residence was between those two dates.

Col. Roosevelt's actual residence during that period and for some time previously was in Washington; and in his later affidavit he asserted that he was then a resident of Washington; but as he did not clearly indicate in the affidavit whether Washington was his legal or only a temporary residence, and as that question was not material for the legal purposes of the affidavit—nothing being material but the fact that he did not have a legal residence in New York city—his statement as to residence in Washington is not conclusive. In itself it fails to prove that his Washington residence was not merely temporary. The legal residence of Col. Roosevelt, therefore, between the dates mentioned—August and March—must be determined in other ways.

Several facts throw light upon the question, but it is not necessary to consider more than two. In the first place, the presumption would be that in taking up a residence in Washington as a federal office holder, he did not intend to make that city his permanent home; and in the second, it appears that he broke up his New York home at the expiration of the lease of his dwelling there, which was October 1, 1897. These two facts—

especially when it is considered that Col. Roosevelt would be entitled to the benefit of all doubts in a case involving his loss of citizenship—ought to satisfy a court that he changed his legal residence from New York city to Oyster Bay on the 1st of October, 1897.

That conclusion, consistent with both affidavits, establishes Col. Roosevelt's constitutional eligibility to the governorship of New York, but it does so by an exceedingly close shave.

But if under all these circumstances Col. Roosevelt be eligible to the governorship, he is nevertheless a veritable star at tax dodging. It may be conceded that he did not intend to relinquish his New York state citizenship for office-running purposes, but then it cannot be denied that he did intend to appear to relinquish it for tax-paying purposes.

From the spring or early summer of 1897, his actual residence was in Washington, but owing to his habit of swinging into New York city to take local office, and then upon retiring from office of swinging back again to Oyster Bay, he had the privilege, when he removed to Washington, of remaining a legal resident of New York city—where he had just relinquished office after one of his swings—or of resuming his intermittent home at Oyster Bay. The privilege was convenient and valuable, and Col. Roosevelt tried to make the most of it. When Oyster Bay levied taxes, his legal residence was New York city; but when New York city levied taxes, his legal residence was Oyster Bay!

One of Col. Roosevelt's strongest recommendations in politics has been that he is personally honest. Never having been accused of pilfering he has for this virtue won much applause. Of course he has had no temptation to pilfer. He is a rich man, drawing his income from what are institutionally honest sources—land values, which the public and not he maintain. Nevertheless, conventional honesty is a recommendation, even though it may never have been tested by temptation. But now Col. Roosevelt's character in this respect is the subject of public dispute; and his cherished reputation, like his gub-

ernatorial eligibility, is in danger, if it survives the campaign at all, of escaping by an exceedingly narrow shave.

### STOP STARVING WOMEN AND CHILDREN!

Even if a constitutional amendment be necessary to accomplish it, what one thing could a congress of these United States of America do, in legislating on taxation, that would be more truly equitable, than to make the owners of great fortunes in land pay their fair share of the national expenses, instead of allowing them to shirk that burden as they have done? For they have shirked it, and shirked it from the very foundation of our government, by vigilantly and covertly opposing, like the British lords, all legislation that would set upon their own shoulders the smallest part of what they ought in justice to bear.

How could tax laws be more truly humane than they would be if they said to the poor: "Good people, you shall pay no taxes on what you eat, on what you drink, on the clothes you wear, nor on the roofs that shelter you, henceforth and forever?" How could tax laws be more just than they would be if they said to all the people: "This goodly land, which God made for the use of all, has been left to the possession of the few, but hereafter every one who is permitted to keep as his own any part of this storehouse of God's bounties, whence each derives his living, must pay into the people's treasury a rent commensurate with the value of this his possession, and henceforth and forever neither law nor lord shall tax man or woman for the privilege of working and living on God's land, nor fine man or woman for producing wealth or for saving wealth?"

In our political quarrels over "protection," and "tariff for revenue only," we have been the mere dupes of a few long-headed plutocrats and politicians. There never was nor ever can be such a thing as a "tariff for revenue only." Neither can have any existence except in the imaginations of knaves and victims of knaves. We are only poor fools when we quarrel over such dreams. A tariff is always a tariff. It always was and always will be simply what plutocrats and

politicians can agree upon, with no regard to principle and all regard to wealth, political influence and campaign "soap." The main purpose of a tariff was in the beginning, still is, and ever will be, to enable great fortunes in land to shirk their fair share of the national expenses. To stop that shirking would very plainly make our taxation far more just; and the reward of such justice would be untold prosperity to the nation.

Then why not stop it—this wicked shirking that is merely a method by which the lords of earth intercept God's gift to all, and curse the whole world with poverty, misery and sin? Should not honest citizens unite against it as promptly and as firmly as they do against more open but less ruinous modes of plundering?

The times seem ripe for action—action which wisdom will direct or frenzy impel. When each day "women faint and little children moan" in misery made by the laws, law will not be strong enough to fetter men who are thoughtful as well as brave. Thus, already republicans begin to dislike "protection," democrats begin to hate "tariff for revenue only," populists denounce this "sham battle over the tariff," while prohibitionists and all are nearly ready for the political war-cry of "Down with shams, and stop starving women and children to make great fortunes!"

ASHER GEORGE BEECHER.

## NEWS

The nomination of Col. Theodore Roosevelt for governor of New York, of which we gave an account last week, was followed on the 29th by the nomination of Judge Augustus Van Wyck, brother of Mayor Van Wyck, as the democratic candidate for the same office. This nomination was a triumph of Tammany Hall, under the leadership of Mr. Croker, over ex-Gov. Hill. It was evident the night before the nomination, that Hill had been defeated; so no serious contest was made in the body of the convention, but Judge Van Wyck was nominated on the first ballot. Out of 451 votes he received 350. Having thus won the gubernatorial nomination, Mr. Croker offered an olive branch to Mr. Hill, in the shape of the nomination for