

in England marching apace. I think the time will come when Henry George's birthplace on Tenth street will rival in attractive power our Independence Hall.

Benjamin Franklin once wrote of his gratification in the thought that his works were respectfully quoted by others. Allow me here on my part to acknowledge a keen pleasure in thus spreading further the pure and peaceful counsels of this printer, philosopher and statesman.

When next I pass the statue by the postoffice I shall be mindful of the advice of Franklin's eulogist at Boston. I shall tip my hat, and shall almost expect the face of bronze to light with pleasure.

Finally, I cannot do better than to ask "Poor Richard" to speak to you the concluding words: "A word to the wise is enough, as Poor Richard says."

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### THE LAND SONG.\*

Air—"Marching Through Georgia."

Sound a blast for Freedom, boys, and send it far and wide!

March along to victory, for God is on our side!  
While the voice of Nature thunders o'er the rising tide—

"God made the Land for the People!"

Chorus—

The Land! the Land! 'twas God who gave the Land!  
The Land! the Land! the ground on which we stand!  
Why should we be beggars, with the ballot in our hand?

"God gave the Land to the People!"

Hark! the shout is swelling from the East and from the West:

Why should we beg work and let the Landlords take the best?

Make them pay their taxes for the Land—we'll risk the rest;

The Land was meant for the People.

Chorus—

The banner has been raised on high, to face the battle din:

The Army now is marching on the struggle to begin.  
We'll never cease our efforts till the victory we win,

And the Land is free for the People!

Chorus—

Clear the way for liberty! the land must all be free!  
Britons will not falter in the fight, through stern it be,

Till the flag we love so well shall wave from sea to sea,

O'er land that's free for the People.

Chorus—

\*As sung by from 5,000 to 6,000 people massed about the Parliament buildings at the moment when the House of Lords were rejecting the Budget (vol. xii, page 1161). Printed and published by the Land Values Publication Department, 376-377 Strand, London, W. C. Price, with music, by mail, two pence.

## BOOKS

### FEDERAL COMMON LAW.

**The Power to Regulate Corporations and Commerce.**

A Discussion of the Existence, Basis, Nature and Scope of the Common Law of the United States. By Frank Hendrick, of the New York Bar. First Ricardo Prize Fellow in Harvard University. Author of "Railway Control by Commissions," etc. Published by G. P. Putnam's Sons, New York and London.

Up to the period of the Civil war, it was a commonplace among lawyers in the United States that the Federal courts have no common law jurisdiction. The firmly established principle was that these courts could acquire jurisdiction only from statute—the written Constitution, or acts of Congress authorized by it. But with the subsequent development of great corporate interests, and the astute discovery that the Fourteenth amendment (adopted with nothing else in view than the protection of Negroes in their personal and political rights), could serve corporations by bringing their litigations into Federal courts where the judges were far removed from the people, the idea that the Federal courts have no common law jurisdiction began to fade in the professional mind. And it kept on fading until the old phrase is seldom heard any longer at the bar.

One effect of this subtle change will illustrate the point. For a long time even after the perversion of the Fourteenth amendment had begun, the idea prevailed that no State could spawn corporations upon other States without their consent. This idea rested upon the doctrine of comity between nations, the theory being that the States were nations as to everything except the powers they had surrendered through the Constitution to the Federal government. But the idea was nullified in practice by corporate interests. Securing charters of incorporation in one State—New Jersey, for instance—they claimed and exercised the right to do business in any or every other State whether it liked it or not.

These interests were so enormous that the inaction of the States thus invaded by artificial persons created by other States, was long attributed to the financial power of the invading interests. But here we have a book which declares the right of a corporation of one State to go into another as if it were a natural person; and this novel contention is based upon the novel doctrine that there is a common law of the United States—in other words, that the Federal courts have common law jurisdiction.

Not merely are these courts assured of their power to call the common law to their aid after acquiring jurisdiction by statute, but, as the point is suc-

cinctly stated in the admirable preface to the book, "as a basis of jurisdiction."

The book is a scholarly production, the work of a trained mind which has gone laboriously over the whole subject from the foundation of the government. The impulse and spirit of the book throughout is Federalistic, Marshallistic, but in the direction of imperial Federalism it ventures farther than the explorers of American constitutional law have gone before. In its climax it gives absolute control of all questions of property and contract in the United States to the Federal government. And not to the Federal legislature, but to the Federal courts. "The final determination"—we quote from the last chapter—"of rights arising from contract, the right to contract and the use or possession of property, must come from the Supreme Court of the United States."

Could any theory be better for creating an imperial oligarchy of nine retired corporation lawyers? As a political proposition it would be preposterous. But as a legal proposition—an academic development of the body of the law as it exists,—it is by no means certain that the author is wrong. Whether he may be or not, however, his book is one that neither side to the controversy over the limitations of Federal power can afford to ignore.

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## PAMPHLETS

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### Municipal Taxation.

In an address before the League of American Municipalities at Montreal in 1909, A. C. Pleydell discussed "Municipal Taxation." His address, now published by the New York Tax Reform Association (56 Pine St., New York City; price 10 cents each, or 60 cents for 10), deals with municipal taxation on the basis of fiscal principle, covering the field of the personal property tax, special taxes, licenses, etc., and concluding with a recommendation of the real estate tax.

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## Honest Confession.

Here is one from an old Public friend:—"I feel that I have much to atone for since I have discovered how little of time or effort it requires to frequently obtain a Public subscription; a discussion of any topic of public interest leads naturally to the question, 'Do you take The Public?' and they rarely fail to subscribe when I show it to them and explain its scope."

This friend has sent 10 subscriptions in '09.

When taking subscriptions becomes a *habit* with a few more of us, The Public's permanency will be assured and its field infinitely widened.

530 Walnut St.,  
Cincinnati, Ohio.  
January 1, 1910.

## THE HEREDITARY PRINCIPLE.

From a Poem by G. R. Sims, Published in The Referee  
About Twenty-One Years Ago. Reprinted Here  
from the London Labour Leader.

There was an ocean pilot, and his eldest son was  
blind  
And deaf and dumb from childhood, likewise vacant  
in his mind;  
But, of course, he was a pilot when his daddy's  
course was run,  
And he navigated vessels as his father's eldest son.

There was a clever surgeon, who could cut off legs  
and arms,  
And invest an operation with a thousand nameless  
charms;  
He'd an eldest boy who'd never seen an operation  
done,  
But succeeded to the practice as his father's eldest  
son.

+ + +

Green:—"Smith asked me to forget my troubles  
this morning."

Brown:—"What for?"

Green:—"He wanted me to listen to his."—Chi-  
cago News.

+ + +

Said Charon to Diabolus,  
"Your pavement's simply awful!  
To leave your streets in such a fix  
Is surely quite unlawful."

"The contract's let for street repairs,"  
Replied the Prince Imperial;  
"But not 'till New Year's Day is past  
Shall we have good material."

—Success.

+ + +

The little daughter of a Dorchester gentleman was  
looking at a political cartoon. "Who is this, daddie?"  
she asked, pointing to a person with a coronet. "That  
is one of the Peers, my dear," replied her father. "Oh,  
I thought piers were places we sat on at the seaside,"  
said the little one. "So they are, dear; but we are

Daniel Kiefer