

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

stuffs, and Americans offer to supply them; but the German government interferes, thereby preventing the Germans from buying what they want. Then America "retaliates." Her people want German foods, and Germans would supply them; but in a spirit of retaliation the American government interferes and prevents Americans from buying what they want. Inasmuch as it is German buyers that are coerced by Germany, and American buyers that are coerced by the United States, how does the German government hurt us, and how do we get even? Can one government retaliate upon another by balking its own people, as our government purposes doing in this case?

Mr. Chamberlain was evidently acting under the influence of this crazy notion when, in his speech in parliament on the free trade question, he spoke of "putting on a duty to protect our staple industry." Now, how could a British duty protect a British industry? Only by forcing British buyers to take its products when they prefer other products. In other words, what Mr. Chamberlain proposes, and what is always involved in this idea of protection, is to tax the home people who want to buy a foreign product, so as to prevent their buying it.

To be sure, it is argued that the tariff tax is paid by the foreigner. That is, each country can get its revenues by taxing another country! Mr. Chamberlain himself has borrowed that argument from the American protectionists, who borrowed it from the British protectionists of Cobden's day. But the only grain of truth there is in it is that a foreign producer who lives near the border may, under certain exceptional circumstances, pay a small duty on the importation of his products into the foreign country when his home market is farther away, and that a foreign monopolist also may pay some duty in order to sell goods in a foreign country. Only monopolists can afford to. But even these excep-

tional cases are so in such slight degree that they count for little beyond furnishing a few minor statistics for juggling purposes. Moreover, if the foreigner does pay the tax in order to sell his product, what becomes of the home industry? He certainly won't pay the tax unless he sells his product, and if he sells his product the home producers can't sell theirs.

What may have been in the mind of so consummate a politician as Mr. Joseph Chamberlain, when he decided to plunge his party and his country into the middle of a protection issue, no one but himself can tell. It is tolerably clear, however, that he could not have expected to alter British sentiment so radically in a few months as to secure at the next elections a new lease of power for the Conservatives. To "the man in the street," therefore, and even to "the man up a tree," it looks very much as if it had been Mr. Chamberlain's design to break up the Conservative party by precipitating a ministerial crisis under circumstances which would bring the Liberal party into power for a brief season, in the expectation that upon its downfall he could carry on a campaign of education to the point that would enable him to lead a party of imperial protectionists on to victory. If that was his design, Mr. Balfour has heaped scriptural coals of fire upon his head. But Mr. Chamberlain's scalp is impervious to the heat of scriptural coals of fire. He needs watching, as Mr. Balfour will find to his own cost should he neglect to cultivate industriously the "wary eye."

#### FORMS OF MODERN INSINCERITY.

Without questioning the actual fact of human progress, but rather in acknowledgment of our intellectual advance, I think it may be said that our present age is singularly insincere. And the immediate trouble, I venture to assert, lies behind the fact of our insincerity and in the fact that so many of us are unconscious of it. We are insincere, and have not yet

arrived at the point of confession that we are so.

My attention was first directed to one form of modern insincerity by listening to an address by a well-known college president on the Democracy of the University. He represented a university founded on private endowments, in which, as I happened to know, not the first principle of democracy was either taught or practiced; and yet in apparent sincerity he spoke as if the universities of the land were really the very savior of democracy.

My next shock came from the pulpit. It happened that I had just read a statement by Canon Farrar that less than three per cent. of the workingmen of England ever entered a church, and a comment by Dr. Josiah Strong that in America the percentage was even less. And yet my preacher asserted that the church was the great bulwark of liberty and of the rights of the people. Evidently, I said, the people do not feel so, and the preacher, like the college man, was talking the reverse of the truth.

By and by I came to see that this seemed to be just the trick of modern oratory. The cue is to say just the opposite of what is.

Take our President, for example, or our Secretary of War. The worse our officers and soldiers behaved towards the Filipinos, the more gravely did they speak of the honor of the army and of the great moderation and self-restraint shown throughout our war of conquest. We now know positively that these gentlemen knew of the barbarous actions of our troops at the very time when they were talking with eloquent gravity of the good conduct of the army. There is with them some trick of the conscience, just as with the university president who talks democracy, and with the clergyman who talks of the modern church as the champion of equality.

But there is a sadder form of insincerity in our modern life than is displayed in these larger oratorical specimens, which are partly products of personal ambition and vanity. The humbler form of insincerity is due to the miserable conflicts in the hearts