

was explicit in contrasting the decision in this case with the contrary decision in the labor case.

As reported in the "Official Edition of Law Reports and Session Laws, State of New York," for May 23, 1903, Judge Martin drew that contrast in this restrained but pointed language:

If the decision of the court below shall be affirmed, it obviously results in an unfair and unjust discrimination by this court in favor of capital or business and against labor, by enforcing the law as to one and refusing as to the other. As we have already seen, this court, in *Curran vs. Galen*, unanimously held that a combination or association of workmen whose purpose was to hamper or restrict the freedom of the citizen in pursuing his lawful trade or calling, through contracts or arrangements with employes to coerce workmen to become members of the organization and to come under its rules and conditions under penalty of loss of their positions and of deprivation of employment, was against public policy and unlawful; while in this case it is held that a combination or association of wholesale dealers in useful articles whose purpose is to hamper and destroy the freedom of the plaintiff and others to pursue their lawful business, by contracts or arrangements with manufacturers to cause them to become members of their organization and to come under its rules and conditions under penalty of the destruction of their business, was not against public policy nor unlawful. As these decisions could not be harmonized, they would result in a discrimination in favor of capital or business, which could not be sustained upon any just or legal principle known to or established by statute or common law.

In that quotation there is pretty good judicial authority for the complaint that the courts keep on hand a supply of one kind of law for capital and another for labor. And the quotation is justified by the facts. So far as the New York Court of Appeals is concerned the case of *Curran vs. Galen* may now be referred to as authority for prosecutions of coercive labor combinations, while the case of *Park vs. the Druggists' Association* is looked to as a legal shield for coercive business combinations. Here are all the materials for a judicial

"Box and Cox" farce, or "Now You See It and Now You Don't."

If the anti-tipping movement could be carried on to success it would be a good thing, not only for the people who give tips but for the working people who take them. Tipping is degrading. It degrades the giver, because it stimulates in him a sentiment of fictitious superiority; it is degrading to the recipient, because it makes him servile. The man-to-man relationship cannot exist where tipping prevails. Nor is it profitable to the recipient. His income is really not bettered by tipping. Wherever tipping is customary wages are correspondingly low. The wages of Pullman car porters, for instance, are \$25 a month and less, and they must buy their own meals. It is not the porter who gets the tips; it is the Pullman Co. Tipping is not likely to go out of vogue, however, through the influence of an anti-tipping league. It is one of the characteristic manifestations of that differentiation of the people into social classes which came in with liveries. Not very long ago the waiters in middle class restaurants even in New York would have resented as a snobbish insult the offer of a tip. Waiters then refused to be regarded as members of an inferior class. But no waiter any longer regards a tip as an insult. Both the waiter and his customer have now a pretty well defined feeling that the tip is something which one social class owes to another.

What may be the full effect of the recent decision of the Appellate Court of the District of Columbia in the second class mail matter cases is not quite certain. It is probable, however, that until the question reaches the Supreme Court of the United States the Postmaster General will be more of a press censor than ever. Some idea of the aggravating character of this censorship is given by Benjamin R. Tucker's "Liberty" for June, in an account of its own experience. Here is a paper which, having once possessed the sec-

ond class mailing right, lost it by suspension, and upon resuming publication was compelled to make a new application. Such an application should have been granted without delay or other annoyance upon proof of the good faith of the publisher. But it was months after application before Mr. Tucker received his second class license. Meantime a red-tape investigation slowly proceeded, which escaped being exasperating only because its details were so absurdly comical. The latest instance of totally unwarranted interference with legitimate second class publications has to do with the *Nebraska Independent*, of Lincoln. This is an established weekly paper, perhaps the most important and influential of the Populist press. During the Spring its editor conceived the idea of making of one of its regular issues a "Henry George edition," and this idea was carried out in May. The special issue differed from the others only in being devoted to a discussion by many writers, of the Henry George idea. Yet the postoffice department has taken steps which threaten the existence of the paper. As we have heretofore freely discussed this subject of the second class postal censorship of the press (vol. v, pp. 548, 196, 211, 468, 515, 548), which is apparently designed especially to embarrass radical papers, it is not necessary to dwell upon these more recent instances of its operation; but this much at least should now be repeated, that there is an increasing necessity for taking away from the postoffice department, and reposing wholly in the courts, the question of the right, in individual cases, to second class mail accommodations.

From Washington it is announced that Secretary Hay has taken measures to assist the Secretary of Agriculture in preventing the importation of European food stuffs, "in retaliation against the countries which discriminate against American food products." This commercial "retaliation" is a funny thing. For instance, Germans want American food