the communal system, but it is afforded by permanent individual possession. Yet if permanent individual possession be allowed to carry with it ownership of the pecuniary advantages of site monopoly, the end of that community will be worse than its beginning. Its primitive conditions, with freedom and without the evil contrasts of wealth and poverty, will have been exchanged for civilized conditions with freedom and wealth for the few and poverty and some species of slavery for the many. The happy mean is a tenure which secures permanency of possession to the individual, and the differential values of different sites to the community. This can be secured, whether in the Luchu islands or here, by making individual possession continuously dependent upon individual compensation to all for the superior individual holdings of each.

Single taxers everywhere will be glad to learn that Judge Edward Osgood Brown, whose record as one of them dates back into the '80s, and who was elected to the Circuit Court bench in Chicago in June, 1903, has been assigned by the Supreme Court of Illinois to sit in the Appellate Court for the district which includes Chicago. The Appellate Courts of Illinois sit in review of Circuit Court decision in their respective districts, their own decisions in certain cases being reviewable by the Supreme Court of the State and in others being final.

THE MARRIAGE PROBLEM—MARRIAGE CEREMONIALS.

In their civil and social, as distinguished from their religious bearings, marriage problems hinge not upon the fact of marriage itself, but upon the marriage ceremonial. For it is by means of this that the marriage contract is declared, and with reference to it that all the civil obligations of marriage must be determined.

The particular form of ceremonial may be properly disregarded. Whether it be distinguished by lavish display or by severe simplicity, by church rituals or customs, by prescribed civil proceedings, or by mere informal announcement, makes no difference, for civil and social purposes. Church authorities may insist upon ecclesiastical formalities, and religious sentiment may reverently acquiesce; but civil society can properly demand nothing more than that there shall be a binding and exclusive contract, and that this contract shall in some form agreeable to the parties be publicly avowed.

That civil society can rightly demand nothing more than this regarding marriages, admits of no dispute without injecting ecclesiasticism into questions of civil government and thereby confusing the functions of church and state. It may be fairly questioned, however, whether civil society has the right to demand even so much. We are therefore confronted with the first three of the five questions (p. 452) heretofore reserved for consideration:

(1) May society properly exact binding contracts of marriage, and assume for social and civil purposes that if there be no contract of marriage there is no marriage?

(2) If so, has society the right to regulate marriage contracts so far as to inhibit the making of a second marriage contract while a previous one subsists between either party and a third person?

And in this inquiry the third of those question is incidentally involved, namely:

(3) If society has this right, has it also the complementary right to annul marriage contracts?

At the outset of our examination into those questions it may be conceded that the ceremonial contract of marriage is only a conventionality. No marriage is really made by the ceremonial contract. Quite irrespective of that conventionality (p. 405), the marriage either does exist or does not exist. Yet it by no means follows that civil society may properly dispense with or disregard the conventionality.

Doubtless there is plausibility in the argument against conventional marriage. Marriage concerns the parties so vitally, and in its more vital respects seems to affect them so exclusively, that the contention that civil society ought to "keep hands off" appears to have great force. Nor does this notion lose any of its apparent force when brought to the test of the highest ideals of marriage. Inasmuch as marriage itself is the real substance, and marriage conventionalities only a shadow or shape, the conclusion may seem to follow that civil society ought to ignore conventionality and refer the whole subject of marriage to the unrestrained jurisdiction of the only competent tribunal—the will and understanding of the parties in each case.

But that position is untenable. It rests upon the assumption that only the parties to a marriage are seriously concerned in its civil obligations, which is a manifest mistake; and it proceeds upon the theory that conventionalities are superfluities, which is erroneous, as reflection will show.

Conventionalities are not necessarily superfluous. Probably all persistent conventionalities, even the least important, are rooted in some useful purpose. Were we to take the trouble to understand them, we should probably learn to respect them more highly and to observe them more faithfully.

Occasions arise, of course, when even useful conventionalities are to be cast aside without hesitation or heartache. Such occasions are illustrated in a minor way by the familiar story of the gentleman who, upon observing at a public dinner that other guests were rudely smiling at the mistake of an unsophisticated diner in drinking from his finger bowl, rebuked the cultivated boors and put the stranger in countenance by himself using a finger bowl as a drinking cup. That defiance of a polite conventionality was an act of true politeness, one which probably demanded some degree of moral courage. Yet we should hardly say that it would be either polite or courageous to defy dining conventionalities by habitually drinking from finger bowls.

As a rule, conventionalities are to be respected for their probable usefulness. Little ones may have their little uses, larger ones their larger uses.

The little conventionalities are to brotherly association somewhat as rules to arithmetic. They save the labor of calculation. Abolish them, and we should be under the necessity of calculating

the effect of every social act, with all its possibilities of social disturbance. The conventional rule enables us with ease to avoid awkwardness and to prevent misunderstandings and consequent ill-feeling Observed with good sense, conventionalities have a function in social intercourse not unlike that of the bark to the tree, the skin to the flesh, the clothing to the skin; they are guards and protectors. Only when they are given greater importance than the uses they serve, do conventionalities become instruments for defeating instead of promoting their legitimate purpose.

To be habitually unconventional, merely for the sake of being so, is to be unsocial. It is not snobbishness altogether that excludes unconventional persons from refined social circles. Though this exclusion is often due to idolatrous devotion to conventionalities, yet beneath even that motive there is a substratum of sound reason. One might as well try to enjoy a game with players who know not its rules or insist upon ignoring them, as to expect enjoyment from social intercourse with those who pride themselves upon disregarding social conventionalities.

As with the little conventionalities of social intercourse, so with the bigger ones of our great social life. Their measure is larger and their plane higher, but their function is much the same.

A conventionality is of course to be defied when it is morally wrong. And for this purpose one need but honestly believe it to be morally wrong, for everybody's moral forum is in his own breast. If conventionalities stand in the way of one's duty as he sees duty, his duty has first claim. But unless a conventionality does stand in the way of duty, the presumptions favor its observance. In that larger society of the human brotherhood, as in the little social groups into which it is broken up, conventionalities minimize friction and promote harmony.

In consonance with these views, the respect that ought to be paid to conventional marriage depends upon whether that conventionality conflicts with moral duty. Whoever believes sincerely that the conventionality is immoral, is in duty bound to disregard it;—bearing the penalty with fortitude, as he would have to bear the penalty for breach of any other generally accepted conventionality. But what good ground is there for regarding conventional marriage as immoral?

Only two plausible reasons are advanced. It may operate, for one thing, to sanction adultery; for in the deeper and truer, as distinguished from the merely conventional sense, cohabitation under the sanctions of a marriage ceremonial which has ceased to be expressive of genuine marriage, is adulterous. For the other, in cases of persons whose conventional marriage does not rest upon genuine marriage, it may operate to prevent genuine marriage. But whatever weight may be given to these reasons as objections to the indissolubility of conventional marriage, neither has any force as an objection to the conventionality itself. Both relate to the perpetuation of the civil tie, not to its exaction. They may come up for consideration later on, but are not pertinent here.

Against the paucity of reasons for doing away with the ceremonial contract of marriage, there are abundant reasons for respecting it as a conventionality and regulating it civilly with reference to its civil obligations.

If marriage—not the conventional form merely, but marriage itself — engenders civil obligations between the parties, or from them to other persons, then society may properly require ceremonial contracts as a consideration of giving to marriages social status and civil recognition. In support of this position it is not necessary to go farther than to the commonest and most obvious principles of organized social life. When any duties are assumed toward individuals whose rights with reference to those duties civil society ought to protect, rights and duties of regulation by civil society arise, and it is thereupon within its province to exact reasonable conventionalities for the purpose of fixing responsibility.

Now, the marriage relation does engender obligations and responsibilites with reference to third persons, of a kind to make it the duty of civil society, if civil society be conceived of as having any duty at all, to require some kind of marriage contract for the purpose of distinguishing married persons and fixing their marital responsibility.

One of these obligations relates to the civil rights of the parties themselves. The thought is intolerable that either party should be at liberty wantonly to declare their marriage relation at an end without the consent of the other party and regardless of that other's civil rights which the relationship has engendered. The rights and obligations of the parties to such a relationship may require adjustment by civil society, and in cases of separation they are certain to do so if either party objects to a separation which the other insists upon. In order that civil society may have a foundation for such adjustments it is within its proper powers in requiring that the existence of marriages shall be ceremonially declared. Civil society cannot deal with marriage itself. It can deal only with the resulting civil obligations, and to do this it needs the civil basis of a conventional contract. If, then, it may under any circumstances be properly called upon to adjudicate with reference to marriage it may properly require conventional marriage as a condition of recognizing marital rights.

Another of the obligations in question relates to children. The primary right of every child is a right to legitimate birth. This phrase is used in no mere conventional sense. By legitimacy of birth is meant not legal but natural legitimacy. Every child has a natural right, unless human marriage is indeed no higher in the realm of nature than the level of bestial passion, to be born of a real marriage. This implies a right to legitimate parenthood, natural and complete; not only to a human as distinguished from an animal mother, but also to a human as distinguished from an animal father. True, this right cannot be protected by civil society. It is a right for the protection of which children are dependent upon the marital fidelity of their parents—marital fidelity of a purer kind than fidelity to mere conventional marriage vows. But while civil

society cannot protect the natural right of children to legitimate natural parenthood, it can foster regard for it and protect such social and civil rights of children as naturally spring from parenthood. By exacting ceremonial contracts in testimony of marriage, civil society can at least secure to children, as a rule, the conventional relations and fostering care of complete fatherhood and motherhood and thereby their protection.

This over-guardianship is an obvious duty of organized society if the legitimacy of social organization be granted for any purpose. Without social organization society would unquestionably assume the duty, acting as a mob; and that goes far in itself to prove it a normal social function. And surely if any citizen is entitled to the interference of civil society for the protection of his rights, children come within the category. Although their natural guardians are their parents, and parental love may usually be depended upon best to serve the interests of children, yet children have rights even against their parents. The conservation of those rights must be a proper function of civil society, and this fact alone justifies the requirement of ceremonial contracts. In order that civil society may properly perform its duty with reference to obligations growing out of the relation of parent and child, the status of complete parenthood must have conventional expression through conventional marriage.

Another of the obligations engendered by marriage relates to the rights of third persons other than children. To know that the relationship is in some certain manner accepted by both parties to it as an enduring marriage, may be of serious social importance. Since marriage is a natural social relationship (pp. 405, 421), and can exist only between one man and one woman at the same time (p. 437), every member of society has a right to know, by fixed tests, whether unions apparently marital are so regarded by the parties to them. This is demanded for general good order if for nothing else. Many examples of its necessity might be cited, but a bare allusion to the disorder resulting from marriages not conventionally declared is enough. Not only might paternal irresponsibility as to children ensue, not only might cruel injustice by one marital companion to the other be possible, but wretched deceit of third persons by either might be invited.

There is nothing in the counter-argument that the nature of a sexual relationship is a private and not a social matter. Even if it were conceded that civil society has no right to regulate individual morals, and therefore may not prohibit concubinage, nevertheless it would have the right to distinguish, for social and civil purposes, between concubinal and marital relations.

The fundamental reason for conventional marriage, however, —metaphysical, perhaps, yet not whimsical nor fanciful — rests upon the fact, heretofore considered (p. 437), that the husband and wife in a genuine marriage, whether conventionally declared or not, constitute in a very important sense the social unit. Although it is true that the individual is the primary unit, yet social life does begin essentially with the coming together of one man and one woman in marital union. In that conjunction, therefore, society is directly and profoundly concerned. If any personal acts may need public avowal in the interest of society this must be one. Secrecy would be totally inconsistent with marriage as we have defined its nature. Although a true marriage might exist in secret, secrecy is not normal to marriage. A relationship which implies the standing forth from the mass of men and women, as a social unit, of one man and one woman, is obviously of a nature, if anything is, to demand public declaration of its existence.

That civil society may properly exact ceremonial marriage contracts, publicly declaratory of the assumed relationship, to which questions regarding civil rights and obligations growing out of marriage may be referred, is a proposition which gains in strength as it secures consideration.

Passing, then, from the propriety of exacting a ceremonial contract, to the subject of its scope, we should suppose that the contract ought to be expressive of the essentials of marriage itself. That is, the contract should be a mutual agreement between the parties, for mutuality is of the essence of marriage; it should be publicly declared, for that makes one of the necessities for a ceremonial; it should proclaim the parties to be and invoke society to regard them as husband and wife, for that is the thing necessary to be publicly known; and it should be in terms of perpetuity for life, to express the fact without which no sexual union is a marriage, namely, that it is cemented by love abiding in its nature.

The ceremonial contract cannot be in its terms temporary. That would be a concubinal contract, not a contract of marriage. Although temporal marriages may in fact die during the life time of the parties (p. 405), yet, as temporal marriage is abiding for life in its nature, the marriage contract must be couched in corresponding terms. A contract for an hour, a day, a week, a month, a year, or at will, would be repugnant to the abiding nature of marriage, in the sense of being inconsistent with it. Instead of declaring a marriage, it would be declaratory only of concubinage. Whether concubinage is a bad thing or not is immaterial to the point under consideration. All that is necessary here is to recognize that concubinage and marriage are essentially different things. That they are, need only be stated to be acknowledged. This being so, the conclusion is obvious, that a contract declaratory of concubinage is not a contract declaratory of marriage.

Contracts of marriage, to be consistent with the theory of marriage already outlined, must possess the characteristics specified above — mutuality of agreement between one man and one woman, and public avowal thereof in terms of perpetuity for life.

So much conceded, it follows that civil society, in the exercise of its function of exacting ceremonial contracts of marriage, may inhibit the making of later contracts while earlier ones subsist. In other words, upon the theory that marriage is naturally monogamous and that civil society may exact conventional contracts, civil society acts within its proper scope in forbidding bigamy —bigamy being understood to

mean the making of one conventional marriage while a previous conventional marriage of one of the parties remains contractually unrevoked.

The proposition calls for no extended argument. If but one genuine marriage can subsist at one time (pp. 437, 452), if conventional marriage rests upon and is expressive of genuine marriage, and if conventional marriage is a life contract affecting the rights of each of the parties with reference to the other and of third persons with reference to both, then there can be no second conventional marriage during the life time of either party to a former one, without a violation of rights that civil society is bound to protect and obligations which it has undertaken to enforce, unless the former conventional marriage be ceremonially dissolved by divorce.

Whether civil society may by divorce properly dissolve conventional marriages, doing so upon the application of one of the parties and after hearing both and duly considering and conserving all rights and obligations, still remains an open question in this discussion. So also does the question of second marriages after divorce.

EDITORIAL CORRESPONDENCE.

NEW YORK.

New York, Oct. 25.—The mass meeting of the People's party, at the Grand Central Palace, in this city, last night, was a success beyond the most sanguine expectations of the promoters. The great auditorium was packed with an audience surpassing in intelligence and patriotic enthusiasm any gathering of either of the old political parties that I have witnessed during this campaign. The Presidential nominee, Hon. Thomas E. Watson, although giving evidence of the strain on his physical ability, by the arduous campaign he has been making, was in one of his best moods. This was his third speech in this city during this campaign, and while all were good, it seemed to me that he reached a higher plane last night than on former occasions. His enemies will find it difficult to criticise. Judge Samuel Seabury presided, making a brilliant 15 minutes' speech, in which he graphically presented the issues involved in this campaign.

The People's Party, of this State, is practically dominated by single tax men. Judge Seabury is an uncompromising one. M. G. Palliser, chairman of the State executive committee, is vice president of the Manhattan Single Tax Club. H. C. S. Stimpson, the secretary, has been actively identified with the single tax movement for many years. Louis B. Parsons, chairman of the county committee, is also an old-time single taxer. The nominee for governor, Alfred J. Boulton, has been one of the most devoted single tax propagandists in the East. He has confined his efforts principally to the labor organizations. He is a member of Stereotypers' Union No. 1, of Brooklyn, and has espoused the cause of union labor with so much enthusiasm and persistent effort, that even some of his friends who know what a thorough and comprehensive grasp he has of the single tax philosophy have raised the question of his consistency. This line of action has made him one of the most prominent figures in the labor movement in the State of New York. It was he that took the initiative in organizing the great labor meeting at Cooper Union, July 13, 1894, to protest against the action of President Cleveland in sending the Federal troops to Chicago during the Pullman strike, at which Henry George was the principal speaker. It was under his initiative and direction that the Altgeld meeting of July 4, 1897, in the Brooklyn Academy of Music was conducted. He was one of the most aggressive supporters of Bryan in the campaigns of 1896 and 1900, and had direction and charge of several of the largest meetings in both campaigns. He was one of the originators and promoters of the workingmen's famous dollar dinner, at which Bryan was the central figure. He has done more than any other man, since Henry George, to permeate the labor ranks of this State with the single tax philosophy.

The candidate for State engineer and surveyor, on the State ticket, Simon G. Levy, is also one of the most aggressive single taxers in New York. During the summer months he conducted meetings twice a week on Madison Square, and spoke at other meetings almost every other night of the week. He is a forcible outdoor speaker, having an excellent voice, and clear grasp of economics. His first vote was cast for Henry George, in 1887. Both Seabury and Palliser are men of tremendous physique and mentality, in the prime of young manhood, both being but 31 years of age. They are aided by the counsel of such men as John R. Waters and Bolton Hall, men of wealth and commanding influence in this city, whose great ambition in life is to witness a general application of the philosophy of Henry George. Gustave W. Thompson, Peter Hamilton, William Ladd, Raymond V. Ingersoll and Edwin Hammond comprise the executive committee of the People's party in Kings county. They are all active single tax men. The People's party has indorsed Congressman Robert Baker, and his name will appear in their column on the ballot.

George L. Rusby, a successful business man, of this city, who is a persistent single tax propagandist, and has a single tax motto printed on his bank checks, is the candidate of the People's party for Congress in the Seventh district of New Jersey. He is making an energetic campaign, and will poll a large vote.

The followers of Henry George in past campaigns are not a unit in political action this year by any means. In fact, there is more of a division in their ranks than in any previous Presidential campagn. Some are supportng Debs. Others will vote for Roosevelt; to make their protest as strong as possible. Others are giving an active support to the Democratic ticket. Among the latter are Henry George, Jr., John S. Crosby, Peter Aitken and M. J. Flaherty, all of whom have taken the stump for Parker.

John Moody, publisher of Moody's Manual" and "The Truth About the Trusts," who is also a single taxer, is chairman of the Democratic county committee, of Union county, N. J. Through his efforts, James E. Martine, a democratic Democrat, was nominated for Congress in the Fifth district of New Jersey. Martine was opposed by De Witt Clinton Flanagan, a plutocratic millionaire, who aspires to be a political boss in this district, and the State. Martine was one of Bryan's most enthusiastic supporters in both of the last Presidential campaigns, and is an ardent advocate of public ownership of public utilities. While not a pronounced single tax man, he is sympathetic. He is opposed by Congressman Fowler, who has represented the district for the last ten years, who ranks as a millionaire and special representative of the Rockefellers, and who has no difficulty in raising all the funds necessary to make an aggressive campaign. Martine will have to rely on his own resources, as he will be unable to get any outside financial aid. His political antagonists recognize that he is a strong candidate. The Plainfield Courier-News, a Republican journal supporting Fowler, sounded a warning note in the editorial columns of its last issue as follows: "Compared with the other Democratic Congressional candidates who have opposed Mr. Fowler, Mr. Martine is a giant among pygmies. He is well known throughout the Fifth district, has an engaging manner, is a man of pronounced views, with a faculty of presenting them in a trenchant manner—though fundamentally wrong in some of them, notably the money question—and is a campaigner of more than 30 years' experience. These are facts not to be lightly regarded by the Republicans in dealing with the "Farmers' Orator's" candidacy. . . The earnest nature of his Democracy, his loyalty and self-sacrifice to his party in its ups and downs, coupled with the knowledge of his aspiration, are things which are stirring the Democrats to supreme efforts to elect him."

It is now reported from the inside