

If we are to maintain a regular army, with detachments scattered over the world, not only must there be can- teens; there must also be still more re- pulsive provision for preserving the health while catering to the vices of the men who fill the files and make killing their trade. The army must be an efficient machine. Military of- ficers so insist, and their arguments— conceding the necessity for a standing army—are irrefutable. The contro- versy will always hark back to the crucial question, Shall we have a standing army? Standing armies come high, and the degradation of a governmental system of military sa- loons and brothels is part of the awful price.

Census bulletin No. 63 (issued April 26) is an interesting document. It is a special report on the coke in- dustry. This report justifies its own conclusion that—

the modern tendency of industry to concentrate in a comparatively small number of establishments is strikingly exemplified in the coke industry, where there is an increase of only 23, or 10.6 per cent., in the number of establish- ments reported, as compared with 1889, while the increase in the number of tons of coke produced is 96.2 per cent., and in the value of all products, 115.7 per cent.

But the report does more than justify that conclusion. It justifies another which it not only does not express, but actually appears to gloss over. Observing that there has been a great- er increase in the amount of capital invested than in the product, it adds, with the ingenuousness of a narrator who tells the truth in a form which he hopes will not reveal it, that there has been—

a nearly equal increase in the number of wage earners, and in the amount paid in wages.

This does not say, indeed, that wages in the coke industry have increased since 1889. On the contrary, the fact of increase in the number of wage earners and the fact of increase in the total of wages paid, are brought into juxtaposition, so that a little consid- eration would suggest to the reader that there had been no increase of indi-

vidual wages. Yet the hasty reader might infer from the statement that individual wages had risen; and no pains are taken to warn him against that false inference. Every other fact is itemized, but individual wages are not. Yet upon the faith of the tables of this census bulletin, individual wages in the coke industry since 1889 have very decidedly decreased.

Notwithstanding the vaunted in- crease of product and values in the coke industry in 1899, as compared with 1889, there has been, according to the census bulletin under discus- sion, an absolute decrease in individ- ual yearly wages of more than \$35. In 1889 the aggregate sum of \$4,072,632 was paid in wages, and there were 8,998 wage earners, which yields an average annual sum for each of \$452.61. But in 1899, although \$7,- 085,736 was paid in wages, there were 16,999 wage earners to share it, which allows for each only \$416.83, a de- crease of \$35.78. Were we to disre- gard employes under 16 years of age, considering only men, the annual wages for men in 1889 would be \$454.49, and in 1899 \$417.69—a de- crease of \$36.80. So much for the de- cline in wages absolute.

As to wages relative—that is, wages compared with product—the decline is still greater. This may be seen by reference to the following items ex- tracted from the tables of the census bulletin:

1889—Value of products.....	\$16,498,345 00
Cost of materials.....	11,509,737 00
Net product.....	\$4,988,608 00
Net product per wage earner (8,998 wage-earn- ers)	\$554 50
Individual wages	452 61
Surplus product	\$101 89
1899—Value of products	\$36,585,445 00
Cost of materials	19,665,532 00
Net product.....	\$15,919,913 00
Net product per wage-earner (16,999 wage earn- ers)	\$936 00
Individual wages	416 83
Surplus product	\$519 17

Thus it appears that whereas in 1889 the wage earners each got within \$101.89 of the net products of the industry, in 1899 the net products amounted to \$519.17 more for each

than each of them got. Or, to put it in the form of percentages, whereas they got 81 per cent. of the net prod- uct in 1889, they got less than 45 per cent. in 1899.

But not so with the trust which controls the coke industry. Though the wage earners were immensely less prosperous in 1899 than in 1889, both relatively and absolutely, the trust was vastly more prosperous. This is demonstrated by the following table drawn from the tables of the census bulletin under consideration:

1889—Value of products..	\$16,498,345
Cost of materials...\$11,509,737	113,632
Salaries	4,072,632
Wages	394,784
Misc. exp.....	16,090,765
Net product	\$407,560
1899—Value of products..	\$35,585,445
Cost of materials...\$19,665,532	797,296
Salaries	7,085,736
Wages	2,184,968
Misc. exp.....	29,733,532
Net product	\$5,851,913

Here we find that after deducting from the gross product, not only cost of materials and wages of workmen but also all salaries and miscellaneous expenses, there was a net product in 1889 of only \$407,560. But in 1899 it had risen to \$5,851,913. Now, to those sums, what was the proportion of in- vested capital? In 1889, according to the census bulletin under review, the capital amounted to \$17,462,729; and as the net product that year was \$407,- 560, this capital earned about 2½ per cent. In 1899, the capital amounted to \$36,502,679; and as the net product then was \$5,851,913, that capital earned about 16 per cent.

If census bulletin No. 63, which we have commented upon above, gives a fair indication of the general drift of business, we can now understand why it is that the evi- dences of prosperity which are so abundant and obtrusive among trust magnates, must be searched for with a microscope among workingmen. With wages falling from \$452.61 in 1889 to \$416.83 in 1899, despite a more profitable product, and profits rising from 2½ per cent. on the in- vested capital in the former year to 16 per cent. in the latter, it is no won-

der that opinions differ on the subject of prosperity.

There is increasing evidence from many quarters of the growing strength of the fiscal movement which has been officially inaugurated in Colorado by the "Bucklin bill," and which is known there as the Australasian system of taxation. One of the latest of these movements is reported from New Jersey. A meeting called by well-known residents of the eastern and northern part of the state is announced to be held at Belleville on the 15th. The call is addressed to all citizens of the state who believe in home rule in taxation, regardless of what form or method of taxation they prefer. Lawson Purdy, of the New York Tax Reform association, is to address the meeting, and its specific object is to form a New Jersey Tax Reform association. That this meeting is no tentative affair is indicated by the fact that only a few weeks ago the citizens of Franklin township, in Essex county (the Newark county), at their annual town meeting, unanimously adopted a report of the township committee which urges upon the legislature the establishment of local option in taxation, supporting the recommendation with the argument that it—

would permit the tax payers of each taxing district to decide for themselves which class or classes of property should be taxed and would make it possible to grant any desired exemption for the purpose of attracting capital and business enterprises. The advantages of this proposed method of securing tax reform are becoming universally recognized, the same having recently received the endorsement of the New York chamber of commerce, the League of American Municipalities (at its convention in Charleston, December, 1900), the New York state commerce convention (Syracuse, June 6, 1900) and the governor of Colorado in his message to the legislature.

The same report recommended the Purdy plan of equalizing state taxes by mathematical calculation as a substitute for the present unsatisfactory method of investing boards of equalization with discretionary authority.

Moses Hallett, dean of the law fac-

ulty of the University of Colorado, and federal judge for that state, faithfully described the kind of "progress" this nation is making under the spur of world-power enthusiasts and money-power devotees, when, in his address to the graduating class of the law school he said:

The spectacle presented is that of a nation in rebellion against absolute power; afterward a government established in protest against absolute power and professing to rule only by the consent of the people and disclaiming authority in other lands and over other people. Such were the United States of America at the end of the eighteenth century. One hundred years later the same nation and government, in total disregard of the principle on which it was established, repudiating every declaration of authority upon which it came into power, with shameless perfidy takes into its possession other lands and peoples with intent to rule them absolutely and with the power of the sword.

"Famous western novelists write the news for the Chicago American." This is a quotation from an advertisement. Novelists write the news! That explains the peculiar quality of the American's news department.

AN ANALYSIS OF THE SUPREME COURT DECISIONS IN THE PUERTO RICO CASES.

The text of the opinions of the judges in the Puerto Rico cases having now been published in some detail, an estimate is possible, not only of the scope of the decisions as precedents, but also of the leanings of the judges with reference to the McKinley colonial policy, and the probabilities, consequently, as to the action of the court in future cases involving that policy.

I

In determining the scope of a court decision as a precedent, the opinions of the judges, that is, the reasons which they present in support of their conclusions, are not essential. Though they throw light upon the question, they may be no more valuable for that purpose than the opinion of a text writer. They are not themselves authoritative. The decision (including, of course, the reasons upon which it rests necessarily), and not the partic-

ular line of reasoning which the judges advance, is what constitutes the precedent. A decision reaches no farther, therefore, as a precedent, than to cases the facts of which necessarily come within the same principle. It is not to be extended to other sets of facts merely because the opinions of the judges might warrant the extension. In other words, the opinions by which judges undertake to explain or justify their votes upon deciding a case, are something entirely different from the decision. The opinions are only the explanations of individual judges. They are nothing more even when all the judges of the court concur. But the decision is the official act of the court itself, applying to a given set of facts principles of law which are presumed always to have existed, and which, for the sake of uniformity if for nothing else, ought to be similarly applied to similar cases in the future.

With reference to the Puerto Rico cases, then, the first thing to consider is not what the judges said, but what the court officially and authoritatively decided. It was that determination that disposed of the particular cases, and which, as a precedent, should dispose of future cases that turn upon the same general facts or facts substantially analogous.

To ascertain what these decisions were, we must do two things. In the first place we must marshal the material facts of the cases; in the second, we must note the nature of the judgment with reference to those facts.

II.

There were two cases. One was decided against the government; the other was decided in its favor. The case in which the court decided against the government is known as the De Lima case. That in which it decided in the government's favor is known as the Downes case.

The De Lima case was a law suit brought by an importer against a custom house collector to recover tariff duties exacted of and paid by him upon an importation of goods from Puerto Rico into a state of the American union.

The duties had been collected under the Dingley tariff act, upon the theory that, with reference to tariff