

bore out this opinion. Some rich men were, indeed, getting richer, and many working men were finding jobs. But men out of jobs were much more abundant than jobs out of men. There was no healthy industrial activity. So manifest was this that even the prosperity touters were obliged to do most of their shouting in the future tense. And now the correctness of our view of the matter is being conceded. Not only is it agreed that times are far from good, but the conviction is growing that they were not really good while they were supposed to be so. The great Wall street operator, Keene, is the first king of finance to openly acknowledge the truth. In an interview in London on the 23d, he said:

I do not look upon the business situation in the United States as prosperous. We have had a period of four years of extraordinary excitement, which is now on the ebb. That kind of business cannot live when the excitement is over.

It was sham prosperity all the time.

Attention is called by the New York Nation to the suggestive fact that in the seven states in which the question of woman suffrage has been twice submitted to popular vote it has without exception been much better supported at the polls the second time than the first. The latest instance was that of Oregon. Earlier reports of this election described the woman suffrage amendment as "snowed under." But as an amendment to strike out of the constitution a pro-slavery clause which had been there since before the civil war had also been "snowed under," the bad defeat of the woman suffrage amendment did not appear to be significant of much except a possible deficiency of intelligence in the Oregon electorate. From the official vote in Oregon, however, it now appears that the woman suffrage amendment was not "snowed under." Oregon has, on the contrary, vastly increased her first vote for woman suffrage. Whereas in 1884 the negative vote was 28,176 to 11,223, this year the negative vote is hardly increased, being only 28,402, while

the affirmative vote is 26,265. It is interesting to note that the strength against the amendment centered in Portland. The gain in favor of it was in the country districts. This result is explained, doubtless, by the fact that slums are in cities, and slums are invariably opposed to woman suffrage.

An idea of the radical tendency of the democratic party may be had from noting the local platforms throughout the country. Some of these to which our attention has been called give marked evidence of an awakening in the rank and file to political and economic truth. An instance is the platform of the democrats of Wyandotte county, Kan., adopted on the 21st at Kansas City, Kan., by the largest democratic convention ever held in that county. In addition to reaffirming the declaration of the national platform "against private monopoly in every form," the Wyandotte county platform lays down this wholesome and far-reaching principle:

Behold this truth to be self-evident: that each laborer is entitled to all wealth due to his individual exertion. We demand the natural increase of wages that a just distribution of wealth would give. As to what is the just distribution of wealth there can be no dispute. It is that which gives wealth to him who makes it, and secures wealth to him who saves it.

Declarations of that kind, coming from the local conventions of the party, are things with which the great conventions must soon reckon.

One or two wise civic reforms are noted from Canada. In the province of Ontario all townships, villages and towns of less than 5,000 population are now required to elect their councilors by a vote of the whole electorate. Towns of more than 5,000 population and cities of not more than 40,000 may, by a by-law of the council approved by the people, adopt the same method, thus abolishing the ward system. Cities of more than 40,000 population which choose to abolish the ward system are allowed, if they wish, to make two electoral di-

visions, half of the aldermen to be elected as a body from each division. This plan, also, must receive popular indorsement to make its adoption final. The trend of these changes, as will be observed, is towards proportional representation. With the ward system abolished, a system of proportional representation in the municipal legislatures could be easily applied. In New South Wales this idea has progressed so far that the premier has decided to introduce in the provincial parliament a bill providing for the election of senators by a proportional system. Under such a system of voting, nominating conventions and primaries would be divested of their power. It is a reform, therefore, to be welcomed wherever universal suffrage prevails.

Indications of advance in the direction of proportional representation and the initiative and referendum are not lacking in this country. Very timidly, but nevertheless unmistakably, the national democratic platform indorses the latter; and in third party platforms both are frequently endorsed. So have one or the other or both been distinctly endorsed by democratic state platforms. Most significant, however, of the growing popularity of this idea in the United States is the attention it has begun to attract from the press. The truth is that the necessity for a system of voting that will enable the citizen to express himself at the polls instead of being dictated to by bosses and rings and combines is keenly felt everywhere, and intelligent politicians and newspapers alike are being influenced by it.

#### THE RIGHT TO WORK.

In newspaper and magazine, from pulpit and bar and bench, at the university and in the home, around the tables of the city club and the stove of the village store, wherever, in short, public opinion of the better sort is made, one principle has for a decade or two been universally conceded. More than conceded, it has been strenuously defended. Whoever has ven-

tured to deny it, he has been promptly and sternly and indignantly put down. This principle is described as one upon which individual independence and all social possibilities rest; and a blow at it is held to be a blow at personal liberty, at social order, at the elementary right to life itself. It is the principle that every man has a natural and indefeasible right to work.

Our great strikes have called to the defense of that right the important agencies of civilization. It is notorious that strikers obstruct the right to work. Forming organizations of their own, they assume to dictate as to who may work and who shall not; and they endeavor to enforce their decrees sometimes by wounding with weapons, sometimes by humiliating with opprobrious epithets and social ostracism, and always by coercion. Their most peaceable methods are in their very nature coercive, and aim invariably at placing restrictions upon the right to work. If anyone would understand the enormity of these outrages of labor strikers, and realize the essential wickedness of their interferences with the right to work, let him consult newspaper editorials upon the recent strike in St. Louis on the part of the street car men, and the pending one in Chicago in the building trades. He will quickly discover that in the estimation of the public, as expressed—and doubtless expressed faithfully—by its leading organs of opinion, the right to work is sacred.

There is nothing about this with which any well-ordered mind can quarrel. In all soberness the right to work is a sacred right. It is as sacred as the right to life. Since life can be preserved only by work, life is denied if opportunity to work be denied. Nor does it make any difference with the principle that labor unions do not deny the right absolutely, but attempt only to make it conditional upon union membership. Though such membership cost little, and any "scab" could at the expense of a few dollars a year become a good union man and be invested with all the privileges that unionism can secure, nevertheless, to limit the right to work to members of labor unions, is as to men who

prefer not to be members a denial of the right to work and consequently of the right to live. The lightness of the conditions is not the important thing, for a vital principle is concerned. So we must fall in with public opinion when it condemns strikers for interfering with the sacred right to work.

Where we should disagree with public opinion in this connection is in its calm assumption that the right to work is sacred only as against labor strikers. The truth is that this right is interfered with far less by strikers than by the very public which mercilessly condemns it in strikers.

Without going fully over the modes of interference by the public, through its institutions and laws, let us invoke an actual instance in exemplification of what we mean. In the same city of St. Louis where the street car strikers were but recently lambasted by the press of the country for denying to "scabs" their in-born right to work without interference, the public itself, through its own courts and by authority of its own laws, is at the present moment subjecting an honest and industrious citizen to humiliating treatment, because he claims what is conceded to labor "scabs" and will not buy the right to work in an honorable and useful calling.

John J. McCann, a real estate agent in St. Louis, is now a convict in the city workhouse. His crime consists in his refusal to pay an annual license fee for permission to work at his business. The small amount of this fee is not to be considered. In Mr. McCann's case as in that of the "scab," the question does not turn upon the extent of the interference. It turns upon the sacredness of his right to work without interference.

But the public of St. Louis and Missouri, instead of defending the right when Mr. McCann asserts it in behalf of himself and of all persons subject to similar interference, as it did when street car "scabs" asserted it against street car strikers—this same public punishes him worse than trade unions have ever punished "scabs." Stop a moment to consider this punishment. Mr. McCann, who was born and educated in St. Louis,

who has been what is usually termed a good citizen, who has served two years upon the board of education, and who has by his public spirit and devotion to public affairs saved the city and state thousands of dollars—this exemplary man was arrested on the 16th and detained for the night in a cell in the city jail. On the following day, to pursue the story of his experiences as told by the St. Louis Post-Dispatch, he—

began suffering for his convictions, when, handcuffed to a petty law-breaker, he passed through the workhouse gate to the tolling of the deep signal bell which announced the arrival of the Black Maria at 3:30 o'clock Tuesday afternoon.

The lumbering conveyance backed up to the entrance over which the little wooden figure of a convict wielding a pick welcomed the man who refused to pay for liberty. The other prisoners in the manacled file looked doggedly ahead.

McCann's eyes taking in the scene roved from the pretty home of Superintendent Kempf with its well-trimmed green lawn to the grim prison wall and stopped with a stare at the wooden convict.

His face blanched and something like horror shone in the heightened brilliancy of the eyes. An ashy pallor overspread the face, a quiver ran over the frail body, and the mouth gasped for breath. Then his eyes fell to the earth.

"Forward!"

It was the sharp command of the police guard.

The line moved through the gate under the wooden convict. McCann and Arthur Cross, handcuffed together, were the second couple to enter.

"This way," ordered another guard. He pointed to a door opening into the receiving room in the outer office of the workhouse. The prisoners filed in. Five women bound to one another with steel bands followed the men. When they stood in line before the prison clerk they presented every condition of life. There was a petty larceny thief, two negroes convicted of stealing chickens, two young girls, one old woman 60 years of age who was making her 25th visit to the penal institution and a brazen-faced middle-aged woman sentenced for robbery.

McCann, neatly dressed, looked out of the place. He stood close to Cross as though the man who had made a disturbance while drunk was the last friend he had in the world.

"Your name?" questioned the clerk in short words.

"John J. McCann."

"Your age?"

"I am 52."

"Born?"

"In this city."

"One hundred and thirteen dollars and twenty cents," the prison clerk said, consulting the commitment. "That will do. March."

"This way," ordered a guard. The manacles were struck from the prisoner's wrists. Over the spotless cobblestones of the prison yard the file was led. McCann recognized an acquaintance who had followed him. His livid face lighted for a second, and clutching the small bundle of belongings under his arm he passed on, bowed and silent. Not a word had been uttered by any prisoner except in answer to the questions put to them.

"Halt," commanded the guard. "In here," he added, indicating a low doorway. The file entered the bathroom of the prison; a low ceiling made it gloomy. In the stone floor were sunk two pools about twelve feet square. They were full of muddy river water. Benches stood against the brick walls.

"Take off your clothes," was the order. Two "trusty" prisoners in the garb of the workhouse came into the room with armfuls of prison clothing, brown overalls of roughest material and woolen shirts. They were parceled out to the prisoners.

A keeper came around to each new prisoner and took from him his citizens' clothing and everything that it contained.

McCann asked to be allowed to retain his spectacles. The request was denied.

"May I retain my memorandum book and some papers?" he asked.

"No, against the regulations," was the reply. McCann completed the removal of his garments. All of them were immediately taken away.

"Get into the water," was the next command. McCann obeyed. He was the last to enter the pool, being slow and hesitating in his movements.

With the first dash of cold water his spirits seemed to revive a little. He sank into the water and swam several strokes across the pool. The other prisoners laughed. McCann stood up and then tried it again.

"This is the first time I have tried to swim since I was a boy," he exclaimed. He arose from the bath and joined the laugh, but it was a hollow attempt at merriment.

McCann crawled slowly from the pool and, seating himself on the bench, picked up the woolen shirt and brown overalls. He examined the shirt carefully and with sudden resolution pulled it over his head and thrust his arms through the sleeves. The overalls were a world too large. The guard noticed it and another pair were brought. McCann looked about for his undergarment. It was missing. Then he realized that he was to put on the overalls next his skin and that his feet must be thrust into shoes without stockings.

In his strangely misfitting and coarse covering McCann and his fellows were taken once more across the cobblestones to cell three in the ground floor tier, fronting on the yard. They were all huddled together there to await assignment to their respective cells and cellmates.

"Call McCann," said the guard through the heavy iron grating as the Post-Dispatch representative asked to talk with him.

McCann, now known only as No. 239, appeared behind the bars. In the dim light of the cell his features were deadly pale and the bristly gray mustache added to the despair that was written upon the face for the first time. His hands clutched the bars for support.

"It is good in you to come out here to see me," were his first words. "I feel, now, my utter loneliness. When a man is locked behind these—these things"—he did not say bars—"he feels for the first time in his life something akin to the lost hope of many a miserable creature.

"Come and see me sometimes. It will be hard, indeed. I would not be here if I did not think that the example would set many another man who may be placed in the same extremity to thinking of the injustice of the law. I will miss many comforts, but I will pray that I shall be given strength, notwithstanding my illness, to endure to the end.

"Good-by." McCann broke down as he seemed to see slipping away the last tie that bound him to the outside world, to respectability and citizenship. The man leaned against the iron and wept.

At six o'clock he was given the prison supper of dry bread cut into slices, no butter, a cup of coffee with sugar and no milk, a little meat cut into bits and one tomato.

Wednesday morning he commenced to work out his sentence of six months, imposed in the police court, which fixes the rate of allowance at 50 cents a day. McCann's fine is \$100. This would make 200 days, but the law only permits a person to be held six months for debt. There is \$13.20 in court fees to be expiated. This may add several days to the six months, as the costs constitute a separate debt.

Friends will be permitted to see McCann only on Sunday for half an hour. They will not be able to grasp him by the hand. He must sit in a cage while the visitors are seated behind a barrier six feet away.

McCann's assignment in the prison routine is the cleaning of the jail and stable yard, an occupation which will keep him in the open air. If he is placed on the trusty list of prisoners he will be allowed more liberties than the ordinary prisoner.

McCann's sentence will expire December 15, unless death, pardon or other interposition occurs.

That is the way in which the public of St. Louis punishes one of its own good citizens for peaceably asserting his sacred right to work.

It is a pregnant fact that while Mr. McCann was beginning his lessons as a convict scullion in the yard and stable of the St. Louis workhouse, the state board of tax equalization was hearing arguments in behalf of the monopoly corporations of the state against the taxation of franchises. For Mr. McCann was the author and unwearied promoter of the movement to tax that species of property. His own imprisonment for asserting the sacred right to work is a result of his efforts thus to place the burdens of taxation upon monopoly values as distinguished from labor earnings.

Three years ago Mr. McCann noticed that the owners of street franchises and of valuable real estate sites, very largely escaped taxation, and that the consequent shortage of public revenue was made up by what he justly calls "depredations on the people in the name of revenue, made up for the most part of licenses permitting persons to use their brains and bodies" industrially.

Regarding this as a gross abuse, he appeared before the city board of tax equalization and demanded that franchises and land values be properly taxed. The board refused to take any action. He then brought about the organization of the Equal Taxation committee, and in 1898 again appeared before the city board of equalization. On this occasion he drew attention to 100 specific items of franchises and other property of the privilege kind, including valuable city sites, in which the exemption amounted to \$100,000,000. He met now with more success. The board increased the assessments of street railways from \$5,500,000 to \$23,000,000. But the law adviser of the city came to the rescue of the privileged classes, rendering an opinion that the board had acted beyond its power. So the new assessment was reduced to \$7,000,000, which, however, was \$1,500,000 higher than it had been before.

McCann did not stop here. He carried his fight before the state board of tax equalization. There he was supported by Gov. Stephens and Attorney General Crow, and through their efforts the matter was taken before the supreme court of the state on a question of the jurisdiction of the board. The court decided that the state board had jurisdiction. Mr. McCann then presented to the state board a list of about 50 of the largest franchise owning corporations in Missouri, including all the street railways of St. Louis, in which he showed that the franchise values of these corporations were grossly under-assessed. Through these proceedings he augmented the public revenues thousands of dollars, but the corporations made the fight a long and bitter and costly one and they are prosecuting it yet.

Meanwhile, as a protest against the system of exempting landlordism and other forms of monopoly from taxation while imposing license taxes on competitive vocations, Mr. McCann announced through the press that he would thereafter refuse to pay license taxes on his vocation unless the lawful taxes on franchises were paid. The license for his vocation is \$25, and the penalty for non-payment is \$100 with costs, to be enforced by confinement in the workhouse if not paid. He took the position that such a tax is a tax on the right to work, or, as he put it at the time, a tax on liberty.

In due time Mr. McCann was sued for the penalty of non-payment of his license for 1897. He appealed the case, and finally carried it, along with similar cases for other persons whose vocations had been subjected to license taxes and who had refused to pay, to the supreme court of the state, where it was finally decided last spring.

The defendants had relied in these cases not only upon the general principle that the right to work is a sacred right, with which even the taxing power cannot interfere so long as monopoly values are available for taxation, but also upon a peculiar specific provision in the Missouri constitution in support of that principle.

It may be found in the constitution of 1875—section 4 of the bill of rights. So far as pertinent it is in these terms:

All persons have a natural right to life, liberty and the enjoyment of the gains of their own industry.

With reference to this constitutional safeguard, the supreme court decided that the right of an individual to the gains of his own industry, thus secured, "is not an absolute right, but is subordinate to the police power of the state," delegated in this instance to the city of St. Louis, and that under that power the St. Louis license taxes on vocations are valid. But as the court seemed to rest its decision primarily upon decisions made under the old slave constitution, Mr. McCann moved for a rehearing on the ground that the court had failed to give full force to the more recent constitutional provision quoted above.

In support of this motion for a rehearing Mr. McCann argued that the decisions referred to by the court as precedents, and which had been made under the slave constitution, could not stand as precedents for the question at issue. That constitution had contained eight separate declarations, each confirming the legality of chattel slavery, whereas the present constitution not only omits the slavery clauses but distinctly declares that "all persons have a natural right to life, liberty, and the enjoyment of the gains of their own industry." The questions therefore arise, urged Mr. McCann—

Whether or not the people of Missouri are yet, and now, subject in their natural rights to the slave constitution declarations, made in slave times a half century or more since, in consequence of court decisions founded on said slave constitution doctrines, notwithstanding the new bill of rights; whether slave constitution doctrines and court decisions founded on them are yet alive; and whether the declarations of the bill of rights \* \* \* are altogether and alike simple bombast, idle chatter and mummeries.

And as to the court's ruling that the right of a person to the gains of his own industry is subordinate to the police power Mr. McCann asked the court whether it meant that—

the police power is superior to the constitution decree; that a branch of the government of the state may, at

its fancy, deny, destroy or forfeit a right which government in the state is established to secure. These and like often used expressions need to be elucidated. They are too often recklessly and carelessly used to annul rights instead of to safeguard them, to be allowed to longer pass without an explanation of what is meant by them. The police power is rather held subordinate to the constitution decree than that the constitution decree is held subordinate to the police power. No court in this country has ever yet held to the contrary of this suggestion. No court in this state has ever yet denied it. The courts of this country and state have held, whenever the question has been raised, that the police power acts in aid of, not in opposition to, the constitution. Does this court hold otherwise?

Beyond this Mr. McCann argued that in following his business as a real estate agent he did not exercise his right to work in any manner contrary to police policy. That the city ordinance was distinctly not in aid of police policy, but was for revenue, and that—

as a mere revenue measure the ordinance in question, purporting as it does to provide a summary action whereby a penalty of 400 per cent. instanter, with the contingency of punishment by imprisonment, may be inflicted upon them who become delinquent for the "man" taxes it assumes to assess, while others who become delinquent for "property" taxes are, by the general revenue laws of the state, liable merely to a civil suit, in a formal proceeding, with a penalty of one per cent. a month on the amount of their delinquencies at the sole risk of a levy on their possessions, is a deprivation of the class of the taxpayers affected by it of the equal protection of the revenue laws, is in conflict with the federal constitution, and for this reason, if for no other, is manifestly null and void.

But Mr. McCann invoked in vain the principle of the sacred right to work, the guarantee by the constitution of the enjoyment of the gains of his own industry, the doctrine that the constitution is superior to the police power, and the principle that it is a pernicious violation of both the state and the federal constitutions to make nonpayment of taxes on vocations a criminal act punishable by imprisonment while nonpayment of taxes on property is a subject only for the civil courts. The supreme court refused to reverse its decision. Mr. McCann is accordingly now a convict,

suffering imprisonment in the St. Louis workhouse.

Martyrdom is not always useful. It is an experience to be accepted cheerfully when it cannot be avoided without treason to the right, but it is seldom to be sought for. There are occasions, however, when self-sought martyrdom is one of the most useful contributions a man can make to the progress of his kind. And we believe that Mr. McCann has availed himself of one of these occasions. The martyrdom he is suffering is worth to the best interests of the people now and to come far more than it is costing him.

He has brought to public attention in the most impressive way a fact of the greatest importance—the fact that industry is mercilessly taxed to eke out the public revenues that are shortened by exemptions of monopoly. He has shown that this is no oversight of officials, but that it is deliberately promoted by the law making power. Above all he has at great personal cost bravely asserted the fundamental right to work, at the source of greatest interference—the taxing power.

To resist in this way a tax of \$25 a year is in itself to make much ado about a little matter. So was John Hampden's refusal to pay a trifling ship tax. But Hampden's act stirred English thought and helped set in motion a series of events that culminated in the glorious revolution of 1688 and the firm establishment of the English declaration of rights. It is within the possibilities that a sacrifice such as John J. McCann is now making in St. Louis may promote a greater revolution than this which put to rest in England the blasphemous doctrine of the divine right of kings. It may lead on to the recognition not merely in a small and narrow and selfish and hypocritical way against trades unions, but in a large way against all combinations, including that of the state itself, of the divine right to work.

The notion of selling for certain bits of metal the Iliad of Homer, how much more the land of the World-Creator, is a ridiculous impossibility.—“Past and Present,” by Thomas Carlyle.

## NEWS

There is another rift in the cloud that obscures the situation in China. The foreign legations at Peking appear to have been safe as late as July 18, but in imminent danger then of massacre. The authority for this is an official cipher dispatch purporting to come from the American minister, Mr. Conger, which was received by the state department at Washington on the 20th. Minister Conger's dispatch was apparently a reply to one which the state department had requested the Chinese minister to send him. That request grew out of the presentation on the 11th by the Chinese ministers over the world to the foreign offices of the respective powers, of an imperial decree explaining the outbreak in China and the efforts of the Chinese government to suppress it, and giving assurances of the safety of the legations. The decree was mentioned at the time in these columns at page 216. When Minister Wu delivered this decree to Secretary Hay, the latter called Mr. Wu's attention to the evidence which its delivery furnished as to the possibility of communication with Peking, and demanded that the Chinese government put the American government in immediate communication with the American minister. Mr. Wu having expressed his willingness to do his best in the matter, Mr. Hay gave him for transmission a dispatch to Mr. Conger. To assure the genuineness of such reply as might come, Mr. Hay wrote his own dispatch in cipher and asked Mr. Conger to do the same with his. Mr. Wu undertook to forward Mr. Hay's dispatch, and nine days later, on the 20th, he produced what purports to be Mr. Conger's reply. It was in the state department cipher, and when deciphered read as follows:

In British legation under continued shot and shell from Chinese troops. Quick relief only can prevent general massacre.

The dispatch itself was undated, but the Chinese dispatch forwarding it to Minister Wu bore date at Peking July 18.

Accepting the dispatch from Minister Conger as genuine, the American authorities at Washington decided to urge immediate action on the part of the allies in China with a view to relieving the legations. Accordingly, the secretary of the navy telegraphed as follows on the 20th to Admiral

Remey, in command of the Asiatic squadron:

Conger telegraphs that he is under fire in British legation, Peking. Use and urge every means possible for immediate relief.

But the other powers were not so well disposed to accept the Conger dispatch as genuine. They declared with one accord their firm conviction that the foreigners in Peking had been already massacred. It was consequently impossible to secure the necessary cooperation for an immediate relief expedition. In addition to the supposed futility of such an expedition, the European powers set up the folly of attempting a march upon Peking at this time with the inadequate equipment of the allied forces; and on the whole, their replies to the appeal of the United States for a united relief expedition immediately were evasive.

A second dispatch purporting to be from Mr. Conger reached Washington on the 25th. This dispatch, signed “Conger” and bearing date July 4, had been received at Tientsin on the 21st, whence it went to Taku, and was sent from there to Washington on the 23d by the senior officer of the American squadron. It is as follows:

I have been besieged two weeks in British legation. Grave danger of general massacre by Chinese soldiers, who are shelling the legation daily. Relief soon if at all. City without government, except by Chinese army. Determined to massacre all foreigners in Peking. Entry of relief force into city probably will be hotly contested.

Another edict of the Chinese emperor has been brought to the attention of the powers. It is dated the 17th, and has been given out by way of assurance that the Chinese government is affording all possible protection to foreigners and endeavoring in good faith to establish order. This decree attributes the origin of the present conflict to “the long standing antagonism between the people and Christian missions,” and its precipitation to the attack upon the Taku forts. Reference is made to former decrees for the protection of foreign legations and missionaries, and commands are given to subordinates to protect all foreigners. The decree expresses the regret of the emperor at learning of the killing of the chancellor of the Japanese legation and of the German minister, and commands the speedy arrest and punishment of