

made last December, reported the necessary future excavation at 174,666,595 cubic yards. The increase of the estimate in 1908 over that of 1906, appearing thus to be some 71,000,000 cubic yards—more than 50 per cent—is accounted for in the Canal Record by intervening enlargement of dimensions and alterations of plans. These alterations involved, it seems, increases in the following respects: "Excavation from prism, 66,329,217; from diversions, 250,000; from locks, 3,894,763, and from dams, 397,615."

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Those alterations in plans, necessitating a large increase in work, resulted, of course, in a large increase in the cost. The estimate of 1906, \$139,705,200 for the total excavation, is raised by the estimate of last December to \$297,766,000, over and above the cost of administration, which is put at \$60,000,000 more. Here is an increase of nearly 200 per cent, without considering cost of administration. According to the explanation of the Canal Record, this enormous increase comprises "an increase of about 20 per cent in the cost of excavation and a general increase in the cost of labor," together with the increase in the amount of work to be done.

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#### An Instructive Object Lesson.

In a little hamlet in one of the southern counties of England lives a rich bachelor who draws a large income which he does little or nothing to create. He is not indifferent, however, to the social obligations it puts him under, and he has chosen to live on an income no greater than that of a superannuated postman and to give the rest of his wealth and all his time to the working out of plans for the common good, and especially to save young men from resorting to the saloon for the satisfaction of their quite legitimate social cravings. He has erected in two portions of that district extensive buildings, and pays teachers in carpentry and tailoring who teach all applicants in their turn to make their household furniture and their clothes, even the material being free. The elementary branches of education also are taught. There is a reading room open every night and refreshments are supplied, free also. It is the wish of this generous man that his gifts should enrich the life of that neighborhood. How it comes about that his efforts are partly defeated, and who the culprit is, the following dialogue will explain: "Does Mr. Hodge own all the cottages around here?" "No, he do not, sir." "Then do not the other landlords put up their rents be-

cause of all these good things?" "Yes, that they do, sir; that be just the worst of it."

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#### PRESIDENT TAFT AND PROPERTY RIGHTS.

In his inaugural address, President Taft defended injunctions (p. 241) for the protection of property rights, and insisted that business is a property right to be so protected.

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It has been asserted in reply, that Mr. Taft's language had no meaning except with reference to concrete cases. And this is true. Business may indeed be a property right, but not as against every kind of attack.

That which is commonly called the "good will" of a business—the only intangible property right it can have—may be attacked lawfully by competition. This is too obvious for discussion.

It may also be attacked lawfully by exposure of facts which turn its good will into bad will.

Mr. Taft's statement is therefore meaningless without reference to concrete cases.

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To what kind of cases, then, did he refer? Evidently to labor boycotts. Both the circumstances and the context show it. And how do labor boycotts attack the good will of a business?

Not by competition, to be sure; but by the other lawful method—exposure of facts which turn good will into bad will.

What are the facts exposed in those cases? Simply that the business is conducted under what a large class of working people would regard as unfair labor conditions.

Then the question of veracity arises. Is the exposure false? If so, and customers who want to trade only with "fair" businesses withdraw their custom, the business has been libeled. Is the exposure true? If so, the good will of the business has not been attacked unlawfully. On the contrary, those customers who would not knowingly give an "unfair" business their good will, have been lawfully served by the exposure. For they also have property rights. No property right ought to be more sacred than the right to spend one's earnings with whom one will.

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But President Taft's generalization was loose in another and even more important respect. He

insisted dogmatically that business is a property right that should be protected by injunction.

Here again the soundness of his position depends upon the concrete case. Would he say that a lawyer may have an injunction against the publication of alleged facts showing him to be a shyster? Would he say that a grocer may have an injunction against the publication of statements that he sells oleomargarine for butter or sand for sugar? Certainly not, unless he would "improve" upon the established law of libel. Yet a lawyer's professional reputation must be as truly a property right as the good will of a merchant or a manufacturer, and a retail grocer's good will as that of a manufacturing celebrity.

To go a step farther in the direction of injunctions against labor boycotts, would Mr. Taft say that a grocer should have an injunction against a publication, for the purpose of diverting the trade of his prohibition customers, of a true statement that he keeps whisky for sale in his cellar? And would it make any better case for the injunction, if, with the same purpose of influencing prohibitionists, the statement were analogous to Mr. Taft's discrimination against secondary boycotts, and truly declared that the grocer bought his groceries of a wholesaler who kept whisky for sale?

To assume that Mr. Taft would deliberately say any of those things, would reflect upon his common sense. By what process of reasoning, then, does he conclude so positively that labor unions may lawfully be prohibited by injunction from truthfully announcing to persons who would confine their trade to what they regard as "fair" businesses, that certain specified businesses are either "unfair" themselves or deal in the products of others that are "unfair"?

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His answer might be that the labor boycott is a conspiracy to destroy a business by diverting custom from it by unlawful means. But what are the unlawful means?

It is lawful to do it by exposure of facts which customers have a right to know. And haven't the labor union members and their sympathizers who patronize a business the right to know that its goods are made under circumstances which they condemn, whatever the reason for their condemnation may be?

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Is it likely that indictments would be sustained in such cases? Indictments! Ah, there's the rub.

On the trial of an indictment for publishing an "unfair" list, witnesses would have to appear and

be cross-examined; but in contempt proceedings for violating an injunction, this is seldom done and need never be. On indictment, it would be necessary to show violation of a law of universal application; but in contempt proceedings, nothing more is necessary than to show that the act charged violates an injunction of limited application. On indictment, a jury would decide; but in contempt proceedings, the injunction judge would decide. There are still other differences which lead the advocates of "government by injunction" to prefer this method of dealing with labor controversies. Its advantages to the privileged classes are obvious.

Especially valuable are the advantages of injunctions in restraining freedom of speech and press—a freedom that is very trying to the privileged classes. On indictment for abuse of this freedom, the jury is judge of the truth of the publication, of its meaning, and of the excuse or justification for it; but in contempt proceedings its truth or falsity, its meaning, and the excuse or justification for it, are decided by a judge without a jury, and in advance of the offense. The injunction to prevent abuses of freedom of speech and the press, under cover of prohibiting labor boycotts, is the modern plutocratic method, as the Star Chamber was the old monarchical method, of suppressing exposures and stifling discussion.

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## INCIDENTAL SUGGESTIONS

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### A CLERGYMAN ON THE CHURCH AND SOCIETY.

Cincinnati, Ohio.

Very frequently the reformer blames the church for not taking a more active part in promoting the world's great reforms. He would have the church champion the cause of some specific reform or reforms, and prove the necessity of each member taking hold thereof and fighting therefor. Some reformers grow so bitter against the church because she will not advocate their special reforms that they lose interest not only in the church but in all religion. They regard the church and religion as dead.

Is this fair? Is it just? That the church has been remiss in her duties in the past, that she has even allied herself with the cause of injustice, is undoubted. But this no more condemns the church than a weak individual who, despite all his weaknesses, has nevertheless some strong points. We must look to the strong points in everyone. And the church has some strong points. Her strength does not lie in her open identification with any particular reform or reforms. She really shows a weakness when she points out the remedy. For