

be a little American than a Big Thief, and it's more economical.

After all there ain't anything in violatin' the commandments of God. What's the spoon value, anyway, of the stuff I've stolen? The Philippines are an annual debt; and the Panama canal is a fish-trap for money, set and tended by financiers.

Well, this Japanese-Russian war has saved me a pot of money anyway. I don't dig taters no more, an' save up, to build a lot of tin warships, vulnerable without and within', to go fightin' in. The tin warship business is over fer me; and it looks the same fer the rest of you fellows. Say, John, what's to 'become of great naval empires if the ironclads can be blown out of water' by any little antimere of a torpedo boat? What becomes of you if warships won't float? Where's your Indian empire, and South Africa? Why it reconstructs Christendom, and countries will begin to govern themselves. The South American republics won't need no warships, nor no Monroe doctrine. All they'll need will be a half dozen torpedo boats apiece along shore, and Europe will be so courteous that The Hague court can do all the business; or, if not, and a warship menaces 'em a torpedo fleet or a submarine, swarming it some dark night, will do the business.

Anyway I've got the lesson. I may lay in a few torpedo boats to have along shore to keep foreigners from bein' too fresh, but as for sheet-iron powder tanks as fightin' machines—I save the price.

Torpedo boats may venture more,  
But big warships must keep near shore.  
UNCLE SAM.

#### MAYOR JOHNSON'S WAY.

Believing that the publicity given to the question of paroling prisoners from the workhouse would be of general interest, a correspondent recently called on Harris R. Cooley, who has charge of the departments of charities and correction under the Johnson administration, and asked for a statement from the standpoint of the administration, to which he replied in part as follows:

"When Mr. Johnson was the first time elected Mayor of Cleveland, he asked me to accept the position of director of charities and correction. For 21 years I had been pastor of the Cedar avenue church, and now I suddenly found myself face to face with the problem of the poor and the criminal. Very early in our conversations

concerning the work of my department the question of kindness and mercy toward the so-called criminals was considered. I said that a radical change in the manner of dealing with this class of people would frighten many good people, and would bring much adverse criticism. In his characteristic way the Mayor said: 'If it is right, we will go ahead and do it.' He not only gave to the movement his support and sympathy, but he himself led out in the work far beyond the old traditional methods. He has never hesitated to give his hearty approval. During his first administration, we pardoned and paroled 1,160 prisoners. The fact that during the previous administration only 84 were pardoned indicates the departure from the established method. In the political campaign much was said about his dealing with crime 'with a kind and considerate hand.' He is not the first man who has been called 'a friend of publicans and sinners.' I think much of the fear and dread which were in the hearts of good people has passed away, and that there is a growing feeling that mercy and kindness are elements of strength in the reformation of men.

"At first there was much interest in the meetings of the pardon board and the room was crowded with spectators. I invited a number of my brother ministers to go out and see for themselves. As different cases would come up before us, the individual human history would be brought out by the quick, skillful questions of Mayor Johnson, so that you could see, as Victor Hugo says, 'the path up which the crime had come.' Here is a man in prison for neglect of his family. The wife and little children are present. The child innocently climbs on his father's knee. I would ask my minister friend what he would do. 'Oh,' he would say, 'I would give that man another chance.' He had passed unconsciously from the conception of prisoners as an outcast class by themselves, to that of so many individuals, each with a human history.

"We found that many prisoners were in the workhouse because they had no money to pay their fines. The Mayor took the ground that this was practically imprisonment for debt, which our civilization is supposed to have outgrown. Out of 1,160 pardoned and paroled, if they could have raised the money over 900 would have gone out before we even considered their cases, and, as the lawyers say, 'the ends of justice would have been satisfied.' If a man ought to be kept in prison for

30 days, he ought to be kept there the same, whether he has \$5 or \$5,000.

"The cases of intoxication were dealt with leniently, with the feeling that there ought to be kinder and more rational treatment. Many men have committed suicide in their desperate struggle with drink.

"In our conversations the Mayor has often expressed himself as becoming more and more convinced that most of the so-called crime is the result of bad environment; that the great, underlying cause of crime, misery and wretchedness is the lack of opportunity to earn a comfortable and honorable livelihood. He has the feeling that most of these people have not had a fair chance in life; that they are the victims of unjust social and industrial conditions. He sees clearly in the single tax movement the fundamental remedy by restoring to all the children of men their birthrights in the earth and its natural advantages. He believes that with better opportunities for all, the world would progress beyond our fondest dreams, industrially, socially and morally.

"Time will tell whether kindness and mercy are not stronger elements in human reformation than severity and brutality of punishment."

#### STATUS OF THE PANAMA CANAL QUESTION.

The following article, written for The Public, is from the pen of a man of national reputation, whose familiarity with the subject is highly exceptional. In transmitting the article its author describes the canal question as "not yet a closed book although it may be very soon."

For more than 75 years citizens of the United States as well as of foreign countries have vainly endeavored to open a waterway across the American isthmus. The carrying trade of the world has now reached such proportions as to demand the introduction of the economies which would result from its construction at the earliest practicable date. It is estimated that these economies would save not less than \$200,000,000 to the trade of the world every year, or more than the entire estimated cost of the largest canal ever projected. Foreign governments are debarred from undertaking the work by the promulgation of the Monroe Doctrine, and our own citizens have been prevented from completing a canal by adverse legislation, so that the duty has now devolved upon the general government in response to a popular demand that such an interoceanic waterway should

be built, owned and controlled by the United States.

This demand led to the passage of the bill known as the Hepburn bill, by the house of representatives, in the session of 1901-2, by a vote of 302 to 2, thus demonstrating the absence of all partisanship; but the senate thought it wise to substitute a totally different measure requiring the president to proceed first upon the Panama route under the following conditions as specified in the act;—

Sec. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal company and the control of the necessary territory of the Republic of Colombia, and the rights mentioned in sections one and two of this act, within a reasonable time and upon reasonable terms, then the President having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall through the said Isthmian Canal Commission cause to be excavated and constructed a ship canal waterway from a point on the shore of the Caribbean sea near Greytown, by way of Lake Nicaragua, to a point near Brito on the Pacific Ocean.

Under this act therefore it became a *sine qua non* that the title should first be secured and also that perpetual control be obtained of the right of way. The practical difficulties in the way of securing these fundamental rights may best be stated by reference to the treaty stipulations made in conformity with the constitution of Colombia.

Article XXXV. of the treaty made in 1846 between the United States and New Granada (now Colombia) reads:

The government of New Granada guarantees to the government of the United States that the right of way across the Isthmus of Panama, upon any modes of communication that now exist or that may be hereafter constructed, shall be open and free to the government and citizens of the United States, etc. . . . And in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages, and for the favors they have acquired by the fourth, fifth and sixth articles of this treaty, the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

Under this treaty the concessions

were granted to a corporation chartered by the State of New York to construct a railroad across the Isthmus, but it was "absolutely prohibited" from selling or transferring its rights to any foreign powers. The same care was exercised in the concessions granted in 1836 for a transit-way across the Isthmus, and also in the concessions for a canal, executed in 1878, to the French company.

The contract of 1850 as modified in 1867, for the Panama railroad, Art. XXVIII., provides;—

The present privilege cannot be ceded or transferred to any foreign government—that is to say, to any government existing outside of Colombian territory—under pain of forfeiture of the said privilege by the mere act of attempting or verifying such cession or transfer, which act from the present time is declared absolutely null and of no value or effect.

The contract for the canal, dated 1878, says:

Art. 21. The grantees, or those who in future may succeed them in their rights, may transfer these rights to other capitalists or financial companies, but it is absolutely prohibited to cede or mortgage them under any consideration whatever to any nation or foreign government.

When testifying before the inter-oceanic committee of the senate in reference to the proper means by which the government of the United States might acquire title to construct the canal under the Spooner act, ex-Senator Pasco, the member of the Isthmian canal commission, having charge of the investigations of these matters, stated in reply to the chairman of the committee, as follows:

The Chairman—What action, if any, is necessary on the part of the Colombian Government or the French Government to secure to this Government the perpetual control, management and ownership of this Panama route?

Mr. Pasco—I do not understand that the French Government has anything to do with the matter. It is a private corporation, and it is organized under the laws of France. The interest that the liquidator has in it is controlled by the court having jurisdiction in the matter; but the property lies in Colombia, and of course no transfer of title can be made except in accordance with the laws of Colombia and in accordance with the authority of the Colombian Government; and the concession, as I said, would make it impossible for the French company to transfer its rights without the consent of the Colombian Government. The United States can never go there at all unless the terms by which it can occupy the country and construct and carry on the canal after it is completed can be arranged with the Colombian Government. It can never be done without the consent of Colombia, and that, of course, is a matter for treaty arrangements.

The sequel has shown that Colombia was unwilling to part with her

sovereignty under the terms of the Hay-Herran treaty, which was negotiated but not ratified, and hence there was apparently no legitimate way whereby the government of the United States as such could acquire title without doing violence to the laws of nations, for which she should at least render just compensation.

Hence it would appear that private parties have been debarred from constructing a canal by the powerful opposition arrayed against all efforts, and that the rights of sovereignty have prevented the government from undertaking the work, as was evidently foreseen. It follows that the most practicable as well as the most honorable course to pursue would be to exercise the discretion vested in the chief executive of the United States and proceed to build the canal by way of the Lake of Nicaragua.

#### BRYAN'S IMPRESSIONS OF TOLSTOY.

Extracts from "Tolstoy, Apostle of Love—A Study by William Jennings Bryan," published in the Chicago Sunday American of February 7. This article is one of a series of foreign articles written by Mr. Bryan, now appearing in the Chicago American.

New York, Feb. 6.—Count Leo Tolstoy, the intellectual giant of Russia, the moral Titan of Europe and the world's most conspicuous exponent of the doctrine of love, is living a life of quiet retirement upon his estate near the village of Yasnaya, Poliana, about 130 miles south of Moscow.

I made a visit to the home of this peasant philosopher during my stay in Russia, driving from Tula in the early morning and arriving just after daylight. I had intended remaining only a few hours, but his welcome was so cordial that my stay was prolonged until nearly midnight. Count Tolstoy is now about 76 years old, and while he shows the advance of years he is still full of mental vigor and retains much of his physical strength.

As an illustration of the latter I might refer to the horseback ride and walk which we took together in the afternoon. The ride covered about four miles and the walk about two. When we reached the house the count said that he would take a little rest and insisted that I should do likewise.

A few minutes later, when I expressed to the count's physician, Dr. Burkenheim, the fact that he might have overtaxed his strength, the doctor smilingly assured me that the count usually took more exercise, but had purposely lessened his allowance