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ANNALS
OF THE
AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

ISSUED BI-MONTHLY.

VOL. II.
JULY, 1891—JUNE, 1892.

Editor :
EDMUND J. JAMES.

Associate Editors :
FRANKLIN H. GIDDINGS, ROLAND P. FALKNER,
JAMES HARVEY ROBINSON.

48876
1900

PHILADELPHIA:
AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE.
1892.

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ALPHABETICAL LIST
OF
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Since Publication of Handbook of the Academy, April 15, 1891.
Corrected to August 10, 1891. This list also contains a few names
which were accidentally omitted from the Handbook.

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ANNALS
OF THE
AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

JULY, 1891.

CONSTITUTION OF
THE UNITED STATES OF MEXICO.

ANTECEDENTS.

IN seeking independence the Spanish colonies in America were moved by the democratic doctrines of France and by the example of the United States. Their long submission to Spanish rule had, however, given rise to traditions which tended to keep them loyal to monarchy. But when Ferdinand VII. fell into the hands of Napoleon, the bond of attachment to Spain was weakened, and signs of revolt appeared. The open struggle for independence, which began in 1810 and lasted with occasional interruptions till 1824, stands in marked contrast with the efforts of the English Colonies. It had many of the characteristics of a civil war, on account of the large number of those who advocated continued dependence on Spain, while the more complete unity of purpose in the English Colonies gave

their war for independence the character of a struggle against a foreign enemy.

An early suggestion of a national representative government for Mexico appeared in the proposition made by the ayuntamiento of the City of Mexico to the Viceroy that he should call a national assembly composed of representatives of the provinces. This proposition was favored by the Viceroy, but was opposed by the *Audiencia*, who represented the spirit of Spanish possession and dominion. The higher clergy, moreover, as holders of great power, opposed all attempts at independence; while the lower clergy, to which Miguel Hidalgo i Costilla belonged, became the earliest champions of the movement.

After the overthrow of Hidalgo's forces and the capture of the leader it became evident to the patriots that they ought be represented by some formally constituted government. An assembly composed principally of officers of the army was, therefore, convened. In accordance with its decree a governmental council was established, consisting at first of three members and later of five, whose collective title was the "Supreme Governmental Council of America." In the exercise of their new authority they cited the military officers, the governors, and alcaldes of the Indian pueblos of the vicinity to take the oath of obedience and fidelity to the Council, which governed in the name of King Ferdinand VII. The use of the King's name was clearly an act of policy, through which the Council hoped to gain forces at the expense of the enemy, and to turn to the cause of freedom those who desired independence but who halted at the idea of fighting against the King. The attempt on the part of the Council to make an agreement with the Viceroy only led him to reject with indignation the project of an independent power in Mexico. Strictly speaking, the Council was an illegal body, deriving authority neither from a popular election nor from any existing legitimate source. It was feared, however, by the Spanish party that it might gain recognition

and exercise the functions of a legitimate government. A price was, therefore, set on the head of each member, but its subsequent dissolution was due rather to internal disension than to external attack.

On the 1st of September, 1813, a Congress constituted by popular election was assembled in Chilpancingo. This body proclaimed anew the independence of Mexico, and agreed upon a republican Constitution, which was published in Apanzingan in October, 1814. This Constitution was also short-lived, being set aside by the adoption of the Spanish Constitution of 1812, in so far as it was applicable to Mexico.

Between 1815 and 1820 Mexico was little disturbed by military operations, but finally the cause of independence was revived, and on the 24th of February, 1820, was published the Plan of Iguala. By this instrument an independent limited monarchy was erected in Mexico, and the throne was to be offered to Ferdinand VII., and in case of his refusal to other princes designated. The Roman Catholic faith was declared to be the sole religion of the state, and the equality of all social classes was proclaimed. The Plan of Iguala, a compromise between political independence and religious intolerance, found very general favor; even the new Viceroy, O'Donojú, accepted it with only slight modifications, and recognized the new *Imperio Mejicano*. A provisional Governmental Council was then formed, which was charged with the legislative authority until the Cortes should be installed. The executive power was temporarily entrusted to a regency of three persons, who should exercise it till the accession of the prince. In carrying out the provisions of the Plan of Iguala, as modified by the agreement at Cordova between O'Donojú and Iturbide, it was discovered that the scheme was not approved by either the King or the Cortes of Spain, and that in Mexico itself there were many republicans dissatisfied with it. In this condition of affairs, Iturbide, supported by a portion of the army, was proclaimed Emperor. But his conduct in his temporary use of power

only increased the opposition which he had encountered in the beginning; and, finding it impossible to maintain an independent imperial government in Mexico, he abdicated and went into exile. The Congress, taking advantage of the departure of Iturbide, declared that his administration had been a rule of force and not of right, and that all of his acts were illegal and subject to revision. It then placed the executive power in the hands of a triumvirate composed of Negrete, Bravo, and Victoria, representing the Spanish, the monarchical, and the republican parties.

A new Congress was installed on the 7th of November, 1823, and on the 3d of December it began the discussion of a project for a fundamental law, which was approved January 31, 1824, and "in thirty-six articles contained the basis of the future political Constitution." Through the adoption of this Constitution the nation acquired a popular representative, federal, republican government. But this was only a provisional government, and was set aside on the adoption of the definitive Constitution of 1824, which in many particulars was a copy of the Constitution of the United States.

The Constitution of 1824 remained in force eleven years, but during these years Mexico was not without its internal disturbances; and in 1833, by a revolution, General Antonio Lopez de Santana was made President. After a temporary retirement, a reactionary movement restored him to power in 1834. Having allied himself with the clericals and centralists, he dissolved the Congress on the 31st of May, set aside the liberal decrees which that body had passed, made the Vice-President, Gomez Farias, resign, and broke openly with the federalists. The new Congress which was installed in January, 1835, undertook to reform the Constitution of 1824, and in 1836 a new fundamental law was issued, which rejected the federal principle and established a centralized government, the whole territory of the Republic being divided into departments instead of the preëxisting States,

the departments into districts, and these again into partidos. By thus enlarging the functions of the central Government the grounds of party separation were made more conspicuous. Every adherent of federalism became an opponent of the new order of things, and in the next decade Mexico was without an effective Constitution. Power rested with the most successful military leader. In 1847, however, the Congress passed an Act which brought into force again the Constitution of 1824, with certain amendments.

Without attempting to note the numerous "pronunciamientos" made and the "bases" promulgated, attention may be called to the "Plan" promulgated by the garrison of Ayutla. According to this plan Santana was to be deprived of the power which he exercised arbitrarily, an *ad interim* President was to be appointed, and a Constitutional Convention convened. The garrison of Acapulco seconded this plan with slight modifications, and Ignacio Comonfort became the leader of the new revolution. On the 8th of August, 1855, Santana left the Presidency, and a few days later went into exile. On the 13th of the same month the garrison of the capital also adopted the Plan of Ayutla. The 4th of October General Alvarez was elected *ad interim* President, and in February, 1856, the Constituent Congress, or Constitutional Convention, was assembled. Comonfort, who had become President on the resignation of Alvarez, now issued, in accordance with authority conferred upon him by the Plan of Ayutla and Acapulco, an "*Estatuto orgánico provisional de la Republica Mejicana.*" The *estatuto* was a quasi-Constitution, in 125 articles, which organized completely the executive and judicial powers in accordance with the principles of centralism, and which detailed with much method and in a liberal sense the civil and political rights of the Mexicans; but which obliterated all this, as with one dash of the pen, by Article 82, conceived as follows: "The President of the Republic shall be able to act discretionally, when, in the judgment of the Council of Ministers, this shall be necessary in order to

defend the independence or the integrity of the territory, or to maintain the established order, or to preserve the public tranquillity; but in no case shall he be able to impose the penalty of death, nor those penalties prohibited by Article 55."

The new Constitution, which was formulated in the meantime by the Constituent Congress, was finally adopted on the 5th of February, 1857. But this Constitution, by abolishing the ecclesiastical and military privileges, excited vigorous opposition. As a result of this opposition, the nation found itself, in 1858, in civil war, with Benito Juarez as leader of the Constitutional party, while General Zuloaga, and later General Miramon, led the Revolutionary party. Having, in 1861, overcome the Revolutionary forces and taken possession of the capital, Juarez, in accordance with Article 29 of the Constitution, received extraordinary powers to suspend the individual guarantees recognized by this law. During the same year, 1861, the Revolutionary party entered into certain foreign alliances against the Constitutional party, led by Juarez, and from these alliances proceeded the series of events which constitute the Imperial episode of Maximilian's reign. While Maximilian, backed by the power of France, was attempting to establish an imperial government in Mexico, the forces of the Constitutionalists were scattered on the frontiers. Three months after the withdrawal of the French troops, in obedience to the demands of the United States, the Imperialists were undone, Maximilian, Miramon, and Mejia had been shot, and the way was once more open to the Constitutionalists. The Constitution of 1857 became again the effective fundamental law of the land, and, with a number of subsequent amendments, has continued in force to the present time.

BERNARD MOSES.

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¹ The Outline of Contents has been prepared by the Editors of the ANNALS.

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PREAMBLE.

In the name of God and with the authority of the Mexican people.

The representatives of the different States, of the District and Territories which compose the Republic of Mexico, called by the Plan proclaimed in Ayutla the 1st of March, 1854, amended in Acapulco the 11th day of the same month and year, and by the summons issued the 17th of October, 1855, to constitute the nation under the form of a popular, representative, democratic republic, exercising the powers with which they are invested, comply with the requirements of their high office, decreeing the following political Constitution of the Mexican Republic, on the indestructible basis of its legitimate independence, proclaimed the 16th of September, 1810, and completed the 27th of September, 1821.

TITLE I.

SECTION I. OF THE RIGHTS OF MAN.

ARTICLE I. The Mexican people recognize that the rights of man are the basis and the object of social institutions. Consequently they declare that all the laws and all the authorities of the country must respect and maintain the guarantees which the present Constitution establishes.

ART. 2. In the Republic all are born free. Slaves who set foot upon the national territory recover, by that act alone, their liberty, and have a right to the protection of the laws.

ART. 3. Instruction is free. The law shall determine what professions require a diploma for their exercise, and with what requisites they must be issued.

ART. 4. Every man is free to adopt the profession, industrial pursuit, or occupation which suits him, the same being useful and honorable, and to avail himself of its products. Nor shall anyone be hindered in the exercise of such profession, industrial pursuit, or occupation, unless by judicial sentence when such exercise attacks the rights of a third party, or by governmental resolution, dictated in terms which the law marks out, when it offends the rights of society.

ART. 5. No one shall be obliged to give personal services without just compensation, and without his full consent. The state shall not permit any contract, pact, or agreement to be carried into effect which has for its object the diminution, loss, or irrevocable sacrifice of the liberty of man, whether it be for the sake of labor, education, or a religious vow. The law, consequently, may not recognize monastic orders, nor may it permit their establishment, whatever may be the denomination or object with which they claim to be formed.¹ Neither may an agreement be permitted in which anyone stipulates for his proscription or banishment.

ART. 6. The expression of ideas shall not be the object of any judicial or administrative inquisition, except in case it attacks morality, the rights of a third party, provokes some crime or misdemeanor, or disturbs public order.

ART. 7. The liberty to write and to publish writings on any subject whatsoever is inviolable. No law or authority shall establish previous censure, nor require security from authors or printers, nor restrict the liberty of the press, which has no other limits than respect of private life, morality, and the public peace. The crimes which are committed by means of the press shall be judged by the competent tribunals of the Federation, or by those of the

¹ This sentence was introduced into the original article September 25, 1873, with other less important amendments.

States, those of the Federal District and the Territory of Lower California, in accordance with their penal laws.¹

ART. 8. The right of petition, exercised in writing in a peaceful and respectful manner, is inviolable; but in political matters only citizens of the Republic may exercise it. To every petition must be returned a written opinion by the authority to whom it may have been addressed, and the latter is obliged to make the result known to the petitioner.

ART. 9. No one may be deprived of the right peacefully to assemble or unite with others for any lawful object whatsoever, but only citizens of the Republic may do this in order to take part in the political affairs of the country. No armed assembly has a right to deliberate.

ART. 10. Every man has a right to possess and carry arms for his security and legitimate defence. The law shall designate what arms are prohibited and the punishment which those shall incur who carry them.

ART. 11. Every man has a right to enter and to go out of the Republic, to travel through its territory and change his residence, without the necessity of a letter of security, passport, safe-conduct, or other similar requisite. The exercise of this right shall not prejudice the legitimate faculties of the judicial or administrative authority in cases of criminal or civil responsibility.

ART. 12. There are not, nor shall there be recognized in the Republic, titles of nobility, or prerogatives, or hereditary honors. Only the people, legitimately represented, may decree recompenses in honor of those who may have rendered or may render eminent services to the country or to humanity.

ART. 13. In the Mexican Republic no one may be judged by special law nor by special tribunals. No person

¹ This article was amended May 15, 1883, by introducing the last sentence as a substitute for the following: "The crimes of the press shall be judged by one jury which attests the fact and by another which applies the law and designates the punishment."

or corporation may have privileges, or enjoy emoluments, which are not compensation for a public service and are established by law. Martial law may exist only for crimes and offences which have a definite connection with military discipline. The law shall determine with all clearness the cases included in this exception.

ART. 14. No retroactive law shall be enacted. No one may be judged or sentenced except by laws made prior to the act, and exactly applicable to it, and by a tribunal which shall have been previously established by law.

ART. 15. Treaties shall never be made for the extradition of political offenders, nor for the extradition of those violators of the public order who may have held in the country where they committed the offence the position of slaves; nor agreements or treaties in virtue of which may be altered the guarantees and rights which this Constitution grants to the man and to the citizen.

ART. 16. No one may be molested in his person, family, domicile, papers and possessions, except in virtue of an order written by the competent authority, which shall establish and assign the legal cause for the proceeding. In the case of *in flagrante delicto* any person may apprehend the offender and his accomplices, placing them without delay at the disposal of the nearest authorities.

ART. 17. No one may be arrested for debts of a purely civil character. No one may exercise violence in order to reclaim his rights. The tribunals shall always be prompt to administer justice. This shall be gratuitous, judicial costs being consequently abolished.

ART. 18. Imprisonment shall take place only for crimes which deserve corporal punishment. In any state of the process in which it shall appear that such a punishment might not be imposed upon the accused, he shall be set at liberty under bail. In no case shall the imprisonment or detention be prolonged for default of payment of fees, or of any furnishing of money whatever.

ART. 19. No detention shall exceed the term of three

days, unless justified by a writ showing cause of imprisonment and other requisites which the law establishes. The mere lapse of this term shall render responsible the authority that orders or consents to it, and the agents, ministers, wardens, or jailers who execute it. Any maltreatment in the apprehension or in the confinement of the prisoners, any injury which may be inflicted without legal ground, any tax or contribution in the prisons, is an abuse which the laws must correct and the authorities severely punish.

ART. 20. In every criminal trial the accused shall have the following guarantees :

I. That the grounds of the proceedings and the name of the accuser, if there shall be one, shall be made known to him.

II. That his preparatory declaration shall be taken within forty-eight hours, counting from the time he may be placed at the disposal of the judge.

III. That he shall be confronted with the witnesses who testify against him.

IV. That he shall be furnished with the *data* which he requires and which appear in the process, in order to prepare for his defence.

V. That he shall be heard in defence by himself or by counsel, or by both, as he may desire. In case he should have no one to defend him, a list of official defenders shall be presented to him, in order that he may choose one or more who may suit him.

ART. 21. The application of penalties properly so called belongs exclusively to the judicial authority. The political or administrative authorities may only impose fines, as correction, to the extent of five hundred dollars, or imprisonment to the extent of one month, in the cases and manner which the law shall expressly determine.

ART. 22. Punishments by mutilation and infamy, by branding, flogging, the bastinado, torture of whatever kind, excessive fines, confiscation of property, or any other unusual or extraordinary penalties, shall be forever prohibited.

ART. 23. In order to abolish the penalty of death, the administrative power is charged to establish, as soon as possible, a penitentiary system. In the meantime the penalty of death shall be abolished for political offences, and shall not be extended to other cases than treason during foreign war, highway robbery, arson, parricide, homicide with treachery, premeditation or advantage, to grave offences of the military order, and piracy, which the law shall define.

ART. 24. No criminal proceeding may have more than three instances. No one shall be tried twice for the same offence, whether by the judgment he be absolved or condemned. The practice of absolving from the instance is abolished.

ART. 25. Sealed correspondence which circulates by the mails is free from all registry. The violation of this guarantee is an offence which the law shall punish severely.

ART. 26. In time of peace no soldier may demand quarters, supplies, or other real or personal service without the consent of the proprietor. In time of war he shall do this only in the manner prescribed by the law.

ART. 27. Private property shall not be appropriated without the consent of the owner, except for the sake of public use, and with previous indemnification. The law shall determine the authority which may make the appropriation and the conditions under which it may be carried out.

No corporation, civil or ecclesiastical, whatever may be its character, denomination, or object, shall have legal capacity to acquire in proprietorship or administer for itself real estate, with the single exception of edifices destined immediately and directly to the service and object of the institution.¹

ART. 28. There shall be no monopolies, nor places of any kind for the sale of privileged goods, nor prohibitions under titles of protection to industry. There shall be

¹ See Article 3 of Additions to the Constitution.

excepted only those relative to the coining of money, to the mails, and to the privileges which, for a limited time, the law may concede to inventors or perfectors of some improvement.

ART. 29. In cases of invasion, grave disturbance of the public peace, or any other cases whatsoever which may place society in great danger or conflict, only the President of the Republic in concurrence with the Council of Ministers and with the approbation of the Congress of the Union, and, in the recess thereof, of the permanent deputation, may suspend the guarantees established by this Constitution, with the exception of those which assure the life of man; but such suspension shall be made only for a limited time, by means of general provisions, and without being limited to a determined person. If the suspension should take place during the session of Congress, this body shall concede the authorizations which it may esteem necessary in order that the Executive may meet properly the situation. If the suspension should take place during the recess, the permanent deputation shall convoke the Congress without delay in order that it may make the authorizations.

SECTION II. OF MEXICANS.

ART. 30. Mexicans are—

I. All those born, within or without the Republic, of Mexican parents.

II. Foreigners who are naturalized in conformity with the laws of the Federation.

III. Foreigners who acquire real estate in the Republic or have Mexican children; provided they do not manifest their resolution to preserve their nationality.

ART. 31. It is an obligation of every Mexican—

I. To defend the independence, the territory, the honor, the rights and interests of his country.

II. To contribute for the public expenses, as well of the Federation as of the State and municipality in which he

resides, in the proportional and equitable manner which the laws may provide.

ART. 32. Mexicans shall be preferred to foreigners in equal circumstances, for all employments, charges, or commissions of appointment by the authorities, in which the condition of citizenship may not be indispensable. Laws shall be issued to improve the condition of Mexican laborers, rewarding those who distinguish themselves in any science or art, stimulating labor, and founding practical colleges and schools of arts and trades.

SECTION III. OF FOREIGNERS.

ART. 33. Foreigners are those who do not possess the qualifications determined in Article 30. They have a right to the guarantees established by Section I., Title I., of the present Constitution, except that in all cases the Government has the right to expel pernicious foreigners. They are under obligation to contribute to the public expenses in the manner which the laws may provide, and to obey and respect the institutions, laws, and authorities of the country, subjecting themselves to the judgments and sentences of the tribunals, without power to seek other protection than that which the laws concede to Mexican citizens.

SECTION IV. OF MEXICAN CITIZENS.

ART. 34. Citizens of the Republic are all those who, having the quality of Mexicans, have also the following qualifications:

I. Eighteen years of age if married, or twenty-one if not married:

II. An honest means of livelihood.

ART. 35. The prerogatives of the citizen are—

I. To vote at popular elections.

II. The privilege of being voted for *for* any office subject to popular election, and of being selected for any other

employment or commission, having the qualifications established by law.

III. To associate to discuss the political affairs of the country.

IV. To take up arms in the army or in the national guard for the defence of the Republic and its institutions.

V. To exercise in all cases the right of petition.

ART. 36. Every citizen of the Republic is under the following obligations :

I. To be inscribed on the municipal roll, stating the property which he has, or the industry, profession, or labor by which he subsists.

II. To enlist in the national guard.

III. To vote at popular elections in the district to which he belongs.

IV. To discharge the duties of the offices of popular election of the Federation, which in no case shall be gratuitous.

ART. 37. The character of citizen is lost—

I. By naturalization in a foreign country.

II. By serving officially the government of another country or accepting its decorations, titles, or employments without previous permission from the Federal Congress; excepting literary, scientific, and humanitarian titles, which may be accepted freely.

ART. 38. The law shall prescribe the cases and the form in which may be lost or suspended the rights of citizenship and the manner in which they may be regained.

TITLE II.

SECTION I. OF THE NATIONAL SOVEREIGNTY AND OF THE FORM OF GOVERNMENT.

ART. 39. The national sovereignty resides essentially and originally in the people. All public power emanates from the people, and is instituted for their benefit. The

people have at all times the inalienable right to alter or modify the form of their government.

ART. 40. The Mexican people voluntarily constitute themselves a democratic, federal, representative republic, composed of States free and sovereign in all that concerns their internal government, but united in a federation established according to the principles of this fundamental law.

ART. 41. The people exercise their sovereignty by means of Federal officers in cases belonging to the Federation, and through those of the States in all that relates to the internal affairs of the States within the limits respectively established by this Federal Constitution, and by the special Constitutions of the States, which latter shall in no case contravene the stipulations of the Federal Compact.

SECTION II. OF THE INTEGRAL PARTS OF THE FEDERATION
AND OF THE NATIONAL TERRITORY.

ART. 42. The National Territory comprises that of the integral parts of the Federation and that of the adjacent islands in both oceans.

ART. 43. The integral parts of the Federation are: the States of Aguascalientes, Colima, Chiapas, Chihuahua, Durango, Guanajuato, Guerrero, Jalisco, Mexico, Michoacan, Nuevo Leon and Coahuila, Oajaca, Puebla, Querétaro, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tlascala, Valle de Mexico, Vera Cruz, Yucatan, Zacatecas, and the Territory of Lower California.

ART. 44. The States of Aguascalientes, Chiapas, Chihuahua, Durango, Guerrero, Mexico, Puebla, Querétaro, Sinaloa, Sonora, Tamaulipas, and the Territory of Lower California shall preserve the limits which they now have.

ART. 45. The States of Colima and Tlascala shall preserve in their new character of States the limits which they have had as Territories of the Federation.

ART. 46. The State of the Valley of Mexico shall be formed of the territory actually composing the Federal

District, but the erection into a State shall only have effect when the supreme Federal authorities are removed to another place.

ART. 47. The State of Nuevo Leon and Coahuila shall comprise the territory which has belonged to the two distinct States of which it is now formed, except the part of the hacienda of Bonanza, which shall be reincorporated in Zacatecas, on the same terms in which it was before its incorporation in Coahuila.

ART. 48. The States of Guanajuato, Jalisco, Michoacan, Oajaca, San Luis Potosí, Tabasco, Vera Cruz, Yucatan, and Zacatecas shall recover the extension and limits which they had on the 31st of December, 1852, with the alterations the following Article establishes.

ART. 49. The town of Contepec, which has belonged to Guanajuato, shall be incorporated in Michoacan. The municipality of Aqualulco, which has belonged to Zacatecas, shall be incorporated in San Luis Potosí. The municipalities of Ojo-Caliente and San Francisco de los Adames, which have belonged to San Luis, as well as the towns of Nueva Tlascala and San Andres del Teul, which have belonged to Jalisco, shall be incorporated in Zacatecas. The department of Tuxpan shall continue to form a part of Vera Cruz. The canton of Huimanguillo, which has belonged to Vera Cruz, shall be incorporated in Tabasco.¹

¹ Besides the twenty-four States which are mentioned in this section there have been created subsequently, according to executive decrees issued in accordance with the Constitution, the four following :

XXV. That of Campeche, separated from Yucatan.

XXVI. That of Coahuila, separated from Nuevo Leon.

XXVII. That of Hidalgo, in territory of the ancient State of Mexico, which formed the second military district.

XXVIII. That of Morelos, in territory also of the ancient State of Mexico, which formed the third military district.

TITLE III.

OF THE DIVISION OF POWERS.

ART. 50. The supreme power of the Federation is divided for its exercise into legislative, executive, and judicial. Two or more of these powers shall never be united in one person or corporation, nor the legislative power be deposited in one individual.

SECTION I. OF THE LEGISLATIVE POWER.

ART. 51. The legislative power of the nation is deposited in a general Congress, which shall be divided into two houses, one of Deputies and the other of Senators.¹

Paragraph I. Of the Election and Installation of Congress.

ART. 52. The House of Deputies shall be composed of representatives of the nation, elected in their entire number every two years by Mexican citizens.

ART. 53. One deputy shall be elected for each forty thousand inhabitants, or for a fraction which exceeds twenty thousand. The territory in which the population is less than that determined in this article shall, nevertheless, elect one deputy.

ART. 54. For each deputy there shall be elected one alternate.

ART. 55. The election for deputies shall be indirect in the first degree, and by secret ballot, in the manner which the law shall prescribe.

ART. 56. In order to be eligible to the position of a deputy it is required that the candidate be a Mexican citizen in the enjoyment of his rights; that he be fully twenty-five years

¹ The original form of this article was as follows: "The exercise of the supreme legislative power is vested in one assembly, which shall be denominated Congress of the Union."

of age on the day of the opening of the session; that he be a resident of the State or Territory which makes the election, and that he be not an ecclesiastic. Residence is not lost by absence in the discharge of any public trust bestowed by popular election.

ART. 57. The positions of Deputy and of Senator are incompatible with any Federal commission or office whatsoever for which a salary is received.

ART. 58. The Deputies and the Senators, from the day of their election to the day on which their trust is concluded, may not accept any commission or office offered by the Federal Executive, for which a salary is received, except with the previous license of the respective house. The same requisites are necessary for the alternates of Deputies and Senators when in the exercise of their functions.

A. The Senate is composed of two Senators for each State and two for the Federal District. The election of Senators shall be indirect in the first degree. The Legislature of each State shall declare elected the person who shall have obtained the absolute majority of the votes cast, or shall elect from among those who shall have obtained the relative majority in the manner which the electoral law shall prescribe. For each Senator there shall be elected an alternate.

B. The Senate shall be renewed one-half every two years. The Senators named in the second place shall go out at the end of the first two years, and thereafter the half who have held longer.

C. The same qualifications are required for a Senator as for a Deputy, except that of age, which must be at least thirty years on the day of the opening of the session.

ART. 59. The Deputies and Senators are privileged from arrest for their opinions manifested in the performance of their duties, and shall never be liable to be called to account for them.

ART. 60. Each house shall judge of the election of its

members, and shall solve the doubts which may arise regarding them.

ART. 61. The houses may not open their sessions nor perform their functions without the presence in the Senate of at least two-thirds, and in the House of Deputies of more than one-half of the whole number of their members, but those present of one or the other body must meet on the day indicated by the law and compel the attendance of absent members under penalties which the law shall designate.

ART. 62. The Congress shall have each year two periods of ordinary sessions: the first, which may be prorogued for thirty days, shall begin on the 16th of September and end on the 15th of December, and the second, which may be prorogued for fifteen days, shall begin the 1st of April and end the last day of May.

ART. 63. At the opening of the sessions of the Congress the President of the Union shall be present and shall pronounce a discourse in which he shall set forth the state of the country. The President of the Congress shall reply in general terms.

ART. 64. Every resolution of the Congress shall have the character of a law or decree. The laws and decrees shall be communicated to the Executive, signed by the Presidents of both houses and by a Secretary of each of them, and shall be promulgated in this form: "The Congress of the United States of Mexico decrees:" (*Text of the law or decree.*)

Paragraph II. Of the Initiative and Formation of the Laws.

ART. 65. The right to initiate laws or decrees belongs:

I. To the President of the Union.

II. To the Deputies and Senators of the general Congress.

III. To the Legislatures of the States.

ART. 66. Bills presented by the President of the Repub-

lic, by the Legislatures of the States, or by deputations from the same, shall pass immediately to a committee. Those which the Deputies or the Senators may present shall be subjected to the procedure which the rules of debate may prescribe.

ART. 67. Every bill which shall be rejected in the house where it originated, before passing to the other house, shall not again be presented during the sessions of that year.

ART. 68. The second period of sessions shall be destined, in all preference, to the examination of and action upon the estimates of the following fiscal year, to passing the necessary appropriations to cover the same, and to the examination of the accounts of the past year, which the Executive shall present.

ART. 69. The last day but one of the first period of sessions the Executive shall present to the House of Deputies the bill of appropriations for the next year following and the accounts of the preceding year. Both shall pass to a committee of five Representatives appointed on the same day, which shall be under obligation to examine said documents, and present a report on them at the second session of the second period.

ART. 70. The formation of the laws and of the decrees may begin indiscriminately in either of the two houses, with the exception of bills which treat of loans, taxes, or imposts, or of the recruiting of troops, all of which must be discussed first in the House of Deputies.

ART. 71. Every bill, the consideration of which does not belong exclusively to one of the houses, shall be discussed successively in both, the rules of debate being observed with reference to the form, the intervals, and manner of proceeding in discussions and voting.

A. A bill having been approved in the house where it originated, shall pass for its discussion to the other house. If the latter body should approve it, it will be

remitted to the Executive, who, if he shall have no observations to make, shall publish it immediately.

B. Every bill shall be considered as approved by the Executive if not returned with observations to the house where it originated within ten working days, unless during this term Congress shall have closed or suspended its sessions, in which case the return must be made the first working day on which it shall meet.

C. A bill rejected wholly or in part by the Executive must be returned with his observations to the house where it originated. It shall be discussed again by this body, and if it should be confirmed by an absolute majority of votes, it shall pass again to the other house. If by this house it should be sanctioned with the same majority, the bill shall be a law or decree, and shall be returned to the Executive for promulgation. The voting on the law or decree shall be by name.

D. If any bill should be rejected wholly in the house in which it did not originate, it shall be returned to that in which it originated with the observations which the former shall have made upon it. If having been examined anew it should be approved by the absolute majority of the members present, it shall be returned to the house which rejected it, which shall again take it into consideration, and if it should approve it by the same majority it shall pass to the Executive, to be treated in accordance with division A; but, if it should reject it, it shall not be presented again until the following sessions.

E. If a bill should be rejected only in part, or modified, or receive additions by the house of revision, the new discussion in the house where it originated shall treat only of the rejected part, or of the amendments or additions, without being able to alter in any manner the articles approved. If the additions or amendments made by the house of revision should be approved by the absolute majority of the votes present in the house where it originated, the whole bill shall be passed to the Executive, to

be treated in accordance with division A. But if the additions or amendments made by the house of revision should be rejected by the majority of the votes in the house where it originated, they shall be returned to the former, in order that the reasons of the latter may be taken into consideration; and if by the absolute majority of the votes present said additions or amendments shall be rejected in this second revision, the bill, in so far as it has been approved by both houses, shall be passed to the Executive, to be treated in accordance with division A; but if the house of revision should insist, by the absolute majority of the votes present, on said additions or amendments, the whole bill shall not be again presented until the following sessions, unless both houses agree by the absolute majority of their members present that the law or decree shall be issued solely with the articles approved, and that the parts added or amended shall be reserved to be examined and voted in the following sessions.

F. In the interpretation, amendment, or repeal of the laws or decrees, the rules established for their formation shall be observed.

G. Both houses shall reside in the same place, and they shall not remove to another without first agreeing to the removal and on the time and manner of making it, designating the same point for the meeting of both. But if both houses, agreeing to the removal, should differ as to time, manner, or place, the Executive shall terminate the difference by choosing one of the places in question. Neither house shall suspend its sessions for more than three days without the consent of the other.

H. When the general Congress meets in extra sessions, it shall occupy itself exclusively with the object or objects designated in the summons; and if the special business shall not have been completed on the day on which the regular session should open, the extra sessions shall be closed nevertheless, leaving the points pending to be treated of in the regular sessions.

The Executive of the Union shall not make observations on the resolutions of the Congress when this body prorogues its sessions or exercises functions of an electoral body or a jury.

Paragraph III. Of the Powers of the General Congress.

ART. 72. The Congress has power—

I. To admit new States or Territories into the Federal Union, incorporating them in the nation.

II. To erect Territories into States when they shall have a population of eighty thousand inhabitants and the necessary elements to provide for their political existence.

III. To form new States within the limits of those existing, it being necessary to this end—

1. That the fraction or fractions which ask to be erected into a State shall number a population of at least one hundred and twenty thousand inhabitants.

2. That it shall be proved before Congress that they have elements sufficient to provide for their political existence.

3. That the Legislatures of the States, the territories of which are in question, shall have been heard on the expediency or in expediency of the establishment of the new State, and they shall be obliged to make their report within six months, counted from the day on which the communication relating to it shall have been remitted to them.

4. That the Executive of the Federation shall likewise be heard, who shall send his report within seven days, counted from the date on which he shall have been asked for it.

5. That the establishment of the new State shall have been voted for by two-thirds of the Deputies and Senators present in their respective houses.

6. That the resolution of Congress shall have been ratified by the majority of the Legislatures of the States,

after examining a copy of the proceedings ; provided that the Legislatures of the States whose territory is in question shall have given their consent.

7. If the Legislatures of the States whose territory is in question shall not have given their consent, the ratification mentioned in the preceding clause must be made by two-thirds of the Legislatures of the other States.

A. The exclusive powers of the House of Deputies are—

I. To constitute itself an Electoral College in order to exercise the powers which the law may assign to it, in respect to the election of the Constitutional President of the Republic, Magistrates of the Supreme Court, and Senators for the Federal District.

II. To judge and decide upon the resignations which the President of the Republic or the Magistrates of the Supreme Court of Justice may make. The same power belongs to it in treating of licenses solicited by the first.

III. To watch over, by means of an inspecting committee from its own body, the exact performance of the business of the chief auditorship.

IV. To appoint the principal officers and other employés of the same.

V. To constitute itself a jury of accusation, for the high functionaries of whom Article 103 of this Constitution treats.

VI. To examine the accounts which the Executive must present annually, to approve the annual estimate of expenses, and to initiate the taxes which in its judgment ought to be decreed to cover these expenses.

B. The exclusive powers of the Senate are—

I. To approve the treaties and diplomatic conventions which the Executive may make with foreign powers.

II. To ratify the appointments which the President of the Republic may make of ministers, diplomatic agents, consuls-general, superior employés of the Treasury, col-

onels and other superior officers of the national army and navy, on the terms which the law shall provide.

III. To authorize the Executive to permit the departure of national troops beyond the limits of the Republic, the passage of foreign troops through the national territory, the station of squadrons of other powers for more than a month in the waters of the Republic.

IV. To give its consent in order that the Executive may dispose of the national guard outside of their respective States or Territories, determining the necessary force.

V. To declare, when the Constitutional legislative and executive powers of a State shall have disappeared, that the case has arrived for appointing to it a provisional Governor, who shall call elections in conformity with the Constitutional laws of the said State. The appointment of Governor shall be made by the Federal Executive with the approval of the Senate, and in its recesses with the approval of the Permanent Commission. Said functionary shall not be elected Constitutional Governor at the elections which are had in virtue of the summons which he shall issue.

VI. To decide political questions which may arise between the powers of a State, when any of them may appear with this purpose in the Senate, or when on account of said questions Constitutional order shall have been interrupted during a conflict of arms. In this case the Senate shall dictate its resolution, being subject to the general Constitution of the Republic and to that of the State.

The law shall regulate the exercise of this power and that of the preceding.

VII. To constitute itself a jury of judgment in accordance with Article 105 of this Constitution.

C. Each of the houses may, without the intervention of the other—

I. Dictate economic resolutions relative to its internal regimen.

II. Communicate within itself, and with the Executive of the Union, by means of committees from its own body.

III. Appoint the employés of its secretaryship, and make the internal regulations for the same.

IV. Issue summons for extraordinary elections, with the object of filling the vacancies of their respective members.

IV. To regulate definitely the limits of the States, terminating the differences which may arise between them relative to the demarcation of their respective territories, except when these difficulties have a contentious character.

V. To change the residence of the supreme powers of the Federation.

VI. To establish the internal order of the Federal District and Territories, taking as a basis that the citizens shall choose by popular election the political, municipal, and judicial authorities, and designating the taxes necessary to cover their local expenditure.

VII. To approve the estimates of the Federal expenditure, which the Executive must annually present to it, and to impose the necessary taxes to cover them.

VIII. To give rules under which the Executive may make loans on the credit of the nation ; to approve said loans, and to recognize and order the payment of the national debt.

IX. To establish tariffs on foreign commerce, and to prevent, by means of general laws, onerous restrictions from being established with reference to the commerce between the States.

X. To issue codes, obligatory throughout the Republic, of mines and commerce, comprehending in this last banking institutions.

XI. To create and suppress public Federal employments and to establish, augment, or diminish their salaries.

XII. To ratify the appointments which the Executive may make of ministers, diplomatic agents, and consuls, of

the higher employés of the Treasury, of the colonels and other superior officers of the national army and navy.

XIII. To approve the treaties, contracts, or diplomatic conventions which the Executive may make.

XIV. To declare war in view of the data which the Executive may present to it.

XV. To regulate the manner in which letters of marque may be issued; to dictate laws according to which must be declared good or bad the prizes on sea and land, and to issue laws relating to maritime rights in peace and war.

XVI. To permit or deny the entrance of foreign troops into the territory of the Republic, and to consent to the station of squadrons of other powers for more than a month in the waters of the Republic.

XVII. To permit the departure of national troops beyond the limits of the Republic.¹

XVIII. To raise and maintain the army and navy of the Union, and to regulate their organization and service.

XIX. To establish regulations with the purpose of organizing, arming, and disciplining the national guard, reserving respectively to the citizens who compose it the appointment of the commanders and officers, and to the States the power of instructing it in conformity with the discipline prescribed by said regulations.

XX. To give its consent in order that the Executive may control the national guard outside of its respective States and Territories, determining the necessary force.

XXI. To dictate laws on naturalization, colonization, and citizenship.

XXII. To dictate laws on the general means of communication and on the post-office and mails.

XXIII. To establish mints, fixing the conditions of their operation, to determine the value of foreign money, and adopt a general system of weights and measures.

¹ Amended by Section B, Clause III., Article 72, of the law of the 13th of November, 1874. See p. 30.

XXIV. To fix rules to which must be subject the occupation and sale of public lands and the price of these lands.

XXV. To grant pardons for crimes cognizable by the tribunals of the Federation.

XXVI. To grant rewards or recompense for eminent services rendered to the country or humanity.

XXVII. To prorogue for thirty working days the first period of its ordinary sessions.

XXVIII. To form rules for its internal regulation, to take the necessary measures to compel the attendance of absent members, and to correct the faults or omissions of those present.

XXIX. To appoint and remove freely the employés of its secretaryship and those of the chief auditorship, which shall be organized in accordance with the provisions of the law.

XXX. To make all laws which may be necessary and proper to render effective the foregoing powers and all others granted by this Constitution and the authorities of the Union.¹

Paragraph IV. Of the Permanent Deputation.

ART. 73. During the recesses of Congress there shall be a Permanent Deputation composed of twenty-nine members, of whom fifteen shall be Deputies and fourteen Senators, appointed by their respective houses the evening before the close of the sessions.

ART. 74. The attributes of the Permanent Deputation are—

I. To give its consent to the use of the national guard in the cases mentioned in Article 72, Clause XX.

II. To determine by itself, or on the proposal of the Executive, after hearing him in the first place, the sum-

¹ See respecting this Article the additions A, B, and C to Article 72, of the law of the 13th of November, already cited.

mons of Congress, or of one house alone, for extra sessions, the vote of two-thirds of the members present being necessary in both cases. The summons shall designate the object or objects of the extra sessions.

III. To approve the appointments which are referred to in Article 85, Clause III.

IV. To administer the oath of office to the President of the Republic, and to the Justices of the Supreme Court, in the cases provided by this Constitution.¹

V. To report upon all the business not disposed of, in order that the Legislature which follows may immediately take up such unfinished business.

SECTION II. OF THE EXECUTIVE POWER.

ART. 75. The exercise of the supreme executive power of the Union is vested in a single individual, who shall be called "President of the United States of Mexico."

ART. 76. The election of President shall be indirect in the first degree, and by secret ballot, in such manner as may be prescribed by the electoral law.

ART. 77. To be eligible to the position of President, the candidate must be a Mexican citizen by birth, in the exercise of his rights, be fully thirty-five years old at the time of the election, not belong to the ecclesiastical order, and reside in the country at the time the election is held.

ART. 78. The President shall enter upon the performance of the duties of his office on the first of December, and shall continue in office four years, being eligible for the Constitutional period immediately following; but he shall remain incapable thereafter to occupy the presidency by a new election until four years shall have passed, counted from the day on which he ceased to perform his functions.

ART. 79. In the temporary default of the President of

¹ See the Amendment of September 25, 1873, Art. 4.

the Republic, and in the vacancy before the installation of the newly-elected President, the citizen who may have performed the duties of President or Vice-President of the Senate, or of the Permanent Commission in the periods of recess, during the month prior to that in which said default may have occurred, shall enter upon the exercise of the executive power of the Union.

A. The President and Vice-President of the Senate and of the Permanent Commission shall not be reelected to those offices until a year after having held them.

B. If the period of sessions of the Senate or of the Permanent Commission shall begin in the second half of a month, the default of the President of the Republic shall be covered by the President or Vice-President who may have acted in the Senate or in the Permanent Commission during the first half of the said month.

C. The Senate and the Permanent Commission shall renew, the last day of each month, their Presidents and Vice-Presidents. For these offices the Permanent Commission shall elect, alternatively, in one month two Deputies and in the following month two Senators.

D. When the office of President of the Republic is vacant, the functionary who shall take it constitutionally as his substitute must issue, within the definite term of fifteen days, the summons to proceed to a new election, which shall be held within the term of three months, and in accordance with the provisions of Article 76 of this Constitution. The provisional President shall not be eligible to the presidency at the elections which are held to put an end to his provisional term.

E. If, on account of death or any other reason, the functionaries who, according to this law, should take the place of the President of the Republic might not be able in any absolute manner to do so, it shall be taken, under predetermined conditions, by the citizen who may have been President or Vice-President of the Senate or the Perma-

ment Commission in the month prior to that in which they discharged those offices.

F. When the office of President of the Republic shall become vacant within the last six months of the constitutional period, the functionary who shall take the place of the President shall terminate this period.

G. To be eligible to the position of President or Vice-President of the Senate or of the Permanent Commission, one must be a Mexican citizen by birth.

H. If the vacancy in the office of President of the Republic should occur when the Senate and Permanent Commission are performing their functions in extra sessions, the President of the Commission shall fill the vacancy, under conditions indicated in this article.

I. The Vice-President of the Senate or of the Permanent Commission shall enter upon the performance of the functions which this Article confers upon them, in the vacancies of the office of President of the Senate or of the Permanent Commission, and in the periods only while the impediment lasts.

J. The newly-elected President shall enter upon the discharge of his duties, at the latest, sixty days after that of the election. In case the House of Deputies shall not be in session, it shall be convened in extra session, in order to make the computation of votes within the term mentioned.

ART. 80. In the vacancy of the office of President, the period of the newly-elected President shall be computed from the first of December of the year prior to that of his election, provided he may not have taken possession of his office on the date which Article 78 determines.

ART. 81. The office of President of the Union may not be resigned, except for grave cause, approved by Congress, before whom the resignation shall be presented.

ART. 82. If for any reason the election of President shall not have been made and published by the first of December, on which the transfer of the office should be made, or the President-elect shall not have been ready to enter upon the

discharge of his duties, the term of the former President shall end nevertheless, and the supreme executive power shall be deposited provisionally in the functionary to whom it belongs according to the provisions of the reformed Article 79 of this Constitution.

ART. 83. The President, on taking possession of his office, shall take an oath before Congress, and in its recess before the Permanent Commission, under the following formula: "I swear to perform loyally and patriotically the duties of President of the United States of Mexico, according to the Constitution, and seek in everything for the welfare and prosperity of the Union."¹

ART. 84. The President may not remove from the place of the residence of the Federal powers, nor lay aside the exercise of his functions, without grave cause, approved by the Congress, and in its recesses by the Permanent Commission.

ART. 85. The powers and obligations of the President are the following:

I. To promulgate and execute the laws passed by the Congress of the Union, providing, in the administrative sphere, for their exact observance.

II. To appoint and remove freely the Secretaries of the Cabinet, to remove the diplomatic agents and superior employés of the Treasury, and to appoint and remove freely the other employés of the Union whose appointment and removal are not otherwise provided for in the Constitution or in the laws.

III. To appoint ministers, diplomatic agents, consuls-general, with the approval of Congress, and, in its recess, of the Permanent Commission.

IV. To appoint, with the approval of Congress, the colonels and other superior officers of the national army and navy, and the superior employés of the treasury.

V. To appoint the other officers of the national army and navy, according to the laws.

¹ See the Amendments and Additions of September 25, 1873.

VI. To control the permanent armed force by sea and land for the internal security and external defence of the Federation.

VII. To control the national guard for the same objects within the limits established by Article 72, Clause XX.

VIII. To declare war in the name of the United States of Mexico, after the passage of the necessary law by the Congress of the Union.

IX. To grant letters of marque, subject to bases fixed by the Congress.

X. To direct diplomatic negotiations and to make treaties with foreign powers, submitting them for the ratification of the Federal Congress.

XI. To receive ministers and other envoys from foreign powers.

XII. To convoke Congress in extra sessions when the Permanent Commission shall consent to it.

XIII. To furnish the judicial power with that assistance which may be necessary for the prompt exercise of its functions.

XIV. To open all classes of ports, to establish maritime and frontier custom-houses and designate their situation.

XV. To grant, in accordance with the laws, pardons to criminals sentenced for crimes within the jurisdiction of the Federal tribunals.

XVI. To grant exclusive privileges, for a limited time and according to the proper law, to discoverers, inventors, or perfecters of any branch of industry.

ART. 86. For the dispatch of the business of the administrative department of the Federation there shall be the number of Secretaries which the Congress may establish by a law, which shall provide for the distribution of business and prescribe what shall be in charge of each Secretary.

ART. 87. To be a Secretary of the Cabinet it is required that one shall be a Mexican citizen by birth, in the exercise of his rights, and fully twenty-five years old.

ART. 88. All the regulations, decrees, and orders of the President must be signed by the Secretary of the Cabinet who is in charge of the department to which the subject belongs. Without this requisite they shall not be obeyed.

ART. 89. The Secretaries of the Cabinet, as soon as the sessions of the first period shall be opened, shall render an account to the Congress of the state of their respective departments.

SECTION III. OF THE JUDICIAL POWER.

ART. 90. The exercise of the judicial power of the Federation is vested in a Supreme Court of Justice, and in the district and circuit courts.

ART. 91. The Supreme Court of Justice shall be composed of eleven judges, four supernumeraries, one fiscal, and one attorney-general.

ART. 92. Each of the members of the Supreme Court of Justice shall remain in office six years, and his election shall be indirect in the first degree, under conditions established by the electoral law.

ART. 93. In order to be elected a member of the Supreme Court of Justice it is necessary that one be learned in the science of the law in the judgment of the electors, more than thirty-five years old, and a Mexican citizen by birth, in the exercise of his rights.

ART. 94. The members of the Supreme Court of Justice, on entering upon the exercise of their charge, shall take an oath before Congress, and, in its recesses, before the Permanent Commission, in the following form: "Do you swear to perform loyally and patriotically the charge of Magistrate of the Supreme Court of Justice, which the people have conferred upon you in conformity with the Constitution, seeking in everything the welfare and prosperity of the Union?"¹

ART. 95. A member of the Supreme Court of Justice

¹ See Additions to the Constitution, September 25, 1873.

may resign his office only for grave cause, approved by the Congress, to whom the resignation shall be presented. In the recesses of the Congress the judgment shall be rendered by the Permanent Commission.

ART. 96. The law shall establish and organize the circuit and district courts.

ART. 97. It belongs to the Federal tribunals to take cognizance of—

I. All controversies which may arise in regard to the fulfilment and application of the Federal laws, except in the case in which the application affects only private interests; such a case falls within the competence of the local judges and tribunals of the common order of the States, of the Federal District, and of the Territory of Lower California.

II. All cases pertaining to maritime law.

III. Those in which the Federation may be a party.

IV. Those that may arise between two or more States.

V. Those that may arise between a State and one or more citizens of another State.

VI. Civil or criminal cases that may arise under treaties with foreign powers.

VII. Cases concerning diplomatic agents and consuls.

ART. 98. It belongs to the Supreme Court of Justice, in the first instance, to take cognizance of controversies which may arise between one State and another, and of those in which the Union may be a party.

ART. 99. It belongs also to the Supreme Court of Justice to determine the questions of jurisdiction which may arise between the Federal tribunals, between these and those of the States, or between the courts of one State and those of another.

ART. 100. In the other cases comprehended in Article 97, the Supreme Court of Justice shall be a court of appeal or, rather, of last resort, according to the graduation which the law may make in the jurisdiction of the circuit and district courts.

ART. 101. The tribunals of the Federation shall decide all questions which arise—

I. Under laws or acts of whatever authority which violate individual guarantees.

II. Under laws or acts of the Federal authority which violate or restrain the sovereignty of the States.

III. Under laws or acts of the State authorities which invade the sphere of the Federal authority.

ART. 102. All the judgments which the preceding article mentions shall be had on petition of the aggrieved party, by means of judicial proceedings and forms which shall be prescribed by law. The sentence shall be always such as to affect private individuals only, limiting itself to defend and protect them in the special case to which the process refers, without making any general declaration respecting the law or act which gave rise to it.

TITLE IV.

OF THE RESPONSIBILITY OF THE PUBLIC FUNCTIONARIES.

ART. 103. The Senators, the Deputies, the members of the Supreme Court of Justice, and the Secretaries of the Cabinet are responsible for the common crimes which they may commit during their terms of office, and for the crimes, misdemeanors, and negligence into which they may fall in the performance of the duties of said office. The Governors of the States are likewise responsible for the infraction of the Constitution and Federal laws. The President of the Republic is also responsible; but during the term of his office he may be accused only for the crimes of treason against the country, express violation of the Constitution, attack on the freedom of election, and grave crimes of the common order. The high functionaries of the Federation shall not enjoy any Constitutional privilege for the official crimes, misdemeanors, or negligence into which they may fall in the performance of

any employment, office, or public commission which they may have accepted during the period for which, in conformity with the law, they shall have been elected. The same shall happen with respect to those common crimes which they may commit during the performance of said employment, office, or commission. In order that the cause may be initiated when the high functionary shall have returned to the exercise of his proper functions, proceeding should be undertaken in accordance with the provision of Article 104 of this Constitution.

ART. 104. If the crime should be a common one, the House of Representatives, formed into a grand jury, shall declare, by an absolute majority of votes, whether there is or is not ground to proceed against the accused. In the negative case, there shall be no ground for further proceeding; in the affirmative, the accused shall be, by the said act, deprived of his office, and subjected to the action of the ordinary tribunals.

ART. 105. The houses shall take cognizance of official crimes, the House of Deputies as a jury of accusation, the Senators as a jury of judgment.

The jury of accusation shall have for its object to declare, by an absolute majority of votes, whether the accused is or is not culpable. If the declaration should be absolutory, the functionary shall continue in the exercise of his office; if it should be condemnatory, he shall be immediately deprived of his office, and shall be placed at the disposal of the Senate. The latter, formed into a jury of judgment, and, with the presence of the criminal and of the accuser, if there should be one, shall proceed to apply, by an absolute majority of votes, the punishment which the law designates.

ART. 106. A judgment of responsibility for official crimes having been pronounced, no favor of pardon may be extended to the offender.

ART. 107. The responsibility for official crimes and misdemeanors may be required only during the period in

which the functionary remains in office, and one year thereafter.

ART. 108. With respect to demands of the civil order, there shall be no privilege or immunity for any public functionary.

TITLE V.

OF THE STATES OF THE FEDERATION.

ART. 109. The States shall adopt for their internal regimen the popular, representative, republican form of government, and may provide in their respective Constitutions for the reëlection of the Governors in accordance with what Article 78 provides for the President of the Republic.

ART. 110. The States may regulate among themselves, by friendly agreements, their respective boundaries; but those regulations shall not be carried into effect without the approval of the Congress of the Union.

ART. 111. The States may not in any case—

I. Form alliances, treaties, or coalitions with another State, or with foreign powers, excepting the coalition which the frontier States may make for offensive or defensive war against the Indians.

II. Grant letters of marque or reprisal.

III. Coin money, or emit paper money or stamped paper.

ART. 112. Neither may any State, without the consent of the Congress of the Union:

I. Establish tonnage duties, or any port duty, or impose taxes or duties upon importations or exportations.

II. Have at any time permanent troops or vessels of war.

III. Make war by itself on any foreign power, except in cases of invasion or of such imminent peril as to admit of no delay. In these cases the State shall give notice immediately to the President of the Republic.

ART. 113. Each State is under obligation to deliver without delay the criminals of other States to the authority that claims them.

ART. 114. The Governors of the States are obliged to publish and cause to be obeyed the Federal laws.

ART. 115. In each State of the Federation entire faith and credit shall be given to the public acts, records, and judicial proceedings of all the other States. The Congress may, by means of general laws, prescribe the manner of proving said acts, records, and proceedings, and the effect thereof.

ART. 116. The powers of the Union are bound to protect the States against all invasion or external violence. In case of insurrection or internal disturbance they shall give them like protection, provided the Legislature of the State, or the Executive, if the Legislature is not in session, shall request it.

TITLE VI.

GENERAL PROVISIONS.

ART. 117. The powers which are not expressly granted by this Constitution to the Federal authorities are understood to be reserved to the States.

ART. 118. No person may at the same time hold two Federal elective offices; but if elected to two, he may choose which of them he will fill.

ART. 119. No payment shall be made which is not comprehended in the budget or determined by a subsequent law.

ART. 120. The President of the Republic, the members of the Supreme Court of Justice, the Deputies, and other public officers of the Federation, who are chosen by popular election, shall receive a compensation for their services, which shall be determined by law and paid by the Federal Treasury. This compensation may not be renounced, and any law which augments or diminishes it shall not have

effect during the period for which a functionary holds the office.

ART. 121. Every public officer, without any exception, before taking possession of his office, shall take an oath to maintain this Constitution and the laws which emanate from it.¹

ART. 122. In time of peace no military authority may exercise more functions than those which have close connection with military discipline. There shall be fixed and permanent military commands only in the castles, fortresses, and magazines which are immediately under the government of the Union; or in encampments, barracks, or depots which may be established outside of towns for stationing troops.

ART. 123. It belongs exclusively to the Federal authorities to exercise, in matters of religious worship and external discipline, the intervention which the laws may designate.

ART. 124. The States shall not impose any duty for the simple passage of goods in the internal commerce. The Government of the Union alone may decree transit duties, but only with respect to foreign goods which cross the country by international or interoceanic lines, without being on the national territory more time than is necessary to traverse it and depart to the foreign country.

They shall not prohibit, either directly or indirectly, the entrance to their territory, or the departure from it, of any merchandise, except on police grounds; nor burden the articles of national production on their departure for a foreign country or for another State.

The exemptions from duties which they concede shall be general; they may not be decreed in favor of the products of specified origin.

The quota of the import for a given amount of merchandise shall be the same, whatever may have been its origin,

¹ See the Additions of September 25, 1873.

and no heavier burden may be assigned to it than that which the similar products of the political entity in which the import is decreed bear.

The national merchandise shall not be submitted to definite route nor to inspection or registry on the ways, nor any fiscal document be demanded for its internal circulation.

Nor shall they burden foreign merchandise with a greater quota than that which may have been permitted them by the Federal law to receive.

ART. 125. The forts, military quarters, magazines, and other edifices necessary to the government of the Union shall be under the immediate inspection of the Federal authorities.

ART. 126. This Constitution, the laws of the Congress of the Union which emanate from it, and all the treaties made or which shall be made by the President of the Republic, with the approval of Congress, shall be the supreme law of the whole Union. The judges of each State shall be guided by said Constitution, law, and treaties in spite of provisions to the contrary which may appear in the Constitutions or laws of the States.

TITLE VII.

OF THE REFORM OF THE CONSTITUTION.

ART. 127. The present Constitution may be added to or reformed. In order that additions or alterations may become part of the Constitution, it is required that the Congress of the Union, by a vote of two-thirds of the members present, shall agree to the alterations or additions, and that these shall be approved by the majority of the Legislatures of the States. The Congress of the Union shall count the votes of the Legislatures and make the declaration that the reforms or additions have been approved.

TITLE VIII.

OF THE INVIOABILITY OF THE CONSTITUTION.

ART. 128. This Constitution shall not lose its force and vigor even if its observance be interrupted by a rebellion. In case that by any public disturbance a government contrary to the principles which it sanctions shall be established, as soon as the people recover their liberty its observance shall be reëstablished, and in accordance with it and the laws which shall have been issued in virtue of it, shall be judged not only those who shall have figured in the government emanating from the rebellion, but also those who shall have coöperated with it.

ADDITIONS TO THE CONSTITUTION.

ART. 1. The State and the Church are independent of one another. The Congress may not pass laws establishing or prohibiting any religion.

ART. 2. Marriage is a civil contract. This and the other acts relating to the civil state of persons belong to the exclusive jurisdiction of the functionaries and authorities of the civil order, within limits provided by the laws, and they shall have the force and validity which the same attribute to them.

ART. 3. No religious institution may acquire real estate or capital fixed upon it, with the single exception established in Article 27 of this Constitution.

ART. 4. The simple promise to speak the truth and to comply with the obligations which have been incurred, shall be substituted for the religious oath, with its effects and penalties.

BERNARD MOSES.

LAND TRANSFER REFORM.

IT seems extremely desirable that attention should be called more commonly than has been the case in our country to the great importance of the subject of land transfer, and to the desirability of a reform in our methods of making such transfer. No person has had occasion to sell a piece of land, large or small, or to borrow money on a mortgage, in any of our States, even including the newer ones, without being impressed with the difficulty and expense attending our system; no one has attempted to purchase, without being impressed with its uncertainty. A short article printed some years ago in the *New York Herald*, and since then frequently quoted in illustration, may be repeated here to illustrate again the expense always and inevitably attendant upon our system :

“Lately the Jumel property was cut up into 1383 pieces or parcels of real estate, and sold at partition sale. There appear to have been about three hundred purchasers at that sale, and no doubt each buyer, before he paid his money, carefully employed a good lawyer to examine the title to the lot or plot that he had bought, so that three hundred lawyers, each of them carefully examined and went through the same work, viz: the old deeds and mortgages and records affecting the whole property (for, as it had never been cut up before, each had to examine the title of the whole, no matter how small his parcel), and each of them searched the same volumes of long lists of names, and picked out from the 3500 volumes of deeds and mortgages in the New York Registrar’s office the same big, dusty volumes of writing, and lifted them down and looked them through—in all 300 times, the very same labor.

“Evidently, 299 times that labor was thrown away—done over and over again uselessly. And the clients, those buyers, together paid 300 fees to those lawyers (who each earned his money), but evidently 299 of those fees were for repetitions of the very same work.

“By and by, twenty years from now, instead of only 300 owners of those Jumel plots, the whole 1383 will be sold and built upon, and 1383 new purchasers will again pay 1383 lawyers 1383 fees for examining that same Jumel title; only the fees will be larger, for there will, by that time (at the present rate of growth, and unless a remedy is soon applied), be fully 10,000 big folio volumes in the new Hall of Records, which the Legislature has just authorized to be built in the city, and the whole 1383 fees will be for mere repetitions of labor, so far as the whole Jumel estate title is concerned, and will be practically wasted.

“Not only that, but to-day, in examining a title for a purchaser, his lawyer carefully puts in official searches. He makes a requisition on the Registrar for all deeds, conveyances, mortgages, and instruments in writing on record in his office affecting the parcel whose title he is examining, and, of course, the Registrar carefully returns on his search all the old deeds, etc., affecting the whole property—because they affect the parcel—and he charges and gets by law 5 cents for each year for each name searched against the deeds, and 5 cents per year per name for mortgages. Altogether, say \$20 is paid by each purchaser to the Registrar for those searches, but as there were 300 purchasers, and they put in 300 searches, the Registrar gets 300 times \$20 for the same work, and twenty years hence 1383 purchasers will pay the then Registrar 1383 times \$20, or more, for a search showing those very same facts.

“This sort of thing is daily repeated, year in and year out, in this city, over the whole of its surface.

“And the same thing happens in regard to loans on bonds and mortgages. Every man who thus lends money

must have the title examined, and very properly so, and the borrower has to pay for it—the same old searches against the same old names—and pay the same old fees.

“The tax which the real estate of New York city thus annually pays, amounts to more than 1 per cent. of the real value of the property sold and mortgaged, and it is safe to say that at least one-half of this heavy burden is the result of useless repetition, of the want of a good system in responsible hands, and is thrown away.”

The great expense connected with our system of land transfer is reason enough for seeking a better system, but even worse than the expense and inconvenience is the uncertainty. No person holding land that has been transferred a number of times, especially if some of the transfers date back fifty years or more, can be certain that his title is good. The records may show a clear title, but many things may affect it that do not appear of record. If, too, the transfers date back even ten years, it is difficult to find witnesses to answer necessary questions; if fifty years, usually it is impossible. We may feel confident regarding our titles, but we are still liable to lose our land, in spite of the favorable opinion of the best real estate lawyer. As the Minnesota Title Insurance and Trust Company well puts it: “Few men, even among dealers in real estate, appreciate the risks involved in titles, and still less realize that the prevailing fees of the examiner are an inadequate return for the skill and actual time required to see if each instrument is properly executed in all particulars; if duly acknowledged; if sufficiently witnessed; if the signature of a wife or a husband has been omitted; if the description is clerically exact; if a power of attorney has been recorded; if such power authorizes the special act performed; if the husband joins in the power given by a married woman; if there be errors in recording; if there be conflicting deeds; if foreclosure proceedings are defective in the publication notice or any other of the many requirements; if a plot specifies the State, or county, or

town, or section, or range—is signed by all parties, witnessed, certified to by surveyor, etc.; if there be life estates, dower, courtesy, trusts, covenants, void devises, easements, adverse possession, rights of way, sheriff's or tax sales, mechanics' liens, decrees in equity, judgments, necessary partitions or distributions, probate proceedings in general, letters testamentary, omissions of parties, posthumous or illegitimate children, minority of grantors, misnomer, defective wills, insolvency, judgments, or bankruptcy proceedings in the United States Courts, etc. Few, if any, of these particulars can be obtained from an abstract. In order to fully determine them a skilful attorney must carefully examine the record of each instrument in the change of title."¹

If these statements are true, and no one questions them, a better system should certainly be sought. Why should not real estate be as readily transferred as government bonds or railroad stock? And if it can be as readily transferred, is it not true that the value of real estate will be greatly enhanced by adopting such a method of transfer?

The Torrens system of land transfer by registration of title is a system that really accomplishes, in a great measure at least, just this desired result. Notice that, in a word, the system differs from our own in this: We register a deed, and the deed conveys the title. In the Torrens system, the title is transferred by registration; the certificate given, a duplicate of the one preserved in the Registrar's office, is merely in law a certificate that a transfer has been made, and a minute of the nature of the transfer.

In the countries where this system has been adopted, there is no compulsion regarding the registration of land owned by private parties. If any land-owner wishes to place his property under this system, he makes formal application at the Land Transfer office, declaring the nature

¹ Mason: Pamphlet on Land Transfer.

of his title to the land in question, and depositing his deeds, abstracts of title, or other evidences of title. The evidences of title, together with officially certified survey or plan of the land, is then submitted to a barrister and conveyancer, "examiners of titles," who report to the Registrar or Recorder of Titles on the following points:¹ Whether the description of the parcel of land is definite and clear; whether the applicant is in undisputed possession; whether he appears in justice and equity entitled thereto; whether his evidence of title is sufficient to protect him in a suit against him for ejection. If the applicant fails to satisfy the examiner on any one of these points, his application is at once rejected. If, however, the applicant, being in possession, is able to satisfy them reasonably on all these points, even though some technical flaw may appear in the title, advertisement of the application is made, and notices are given to any who may have an interest, that unless a caveat is filed within a certain time, the land will be registered in accordance with the application. If the caveat is filed, action is delayed until it is either withdrawn or set aside by action of the Court, "when the land is brought under the operation of this system by the issue of a certificate of title, vesting the estate indefeasibly in the applicant."

This certificate, a duplicate of which is retained in the office, sets forth in detail, though briefly, a description of the land, usually with a plan or reference to a map, and the exact nature of the holder's title, together with a memorandum of all mortgages, leases, or other encumbrances of whatever nature. The one paper is sufficient to show the exact title, and the government guarantee that this title is correct, renders all search for "claim" of title, as under our system, entirely superfluous.

¹ An Essay on the Transfer of Land by Registration, etc. : Sir Robert Torrens. Cassell & Co. (Cobden Club publications.) This pamphlet, besides a clear explanation of the system, gives forms of all the most common kinds of transfer, and other papers used in connection with the system.

This practice of granting an absolute, indefeasible title, guaranteed by the government, after due advertisement and service of notice, is still one that involves very little risk, though that risk is one of the chief objections urged by its opponents. Ireland has brought about one-sixth of her land, and the English colonies over 152,000 parcels under this system, with almost complete immunity from error. Still there is always danger of error and fraud in such registration and subsequent transfer, so that the governments deem it advisable to provide a fund to reimburse those injured by the act of the government in granting an indefeasible title. From one-tenth to one-fifth of one per cent. of the value of the land, levied when the land is first brought under the system and at subsequent transfers by descent or devise, is found to produce a sufficient guarantee fund.

If a person wishes to sell his land, he makes out a memorandum of transfer in a simple prescribed form; and this with his certificate is taken to the Registrar. The transfer is then entered upon the Registrar's book and upon the certificate, and the new owner has the indefeasible title, with the government guarantee. So, whenever a title is transferred, one folium of the Registrar is enough to show to whom the land belongs, and there is no expense for looking up the title, no worry or doubt regarding a cloud upon it. That is impossible.

If only a part of the land named in a certificate is to be transferred, the memorandum for transfer is given only for that part. The Registrar marks the original certificate and record "cancelled" as to that part, and a new certificate is issued to its purchaser, while the register gives it a new folium. Thus, every person holding an estate in land needs only one document to show the exact nature and extent of his ownership, and the one folium of the register shows the same facts, and always—this is worth repeating—his title is absolutely indefeasible, as shown by the record.

A mortgage or lease or other encumbrance is managed in an equally simple way. The mortgage or lease is executed in duplicate—one is given to the mortgagee or lessee, the other remains in the office. A memorandum of the encumbrance is then made upon the certificate, and upon the Registrar's book, and the work is complete. When the mortgage is paid or other encumbrance removed, a receipt is indorsed on the duplicate held by the mortgagee, and a minute of it made on the Registrar's book and on the certificate of title. Thus, in any case, the one folium of the register shows the exact condition of the title. A purchaser, too, may rely upon the record, for the government guarantees the title to be as shown on the register.

An equitable claim to land may be protected by lodging with the Registrar a caveat forbidding the registration of any dealing with the land until fourteen days, or other named period, shall have elapsed after notice of intention to register the same has been served by the Registrar at the address given. A red ink cross with the number of the caveat is then inscribed on the proper folium of the register. The notice gives every needed opportunity for protection to the holder of the equitable claim.

The most complicated forms of direct settlements and entails are managed about as readily as ordinary transfers, for in all cases all that is needed is a clear statement of the present facts on the certificate and register. Any change in the nature of the claim may be shown by a new certificate giving the new condition of affairs, and by a new folium in the register, or note on a former entry. In all transactions, present conditions, rights, and claims are shown on the one folium, and no one has any interest in going beyond that. The title, as shown, is indefeasible; the history of the title—all-important under our present system—is of no consequence whatever under the Torrens system.

The total expense under this system is, as will have been thought from the simplicity of the plan, much less than the

sums paid under the old system for abstracts and examination of titles—in old States not one-tenth as much—to say nothing of the certainty of the title and the saving of trouble. After the first entry, the cost of which would depend upon the old system, from \$5 to \$10 would suffice for the average transfer.

The system was invented by Robert Torrens,¹ of Adelaide, South Australia, an officer in the customs service, and not a lawyer, who from his experience in the registration of ships came to think of the application of the same plan to land. He drew up his plan, but the lawyers wisely shook their heads. It was so simple as to be almost if not quite ridiculous to gentlemen trained in the old school of fines and recoveries. He, however, persevered, and in 1858 South Australia passed a law adopting the system. An improvement upon this was passed in 1861, another one in 1878, and a perfected one in 1886. Since the first Act was passed in South Australia the system has been adopted in Tasmania, Victoria, New South Wales, Western Australia, New Zealand, and even in Fiji. In Vancouver Island it was introduced in 1861, and has since been introduced in British Columbia, Manitoba, and Ontario, Canada. In all cases it has been found to be in practice even more beneficial than was claimed by its advocates. Generally there has been no compulsion regarding the application of the system to individual titles, except in case of land bought from the government; but when the system has become known it is usual for purchasers to insist upon a Torrens title before buying. A usual effect of the system is to raise the value of all land brought under it.

In the United States but little has been done in the way of improving the methods of land transfer, though the evils of the present system are recognized by thoughtful men everywhere. In several of the States individuals

¹ A similar system has been in use in Hamburg, in Prussia, and in other parts of Europe for a long time; but the fact seems never to have been known to Torrens, to whom the plan was entirely new.

have taken an interest in the matter; and bills looking toward the adoption of a radically changed and improved system have been introduced into the Legislatures of Minnesota, Indiana, and possibly of other States, but with practically no result. In New York, the Land Transfer Reform Association, after long and persistent effort, succeeded in 1889 in securing the enactment of a block-indexing law for New York City, to take effect January 1, 1891, which will probably pave the way for a more complete system in the future, though Mr. Dwight W. Olmstead, the most active man in securing the very valuable law, does not approve the Torrens system, at least for use in New York City. In connection with a system of registration of possessory titles where the title seems to be somewhat in doubt, and a statute of limitations that would secure an indefeasible title in comparatively few years, as is done in some of the English colonies, there seems to be no really valid reason why the Torrens system might not be used to advantage anywhere, though it would be well probably to follow the New York plan of block-indexing as a preliminary measure.

A chief proof of the excellence of the Torrens system is the fact that it has been in use now some thirty years, and that it has universally commended itself to the States that have adopted it. No country thinks of repealing the law establishing the system; no individual wishes any other form of title. It everywhere has proved sufficient for all forms of conveyancing, has materially lessened the chances of fraud, has raised the value of land, and has facilitated dealings of all kinds in which land titles appear.

The advantages of the system may, perhaps, be best summed up in brief in the words of the Registrar-General of British Columbia, telling what the reform has accomplished in his country:

"1. The title to real property has been greatly simplified without radical changes in the general law.

"2. Stability of title, with safety to purchasers and mortgagees, has been secured.

"3. The ownership of property, either in town or country, is shown by the register at a glance, and whether incumbered or not.

"4. It increases the salable value of property.

"5. It enables both vendors and purchasers to accurately ascertain the expenses of carrying out any sale or transfer.

"6. It protects trust estates and beneficiaries.

"7. It prevents frauds, and protects purchasers and mortgagees from those misrepresentations common in all countries among a certain class of legal practitioners and land agents.

"8. It has secured the chief advantages of the old system of registration of deeds (of which notice is the most important principle), and has operated so as to almost entirely dispense with the investigation of prior title.

"9. Loans on mortgages are effected, and transfers of the fee are made, with as much ease as the transfer of bank stock is made in England, a search of from five to ten minutes being all that is necessary to disclose the state of any registered title."

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[NOTE.—As the purpose of this article is not to expound the Torrens system or to give a thorough discussion of land transfer, but simply to call attention to the importance of the question and to give a hint as to the nature of the reform, it may be well to name a few authorities that will be sufficient to give an outline of the system. Of course, a thorough study would involve the comparison of the laws themselves of countries using various systems.]

1. An Essay on the Transfer of Land by Registration, by Sir Robert Torrens, K.C.M.G. Cassell & Co. (Cobden Club publications.) Price, 6d.

2. Land Transfer Reform: Two addresses. By J. Herbert Mason, President of the Canada Land Law Amendment Association. These pamphlets may be obtained of Mr. Mason, Toronto, Canada. Five cents each.

3. Several articles in the last four volumes of the *Law Quarterly Review* on the movement in England, Prussia, and elsewhere.

4. Herbert C. Jones: *Torrens' System of Land Transfer*. A practical Treatise on the Land Titles Act (Ontario) and the Real Property Act (Manitoba), embracing all the latest decisions in England, Australia, and Canada. Carswell & Co., 30 Adelaide Street, East Toronto. Half calf, \$5.

5. *A Manual of the Law of the Registration of Titles to Real Estate in Manitoba and the Northwest Territories*. By Louis William Coutlée. Carswell & Co., Toronto, 1891. This book contains a good bibliography of the subject.

6. Dain, Alfred: *Le Système Torrens, son application en Tunisie et en Algérie*. Paris: Larose et Forcel, 1885.

7. *Land Transfer Reform, with an Explanation of the New York Block-indexing Act: a paper read before the American Bar Association, August 20, 1890*. By Dwight H. Olmstead. Dando Printing and Publishing Company, 34 South Third Street, Philadelphia, Pa.

8. *The Block-indexing Law of New York and the Act to provide for Short Forms of Deeds and Mortgages*, are published in pamphlet form by Baker, Voorhis & Co., 66 Nassau Street, New York.

THE ECONOMIC BASIS OF PROHIBITION.

IN this paper I desire to touch upon a single aspect of the important problem which is now agitating the great American public. The moral, religious, and educational phases of the temperance movement receive ample attention, yet the subject is seldom treated from a purely economic standpoint. This inattention to the economic aspect of prohibition is, on the part of the economists, largely due to the emphasis they attach to the "let alone" policy in all commercial transactions. Since Adam Smith the whole force of economic thought has been directed to the tearing down of all restrictions, and the creation of perfect freedom in all exchanges. Yet, in spite of this general movement, many restrictions upon the actions of individuals have of late years been enforced, and there is now a strong movement among economists to extend much more protection to the average man against the aggressions of the few who are so situated that they gain by the loss of the many.

Prohibition viewed from an economic standpoint is of especial importance at the present time, because some of the most popular arguments which our opponents use can be answered only by an examination of the economic basis of prohibition. You often hear it claimed that the present agitation against the use of liquor is a passing movement based upon a mere sentiment which will drop out of notice as soon as its friends find some new hobby. What, it is asked, has this agitation to distinguish it from the Know-nothing movement, the anti-Mason craze, or any of the dozen other sentimental excitements which have come and gone within the memory of many who are now living?

Even if no one asked such questions as these, yet similar

questions arise in the mind as soon as we think of the great change in public opinion about temperance, which has taken place within the last half century. Why has there been a growing dissatisfaction with the drinking habit during all this period? It cannot be accounted for upon moral or religious grounds, since we would not claim for ourselves any great superiority over our grandfathers in these respects. They had their religious and moral awakenings and revivals, and were keen and pronounced in their denunciations of all the evils they saw or felt, and yet they never took a stand against drinking in the way that all present religious and moral bodies are forced to do. Even those who see no good in prohibition are compelled to acknowledge the evils of drinking and to devise plans by which they can be removed.

From these facts there can be but one inference. The people of America are discontented with freedom in drinking. Something of importance has happened within the last fifty years which has entirely changed the public mind as to alcohol and its various compounds. In some fundamental way our civilization has been changed so that the evils of drinking have been forced into prominence.

Any explanation of this change involves a much wider and deeper investigation than is contained in a mere study of our drinking problems. Our eating as well as our drinking habits must be examined before we can clearly see the laws which govern our appetites. From the time of the primitive man until now there have been gradual changes in men which make their desire for food and drink different from that of our early ancestors.

The first law to which I shall call attention is this: Every increase in the variety of food reduces appetite. If a person lives upon rice or potatoes alone he must have a much larger quantity of food than if several articles are parts of his daily diet. Each new article contains new ingredients which can supply some needs of the system more fully than other foods have done. There is a great

economy in the use of a large variety of articles, as through them the needs of the system are supplied with much less waste than if any one article formed the sole diet. Every increase in the variety of food, by diminishing the quantity of food which the system needs to maintain health, reduces the appetite of the consumer.

There are also many other changes in food which have aided in the reduction of our appetites. Where the food-supply is very irregular, so that periods of plenty and famine follow one another regularly, enough must be eaten during the one period to enable the eater to hold out during the other, and for this reason he will need a stronger appetite than if he was supplied with three good meals each day. The greater use of clothing and fuel for our houses also reduces our need of food, and thus acts upon our appetites. Coal and wood now take the place of the large quantities of fat food with which our ancestors used to keep themselves warm. Our stomachs call for less food when we live in close houses with hot air pouring into each room. Our coal-bins grow in size while the pantries occupy less space. If anyone doubts the gradual reduction of our appetites, even a casual examination of our eating habits must convince him of the great change which is going on all around him. Our forefathers ate great quantities of a few articles, while to-day we want a little of a great variety of articles. Notice the increase in the variety of food offered at our markets or in our stores. See the difference in the quantity and quality of the food which our immigrants eat as compared with the food of families of whom several generations have resided in this country. The appetite for fat food has been so reduced that it is only eaten in the form of butter, while many of the coarse foods of former days have entirely disappeared.

This evident fact of the decrease of the appetite lies at the basis of the change in our drinking habits. A century ago some one drink satisfied the wants of each nation. This was usually a light drink, of which large quantities

were consumed. These drinks were in every house, and used as freely as tea or coffee now are.

In this way the reduction in our appetites tends to intensify the evils of drinking. With each reduction in their appetites drinkers resort to variety in their drinks or to stronger drinks, and are thus forced into conditions in which the habit will grow upon them. When a society reaches this stage its members must stop drinking or gradually sink into drunkards. The first course is likely to be chosen by those who have the weakest appetites, and are thus less tempted by liquor; while the latter path has so great a charm for those with strong appetites that they are likely to be hurried along to the drunkard's grave. Society thus gets split into two parties: the one searching the world over for stronger drinks and more stimulation, while the other, dropping all liquor out of its diet, searches all over the same world for a greater variety in food. Almost every ship brings in a new drink for the one class and a new food for the other. As differently as the two classes may act, yet the same economic tendency is at work in both cases. The appetite is reduced and old foods and drinks have lost their former attraction. The one class stop drinking to get new kinds of food, while the other use coarser food so as to have more stimulating drink.

The reduction of the appetite is not, however, the only active economic cause forcing the temperance issue upon the American people. There are many climatic and social conditions peculiar to America which aggravate the evils of alcohol. Perhaps the best way to illustrate my meaning will be to contrast our country with Germany. We hear so much about the immense quantity of liquor used by the Germans that we are apt to imagine that it is a land of drunkards, yet they suffer less from drunkenness than we do. The cause of this difference lies largely in climatic conditions. Germany has a steady unchanging climate. It is never very hot or very cold, nor is it subject to sudden changes in the weather. The ocean keeps it cool in sum-

mer and moderates the winter. As a result, the need for drink remains about the same through the year. Each person acquires a habit of drinking a fixed number of glasses each day, from which he rarely departs. This habit is reinforced by the German custom which forbids treating. Each one orders his own liquor and pays for it, and is thus kept from the temptation of drinking more than he would or what he does not want. I do not say that in Germany the evils from drinking are not plainly visible, nor that they are not increasing, but the climate of the country and the habits of the people keep the evil within bounds, and will continue to do so long after it has become intolerable in other localities less favorable by nature and by the usage of the people.

In turning our attention to America, the contrast is very marked. With the possible exception of Siberia, no large country has so variable a climate. Dry hot summers are followed by piercing cold winters. When our melting weather comes we need large quantities of water to replace the waste through perspiration. Our drinkers resort to the various compounds of alcohol to get the needed water and thus use much larger quantities than they otherwise would.

Again, in winter the same tendency is seen. We all know that alcohol does not keep the body warm, yet it deadens the nerves of the drinker so that he cannot feel the cold. It thus deceives the user, and causes him to resort again and again to his bottle to keep out the chilling blasts of winter. Alcohol will keep a man cool or it will keep him warm. It is thought to be a sure remedy in either case. So each spell of hot or of cold weather sends an increasing host of customers to every saloon in the land. In this way every change in the weather increases the use of liquor and helps to fasten upon its users habits which they would not acquire in a moderate climate.

To these evils must be added those which come from our social condition. Treating is so universal that a per-

son is looked upon as mean who will drink without asking his friends to drink with him. In this way men drink not only more than they otherwise would, but also they do what is much worse—drink a greater variety. By the time a group of half a dozen friends have each treated, as many different kinds of liquor are mixed together in their stomachs, and this mixture of drinks is, as we have seen, one of the leading causes of drunkenness.

I have compared the condition of Germany with our own country to show why the evils of intemperance are so much more prominent here, and why it is that we are forced into a prohibition agitation so much more quickly than has been the case in foreign lands. It shows also why our immigrants are so indifferent, if not opposed, to the temperance movement. They do not see why their old habits fitted for another continent are unsuited for their best development here. If we are to win them to our cause, it will not be by moral arguments, but by a clear presentation of the economic causes which force Americans to discard alcohol. Our climate and social conditions are fixed factors in our civilization, and immigrants must adjust themselves to their new environment or sink into misery and vice. Even at the present time the reaction against drinking can be plainly seen among the second generation of the Germans and Irish, and the day is not far distant when they will be as active in temperance work as the descendants of the first settlers now are.

One more cause of increased drunkenness needs to be mentioned before the full force of the present situation can be clearly seen. In olden times no strong liquor could be made. The process of distillation, which has made strong drinks possible, is a modern invention. To this evil has been added a new one, arising from the use of cheaper material in making liquor. Rye has been displaced by corn in the manufacture of whiskey, and in Germany even potatoes are called into use. The miserable stuff which is thus thrown upon the market lacks any of the redeeming

qualities which were possessed by the pure liquors used in former days. No one can drink it without having his higher nature dwarfed, and he soon becomes a mere brute, the willing slave of an abnormal craving.

If I have made myself clear, you will recognize how fundamental are the changes which have forced the temperance issue upon the American people. They are all of an economic nature, and will make us put ourselves in harmony with our present environment, no matter how many inherited ideas must be displaced before a solution is found. Each person is compelled to make a choice which will place him among the law-abiding citizens who cultivate innocent amusements or among those who stimulate their appetites and passions by the coarse pleasures of the saloon.

There is, I confess, a degree of truth in the charge that prohibition often stimulates crime. Separate out the good in society from the bad, and you take from the bad many of the restraints which keep them from crime. In this way every measure that makes the good better makes the bad worse. The sharper the lines are drawn between the two classes, the more will the good progress and the quicker will the bad run through their downward course. With prohibition it is easier to be good and more dangerous to be bad. Do not, however, understand me as saying that prohibition increases the number of criminals. It shuts off the supply of criminals by removing one of the leading temptations to crime. But those who deliberately choose the wrong path become more vicious and force themselves more into public attention.

It should, however, never be forgotten that the Prohibition party is not the cause, but merely the effect, of the ever-increasing evils of intemperance. It is weak appetites, a variable climate, and cheap adulterated liquors that are the causes of the abnormal craving which leads to crime. And did prohibition cause any of these? No. It is merely an effect of these economic causes through which society seeks

to ward off some of the evils which flow from them. Those who live out of harmony with their economic environment must pay the penalty, and they have no ground for complaint, even if they slide into vice a little more rapidly because their neighbors are seeking to protect themselves more fully against the worst temptation of modern civilization.

When we clearly see that Prohibition is the effect of powerful economic causes, we place ourselves in a position to judge of the outcome. Separate society into two classes with different habits, customs, and diet, and that class will displace the other which makes the best use of the resources of our country. The temperance people put our land to a much more productive use than do their drinking and smoking neighbors. See how destructive of the qualities of the soil a crop of tobacco is, and the crops from which liquor is made are as bad. Two temperance people can be supported on the land needed to satisfy the coarse tastes of one regular frequenter of the saloon. For this reason the economic advantage of the abstainers is so great that they will increase in numbers much more rapidly than the drinkers do, and will in the end form a large majority of our population. They will gradually acquire a larger share of the land and capital of the country, and by their numbers and influence suppress their opponents or force them to reform.

In this respect the slavery contest furnishes a good example. At the start at least half of the wealth and population of the country was on the side of the South. But the use which slave labor made of the land was much inferior to that made by freemen of the North. As a result the North increased in numbers and wealth much more rapidly than the South. When the decisive moment came the North was so superior in both these regards, that even a forcible resistance on the part of the South was of no avail. It was the economic advantage of the North, and not the

superior bravery or morality of its people, that made them the masters of the situation. The same result must follow in the great contest which is now opening to counteract the destructive tendencies of alcoholic drinks. Slowly and steadily the abstainers gain upon their rivals through the better use they make of the land, as well as through the fact that their habits and diet fit them better for the climatic and the social conditions of our country.

In closing, let us return for a moment to the main question: Is the growing dissatisfaction with drinking habits the result of permanent causes which will keep grinding along until they force the American people to prohibit their use? The answer to this question must be sought, not in morals or politics, but in economics. I have tried to point out how incongruous are these habits with our climate and civilization. If our appetites are diminishing, if our climate makes moderate drinking especially difficult, if not impossible, and if the crops from which our liquors are made waste the productive powers of the land and prevent its best use, surely we have the best reasons for believing that the present dissatisfaction with drinking will continue and increase until it generates a sentiment and a moral tone which will be powerful enough to close every saloon and distillery in our land.

Our civilization has advanced too far for us to think of making or keeping drinking respectable. The use of light drinks is not an equilibrium at which people can long remain. Every reduction of their appetites makes them dissatisfied unless the strength of their liquor is increased. Weak appetites need strong drinks to give that stimulation for which the drinker resorts to alcohol. Prohibitionists are not responsible for the fact that drinking is no longer respectable. It arises solely from that graded series of drinks found in every saloon by which the drinker passes gradually to stronger drinks as weaker ones lose their attraction. This tendency divides society into two parts,

and forces the respectable to join in a compact opposition to all drinking. The sharper this contest becomes the more have the abstainers to gain. Little by little will their economic advantage increase their strength, until their moral influence will keep the drinker from the saloon and their political power will take the saloon from the drinker.

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INTERNATIONAL LIABILITY FOR MOB INJURIES.

It is the undeniable right of every sovereign State, and to a reasonable extent the duty as well, to protect the persons and the property of its citizens visiting or domiciled in a foreign country, and when they are injured in a manner not warranted by the principles of international law, to intervene in their behalf. If the foreign country permits aliens thus to visit or reside in its territory, it impliedly guarantees them the same measure of safety and protection as is provided for its own citizens. Should it fail in this international duty in any respect, the government of the injured alien has a just cause for intervention and complaint. The principle was stated concretely by Chief Justice Marshall to be that

“The American citizen who goes into a foreign country, although he owes local and temporary allegiance to that country, is yet, if he performs no other act changing this condition, entitled to the protection of his own government; and if, without the violation of any municipal law, he should be oppressed unjustly, he would have the right to claim that protection, and the interposition of the American government in his favor would be considered as a justifiable interposition.”¹

This language was adopted as correct by Mr. Webster, then Secretary of State, in his report to the President on Thrasher's case,² and has been since generally approved as embodying an accepted principle of international law and a rule for the guidance of the government of the United States.

¹ *Murray v. Schooner "Charming Betsy,"* 2 Cranch, 120.

² 6 Webster's Works, p. 523.

It being conceded, then, that an alien may, under certain circumstances, claim the protection and intervention of his own government, the more difficult question remains as to what offences against the alien will warrant such intervention and a demand for redress. An offence against an alien may be against a domiciled alien, or a visiting alien, or against an alien diplomatic or consular agent. The offence may be committed by private citizens or by the public authorities, or even by other resident aliens. It is necessary, therefore, in determining the extent of responsibility which the alien's government may justly throw upon the government where the offence is committed, to distinguish somewhat clearly each of these cases.

In the case of a domiciled alien the duty, and even the right, of his native government to interfere in his behalf may be greatly diminished or even lost by his own act in deliberately submitting his person and property to the jurisdiction of the country of his domicile. Any other rule would lead to endless international disputes of the gravest character, and give to the alien a double status—that of a citizen of his own country for the purposes of protection, yet without corresponding duties and obligations, and that of a permanent resident of his adopted country, deriving from it support and protection, yet with a reserved right of appeal to another sovereign power. Mr. Marcy, when Secretary of State, stated the rule to be observed in such cases with great clearness and force :

“It is essential, he said, to the independence of nations, and to the public peace, that there should be some limit to the right and duty of a government to interfere in behalf of persons born or naturalized within its jurisdiction who, on proceeding to a foreign country, and being domiciled there, may receive injuries from the authorities thereof. By the general law, as well as by the decisions of the most enlightened judges, both in England and in this country, a neutral engaged in business in an enemy's country during war, is regarded as a citizen or subject of that country, and his property, captured on the high seas, is liable to condemnation as lawful prize. No sufficient

reason is perceived why the same rule should not hold good in time of peace also, as to the protection due to the property and persons of citizens or subjects of a country domiciled abroad.”¹

Sir Robert Phillimore states the rule as follows :

“The distinction between domiciled persons and visitors in or pass-engers through a foreign country is never to be lost sight of, because it must affect the application of the rule of law which empowers a nation to enforce the claims of its subjects in a foreign State. The foreign domicile does not indeed take away this power, but it renders the invocation of it less reasonable, and the execution of it more difficult.”²

In accordance with this rule, our government has frequently declined to interfere for the protection of citizens who, by acts indicating an intention to subject themselves permanently to a foreign jurisdiction, have thereby lost the right to claim the protection of the home government. Thus it has been held that failure to pay the income tax, enlistment in a foreign army, permanent residence abroad, and avoidance of the ordinary duties of citizenship, may be sufficient to release a government from its duty of protection. In the once famous cases of *Arbuthnot* and *Ambrister*, executed by General Jackson in 1818 for complicity in the Seminole War, the government of Great Britain, to which they owed allegiance, declined to interfere on the ground that by inciting an attack on a friendly government they had forfeited the protection of their own government.

If, however, the alien be only transiently visiting or passing through a foreign country, his status is wholly different. In such a case he loses none of his claims on his own government, for the reason that he evades none of his duties to it. He is merely the guest of the foreign country, owing it the duty of obedience to its laws and entitled from it to protection in person and property.

¹ Letter to Mr. Clay (Peru), May 24, 1855, ² Whart. Dig Int. L., 447, 448.

² 2 Phill. Int. L., 6.

Any offence against him must be treated as an offence to a friendly alien, for which reparation, in proper cases, may be demanded by his government.

This distinction between domiciled and visiting aliens may be rendered unavailing by reason of treaty stipulations fixing the status and rights of all aliens domiciled or visiting in a country who are subjects of the other treaty-making power. In such cases the obligations of the country in which the alien may reside or be temporarily visiting are fixed by the terms of the treaty, and not by the principles of international law. It is now common in treaties of amity and commerce to make such stipulations, and an injured alien may now generally claim redress under the terms of such a treaty.

In case the alien had a representative character, either diplomatic or consular, an injury to him is regarded as in effect an injury to his government. It is true that consular agents are not entitled to the same privileges and immunities as diplomatic agents, but they are, nevertheless, representatives for special purposes of their own governments, and any unlawful violence offered to them is an insult to the sovereignty which they represent.

As to the agents of the injury the distinction may be even broader. There is not believed to be any distinction, however, between injuries committed by citizens and by resident or visiting aliens. In either case the rights of the injured alien have been invaded while submitting himself to the protection of a foreign State, and that State owes him equal protection against the wrongful acts of its own citizens and those of other aliens whom it may have received within its territory. Such protection consists, at least in civilized States, in opening to him impartially the door to redress, usually by means of its courts, and in some cases by executive action. But if the offence be committed by the public authorities of the country the case is far different. Under such circumstances the government of the alien may insist immediately upon reparation if the

injury is the result of positive violence or maltreatment. Such act of the authorities may, moreover, be either positive or negative. They may use unlawful violence; they may connive at unlawful violence; or they may wilfully neglect to provide protection against unlawful violence. In any case, the government for which the authorities act becomes liable for the wrong-doing of its agents.

The application of these principles to cases of injuries to aliens arising out of the violence of a mob is not difficult.

It would seem reasonable that no greater international responsibility should rest upon a government for the unlawful action of a mob than for the unlawful action of a private individual. And in general this proposition is true. It is only when the government either, having knowledge of the intention of a mob, fails to use due diligence to prevent it from assembling and executing its design, or else, having knowledge of its actual and continuing violence, fails to use due diligence to suppress it, that any responsibility can attach to the government, as such, for the injuries suffered by the aliens. This is believed to be a fair statement of the rule of international law as it is applied in practice by the powers of the civilized world.

In addition to this rule, however, and in many cases a corollary of it, is the further rule that the government is under an international obligation, first, to use all proper means for the punishment of the offenders, and second, to provide a legal remedy to the sufferers or their representatives. Upon the first point, our government has again and again enunciated the principle that a wilful neglect to bring the transgressors to justice is an implied sanction of their acts. This was so declared by Secretary of State Marcy in 1854, with regard to the outrages committed by the lawless inhabitants of Greytown upon the persons and property of American citizens engaged in inter-oceanic

transit across Nicaragua. It was so admitted to be the law of international obligations by Secretary of State Fish in 1875, in reply to the claims of Mexico based on the murder of Mexican citizens by Texan border raiders. Upon the second point there is a like uniformity of utterance by the State Department of the government of the United States. As early as 1793 Jefferson, as Secretary of State, declared the test as to the right of intervention to be,

“Whether the party complaining has duly pursued the ordinary remedies provided by the laws, as was incumbent on him before he would be entitled to appeal to the nation, and if he has, whether that degree of gross and palpable negligence has been done him by the national tribunals which would render the nation itself responsible for their conduct.”¹

The universal rule in such cases is that the injured party is bound to exhaust the judicial remedies afforded him by the municipal laws of the place of the injury before he can appeal to the executive department of the government for redress. This principle carries with it the corollary that a State is bound to supply a judicial remedy or to be held at once responsible through its executive department. It is therefore the practice to submit claims for indemnity in such States as China directly to the executive department, while in European States they must first be adjudicated by the courts. There must be a remedy somewhere, and if the State provides no judicial remedy, another State whose citizens have been injured may demand redress of the government through diplomatic channels. The law on these two points was well stated by Mr. Fish in these words:

“The rule of the law of nations is that the government which refuses to repair the damages committed by its citizens or subjects, to punish the guilty parties or to give them up for that purpose, may be regarded as virtually a sharer in the injury, and as responsible therefor.”²

¹ Letter to the Attorney-General, Mar. 13, 1793; ² Whart. Dig. Int. L., 675.

² For. Rel. of U. S., 1873, title Mexico; ² Calvo, Int. L., 397.

Several instances have occurred in the course of American diplomacy when it became necessary to apply these principles in disposing of the claims of other governments based on injuries to aliens.

In 1850 mobs in New Orleans and Key West, influenced by the severe punishment inflicted in Cuba upon the members of a filibustering expedition from the United States, sacked the houses and shops of many resident Spaniards and in New Orleans attacked the Spanish consulate itself. In this outbreak of mob violence there were two distinct injuries, the first and most serious in the view of international law being to the dignity and honor of Spain as represented in the person of her consul and the inviolability of the consular office, and the second being to the persons and property of the resident subjects of Spain. In accordance with the principles above set forth, Mr. Webster, then Secretary of State, drew a sharp distinction between the liability of the government of the United States for these two classes of injuries. As to the first, he apparently entertained no doubt that the government owed the amplest apologies for the affront to the sovereignty of Spain and the completest indemnity which could in justice be asked. In accordance with this view President Fillmore, in his annual message in 1851, recommended that Congress should appropriate the necessary money to carry out this purpose, and in this recommendation Congress concurred. This indemnity was granted as a matter of right.

As to the private Spanish residents who were injured by the mob, Mr. Webster emphatically denied that they had any just claims against the government for indemnity. They had come, he said, voluntarily into the jurisdiction of the United States to pursue their private business and objects, and while within that jurisdiction were entitled to the same measure of protection, and no more, as was accorded to our own citizens. In fact, as he pointed out, their protection in the way of remedies was even ampler than that accorded to the American citizens who had

suffered like injuries at the hands of the mob, for while the injured aliens could pursue their remedies in the Federal courts or the State courts at their election, the citizens could pursue theirs only in the State courts. This double judicial remedy being therefore opened to the injured Spaniards, the government of the United States declined to regard the claims for indemnity as resting on any accepted principle of international law or any obligation of treaty stipulations. Nevertheless, our government expressed the greatest sympathy for the injured subjects of Spain, and as a mark of appreciation of the generosity of the Spanish sovereign in pardoning certain American citizens who had been condemned to death under the Spanish laws, Congress appropriated, in 1853, the sum necessary to indemnify the Spanish victims of these riots. The money was paid, however, upon the understanding that it should be deemed a gratuity and not a lawful indemnity. The principle was saved, and the reparation was granted as a matter of grace.¹

In subsequent diplomatic discussions arising out of mob injuries the precedent of this case has been frequently cited both for and against the United States. It has always been contended by our government, however, that there was in this case no recognition whatever of the principle of indemnity for mob injuries, but that, on the contrary, the principle was expressly denied, and that the government refused to consider itself in any way responsible for injuries committed by private individuals upon aliens residing within its jurisdiction. It is certain that the earlier correspondence of the State Department strongly presses this view of the case and that there was no failure politely to emphasize it at the time of the payment of the indemnity. Any fair interpretation of the correspondence and the circumstances must lead to the conclusion that

¹ House Ex. Docs., 2 and 113, 32d Cong., 1st. sess.: Resolution of Cong., March 3, 1853.

there was no recognition of any binding international obligation growing out of the mob violence other than that to the consular representative of Spain.

In 1880 a mob in Denver attacked the Chinese residents of that city, destroyed a large quantity of their property and killed one of their number. The Chinese government immediately demanded that protection be extended to Chinese subjects in Denver, that the guilty persons be punished, and that the owners of the property destroyed be compensated for their losses. The government of the United States, replying through Mr. Evarts, expressed its indignation at the wanton and lawless action of the mob, assured the Chinese government that as full protection would be accorded to the Chinese as to our own citizens, and explained that under our form of government the punishment of the offenders was solely within the jurisdiction of the State of Colorado, and that the Federal Government could not interfere in that regard. As to the suggestion that indemnity should be afforded the sufferers, Mr. Evarts replied in these words :

“Under circumstances of this nature, when the government has put forth every legitimate effort to suppress a mob that threatens or attacks the life, the safety, and security of its own citizens and the foreign residents within its borders, I know of no principle of national obligation, and there certainly is none arising from treaty stipulation, which renders it incumbent on the government of the United States to make indemnity to the Chinese residents of Denver who, in common with citizens of the United States at the time residents of that city, suffered losses from the operations of the mob. Whatever remedies may be afforded to the citizens of Colorado, or to the citizens of the United States from other States of the Union resident in Colorado, from losses resulting from that occurrence, are equally open to the Chinese residents of Denver who may have suffered from the lawlessness of the mob. This is all that the principles of international law and the usages of national comity demand.”¹

This reasoning seems not to have been satisfactory to the Chinese government, which continued to press the

¹ For. Rel., 1881, title China, p. 320.

claim for indemnity. Mr. Blaine, who had in the meantime succeeded Mr. Evarts as Secretary of State, continued the diplomatic discussion along the same line, and declined to recognize any liabilities as attaching to the government of the United States in consequence of the mob violence in Denver. This position was all the more tenable in view of the later developments, by which it appeared that the authorities had at the time promptly taken measures to suppress the mob, and had since arrested a number of the ringleaders and indicted two of them for the murder of the Chinese subject. In fact, the Chinese government failed to show any point in which the government of the United States had in any way disregarded the obligation of international comity or of treaty rights. No neglect was shown before or at the time of the violence, and there was apparent no subsequent indifference with regard to the punishment of the offenders. In addition to all this, the courts of the State of Colorado and of the United States were open to all Chinese subjects who had suffered losses through the violence of the mob. In view of all this, our government properly declined to entertain any claim for indemnity.

In 1885 the same question was again reopened with China under the most distressing circumstances. A mob at Rock Springs, Wyoming, made an unprovoked attack upon the Chinese residents of the place, murdered twenty-eight of their number, wounded fifteen, and destroyed a large amount of property. The local authorities took no adequate measures either to prevent the outrage or to punish the perpetrators, while the local courts were notoriously not an impartial forum in which the sufferers could seek redress. The whole proceeding by the authorities, in the way of investigation and punishment, was characterized by President Cleveland as "a ghastly mockery of justice."¹

¹ Special Message, March 2, 1886.

It appeared, however, upon investigation, that the assailants as well as the victims were aliens, that the violence grew out of the refusal of the Chinese to join in a strike then pending in the mining regions, and that American citizens were not responsible for the outrage. But this, while it saved to some extent the national honor, did not in anywise limit the national obligations as fixed by treaty or by international law. If any liability attached to the government of the United States in consequence of the outrage, it was equally binding, notwithstanding the alienage of the perpetrators. This was practically conceded by Mr. Bayard in his correspondence with the Chinese minister and by the President in his message to Congress.

The Chinese government on this occasion pressed the claim for indemnity with more than ordinary vigor, as it was well able to do in view of its own recent course in providing redress for American citizens who had suffered from the riots in Canton and other places in 1883. The Chinese minister appealed to the practices of his own government in like cases, to the terms of treaty stipulations, and to the spirit of modern international relations. The position of our government was not an easy one. The outrage had been cruel in the extreme; the prompt action of China in redressing the wrongs of Americans under like circumstances called for recognition from a republic which prided itself on its civilization and love of justice; the dictates of humanity and the precepts of morality all leaned toward a policy of full and generous reparation. But seemingly opposed to all this was an alleged principle of international law which it was deemed impolitic and, looking to the future, highly embarrassing to ignore.

In this predicament the government steered a middle course, maintaining the supposed principle on the one side while recommending a voluntary indemnity on the other. Mr. Bayard, in his note to the Chinese minister, took the ground that as the offence was committed by private indi-

viduals against private individuals there could be no liability on the part of the government, and that for all injuries received the sufferers had an adequate remedy in the courts of Wyoming and the United States :

“The government of the United States recognizes in the fullest sense the honorable obligation of its treaty stipulations, the duties of international amity, and the potentiality of justice and equity, not trammelled by technical ruling nor limited by statute. But among such obligations are not the reparation of injuries or the satisfaction by indemnity of wrongs inflicted by individuals upon other individuals in violation of the law of the land.

“Such remedies must be pursued in the proper quarter and through the avenues of justice marked out for the reparation of such wrongs.

“The doctrine of the non-liability of the United States for the acts of individuals committed in violation of its laws is clear as to acts of its own citizens, and *a fortiori* in respect to aliens who abuse the privilege accorded them of residence in our midst by breaking the public peace and infringing upon the rights of others, and it has been correctly and authoritatively laid down by my predecessors in office, to whose declarations in that behalf your note refers. To that doctrine the course of this government furnishes no exception.”

After proceeding to illustrate this principle by reference to the course of the government as to the Spanish riots in New Orleans in 1850, the Secretary proceeds :

“Yet I am frank to say that the circumstances of the case now under consideration contain features which I am disposed to believe may induce the President to recommend to Congress, not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity to an innocent and unfortunate body of men, subjects of a friendly power, who, being peaceably employed within our jurisdiction, were so shockingly outraged; that in view of the gross and shameful failure of the police authorities at Rock Springs, in Wyoming Territory, to keep the peace, or even to attempt to keep the peace, or to make proper efforts to uphold the law or punish the criminals, or make compensation for the loss of property pillaged or destroyed, it may reasonably be a subject for the benevolent consideration of Congress whether, with the distinct understanding that no precedent is thereby created, or liability for want of proper enforcement of police jurisdiction in the Territories, they will not, *ex gratia*, grant pecuniary relief to the sufferers in the case now

before us to the extent of the value of the property of which they were so outrageously deprived, to the grave discredit of republican institutions." ¹

In accordance with this correspondence, President Cleveland, in his special message of March 2, 1885, recommended an appropriation for this purpose, "with the distinct understanding that such action is in nowise to be held as a precedent, is wholly gratuitous, and is resorted to in the spirit of pure generosity toward those who are otherwise helpless." The appropriation was duly made and the claims were settled to the satisfaction of the Chinese government and the injured parties.

This case comes dangerously near the line at which governmental responsibility begins, as that line is fixed by international law and by the declarations of our own government. The confession by the government that no adequate protection was afforded, that "the proceedings for the ascertainment of the crime and fixing the responsibility therefor were a ghastly mockery of justice," and that there existed a "palpable and discreditable failure of the authorities of Wyoming Territory to bring to justice the guilty parties, or to assure to the sufferers an impartial forum in which to seek and obtain compensation for the losses which those subjects [of China] have incurred by a lack of police protection," ² is a practical admission that the United States—for China deals only with the Federal government—had failed either to punish the guilty or to offer an adequate means of redress to the innocent. On both of these points our own government has on other occasions declared: (1) That neglect to prosecute offenders would be a denial of that justice which the alien's government has a right to expect; ³ and (2) that justice may as much be denied when it would be absurd or useless to

¹ For. Rel., 1886, title China, pp. 166, 168.

² President's Message, March 2, 1886.

³ Sec. of State Fish, February 19, 1875; For. Rel., 1875, title Mexico.

seek it by judicial processes, as if it were denied after having been so sought.¹

Confessedly the local government of Wyoming neglected to prosecute in good faith the offenders in the Rock Springs riots, and that it would have been useless for the Chinese sufferers to resort to the courts for justice is expressly declared by the President. Under such circumstances there would seem to have been a plain and palpable denial of justice, leaving to the sufferers as the only recourse an appeal to the Federal Executive through diplomatic channels. That this view largely influenced the State Department and the Executive in recommending an indemnity cannot be doubted. The reservation of the alleged principle may therefore justly be regarded as a piece of excessive diplomatic caution, intended mainly to protect the government from the full force of this case as a precedent. There can be no doubt that morally the United States were bound to repair, so far as possible, the injuries done to these inoffensive aliens; while there is little doubt that the accepted principles of international law laid upon the government an equally binding obligation.

It is to be observed, however, that this international liability was fixed, not by the fact of the mob injury itself, nor yet by the course of China toward the United States in like cases, but by the conduct of the public authorities subsequent to the outrage. Had the proceedings for the punishment of the offenders been honestly and vigorously conducted, and had the judicial remedy of the sufferers been adequate and impartial, no responsibility could have been fastened upon the Federal government. Under such circumstances, to quote Sir Robert Phillimore,

“The State must be satisfied that its citizen has exhausted the means of legal redress offered by the tribunals of the country in which he has been injured. If these tribunals are unable or unwilling to entertain and adjudicate upon his grievance, the ground for interference is fairly laid.”²

¹ Sec. of State Fish., Dec. 16, 1873: For. Rel., 1873.

² 2 Int. L., 4.

But in this case there was, confessedly, no means of legal redress to exhaust, for the tribunals had plainly exhibited an unwillingness to entertain or adjudicate in an impartial manner the claims of the injured subjects of China. This being so, the ground for interference was fairly laid, and China was fully justified in demanding reparation at the hands of the government of the United States. However this fact may have been obscured by the cloud of diplomatic verbiage and the reservation of alleged principles, it remains as the decisive test of liability in this and similar cases.

Pending the judicial investigation and diplomatic discussion of the mob violence in New Orleans on March 14th of the present year, by which a number of Italian subjects were unlawfully put to death, it may not be proper to do more than make a general application of the above principles to this particular occurrence. It is well to point out, however, that in some features this case is sharply distinguished from those already referred to. In the first place, the victims were in the custody of the public authorities, and therefore, being deprived of the ordinary means of retreat or self-defence, entitled to the fullest protection. In the second place, it would seem—although this may be a disputed question of fact—that the proposed attempt of the mob was known some hours in advance of the assault, and that those responsible for the safety of the prisoners took no adequate measures for their protection. If these two premises are fully established, it is difficult to see how, under the principles of international law as recognized and applied by our own government, the United States can escape from the claim of Italy for reparation; if, added to these, there should prove to be a failure of justice in the punishment of the offenders, the case would become a very strong one. The fact is, there would seem to be no practical difference in effect between an act of positive maltreatment of an alien prisoner by public officers and an act of culpable negligence on the part of such officers whereby such alien

prisoners are suffered to receive positive maltreatment at the hands of others. In the first case our government has emphatically asserted the right to redress from the executive department of the government, and in this it is supported by high authority. It is difficult to see why redress may not as justly be claimed in the case of wilful negligence resulting in injury.

In the case of a riot in Brazil in 1875, by which the property of certain American citizens was destroyed, Mr. Fish, then Secretary of State, declared that

“It is the duty of Brazil, when she receives the citizens of a friendly State, to protect the property which they carry with them or may acquire there. If persons in the service of that government connive at or instigate a riot for the purpose of depriving a citizen of the United States of his property, the Imperial government must be held accountable therefor.”¹

And in a similar case occurring in Peru, Mr. Evarts declared that

“A government is liable internationally for damages done to alien residents by a mob which by due diligence it could have repressed.”²

These propositions involve in all cases questions of fact, and the facts must be accurately ascertained before the principles can be applied. It would therefore be premature to venture a final opinion upon the unfortunate affair at New Orleans; but should the pending investigation establish the fact that the public authorities, having knowledge of the proposed violence, failed to exercise due diligence to prevent it, the declarations and practices of our own government, as well as the just principles of international law, would serve to fix upon the Federal government a direct liability for the injuries sustained by the subjects of Italy.

E. W. HUFFCUT.

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¹ 2 Whart. Dig. Int. L., 602.

² Ibid.

THE TEACHING OF POLITICAL SCIENCE AT OXFORD.

I HAVE been asked to give an account of the Teaching of Political and Social Science at Oxford, but in order to do this in a way which will not be unintelligible or misleading, it is necessary to give some preliminary explanations as to the relation between the Universities and the colleges, and as to the system of examination for the degree of B. A.

Professor Bryce has helped English readers to understand the relations between the States and the Nation in the American Union, by the analogy of the relation between the colleges and the University in Oxford and in Cambridge; and American readers may profitably reverse the analogy in order to understand roughly an academical system that exists in no country except England. The analogy is, indeed, only a rough one: the University existed before there were any colleges, and there are at the present time collegiate students whom we might perhaps compare to citizens of the United States living in a Territory. But just as every citizen of a State is also a citizen of the United States, so every member of a college is also a member of the University, and is thus subject to two different sets of institutions and rules. The University alone confers degrees and regulates the examinations for them. Instruction is, however, provided by both the University, through its "professors" and "readers" (the latter may be compared with the "extra-ordinary professors" of a German university), and by the colleges, through their tutors and lecturers. University lectures are open to all members of the University. College lectures are intended primarily for the members of particular col-

leges, but of late years, through the system of combined lectures, college lectures have become in many cases as much "open" as University lectures. Most of the teaching, especially in some subjects, is done by the colleges. The University provides more of the instruction, relatively to what is done by the colleges, in natural science and in law than in other subjects.

As a general rule every undergraduate member of the University, except the "selected candidates" for the Indian Civil Service, who under present regulations cannot stay long enough, is supposed to be studying for the degree of B. A. But, as a matter of fact, the course of study is very different according as the student merely wishes to "pass" and obtain the degree, or aspires to "honours." The degree cannot be obtained in less than three years, and candidates who wish to take "honours" must not be of more than four years' standing when they come up for their final examination. The higher degree of M. A. follows upon the B. A. simply "through the progress of time and the payment of fees." Every candidate must pass "responsions" before or soon after the outset of his academical career. This examination practically takes the place of an entrance examination, which as such does not exist in the University. Every college in Oxford requires intending students to pass an entrance (matriculation) examination, the standard of which is in some places considerably higher than "responsions." "Responsions" is an examination in school work (Latin and Greek, arithmetic, elementary geometry and algebra). The student must next pass or obtain "honours" in the "first public examination" (commonly known as "moderations"), an examination mainly in Greek and Latin, taken during the second academical year. The student who is going to take "honours jurisprudence" or "honours modern history" as his final school, may, under certain conditions, substitute for the classical moderations what is known as the "preliminary examination in jurisprudence." It is

only in the "trial" or "second public examination" that subjects connected with political science come in. In this second public examination, a candidate may either take a "pass" in certain subjects, in which he has a limited range of choice, or he may seek to obtain "honours" (1st, 2d, 3d, or 4th class) in one of the seven "honour schools." These are (1) *Literæ Humaniores* (an examination mainly in certain Greek and Latin philosophical and historical books, and in kindred subjects), (2) Mathematics, (3) Natural Science, (4) Jurisprudence, (5) Modern History, (6) Theology, and (7) Oriental Studies. There is no special "school" of political and social science, but political philosophy (including political economy) is one of the subjects prescribed for the school of *Literæ Humaniores*. The questions set on this subject form only half of one paper in the examination, being combined either with moral philosophy, or with a general paper on ancient history. Candidates may offer "political economy" or "theories of the State" with a special study of one or more treatises selected by them as "special subjects" in addition to the ordinary work; but special subjects do not flourish much in this school, the ordinary work being sufficiently varied and arduous for even the best students. In the school of jurisprudence (and in the kindred examination for the degree of B. C. L.), jurisprudence, English constitutional law, and international law form a part of the prescribed course. The school of jurisprudence, as already said, is one of the avenues to the degree of B. A. No one can obtain the degree of B. C. L. without having previously obtained the degree of B. A. This degree he need not, however, have obtained through the school of jurisprudence. Certain books are "recommended" for special study. It should be added that this work in law is not in the strict sense a training for the legal profession, the qualifying examinations for which have in England no connection with the University examinations or degrees. In the school of modern history, political science and

political economy are prescribed and constitute an important element in the examination. A knowledge of certain books is required, viz.: Aristotle's *Politics* (subject matter), part of Hobbes' *Leviathan*, Bluntschli's *Theory of the State*, Maine's *Ancient Laws*, and Mill's *Political Economy*. One of the subjects very commonly taken up for the final pass examination is the "Elements of Political Economy," read in Walker's *Political Economy*, and parts of Adam Smith. The candidate for the Indian Civil Service, studying at Oxford under the regulations in force (until 1892), is occupied to a considerable extent with Indian law, Roman law, English law, jurisprudence and political economy, as well as with Oriental languages.¹

In what precedes, we have described the place of political and social science in the Oxford examinations, and it now remains to show the actual provision for their instruction. This is given, as already explained, in part by the University and in part by the colleges. Annexed to this article will be found lecture lists of subjects connected with political and social science for 1890-1891 (extracted from its official lecture lists) which will serve as average

¹ At present candidates, not above nineteen years of age, selected by government after a competitive examination, have to spend two years at an approved university, if they wish to receive the government allowance. By the regulations which will come into force in 1892, no candidate must be under twenty-one years nor over twenty-four, and the subjects have been so altered that candidates who have studied for an "honour school" at Oxford will have a fair chance of success without further preparation. The time of special professional study after selection will, under the new system, be only one year, which will have to be devoted almost entirely to the vernacular languages of the presidency to which the civilian is going, and to Indian laws. My friend, Mr. F. C. Montague, of Oriel College (the editor of Bentham's *Fragment on Government*), who has had much to do with the instruction of Indian civilian students in Oxford, summarizes the intentions of the present and of the future systems somewhat as follows: "The present system is a good general school education, followed by two years of professional education, obtained in the intellectual atmosphere of Universities, where general rather than professional education is the rule; the future system is intended to be the best University education with a minimum of professional training." I have thought it worth while to refer to the Indian Civil Service because it offers the only example in Great Britain of an attempt to regulate systematically the preparation for an administrative career.

specimens. As there is no special school of political science there is no regular course in the subject, and some departments of it are often not represented on the lecture lists at all. The professors, readers, and lecturers in the faculty of law deal largely with political science; and the well-known names of Professors Dicey, Holland, Bryce, Sir F. Pollock, Sir William Anson, Sir William Markby, are all to be found in the lecture lists of the school of jurisprudence. There is a professorship of political economy in the University, recently vacant by the death of Professor Thorold Rogers, and now filled by the election of W. F. Y. Edgeworth. Lectures on political science, political economy, and economic history are given also by college tutors and lecturers in connection with the modern history school; and lectures on political philosophy (which does not differ much, if at all from political science, except in name) by college tutors and lecturers in connection with the school of *literæ humaniores*. The professor of moral philosophy, Prof. W. Wallace, who succeeded the late T. H. Green, occasionally lectures on social institutions or some such subject as a part of his course on ethics. It must be remembered that the giving of a formal course of lectures represents only a small part of a college tutor's teaching work, and that some professors are also college tutors.

The University prescribes or recommends certain textbooks. Lectures are to a great extent supplementary to the study of these. Work which corresponds to the American recitation, in which students are called upon to answer questions and invited to ask them, is not very usual, except where only members of the lecturer's own college are present. We should designate such a mode of teaching as a "catechetical lecture" or "informal instruction." It is more frequent in "pass" than in "honour" subjects. The large combined lecture has, as yet, proven less suitable for the more elementary teaching. It should be added that lectures occur, as a rule, twice or three

times a week, and last nominally one hour, but as many undergraduates have to come from one college to another, most lectures do not begin until about ten minutes after the hour.

This is the formal instruction which has been described. There is another side to instruction at Oxford. The chief part of a college tutor's work consists in hearing and criticising the essays and papers which he prescribes to his pupils. The essay writing is the most characteristic feature of Oxford education. As a rule, every undergraduate reading for an "honours" final school, such as *literæ humaniores*, jurisprudence or modern history,¹ brings at least one essay to his tutor every week. Lecturers occasionally set papers to those attending the lecture, and most colleges have college examinations at the end of the terms to test the term work.

The instruction, as before stated, is given partially by the University and partially by the colleges. It goes without saying that all the students of Oxford have equal privileges with regard to University instruction. On the contrary the instruction of the colleges is intended primarily for the members of each particular college. In most "honour" subjects, however, the colleges are now combined on a principle of reciprocity, *i. e.*, every college which provides a lecture in any school is entitled to send its men to other lectures in the same school, without any special fee. In some cases a small fee is charged to those coming from another college than that of the lecturer.

The advantages of Oxford education are in a certain measure open to others than students of the University. Some professors' lectures are "public lectures," and anyone who likes may attend. Indeed, cases have been known where professors who deal with subjects that have no examination value have lectured entirely or mainly to a

¹ Of course, I am not speaking of subjects such as mathematics, physics, natural science, etc., where the work is necessarily of a different kind.

non-academical audience. But this is, of course, an abnormal phenomenon. Students of the Oxford Association for the Higher Education of Women obtain leave to attend a large number of professional and college lectures along with the men. They pay a small fee. It is quite exceptional and contrary to custom for any college lecture to be attended by anyone not a member of the University (except in the case of the women students just mentioned, who can go in for most of the same examinations as the men, though the University gives them only a certificate and no degree). Neither the University nor the colleges give any recognition to members of other universities, simply as such. Thus a member of a German or an American university, even if a graduate, can only obtain the privileges of the University of Oxford by fulfilling the same conditions as if he had just come from school. Members of Cambridge and of Trinity College, Dublin, may become members of Oxford on easier terms, and a few English local colleges and Colonial universities are now "affiliated" to Oxford, so that students coming from them may count some portion of their previous academical course. The educational inhospitality of the English universities is on every ground much to be regretted. It is a falling away from the international character of the mediæval universities, and arose out of the peculiarity of the English Reformation, which cut off the Church of England alike from the Catholicism and from the Protestantism of the rest of Europe. In the English universities, ecclesiastical "tests" are now abolished (except for theological professorships and degrees in divinity), but the tradition of exclusiveness survives, though the original reason for it has disappeared.

The academical year consists nominally of four, practically of three terms, viz.: Michaelmas Term, from about the middle of October to the middle of December; Hilary, or Lent Term, from about the middle of January to the middle of March; Easter and Trinity, counting as one term for all educational purposes, from some time in April

(earlier or later according to the date of Easter) to some time in June. College lectures are given during eight weeks of each term, professional lectures generally for six weeks only. As a rule, at combined college lectures, attendance is ascertained at least occasionally and a report is made from time to time to the various colleges from which undergraduates come. It is less common for professors to ascertain attendance, and the audience fluctuates more. It is the business of the college tutor to advise his pupils what lectures to attend, what books to read, etc., and it is he who also endeavors to secure their regular attendance at lectures, whether his own or those of other lecturers. If necessary, college discipline can be brought to bear upon frequent defaulters, *i. e.*, the undergraduate who "cuts" lectures does it at his own risk; needless to say, it is sometimes done.

Every undergraduate, in residence, pays his college each term seven pounds sterling or more, *i. e.*, annually twenty-one pounds sterling or more, as tuition fee. This, as a rule, covers all expense of his tuition, unless he chooses to go to a private "coach" in addition. Whether he attends many or few lectures makes no difference. As a rule, an undergraduate is advised not to have more than about eight lectures to hear each week, exclusive of the time he spends with his tutor with essays, etc., or for informal instruction. But, of course, the number of lectures he attends will vary according to the stage at which he has arrived in his work, the lectures that happen to be available for the term, his need of help, or his power of working by himself, and so on. As to expense, it may be noted that tuition is a small part of the expenses of an Oxford or Cambridge undergraduate. One hundred and fifty pounds sterling per annum may be set down as the minimum at which a fairly careful man, at an average college, can get through his academical terms without depriving himself of many of the social advantages of the place. At some colleges the average expense would be lower, at others higher. A really able man who has been well

taught at school can make pretty sure of obtaining a scholarship, generally of eighty pounds sterling per annum.

As to work done in political science apart from professional and combined college lectures, it is impossible to give any precise information. It may be said that nearly every college tutor who has to do with preparing pupils for the final schools of *literæ humaniores*, modern history, or jurisprudence, is at some time or to some extent engaged in such teaching. Every tutor in these schools is assumed to have some general acquaintance with political and social science, and no undergraduate can read for any of these schools without having the subject brought before him. When it is understood that what in Oxford is called a "classical" education, includes, *e. g.*, political economy (though in most cases not very much of it), the liberal character of our educational system may be estimated. Whether a great University should not likewise do more for the advancement of learning in special studies, is a question that may very well be asked. At present, we have to a very large degree, "the defects of our qualities." What is known as the "college system," *i. e.*, the system according to which education is chiefly cared for by the college instead of by the University, has its ardent admirers; but one result of it is that, for many purposes, where there might be one magnificent University, we have twenty small ones existing side by side.

I have annexed a list of the lectures on political and social science, open to all students of the University during the academic year of 1890-1891.¹

D. G. RITCHIE.

Oxford University.

¹ For a brief but careful account of many of the most puzzling peculiarities of the two ancient English universities, I would refer the American reader to Baedeker's *Great Britain* (pp. 224-227, of 2d ed.). I have said nothing about Cambridge, as there are many differences from Oxford, both as to the examination system, and as to the arrangement for tuition. The system of study in Oxford is described in detail in a semi-official publication called *The Student's Handbook to the University and Colleges of Oxford*, which will be found less unintelligible than the official Examination Statutes; both are published at the Clarendon Press, Oxford.

LECTURES IN POLITICAL AND SOCIAL SCIENCE: UNIVERSITY OF OXFORD, 1890-91.

[Lectures marked * are open to all by special arrangement. The numbers after each lecture indicate the number of hours each week.]

FACULTY OF LAW.

Michaelmas Term, 1890.

T. Raleigh, M.A., Reader in English Law: Constitutional Law, Executive Government, etc. 2.

Sir William Anson, D.C.L., Warden of All Souls: Constitutional Law, The Courts. 2.

T. E. Holland, D.C.L., Chichele Professor of International Law and Diplomacy: International Law, The Rights of Nations in Time of Peace. 2.

Hilary Term, 1891.

T. Raleigh: Constitutional Law, Parliament, etc. 2.

T. E. Holland: International Law, Treaties and Embassy, Belligerency. 2.

Easter Term, 1891.

J. Williams, B.C.L.: The Law of the Constitution. 2.

A. Grant, B.A.: Questions in International Law. 2.

E. A. Whittuck, B.C.L.: Jurisprudence, Public and Private Law. 2.

FACULTY OF ARTS.

Michaelmas Term, 1890.—Honour Lectures: Literæ Humaniores.

W. Wallace, M.A., Whyte's Professor of Moral Philosophy: Social Institutions, chiefly in their Ethical Aspects. 2.

W. G. Smith, M.A.: Political Philosophy. 2.

D. G. Ritchie, M.A.: Political Philosophy. 2.

H. Rashdall, M.A.: Political Philosophy. 2.

Modern History.

D. J. Medley, M.A.: English Economic History. 2.

W. A. Spooner, M.A.: Political Philosophy. 1.

D. G. Ritchie: see above.

A. L. Smith, M.A.: Political and Social Questions. 3.

C. H. Roberts, B.A.: Political Science. 2.

Pass Lectures: Literæ Humaniores.

C. N. Jackson, M.A.: Political Economy. 3.

*W. Hawker Hughes, M.A.: Political Economy. 3.

*F. York Powell, M.A.: Political Economy. 3.

*E. M. Walker, M.A.: Political Economy. 3.

*J. A. R. Marriott, M.A.: Political Economy (with papers on Walker). 2.

Hilary Term, 1891.—Honour Lectures: Literæ Humaniores.

W. Wallace: Social Institutions, continued. 1.

H. D. Leigh, M.A.: Greek Political Ideas. 1.

W. G. Smith: Political Philosophy, continued. 2.

D. G. Ritchie: Political Philosophy, continued. 2.

C. H. Roberts: Political Philosophy. 2.

Modern History.

D. G. Ritchie: see above.

C. H. Roberts: Political Science. 2.

L. R. Phelps, M.A.: Political Economy, General Course. 3.

Pass Lectures: Literæ Humaniores.

S. Ball, M.A.: Political Economy. 3.

L. R. Phelps: Political Economy (Adam Smith). 3

*F. York Powell: Political Economy. 3.

*J. A. R. Marriott: Political Economy. 2.

*W. Hawker Hughes: Political Economy. 3.

Easter Term, 1891.—Honour Lectures: Literæ Humaniores.

A. Robinson: Aristotle's Politics (selected portions). 2.

D. G. Ritchie: Aristotle's Politics (subject matter). 2.

Modern History.

F. Y. Edgeworth, Professor of Political Economy: Informal Instruction.

S. Ball: Political Economy (questions and papers). Fee £1 2s.

Pass Lectures: Literæ Humaniores.

J. R. Marriot: Political Economy. 2.

S. Ball: Political Economy. 3.

F. York Powell: Political Economy. 3.

W. Hawker Hughes: Political Economy. 3.

PROCEEDINGS.

SEVENTH SESSION.

THE Seventh Session of the Academy was held in Philadelphia on Thursday, the 12th of March, at 1520 Chestnut street, at 8 P. M.

The Secretary announced that the following papers and communications had been submitted to the Academy:

36. By Mr. Frederick B. Hawley, of New York, on "Preliminaries to the Discussion of Socialism."

37. By Miss Jane J. Wetherell, on "Freight Tariff in Hungary."

38. By Prof. J. W. Jenks, Indiana University, on "Land Transfer Reform." (Printed in the ANNALS, July, 1891.)

39. By Mr. William F. Willoughby, Bureau of Labor, Washington, on "Federal Statistics."

40. By Dr. Roland P. Falkner, on "Academic Instruction in Political and Economic Science in Italy." (Printed in the ANNALS, April, 1891.)

The President then introduced Mr. Hawley, who read his paper (No. 36) on "Preliminaries to the Discussion of Socialism."

Mr. Hawley called attention to the advisability of ascertaining what proportion wages now bore to other forms of income. Marx, who uses the term "surplus value" as inclusive of all forms of income except wages, affirmed that about half the value of the aggregate yearly product of the community was enjoyed by the laborers and the other half by the "capitalists," but he has nowhere attempted any satisfactory statistical proof of his assertion.

As Marx lived and wrote in Europe, it is fair to assume

that he intended this ratio as applicable to European conditions. In America, therefore, on account of our higher rates of wages and smaller amount of capital *per capita*—the ratio would be more favorable to wage receivers—say 60 per cent. to wages and 40 per cent. to capital.

Mr. Hawley, from such investigations as he has been able to make, inclines to the belief that Marx is practically correct in his assertion. Among those who have contended to the contrary he instances Mr. Atkinson, who, in his book, *The Distribution of Products*, arrived at the somewhat suspicious result that capitalists obtained only 5 per cent. of the total product, the remaining 95 per cent. going as wages to the laboring classes. While commending Mr. Atkinson's method, which was by means of census and other statistics to ascertain the total yearly product of the United States, and the total amount paid in wages, and subtracting the latter from the former to obtain the share of the capitalist, Mr. Hawley pointed out that Mr. Atkinson had included no values but those of material commodities in his yearly product. When the probable value of personal services and of the uses of wealth, such as shelter, etc., is added, we will have a division of just about 60 per cent. to labor and 40 per cent. to capital.

Mr. Hawley then stated his objections to the residual theory of wages by means of which President Walker endeavors to show that the laborers' share of the total product is increasing both absolutely and relatively. Mr. Hawley contended that as the rates of interest and profit decline the aggregate of interest and profits augments, because of the larger amount of capital that finds employment at the lower rates. The theoretical conclusion is corroborated by the fact that in countries like England, where the rates of interest and profits are low, their aggregates are enormous, while wherever, as in Turkey, these rates are high, so little capital finds employment that the aggregates of interest and profit are very small.

He also pointed out that the purchasing power of money

wages does not increase as rapidly as the purchasing power of other money incomes, because the food and coarse manufactures consumed by the poor cannot, owing to the law of diminishing returns, be cheapened as rapidly as the more highly wrought articles consumed by the rich. It thus appears that the Socialists are correct in asserting that the laboring classes receive now only about half of what is produced, and that the tendency is for their share to decline as civilization advances and wealth accumulates.

But it must not be too hastily assumed that everything that tends to equalize incomes is advantageous to society. So far as the levelling process weakens the motive which leads men to labor and produce, it defeats its own purpose by lessening the amount to be divided. But, ignoring this point, an ideal distribution must propose to itself two irreconcilable purposes: It must apportion the product so as to satisfy needs in proportion to their intensity, and it must also satisfy needs according to their quality without regard to their intensity. It must seek, that is, not only the greatest good of the greatest number, but the highest development of selected individuals.

The paper was discussed by W. H. Harned, Miss Musson, Dr. Doucet, Mr. Charles L. Serrill, Mr. S. W. Cooper, Professor Giddings, and Mr. Hugo Bilgram.

The paper on "The Rights of Citizens and the Treatment of Criminals" (No. 32), by Rev. C. E. Walker, together with brief rejoinders by the Hon. R. Brinkerhoff, President of the Ohio State Board of Charities and Corrections, and Major R. W. McClaughry, Superintendent of the Pennsylvania Industrial Reformatory, were read by the Secretary.

EIGHTH SESSION.

The Eighth Session of the Academy was held in Philadelphia, Friday, the 17th of April, at 1520 Chestnut street, at 8 P. M.

Papers had been submitted to the Academy as follows:

41. By Mr. Emory R. Johnson, of Baltimore, on "The River and Harbor Bill."

42. By Professor E. P. Cheyney, of the University of Pennsylvania, on "The Third, *i. e.*, the Social Revolution."

43. By Mr. E. P. Oberholtzer, of the Philadelphia *Evening Telegraph*, on "American Forms of the Referendum."

44. By Professor A. Loria, of the University of Siena, Italy, on "Economics in Italy."

The President, E. J. James, then introduced Mr. Emory R. Johnson, of Johns Hopkins University, who read his paper on "River and Harbor Bills." (No. 41.)

In his address, Mr. Johnson traced the history of river and harbor legislation up to the River and Harbor Bill of 1890. The amount appropriated by this bill is \$24,903,295, all to be expended on works declared "worthy" by the United States engineers. He then compared the policy of the United States with that of England and France. In England, the Harbor Department of the Board of Trade has general supervision of rivers and harbors, but works are regularly constructed either by municipalities or by "trusts"—individual corporations, which sometimes receive aid from the government. The chief advantages of the English system are: Only important works are begun, and they are quickly completed. French river and harbor improvements are purely government enterprises, though most works, as with us, are executed by contractors. The two important features of the French system are the wide discretionary power given the executive, and the plan of making improvements *in toto* instead of little by little, as we do. The plan of the United States is to begin simultaneously a large number of works. Appropriations are made sufficient only to begin a work, the continuance of which depends on the action of future Congresses. With five exceptions, contracts cannot be let for completing the work, but for such part of the work only as the money appropriated will pay for. Coming finally to the future policy of the United States, Mr. Johnson held that criti-

cism should aim to lessen log-rolling and to lead to the adoption of a wiser manner of making improvements, but that care should be taken not to underestimate the returns brought by improvements.

The discussion of the paper was opened by Mr. John L. Stewart, who was followed by Professor S. N. Patten, Professor R. T. Ely, and others.

NINTH SESSION.

The Ninth Session of the Academy was held in Philadelphia, Friday, the 15th of May, at 1520 Chestnut street, at 8 P. M.

Papers had been submitted:

45. By Professor Simon N. Patten, on "The Economic Basis of Prohibition."

46. By Mr. E. W. Ernst, on "City Government."

47. By Mr. Leo S. Rowe, on "Ground Rents in Paris," and,

48. "Railway Passenger Rates in France."

Mr. Oberholtzer then read his paper (No. 43) on "American Forms of the Referendum."

The referendum is commonly thought of as a political institution peculiar to Switzerland. It is there truly that the name has come to have its present signification, but it seems to have been generally overlooked that in the United States, both in the State and the municipality, we employ, and in New England have employed since the Revolution, this same popular political principle. The referendum can be defined as the submission to all voting citizens for their ratification or rejection constitutions, constitutional amendments, and laws which, however, have first been passed upon by the people's representatives in legislature or in convention. Of the thirteen original States only two submitted their first constitutions to popular vote. None of the others followed their example until New York led the way in 1821. In the meantime, Missis-

issippi and Missouri, when they came into the Union, brought with them constitutions which had received the direct popular approval. To-day the people of not more than one or two States in the Union would be likely to be denied the right to pass upon the form and frame of their government.

From this habit of referendum in the case of new constitutions grew up naturally the convention referendum and the amendment referendum. It is now the uniform process in the States for the people to be directly consulted as to whether a convention shall be called to frame a new constitution or to make radical alterations in the old one. About 1818 the referendum on constitutional amendments, proposed by the legislature, began to come into favor, and now—though Vermont and New Hampshire still amend by convention only—in all others except Delaware the people vote at the polls upon every amendment proposition which the legislatures may submit. These have come to include much more than formerly, since the State constitutions have been enlarged into codes, as witness prohibition amendments, the lottery amendment in Louisiana, and others on subjects at one time left alone to the legislature and not judged suitable to be embraced in a constitution. Besides these referendums on laws disguised as amendments, there are others which have no such disguise. There have been in several States referendums on the location of the State capital. In Pennsylvania the constitution of 1873 says that the capital may not be removed from Harrisburg without a popular vote.

In several Western States and in New York it is declared in the constitution that laws for the contraction of debt, except those specified in the constitution, shall be submitted by the legislature. Another referendum found its way into the constitutions mainly during the bank excitement. It appeared first in Iowa in 1846, and consists in the submission of all acts chartering banks and banking associations

to the people. In three Western States the State tax-rate cannot exceed a given figure except the consent of the people be secured. There are other referendums in different States: Woman suffrage in Colorado whenever the legislature chooses to submit the question; the sale or lease of a canal in Illinois; sale of school lands in Kansas; location of State asylums, penitentiary, and State university in Wyoming, etc.

In the municipality, especially in the West, the people have important rights of referendum. County seats and county boundaries can only be changed on popular vote. There are debt and tax limitations in cities, counties, and other political subdivisions beyond which the authorities may not go unless the people agree.

The newest and most interesting municipal referendum we find in California and the State of Washington, where city charters and all amendments thereto are submitted for popular approval or rejection. This is the first appearance of anything like republican government in our American cities, and it may be the step toward a much-needed and effective reform. In April, 1887, the people of California voted upon and accepted an amendment to the constitution which took city charter building out of the hands of the legislature, and Washington has followed the example.

The referendum has become an issue in the communal politics of Belgium, and here, as there, a devotion to the institution as a means to political reform is developing which may lead to more important results than any which yet have been attained.

Professor Patten's paper on "The Economic Basis of Prohibition," which appears in full in this issue, was also read by the author, and discussed by Dr. Foote, Mr. Hugo Bilgram, and Professor F. H. Giddings. The latter also touched upon some points in the paper which had been read by Mr. Oberholtzer.

PERSONAL NOTES.

AMERICA.

Columbia.—John Bassett Moore, third assistant Secretary of State, has been elected to the newly-established chair of International Law in Columbia College, and will enter upon the duties of that position at the opening of the next academic year. He is a native of Delaware, having been born at Smyrna, in that State, in 1860. His father was a physician. Mr. Moore received his early education at private schools at Fulton, Del. In 1877, when sixteen years of age, he went to the University of Virginia, at Charlottesville, where he remained for three years, devoting his time to general history and literature, moral philosophy and logic, and the classics. In the autumn of 1880 he was registered as a student at law in Wilmington, Del., in the office of Edward G. Bradford, a leading member of the bar in that city. Here he pursued the study of the law for three years, as required by the rules governing the profession in Delaware, and in the fall of 1883 was admitted to the bar, and began to practise in Wilmington.

In July, 1885, he was given a temporary commission in the department of State for six months, under the civil service law, as a clerk, at a salary of \$1200, which commission was made permanent in the following January. For some time Mr. Moore was associated with Mr. Adee in the office of third assistant secretary, and with Dr. Wharton, the solicitor, in the distinctively legal branch of the work. Upon the death of Mr. Hunter, the second assistant secretary, in August, 1886, Mr. Adee was appointed to the

office thus left vacant, and Mr. Moore was promoted to the position of third assistant secretary, which he now holds. When the fisheries conference met in 1887 Mr. Moore was chosen to act as the secretary on the American side, and discharged that function until the conclusion of the conference in February, 1888. He also participated in the Samoan conference between the Secretary of State and the British and German ministers in Washington in June and July, 1887, and prepared all the protocols of that conference as they have since been published.

In performing the duties of his office he has pursued his researches in many directions, and has written and published several essays and monographs on questions of international law. In 1877 he published a work entitled *Report on Extraterritorial Crime and the Cutting Case*, the immediate occasion of its composition being the question that arose between the United States and Mexico in 1886 in regard to the claim of the latter to try and punish a citizen of the United States for the publication in the United States of a libel on a Mexican. Mr. Moore is also the author of a report to the International American Conference on the subject of extradition, which contains a statement of the law and practice on that subject in many countries, and which has recently gone through a new edition, containing, besides the original matter, returns of all cases under the treaties. By far his most important work, however, is the one entitled, *A Treatise on Extradition and Interstate Tradition*, which contains the treaties and statutes of the United States relating to extradition and much other valuable matter (Boston Book Co., 1891).

Professor Edwin R. A. Seligman, of Columbia College, has been made Professor of Political Economy and Finance in that institution. He was born and educated in the same city in which he has achieved his reputation as an instructor and author. Born in 1861 in New York City, he was taught at home by the famous juvenile writer, Horatio

Alger, Jr. He attended Columbia Grammar School, and afterward Columbia College, from which he graduated in 1879. He then went abroad, and studied political science for three years at the Universities of Berlin, Heidelberg, Geneva, and at the *École des Sciences Politiques* in Paris. On his return to America, in 1882, he attended the law school and the school of political science at Columbia College, taking the degrees of LL.B. and Ph.D. in 1884. In 1885 he was made Lecturer on Political Economy in the School of Political Science, Columbia College; in 1888, he was made adjunct Professor of Political Economy, and in 1891 he was made Professor of Political Economy and Finance. He is one of the editors of the *Political Science Quarterly*. His chief writings have been as follows:

- Railway Tariffs and the Interstate Commerce Law, 1887.
- Chapters on the Mediæval Guilds of Europe, 1887.
- Finance Statistics of the American Commonwealths, 1889.
- The General Property Tax, 1890.
- The Taxation of Corporations, 1890.

Cornell.—Jeremiah W. Jenks has been appointed Professor of Political, Municipal, and Social Institutions at Cornell University. He is a graduate of the University of Michigan, class of 1878, and of the University of Halle (Ph.D., 1885, *Magna cum laude*). Professor Jenks was born at St. Clair, Michigan, in 1856. He spent most of his boyhood in the thinly settled parts of Michigan, on Lake Huron. Aside from two years in the St. Clair High School, his early education was obtained in a district school. After graduating from college, he spent one year in Mt. Morris College as Professor of Language and Literature. Here, besides Greek, Latin, English, etc., he was assigned a class in political economy, though he had never studied it in college. His interest in the subject, and his special study of economic subjects, dates from this time. After studying law at Port Huron for a short time,

he was admitted to the bar, but, instead of practising, returned to Mt. Morris, where he remained for two years as teacher of Greek, Latin, and German. On his return from Germany, in 1885, he taught in the Peoria, Ill., High School one year, was then elected Professor of Political Science and English Literature in Knox College, and, in 1889, to the Chair of Economics and Social Science in Indiana State University, at Bloomington, which position he held until accepting the call to Cornell.

The results of his studies into the workings of the Salt Association and of the Whiskey Trust, afforded by visits to his Michigan home and his Peoria residence, were published in the *Political Science Quarterly* for March, 1888, and June, 1889. He has written several articles for the magazines and has contributed to the leading newspapers. His other works are :

Henry C. Carey, als National-ökonom., Jena, 1885.

Road Legislation for the American State, Baltimore, 1889.

Die Trusts in den Vereinigten Staaten von Amerika, in "Jahrbücher für National-ökonomie und Statistik," Jena, 1891.

Leland Stanford, Jr.—Orrin Leslie Elliott, Secretary and Registrar of the new University at Palo Alto, California, will offer partial courses in economics during the coming year. For the present no professor of political and social science will be appointed. Dr. Elliott was born at Centreville, New York, in 1860. He obtained his preparatory training at Rushford (New York) Union School, and then entered Cornell University, from which he graduated (Ph.B.) in 1885. During the following year he was Fellow in History and Political Science, and since that time has been Instructor in English in the same institution. For the present academic year he has also been Assistant Registrar and President's Secretary. He received the degree of Ph.D. from Cornell University in 1890.

Washington, D. C.—Dr. Amos G. Warner, recently Associate Professor of Economic and Political Science in the

University of Nebraska, has been appointed by President Harrison Superintendent of Charities for the District of Columbia, and entered upon his duties the 10th of April, 1891. The office of Superintendent of Charities was created by an Act of Congress, approved August 6, 1890, and Dr. Warner is the first incumbent. The statute provides that the Superintendent shall formulate a plan for the organization and coördination of the charities of the District; shall advise regarding the appropriations for their support; shall supervise the expenditure of all moneys appropriated for charitable objects, and shall fully investigate and report upon all institutions receiving Federal aid. The annual appropriations for the institutions coming under his supervision have heretofore amounted to about \$160,000.

Dr. Warner was born December 21, 1861, at Elkader, Iowa. He was educated in the public schools of Iowa and Nebraska. He fitted for college in the preparatory department of the University of Nebraska, and graduated from that institution with the degree of Bachelor of Letters in 1885, having taken a course especially strong in history. In the autumn of 1885 he entered the Johns Hopkins University as a graduate student in the department of history and political science. In 1886 he was made a fellow in that department. March, 1887, he resigned his fellowship to undertake the work of General Agent of the Charity Organization Society, at the same time continuing his post graduate work in historical and political science. In 1888 he received his degree of Ph.D. from the Johns Hopkins, at which time he presented as his thesis a paper entitled, "Three Phases of Coöperation in the West." This thesis has been published by the American Economic Association as No. 1, Vol. II., of their publications. In March, 1889, he severed his connection with the Charity Organization Society to accept the place of Lecturer in Economic and Political Science in the University of Nebraska. In June of the same year he was

made associate professor, which place he retained until his recent appointment.

Besides his thesis he has published "Sketches from Territorial History" (*Publications of the Nebraska State Historical Society*, Vol. II.); "Wild-cat Banking in Nebraska" (*Overland Monthly*); "Leplay's Studies in Social Phenomena" (*Popular Science Monthly*); "Railroad Problems in a Western State" (*Political Science Quarterly*); "Concerning Corporation Law" (*Popular Science Monthly*); "Scientific Charity" (*Popular Science Monthly*); "Our Charities and Our Churches" (*Proceedings of the National Conference of Charities and Correction*); "Notes on the Statistical Determination of the Causes of Poverty" (*Publications of the American Statistical Association*); "Some Experiments on Behalf of the Unemployed" (*Quarterly Journal of Economics*).

University of Pennsylvania.—Dr. Roland P. Falkner, Instructor in Statistics and Accounting in the Wharton School of Finance and Economy, has been elected to the newly established Associate Professorship of Statistics in the same institution. Dr. Falkner is a graduate of the Philadelphia Central High School, and of the Wharton School of Finance and Economy, class of 1885. He studied abroad for three years at the Universities of Paris, Berlin, Leipzig, and Halle, taking the degree of Ph.D. at the latter institution. He was appointed to the position of instructor in the University in 1888. He has been for one year associate editor of the ANNALS OF THE AMERICAN ACADEMY. His writings have been :

Arbeit im Gefängniss, Jena, 1888.

Prison Statistics of the United States, Philadelphia, 1889.

Statistics of Private Corporations, in publications of the American Statistical Society, June, 1890.

Translation into English of Meitzen's "Geschichte Theorie und Technique der Statistik," published by the AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Philadelphia, 1891.

Dr. A. B. Woodford has been appointed Instructor in Political Science in the Wharton School of Finance and Economy. For an account of Dr. Woodford's academic career, see *ANNALS OF THE AMERICAN ACADEMY*, July, 1891.

GERMANY.

Berlin.—Dr. K. Oldenberg, who, since 1888, has been assistant to Professor Schmoller, at Berlin, entered the University of Berlin as Privat-docent in January of this year. He was born in 1864 in Berlin; was a University student in Berlin and Tübingen for six years, until 1888, when he received his degree. His graduating thesis was on the subject, "Das deutsche Bauhandwerk der Gegenwart." Other writings are:

Der russische Nihilismus von seinen Anfängen bis zur Gegenwart. Leipzig, 1888.

Studien zur Rhenisch Westfälischen Bergarbeiterbewegung. Leipzig, 1890.

Die Ziele der deutsche Socialdemokratie. Leipzig, 1891.

Greifswald.—Dr. C. J. Fuchs has accepted a call to Greifswald as extraordinary professor in the faculty of Law and Political Science. In addition to the monographs mentioned in a previous number of the *ANNALS*,¹ Professor Fuchs has given to the public the following:

Der Warenterminhandel, seine Technik und volkswirtschaftliche Bedeutung. Leipzig, 1891.

Zur Geschichte der gutsherlich-bauerlichen Verhältnisse in der Mark Brandenburg., in the "Zeitschrift der Savigny Stiftung u. s. w." Weimar, 1891.

Der Untergang des Bauernstandes in Schwedisch-Pommern. An appendix to "Baltischen Studien." Stettin, 1891.

Leipzig.—Dr. Gerhart v. Schulze-Gaevernitz, who has recently become Privat-docent at Leipzig, was born at Breslau in 1864. He attended the Gynasium at Breslau,

¹ July 1, 1890, p. 142.

and later at Heidelberg, finishing his course at the latter institution in 1882. From that time until 1886 he was a student of law and political economy successively at Heidelberg, Berlin, Leipzig, and Göttingen. He has travelled in England, Belgium, France, and Italy, and has spent three years in government service. He is the author of the following works:

Zum socialen Frieden. 2 Vols. Leipzig, 1890.

Several articles in "Sächsische Wochenblatt," of which he is statistical editor, 1890 and 1891.

Articles in Schmoller's "Jahrbuch für Gesetzgebung u. s. w." 1889.

An article, "Ueber die Geltung des Haftpflichtgesetzes neben dem Unfallversicherungsgesetz." Wien, 1889.

Dr. Karl Lamprecht, who became at Easter, 1890, ordinary Professor of History and Economics at the University of Marburg, has been called to the chair of History at Leipzig. Although nominally Professor of History only, his lectures will deal, as heretofore, largely with its economic phases. A biographical notice appeared in the October (1890) number of the ANNALS.

Munich.—One of the most important of the recent changes in chairs of Political Economy is that by which Professor Lujo Brentano has become established as ordinary Professor of Political Economy at Munich. Professor Brentano was born in 1840 at Aschaffenburg, Bavaria, and studied at the Universities of Dublin, Heidelberg, Munich, Würzburg, and Göttingen. He travelled in England in 1868, where he took advantage of the opportunity to make a close study of the conditions of the laboring classes in England. He became Privat-docent at Berlin in 1871, and after a second journey to England in the following year, was appointed extraordinary Professor at Breslau, where he became ordinary Professor in 1873. He accepted a call to Strassburg in 1882, to Vienna in 1888, and to Leipzig as Professor of Political Economy in 1889. From 1877 to 1880 Brentano was joint-editor with Holtzendorff of the

Jahrbuch für Gesetzgebung, Verwaltung, und Volkswirtschaft, the periodical which is now conducted by Gustav Schmoller. From his long list of writings we select a few, which will sufficiently indicate their general character :

Ueber J. H. v. Thünens naturgemässen Lohn und Zinsfuss im isolirten Staate. Göttingen, 1867.

Das Industrial-Partnership System. Augsburg, 1868.

Die Arbeiter Gilden der Gegenwart. 2 vols. Leipzig, 1871-72.

On the History and Development of Guilds and the Origin of Trades Unions. London, 1870.

Ueber das Verhältniss von Arbeiterlohn und Arbeitszeit zur Arbeitsleistung. Leipzig, 1876. (Recently translated into English by Porter Sherman, of New York.)

Meine Polemik mit Karl Marx. Berlin, 1890.

Das Arbeitsverhältniss gemäss dem heretigen Recht. Leipzig, 1877. (Recently translated into English by Porter Sherman, of New York. G. P. Putnam's Sons, 1891.)

HOLLAND.

Amsterdam.—On the 12th of December, died at Heidelberg, after a long illness, Anthony Beaujon, Professor of Political Economy and Statistics at the University of Amsterdam, and Director of the Statistical Institute at that place. Though it had been only a short day for this eminent scholar, who was in his thirty-seventh year when death took him away from his work, yet Beaujon had been able to make his name known in scientific spheres, even beyond the limits of his small country. A short sketch of his life and works may, therefore, properly be placed here.

Born on the 28th of January, 1853, Beaujon entered upon his studies of jurisprudence in 1870 at the Leiden University, and was made acquainted, for the first time, under the excellent leadership of Professor Vissering, with political economy and statistics, to the study of which he was afterward to consecrate his life.

His great zeal and clear sagacity procured him, even before having finished his studies, an appointment in the

Finance Department, where Beaujon labored in different capacities from 1875 to 1884. It was there that, in spite of his extensive labor at the ministry, he was able to find time to compete for the prize essay on the history of the Dutch sea fisheries, offered in 1882 by the Committee on Preparation of the International Fisheries Exhibition, to be held in London in 1883. This excellent paper was crowned, and, under the title "History of the Dutch Fisheries," it attracted general attention in the Netherlands, as well as in foreign countries, to the promising young writer, who thus made himself known as an able statistician and economist. By means of very carefully and completely collected materials, it was proved by Beaujon that protection, which, it was claimed, would support our fisheries in their competition with those of foreign countries, had become, by that very means, the cause of their decay; and that our sea fisheries came to a flourishing state only after the government retreated and left them alone in the competition which they had to meet.

When the Statistical Institute was founded by the Statistical Society in Amsterdam in 1884, and at the same time an extraordinary professorship in statistics was created, the prize essay, already referred to, together with some smaller essays from his hand, published earlier in various periodicals, caused Beaujon to be universally thought the right man for the new chair and for the position of Director of the Institute.

In May, 1884, he entered upon the duties of his double position with an admirable speech on social mathematics, in which, as if with a presentiment that in another year he would be offered the chair of Political Economy, which was to be made vacant by the resignation of Professor N. G. Pierson, he defined his position clearly on the principal questions of statistics, as well as on the important question of method in political economy.

Holland has not known a conflict between economic schools, such as has occurred in Germany. Although

nearly all its learned economists belong to that which Roscher styles the "isolating" school, they acknowledge the good work done by the historical school, and have tried to develop the science without meddling in this quarrel. This was also Beaujon's point of view. He recognized the one-sidedness of the deductions of both classical and historical economists. Beaujon aspired to harmonize the results of his deductions with reality. He generally succeeded, thanks to his extraordinary powers of logical reflection and his plainness of expression.

The Statistical Institute was, under his management, made to further this idea, as may be seen by several interesting articles published in the *Bijdragen van het statistisch Instituut*. Besides these *Bijdragen*, which were edited by Beaujon, and appeared at irregular intervals, the Institute published the *Faarcijfers*, an annual statistical review, published at first in a somewhat different form by Mr. de Bruiju Kops, Member of the House of Representatives, and bearing some resemblance to the renowned statistical abstracts of R. Giffen.

Deeply convinced of the importance of an international comparison of statistical data, Beaujon formed as intimate personal relations as possible with foreign statisticians at the Statistical and Demographic Congresses, and he was among the founders of the "Institut international de statistique." He was Honorary Member or Fellow of the statistical societies of France, Belgium, and England. His statistical labors did not, however, hinder him from giving himself with great energy to the study of political economy. Although on many points his views were in conflict with prevailing social and political theories, his antagonists were compelled to admit the cleverness with which he defended his convictions.

In 1888 he became a member of the council which has charge of the publication of the *Dutch Economist*, a periodical that has great influence in matters of political economy in Holland. His recent studies have appeared in this

periodical and in Professor Gides's *Revue d'Economie Politique*. After a long and very painful illness, he died in December of last year. We cannot help feeling, as we think of him, that an excellent man and an eminent scholar is lost to his family, to his friends, and to science.

C. A. VERRIJN STUART.

Amsterdam, April, 1891.

The principal works of Beaujon are :

Een tolverbond met België (A Commercial Union with Belgium). *Economist*, 1881.

Nog iets over weelde (On Luxury). *Economist*, 1882.

De strafwetgeving omtrent Cedelary (Criminal Law Concerning Beggary in Holland). *Bijdragen van Mr. Boer, C.S.*

De surtaxe d'entrepôt in Duitschland (The Surtaxe d'entrepôt in Germany). *Economist*, 1881.

Een bladzijde nit de geschiedenis van het protectionisme in Nederland (A Few Pages of the History of Protectionism in the Netherlands). *Gids*, 1882.

History of the Deutch Sea Fisheries, 1883.

Traité de commerce et réciprocité. Congress à l'occasion de l'Exposition internationale et colomale à Amsterdam, 1883.

Sociale Wiscunde (Social Mathematics). 1884.

Le rapport entre les prix des subsistances et le mouvement de la population. *zieme congrés de demographie*. 1884.

Henry Fawcett. *Mannen van Ceteekenio*. 1886.

Nuptealété depuis 1873. *Quatrieme congrés de demographie*, 1887.

Inder numbers. *Bulletin de l'Institut internationale de Statistique*. 1887.

Handel en handelspolitiek (Commerce and Commercial Politics). 1888.

Técondité des mariages aux Tayo-Bas. *Journal de la Société de statistique de Paris*, 1888.

Wistunde in de economie (Mathematical Method in Political Economy). *Economist*, 1889.

ITALY.

Genoa.—The death of Professor Jacobo Virgilio, who, since 1866, has been Director of the Superior School of Commerce (*Scula Superiore di Commercio*), at Genoa, Italy, occurred in February of this year. He was born

in Chiavari, in 1834, and took the degree of LL.D in 1856 from the University of Genoa. He entered the public service in 1860 as magistrate, but abandoned it almost immediately, and, in the following year, began his career as teacher in the Technical Institute of Genoa, where he remained ten years. In 1871 he became Professor of Maritime Law in the Superior Naval School of the same city. Many of the results of his unparalleled activity are to be found embodied in State Reports. His principal works were :

Principii di economia politica. 1867.

Delle emigrazioni transatlantiche degli italiani. 1868.

Il commercio indo-europeo e la marina mercantile. 1869.

Credito navale. 1877.

Le tasse marittime. 1877.

L'evoluzione nel campo economico. 1882.

Stefano Jacini, the eminent Italian economist and statesmen, who died recently, was born of a rich family at Casalbuttano, in the province of Cremona, in 1827. He began his academic studies at the University of Milan, and after attending different universities of Germany, he travelled in Europe and in the Orient. One of his best-known works, *La Proprietà fondiaria e le popolazione agricole in Lombardia*, written while he was still young, was awarded honors by the "Società d'incoraggiamento di Scienze e Lettere," of Milan." He was Minister of Public Works during 1860-61, and again in 1866-67. After the political questions which had absorbed the attention of scholars, as well as of all others, during this period had been settled, economists and students began a closer investigation of economic and social conditions. Jacini was appointed chairman of the famous Agrarian Commission (*Inchiesta Agraria*) in 1881, and held this position until 1886. The reports of this commission, showing the miserable condition of the agricultural classes in all the Provinces of Italy, has exercised a strong influence on the direction of modern economic investigation in Italy. Jacini's good sense,

his profound knowledge, his long experience, the sincerity and elevation of his ideas, placed him among the leading men of Italy. His most significant works, aside from these reports, are :

La Questione di Roma al principio del 1863.

Due Anni di politica italiana dalla Convenzione di settembre fino alla literazione del Veneto per mezzo dell' alleanza italo-prussiana. Milan, 1868.

Sulle condizione della cosa publica in Italia dopo il 1870.

Sulle opere pubbliche in Italia nei loro rapporti collo Stato.

SWITZERLAND.

Basel.—Dr. Bernatzik, who is at present Acting Professor at Innsbruck, has been selected to fill the vacancy in the chair of Public Law at Basel, caused by the resignation of Professor Jellinek.¹ He was born in Mistelbach, Austria, in 1854, and was a student in the Universities of Vienna and Gratz. He took his degree in the latter institution in 1876, and entered the civil service in a judicial capacity. In 1885 his resignation was accepted and he became Privatdocent at Vienna, where he delivered lectures on the Public Law of Austria, until called to Innsbruck in 1890. He has written, besides smaller articles for the periodicals :

Rechtssprechung und materielle Rechtskraft. Vienna, 1886.

Die juristische Persönlichkeit der Behörden. Freiburg, 1890.

¹ See ANNALS OF THE AMERICAN ACADEMY, Vol. I. p. 678.

BOOK REVIEWS AND NOTES.

REVIEWS.

THE DOMINION OF CANADA: A STUDY OF ANNEXATION. A dissertation in part fulfilment of the requirements for the degree of Doctor of Philosophy in the School of Political Science, Columbia College. By WILLIAM BENFORD AITKEN, M.A. New York, 1890.

THIS monograph of one hundred and six pages consists of five chapters and a bibliography. The five chapters are entitled: Historical, Ethnical, Geographical, Legal and Industrial, Political.

The author professes to treat his subject according to the historical, comparative, and statistical methods. Of the three, he has employed the first most successfully, and the amount of history incorporated in the book is rather out of proportion to the size of the volume.

In the first chapter the author gives a very readable and accurate account of the discovery and settlement of Canada, pointing out very emphatically the influence of the Jesuits in colonization and their missionary activity among the Indians.

In the second chapter a contrast is drawn between the Teutonic and Romance races, illustrated by a somewhat vague comparison of the French Canadians with the English colonists in New England. The author describes the growth of the peculiar French-Indian dialects, and discusses briefly the problem of the relative increase of French and English. He expresses the opinion that the very large number of births among the French is more than over-balanced by the large migration from the British Isles and the United States. We find in the same chapter a detailed

summary of the different racial elements which compose the population, and a discussion of the motives and work of the Jesuits, of the relative importance of the different religious classes, of the relations of Church and State to each other and to education. The progress of the provinces in the establishment of common schools and universities, the prevalence of separate schools for Catholics and Protestants, the preponderance of the Catholics in the Province of Quebec, the extent to which religious prejudices influence the solution of all educational, political, and social problems: all these are discussed and compared with our own views and institutions.

We have in the third chapter a cursory account of the topography, climate, and products of each of the provinces; also a review of the history of the fisheries, and of the various treaties and conventions with the United States. The value of the cod and seal fisheries to us he seems not to have appreciated. The wonderful agricultural and commercial future in store for the great Northwest territories is stated quite forcibly, but it may be questioned whether enough importance is ascribed to the remarkable influence a great and prosperous population in the Northwest would have upon the petty jealousies and provincialisms of the older provinces.

The fourth chapter deals briefly with the sources and administrative provisions of the laws; discusses the extradition treaty with the United States, the currency, banks, post office, public debt, and taxation. Statistics are furnished bearing upon the extent and character of domestic and foreign commerce.

The last chapter contains a sketch of the constitutional history and the movements for independence and annexation. This is followed by an analysis of the present constitution and government, including a not altogether satisfactory comparison with our own Constitution and government.

Mr. Aitken thinks that there are but three alternatives

open to Canada if she discards her present government: 1. Imperial federation. 2. Independence and a new American Republic. 3. Annexation. The description of the first is perhaps as precise as the vague ideas of its advocates will permit. Beyond a certain optimistic view, the author does not venture to decide upon the probability or practicability of the adoption of this grand scheme. He leaves the reader to suppose that it is advocated more as a weapon to ward off annexation than because it possesses any assurance of successful operation. A very clear statement is given of the position occupied by the leading political parties with regard to the question of political independence. We are told that the "ethnic and religious differences retard the growth of independence and act as a drawback to annexation, for annexation is not likely to take place until after independence." The question of annexation is treated from the historical and legal standpoint rather than from the political or social. Annexation is a consummation which the author evidently would neither deplore nor enthusiastically welcome.

The monograph is inclined to be too cyclopædic, and not sufficiently broad and liberal in treatment. But slight attention is paid to the social side of the question—the habits, customs, and traits of the two peoples. No attempt is made to portray the prevailing political views and the drift of public opinion. Despite this and an occasional ambiguity and triteness in statement, the monograph will be acceptable to those who wish in a short space to obtain a comprehensive view of the historical and comparative bearings of the question.

CARL E. HOLBROOK.

Johns Hopkins University, Baltimore, Md.

THE UNEARNED INCREMENT: OR REAPING WITHOUT SOWING. By WILLIAM HARBUTT DAWSON, Author of "German Socialism and Ferdinand Lassalle," "Bismarck and State Socialism," etc. Pp. 156. London: Swan, Sonnenschein & Co., 1890.

MR. DAWSON, whose book upon *Bismarck and State Socialism* was reviewed in January last, has now brought out a short and extremely readable treatise upon the important subject of the *Unearned Increment*.

His object as stated in his Preface is, by "inquiry into the meaning and bearings of this still dignified phrase," to attempt to "take away something of its obscurity for the popular mind."

The author lays no claim to originality in his treatise; he does not present any "short and easy method" for changing institutions, customs and traditions which are the results of centuries of development and which are closely interwoven with the life and habits of the community; his wish is rather to point out those evils of the present system of land laws that are susceptible of remedy, and to show what would be the social benefits of such reform.

Upon a subject about which so much is written and spoken that is crude in thought and intemperate in expression, it is a relief to find a treatise in which the question is discussed so moderately and judiciously as it is by Mr. Dawson in the work before us. There are points upon which one may differ from the conclusions of the author, there are parts of his reasoning which may seem liable to attack, but the subject is fairly treated from the standpoint of the reformer, and much interesting and valuable information has been collected.

The title of the book might lead the reader to expect more of a theoretical and abstract discussion of the subject than he will find, but the great interest and the value of the book lies in the fact that it deals with concrete phenomena as observed mainly in England, where the difficulties of the main question are seriously complicated by

the ingeniously inequitable condition of the laws in regard to the ownership and taxation of land. With all that Mr. Dawson says about the English land system and its grotesque anomalies, few readers—not English landlords—will disagree. It is almost dangerous for an American to read the account lest his thankfulness for the comparative excellence of the laws of his own land lead him in self-complacency to shut his eyes to their many defects.

In Mr. Dawson's illustrations, drawn from American phenomena of land ownership, he follows generally the statements of Henry George in *Progress and Poverty*, and those of A. R. Wallace in *Land Lessons from America*, but adds to them some interesting information derived from British consular reports. One is a little surprised to find, on page 19, statistics of rapid increase of land values in Sioux City, Iowa, and Salina, Kansas, cited in close connection with statistics from Boston, Mass., as if the conditions of increase in the "boom" towns were not abnormal and unusual; but in a later chapter on land speculation the phenomenon is more fully described and commented upon, and the passage from Wallace in regard to these towns, to which reference had been made, is quoted at length.

On page 7, the author states that "isolated writers, several centuries ago, . . . saw that the larger the tax claimed by the landlord for the use of the soil, the worse became the position of the cultivator and the lot of the laborer," to which he appends as a foot-note a quotation from Fawcett, that "the more there is allotted to labor the less there will remain to be appropriated as rent." It is hard to see the exact bearing of the quotation upon the statement of the text, or why Prof. Fawcett's statement illustrates the views of isolated writers centuries before; one is led to wonder whether the printer has not misplaced the note.

The method pursued by the author may best be indicated by stating his own divisions of the subject. The

titles of the chapters will also convey an idea of the slightly rhetorical style that has been adopted.

The work is divided as follows: "The Penalties of Progress;" "Private Gain at Public Cost;" "The Rent Screw;" "The Land Monopoly;" "Land Speculation;" "Overcrowding in Large Towns;" "End or Mend;" "Mines and Mineral Royalties;" "Half Remedies;" "Root and Branch."

The conclusions attained may be most fairly stated in the words with which he himself sums up his work (pp. 155, 156):

"There are few social questions the study of which does not bring us ultimately to the land, and generally that destination is reached very soon. Whatever class of people the reformers of to-day may seek to benefit and to elevate—be it the rack-rented and sweated toiler of the city, the husbandman who looks longingly back upon the better days of yore, or the agricultural laborer who weighs the possibilities of a manhood to which, from no fault of his own, he has so lately and so slowly attained—the final *crux*, the last and highest stone of stumbling, is the land.

"Let us not deceive ourselves. Free land, the disintegration of *Latifundia*, allotments, peasant proprietary, leasehold enfranchisement are all desirable and excellent so far as they go. But they will not settle the land question. So long as society is punished for its progress, so long as the fair fruits of civilization, of enlightenment, of public enterprise and individual exertion are appropriated by the landowners, it cannot be said that the gravity and deep significance of this question are comprehended."

"But the diversion of the unearned increment into public channels would be a measure of social benefit, for instead of being monopolized by the few who do not create it, it would be shared by the many who do. Such a distribution of the growing wealth of the community would not only be an act of social justice; it would be productive of manifold positive blessings. Everywhere, in town and country, the pressure of taxation would be relieved. Industry and commerce would be emancipated from many harassing fetters. Honest enterprise would be encouraged. Men and women, born into a world already appropriated, destined here to live, would be able to breathe more freely. Society would henceforth labor to benefit, instead of to injure itself. In the factory, in the workshop, and by the plough, the busy sons of toil would labor more gladly, knowing that

the wealth that they produced would fall in larger measure to themselves and to their children, affording comfort, leisure, and enjoyment now unknown. There would, in fine, be laid the foundations of a new and higher social life, whose crowning characteristic and whose glory would be greater prosperity and happiness—greater and also truer, because more general.”

Even those who do not agree with Mr. Dawson in regard to the possibility or expediency of all the changes he would recommend, will certainly sympathize with him in his generous aspirations for the future of humanity.

HENRY FERGUSON.

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LUXURY. No. 24, Social Science Series. By EMILE DE LAVELEYE.
London: Swan, Sonnenschein & Co., 1891.

M. LAVELEYE'S purpose, in this book, is to show that luxury is "pernicious to the individual and fatal to society." He begins wisely by defining. *A luxury* is to him "anything which does not answer to our primary needs and which, since it costs much money to buy and consequently much labor to produce, is only within reach of the few;" or again, "everything is a luxury which is at the same time dear and superfluous." He then sets forth the causes of luxury, finding them—under the lead of Baudrillard's "Histoire du lux"—in three natural and universal sentiments in man—"vanity, sensuality, and the instinct for adornment." He then, still following Baudrillard, adds a fourth—"the desire for change." This analysis of causes is not at all logical, for the four heads are not severely separated, and the first—sometimes called vanity, sometimes ostentation—is continually coming to the front. In truth, a searching analysis must reduce all these causes of luxury, as distinct from something commendable, to one—ostentation—as even the writer's slovenly discussion makes apparent. The desire for sense-gratification is instinctive and animal; the instinct for adornment is also primal; it

is only as, in the consideration of these, the thinking animal man introduces comparison, and that eager craving for monopoly which change of fashion caters to, that true luxury arises in the ostentatious desire to exclude all others in sole possession.

The writer next comes to his thesis—"luxury is unjustifiable"—which leads to a larger elaboration of his definition. He agrees with Bastiat that "to maintain that wealth consists of labor is nothing but a *Sisyphism*, or making work for work's sake." "To dig a hole and fill it up again, to embroider shirt-fronts or set precious stones, is not really to work, for it is not productive of the least utility." "Is an object worth the pains it would require and the time it would take for me to make it myself? If so, it is not a luxury." It will be seen that M. Laveleye considers that alone as wealth which contributes to general well-being, but when he comes to apply his definitions in his investigation of the effect of luxury upon society he fails to adhere to them. He makes his application from three points of view: "First, as a question of morals, for the individual as such: Within what limits is the effort to satisfy wants favorable to the normal development of human faculties? Secondly, as a question of economics: To what extent does luxury serve to advance or hinder the accumulation of wealth? Thirdly, as a question of right and justice: Is luxury compatible with the equitable distribution of products and with the principle that each man's remuneration should be in proportion to the amount of useful labor accomplished by him?"

All true economists will agree with the writer that wasteful expenditure for the sake of ostentation is adverse to the increase of individual well-being and to the accumulation of salutary riches. Yet all will not accept his conception of *useful* labor. But M. Laveleye unconsciously plays fast and loose even with the definitions that we can accept, and when he condemns luxury apparently strikes at much which his definitions do not cover. We fear that

his condemnation would take away from the individual libraries, paintings, beautiful houses, musical culture, and that great educator and civilizer—travel. The higher nature of those who are the leaven of the race would starve while waiting for the State to follow M. Laveleye's suggestion and furnish these as it furnishes parks and drinking fountains. Travel, indeed, the State can never furnish. The writer seems to be touched by the theories of the socialistic levellers of the Old World, and apparently fails to see that, for the progress of society, we must not so much level down as grade up. It is not true, as he maintains, that the desire for the necessaries of life will be strong enough to stimulate men to work. Practical socialists, who have studied men and not merely theories, know that the lack of ambition, of abstinence, and of precision on the part of the working classes are largely responsible for their unfortunate condition. "The leisured classes," of whom M. Laveleye speaks, are in large measure the steam-power of their time and generation. Destroy them with their ambitions and refined tastes, with their love of ideals and ideas, whose culture the possession of comparative wealth makes possible, and the whole race will not only sink to a low material life, but will finally reach a condition where even material prosperity will cease.

The appended essay on "Law and Morals in Political Economy," while presenting nothing new, well emphasizes the basis of economic well-being in morals and hygiene, and also that of property in economic utility.

JOHN J. HALSEY.

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CRIME AND ITS CAUSES. By WILLIAM DOUGLAS MORRISON, of H. M. Prison, Wandsworth. London: Swan, Sonnenschein & Co.

THIS is a thoughtful and thought-suggesting book, which had its genesis in an experience of fourteen years in connection with H. M. Prison at Wandsworth, England, and

is well worthy of consideration by penologists, whether specialists or amateurs.

In arriving at the causes of crime, or in testing theories in regard to it, the inductive method is rigorously enforced by the author, and all available facts and statistics are aggregated, and the result is that a good many opinions largely accepted among penologists make a bad showing and some new theories gain a foothold. In short, the writer is constructive as well as destructive.

The author deprecates the insufficiency of criminal statistics, both national and international, but the exhaustive analysis of what we have brings conclusions which demand attention. In fact, some of his deductions, apparently well established, are almost revolutionary in their importance.

The opening chapter is devoted to the consideration of "the statistics of crime: what they are, what they ought to be, and what they indicate as to the extent and volume of crime." Apparently crime is on the decrease in England and on the increase in other countries, and largely so in France, Germany, and the United States. In regard to England, however, the author is not sure but the decrease of crime is more apparent than real, and after a careful analysis of the statistics at command, is inclined to believe that crime in England, in proportion to population, has not varied materially in the last twenty years.

The gravity of the crime question is indicated by the annual loss of money which the existence of crime entails for its repression, which in England amounts to a tenth of the national expenditures.

The causes of crime the author considers under three great categories: cosmical, social, and individual.

The cosmical factors of crime are climate and the variations of temperature; the social factors are the political, economic, and moral conditions in which man lives as a member of society; the individual factors are a class of

attributes inherent in the individual, such as descent, sex, age, bodily and mental characteristics.

In his chapter upon "climate and crime" the author arrives at the conclusion, by various lines of inquiry, that crimes against property preponderate in cold climates, and crimes against the person in warm climates; so also winter and summer show similar results. This law, modified somewhat by moisture, soil, and the configuration of the earth's surface, seems fairly well established; but in India this law is largely nullified by certain restraining influences inherent in the division of society into various castes. To use his own language:

"These counteracting forces acting upon Indian society are of such immense potency that the malign influences of climate are very nearly annihilated, as far as the crimes we are now discussing are concerned. India stands to-day in the proud position of being more free from crimes against the person than the most highly civilized countries of Europe."

The reasons for these results are very suggestive of methods for the application of the principles involved in other countries as an antidote to the poisons of a criminal atmosphere.

The effect of seasons upon crime is considered in another chapter, with the conclusion that crime increases or decreases in accordance with temperature, and that each month has an average peculiar to itself; but no remedy is suggested as corrective of this result, and the facts are turned over to physiologists for consideration.

The chapters upon "destitution and crime" and upon "poverty and crime" summarize the results of a very careful study and analysis of a large collocation of facts. The results, apparently, are that destitution as a cause of crime against property does not amount to more than 2 per cent. of the aggregate. Destitution so acute as to necessitate theft or beggary is, apparently, very rare, but beggary or vagrancy as a choice of occupation is common. The first is pitiable and should be tenderly treated, but beggary or

vagrancy, aside from the 2 per cent. caused by destitution, is *ipso facto* criminal and should be dealt with as such. Vagrancy, the author finds,

“is to a large extent entirely unconnected with economic conditions: the position of trade, either for good or evil, is a very secondary factor in producing this disease in the body politic; its extirpation would not be effected by the advent of an economic millennium; its roots are, as a rule, in the disposition of the individual, and not to any serious degree in the individual constitution of society; hence, the only way to stamp it out is by adopting rigorous and effective methods of repression.”

What these measures are in different countries are then presented, and the principles found most effective are largely those adopted or recommended by our charity aid associations in America.

As with vagrancy and beggary, so with prostitution, destitution is not a cause of a large proportion, and apparently does not aggregate 10 per cent. of that class of offenders.

In his chapter upon “poverty and crime” the conclusions of the author, even more than in the preceding chapter, antagonize current opinions, and if the statistics furnished are correct, his conclusions are well founded. If poverty is a potent factor as a cause of crime, then the increase of material prosperity in a community or a nation ought to show a decrease of crime; but, unfortunately for this theory, all attainable statistics show the opposite, and crime, or at least crimes against property, decrease as the per capita of wealth decreases. To use the author’s own words:

“All these considerations force us back to the conclusion that an abundant measure of material prosperity has a much smaller influence in diminishing crime than is usually supposed, and compels us to admit that much crime would still exist, even if the world were turned into a paradise of material prosperity to-morrow.”

In Italy the poor people, in proportion to their numbers, commit fewer offences against property than the well-to-do.

In Prussia persons engaged in the liberal professions contribute twice their proper share to the criminal population. So also in France, statistics for 1879 show that although the liberal professions constitute only 4 per cent. of the population, they were responsible for 7 per cent. of the murders of that year. The author asserts :

"All these facts instead of pointing to poverty as the main cause of crime, point the other way. It is a curious sign of the times that this statement should meet so much incredulity. It has been reserved to this generation to propagate the absurdity that the want of money is the root of evil ; all the wisest teachers of mankind have hitherto been disposed to think differently, and criminal statistics are far from demonstrating that they are wrong."

The chapter upon crime in relation to sex and age is one of the most important and most startling in the book, and is worthy of careful consideration, and especially by all women who honestly think that the industrial and political emancipation of their sex is a consummation greatly to be desired. The statistics are pitiless in showing that *pari passu* with such emancipation crime steadily increases. As with sex, so with childhood and youth, the statistics indicate to the author a revision of many popular ideas.

In regard to the bodily and mental characteristics of criminals, statistics do not seem to disclose much of positive value. In England the height and weight of criminals seem to be somewhat below the average, but not in other countries. So also in face, manner, and demeanor, there is no infallible index of character. Heredity counts for something, but physical degeneracy for more. The death-rate among criminals is more than one-third greater than the average. Illiteracy, bad associations, and want of industrial training, however, are potent factors for evil.

The last chapter of the book is an admirable presentation of the methods of conducting convict prisons in England, and there are but few prison officers in America who would not be benefited by its careful consideration. In fact, the

whole book is valuable, not only to prison officers, but to legislators also, and to all others interested in the solution of the prison question.

R. BRINKERHOFF.

Mansfield, Ohio.

THE UNWRITTEN CONSTITUTION OF THE UNITED STATES: A PHILOSOPHICAL INQUIRY INTO THE FUNDAMENTALS OF AMERICAN CONSTITUTIONAL LAW. BY CHRISTOPHER G. TIEDEMAN, A.M., LL.B., Professor of Law in the University of Missouri. Pp. 165. New York and London: G. P. Putnam's Sons, 1890.

WE have in this work the first general and systematic discussion of the unwritten elements of our national constitution. The author, however, in the narrow space which he has allowed himself, has not been able to cover the entire field comprehended by the title of his book. Broad phases of his subject are scarcely noticed. Thus, for example, no attempt is made to trace the vast though silent expansion of the powers of Congress, through which the carefully contrived "checks and balances" of the written instrument have been practically destroyed. But so far as constitutional growth is due to executive action or the interpretation of the courts, the author's treatment is thorough; and by pointing out the legal and historical justification of that growth he has rendered an original and important service. It would be difficult anywhere else to find so philosophic an explanation of the doctrine of implied powers.

In the first two chapters Professor Tiedeman lays down and develops his major premise. Except in the matter of present form, the statement of Blackstone is false, that municipal law "is a rule of conduct prescribed by the supreme power of the State;" and not less misleading is the view of Austin, that a legal rule only then becomes a law when an English or American court first announces its decision. Law is not originally handed down from above. It grows with the ethical progress of the race,

long before there are legislatures to determine its form or courts to define its application. A legal rule, therefore, "is the product of social forces, reflecting the prevalent sense of right." It follows that if a statute does not give expression to such a *Rechtsgefühl*, it will prove a dead letter; and if anywhere, as on the frontier, government does not exist or is in abeyance, self-help may legally be employed. "If a man is murdered or a horse stolen in such a community, and the offender is captured by the vigilance committee, tried by Judge Lynch, and punished in accordance with the custom of the country, he has suffered the penalty of the law" as much as the individual who, in a more civilized community, is tried and punished in the prescribed manner. "The only difference between the two cases is the degree of development in the administration of the law." For the same reason "bench-legislation" may be legally justified. Ordinarily public sentiment requires a rigid adherence to the rule *stare decisis*; but this rule "is absolutely binding only as it also reflects the prevalent sense of right."

A constitution is likewise the product of social evolution. Its fundamental principles cannot be created by governmental or popular edict; they "are necessarily found imbedded in the national character." Thus the constitution of the United States is mainly a sequential development of English institutions. It has, however, several new elements. Of these the most important are the peculiar character of the federal State; the power of the supreme court to declare acts of the legislature void; and the doctrine that all governmental agencies are the creatures of the popular will, to which belongs the residuum of power. Only the most general elements of our constitution are written. Here, as elsewhere, the real living principles, the "flesh and blood, instead of the skeleton," are unwritten. Accordingly there may be a conscious development in constitutional principles, whether recorded in judicial opinion or not, which will be legally

justifiable so long as it proceeds in harmony with public sentiment. This is the key-note to the very suggestive treatise which follows.

Seven chapters are devoted to an examination of the principal decisions and administrative acts which mark the growth of our unwritten constitution. Not even an outline of them can here be given. It will perhaps be enough to say that the argument is vigorous, unusually clear, and generally convincing. Most original, probably, is the discussion of State sovereignty and the right of secession. Rejecting all previous definitions, the author declares that with us the sovereign is the "aggregation of individuals who do now possess the supreme power of the land." Hence the written constitution could not "locate the sovereignty of the country." Whether it was lodged in the federal Union or in the individual States remained in doubt until the question was determined by the court of arms.

Consistently with his premises the author concludes his discussion by exposing the fallacy of two popular theories. The government of the United States, notwithstanding the view commonly held since the adoption of the tenth amendment, is not strictly one of enumerated powers. On the contrary, powers prohibited to the States, but neither prohibited or delegated to the general government, may justly be exercised by the latter. "For it would be impossible to conduct a government no branch of which can exercise a necessary power, unless it has been granted." Again, the so-called cardinal rule of interpretation, as generally understood, leads to strained and illogical constructions. The intention of the law-giver should indeed be respected. But the "real law-giver is not the man or body of men which first enacted the law ages ago; it is the people of the present day who possess the political power." That interpretation should prevail which best reflects the existing sense of right. The judge "must find out what the possessors of political power now mean by the written word."

Professor Tiedeman has made a scholarly contribution to institutional science; and his book will be heartily welcomed by educators as a needed complement to the works of Wilson, Cooley, and Bryce.

GEORGE E. HOWARD.

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THE NEW YORK REFORMATORY IN ELMIRA. By ALEXANDER WINTER, with Preface by HAVELOCK ELLIS. Pp. x, 172. London: Swan, Sonnenschein & Co., 1891.

MR. ALEXANDER WINTER'S book on the Elmira Reformatory is an important contribution to penological literature. The fact that it is published simultaneously in England and Germany indicates the increasing interest abroad in this remarkable institution.

The preface is by Mr. Havelock Ellis, author of *The Criminal*, in the "Contemporary Science Series." He says: "It has not been on the old continent that the practical treatment of the criminal has of late years received its chief impulse. For the epoch-making period we must turn to the United States."

Mr. Winter's book presents the most complete and sympathetic description of the Elmira Reformatory that has yet been published. He describes in detail the reformatory treatment used in the institution; the diagnosis of the physical, intellectual, and moral condition of each inmate upon entrance; his assignment to school and industrial work; the mark system, and the process of promotion from grade to grade.

Mr. Winter brings out the fact, which is sometimes not sufficiently understood, that a release from the Elmira Reformatory does not depend solely upon the record made. He says: "The qualification for discharge necessitates not only unexceptionable conduct and fulfilment of rules, but a certain assurance that the criminal has actually become a converted and better man, and both can

and will conduct himself with propriety in the future, and that above all things he is thoroughly qualified to supply his needs and to maintain himself by upright and honest means."

Mr. Winter is deeply impressed with the power of Superintendent Brockway's personality throughout the institution. He says: "Brockway is not only the director of the establishment, he lives among the inmates; he lives and thinks with them, with each individual."

Like other observers, the author notes the predominance of intellectual and ethical teaching, over religious teaching as a reformatory influence at Elmira.

Mr. Winter prefers the Elmira parole system, with supervision by an officer of the institution or friendly citizens, to the British ticket-of-leave system, which places the liberated prisoner under the control of the police.

Mr. Winter does not sympathize with the legislators of the State of New York, who have barred productive labor at the reformatory. He is much impressed by Mr. Brockway's proposed plan of a system of self-support among the prisoners. Mr. Brockway desires to open an account with every prisoner, and to charge him with his board, lodging, clothing, medical treatment, etc., crediting him with his labor and its actual cost to the State, the prisoner to have the surplus, and not to be liberated as long as the balance is against him.

Superintendent Brockway's remarkable experiments in physical culture made in 1886 are fully described. Men of low intellectual power and sluggish temperament were put through a vigorous course of physical training, dieting, Turkish baths, and special school discipline, accurate records being kept of the results. As a result several of these men were aroused from their torpor and were stimulated to intellectual endeavor, which resulted in great improvement.

The military organization, which was established in 1888, is described with approval.

Mr. Winter accepts, without question, the claims of the institution that 83 per cent. of the inmates are successfully reformed.

The value of Mr. Winter's book would have been greatly increased had he compared the Elmira system with the reformatory systems of European prisons, especially those of Great Britain. While it is true that they have no reformatories dealing exclusively with the class of inmates received at Elmira, it is also true that most important results have been claimed for the improved prison system which has existed in Great Britain for the past ten or fifteen years.

The book presents an ideal picture of Elmira, rather than an actual picture. It is not exactly one which would have been drawn by an inmate or an officer of the prison, setting forth its actual daily operation. Mr. Winter's enthusiasm grows as he progresses, until the idea that the institution is a prison seems to vanish from his mind, and he even ceases to speak of it as such, but speaks of the "institute" instead.

Incidentally, and apparently without intention, Mr. Winter has brought out what seems to some of Mr. Brockway's friends one of the great defects of the institution, namely: the fact that its vitality appears to be dependent upon the personality of the superintendent. There is no Elmira system. The new reformatories have been able to follow Mr. Brockway's lead only to a limited extent. Were Mr. Brockway to die, the institution would straightway lose its identity to a large degree, unless some other Brockway were to arise. It would seem also as if Elmira ought to be able to furnish at least assistant superintendents for the newer reformatories as they grow up, but thus far it has done practically nothing in the way of training officers for the newer institutions. The ideal reformatory would be one which a man of unusual fitness and capability might carry on in the lines which have been

established, but it is doubtful whether this would be possible with Elmira as it is.

If Sir E. F. DuCane, the chief director of British prisons, or some one equally competent, could make as complete and appreciative a study of the Elmira reformatory as Mr. Winter's, and draw an impartial comparison between the Elmira system and the British prison system, the result would be of great value; but Mr. Winter's book, with Mr. Brockway's published reports, affords material for a reasonably fair comparison, which we hope some one will make.

H. H. HART.

St. Paul, Minn.

NOTES.

THE Table of Contents and Index to Volume I. of the publications of the American Academy of Political and Social Science were sent to members and subscribers with the closing number of the volume, *Theory and Technique of Statistics*, Part II., issued as May supplement.

THE Academy has received from the translator, Mr. W. E. Curtis, a copy in English of the Constitution of the Republic of the United States of Brazil, a new evidence that the establishment of the Bureau of American Republics will result in giving to the country information of value. A translation of the Constitution of Brazil has also appeared in the Political and Social Science publications of Trinity College (N. C.).

A REQUEST has been received by the Academy for permission to translate the monograph by Dr. J. S. Billings, on "Public Health and Municipal Government," into the Dutch language. A similar request had been received some time previously for permission to translate this paper into the Russian language.

THE MAY SUPPLEMENT TO THE ANNALS OF THE ACADEMY, which was the last number of the first volume of the publications, consisted of the translation of the second part of Meitzen's *Statistics*. Its scientific value to scholars and investigators has received gratifying recognition. It is proposed to continue and to broaden this feature of the Academy's activity during the coming year. The field of sociology will receive attention, as well as that of political and economic science. As has been announced elsewhere, the present volume of the ANNALS will consist of bi-monthly instead of quarterly issues.

THE *Revue Sociale et Politique*, published at Brussels, Belgium, has issued three numbers of its first volume. The third number contains an excellent bibliography of works relating to methods of voting in the general elections of different countries. The list contains 339 titles, and has been prepared by H. Lafontaine, Member of the Court of Appeals at Brussels.

MISCELLANY.

THE ETHICS OF THE DECLARATION OF INDEPENDENCE.

ON the face of it, the Declaration is a strongly purposive document which the results of the century past will in the main be held to have justified.

Ethically considered, the Declaration makes pretence to the statement of four principles, which are, in order, the principle of equality, the principle of government by consent, the principle of independence, and the principle of prudence.

“Prudence will dictate that governments, long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.” But the principle of independence will dictate that, “when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.” These principles are, perhaps, too well recognized in theory to require comment. Also evident is it that life, liberty, and the pursuit of happiness are unalienable: one cannot transfer his own nor receive another’s. At the most the despot can but destroy them. If secured or perpetuated to any one, it can only be to the individual who possesses them already. To secure them, “governments are instituted among men, deriving their just powers from the consent

of the governed." That is, according to the Declaration, government is a common act whereto many individuals agree, and have a rightful voice by reason of their equality: which leads us to the first and altogether the most remarkable principle enunciated, "that all men are created equal." And this principle is the real ethical groundwork of the Declaration.

To most minds, or to a well-constituted perception at least, it would seem as if no truth could be more self-evident than that all men are created *unequal*. On principles of causation we should also expect this to be so: for unequal conditions of parentage, birth, environment, rearing, and experience attend us all. Even allowing for the principle that plurality of causes may produce like effects, the results in the case of a numerous humanity must be various. In truth, the principle of singularity, of oddity, of numerical identity, combined with absolute idiosyncrasy, is the indelibly wrought character of every man.

Paying regard, then, only to the principle of absolute non-equality in man as expressing his true character, it is still in point to ask, What would be meant, as applied to men unequal in every particular and in total character, by the statement that "they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness?"

First, as to the right to life. If it be true that all men are unequal *in toto*, and unequal in every particular, it follows that the life which is a man's is likewise unequal to the life of any other. The life, therefore, to which he has a right is the peculiar, individual life which is his already. For, furthermore, life apart from individuals, that is, from any individual, would be no life at all. There is no common boon of life, common as the air is common, externally to the individual. To get a taste of "life," in the vulgar sense, is to experience the things, fashions, activities, and amusements that are common. But life itself, being indi-

vidual to the person, a right to it can be clearly defined only as a right to be what one peculiarly is or may be.

Again, as to the rights to liberty and the pursuit of happiness. Each man being of unequalled nature, a right to liberty or the pursuit of happiness must likewise be defined as a right appertaining to that unequalled nature. Happiness indeed may be sought in common modes of living or possession. But the *pursuit*, or the bending of the active powers of the man toward an intended object, is a peculiarly personal and idiosyncratic process. And the right to it, as to liberty, can be defined clearly only as a right for what one peculiarly is or may be.

"To secure these rights," the Declaration proceeds, "governments are instituted among men." By implication, therefore, government is not for the purpose of securing happiness directly, nor good for the greatest number directly, for, furthermore, it would violate the principle of unalienable rights, for government, for any man or set of men, to dictate or assume to judge what is good or happiness for any other man or set of men. The security of personal life, liberty, and pursuits is then its first aim. It is needless to remark here upon the fact that laws affecting conduct, which at first sight would seem to transgress this principle and abridge the rights of individuals, have for their real object the better security of those rights.

Government, or a method of treatment to secure those rights, includes conversely the right of every man to be treated as a peculiar and individual entity. And at this point, though having started out with a principle apparently anomalous to the Declaration, we penetrate to the very core of its purpose, for it is every man—that is, all men equally—to whom belongs the right to be treated each as an absolutely unequalled entity, the inwardness of whose personality is a mystery alike inviolable and beyond our ken. To make use of a paradox, all men are equal, because no two are equal; all are equally unequal, equal

only by reason of the prevalence of this universal principle of non-equality. Were two or any number really equal then there would be a basis of classification whereby the inequality of the remainder might be distinguished. But classifications and class distinctions as applied to men, every soul of whom is in essence an original classifier, are but as scales that fall from him, and fade into insignificance before the miracle of his being. The tremendous ethical import of the Declaration is that in effect it sets up the strictly and peculiar character of prince and commoner alike, and even of the fool, as a sacred object to which all customs and traditions, all accessory marks and distinctions of power and possession, must of right give place.

When the representatives in Congress declared "that all men are created equal," it is doubtful if the true ground of the Declaration was defined, defined at least in a manner clearly obvious to all. It was the dictum of profound judgment, no doubt, but under exigent circumstances. The leaders had felt the break with England coming; they had anticipated the form the opposition would take; their attitude on this occasion was the frequent attitude of reformers who, long speechless victims, feeling rather than defining the wrongs they suffer, gradually have come to the full consciousness that the remedy lies solely in the overthrow of existing systems, and, finally, with the determined purpose to accomplish the revolution at all hazards, are ever wont to rest in justification of their action on a basis of principles affirmed to be patent to the knowledge of all men in the exercise of right reason. The principle of equality was affirmed instinctively rather than philosophically, and their declaration of it was creative rather than explanatory. They hit upon it as the principle needed to justify their end, rather than justified it or deduced their purpose from it. Certainly, they could not claim independence on the ground of superiority to England, though the latter claimed it over them. But they happily escaped the error of small minds, which is to adopt the tactics of

the enemy, and so, in the very act of opposing them, virtually to succumb to their methods. As the basis of an independent movement, they fortunately hit upon an independent principle, whose success was a distinct advance in the evolution of government. They could claim equality with their English brethren without shocking the intelligence of the world, and probably the real principle which justified America to civilized Europe, and, aside from considerations of policy, gained for her recognition abroad, was the conclusion which followed from the declaration of her *equality with England*, rather than the deeper principle of universal equality as applied to all persons whatsoever.

That the conception of the equality of men had not ripened into the perception of the real ground of that equality, at least in popular knowledge, is further evidenced by the fact that the principle was held in abeyance for nearly a century, while the essential manhood of an enslaved race was denied recognition. And though civil statutes of to-day recognize it, the principle of equality has hardly as yet penetrated the confines of the body social, wherein the injustice done it is of a more insidious description, which statutory remedies are inadequate to cure. Much less has it found its way to its final vantage place among the common ethical motives which govern the daily conduct of men toward men—a condition of things which Utopian schemes of universal benefactions will do well to consider. But the revolutionists, feeling the injury of unequal treatment, were driven by circumstances to adopt a conception of mankind in accordance with which the evil might be abolished. Here the conception of equality, being *for the purpose of treatment*, presented no difficulty; it meant the equal rights, privileges, protection, justice, and liberty to which, as compared with English subjects, they felt themselves entitled. The equalities and inequalities of the time were those of caste. To be equal with another meant to be treated with the same consideration, and, conversely, to have equal station and rank was

practically to be equal. This latter view is probably the nearest approach we can make to the spirit of the prime dictum of the Declaration, and its correctness is confirmed by the fact that the representatives of the colonies were met with the avowed purpose of considering principles of government. The whole instrument is, therefore, to be interpreted in the light of that purpose which at the time eclipsed all others. For the purpose of government it was that men were equal, that is, though they be not equal at all, yet are they to be governed with equality.

Recalling now the ethical ground of this principle of equality, which makes it eternally a true one, that every person is a unique and unequalled entity, we may see how the very fact of inequality in persons gives rise to the principle of equality of treatment, the rights to life, liberty, and the pursuit of happiness being admitted as defined at the outset without discussion. For, without knowing fully what you are, I desire to treat you with respect to these rights. Beyond the qualities which are evident, I know that you are an individual whose personality is an inscrutable mystery. However deeply I sympathize with you, or however shrewdly I diagnose you or, as they say, "size you up," nevertheless if I treat you according to my summation of your qualities only, I do you the basest injustice, and deal with you as an inferior thing, which my knowledge comprehends and is superior to. But the character of a man and my knowledge of him can be proportioned only as a surd to another quantity. If I treat a man according to my comprehension of him only, how do I know that I am not trespassing upon his right of life, liberty, or pursuits? How can I avoid thus trespassing, but by making it a universal principle of conduct to accord to every man that treatment which has regard also for the individual *inequality* of his nature? It results, therefore, that, although all differ and are unequal, yet in one transcendent respect I am, if I admit these rights, ethically

bound to treat all *as* equal, compassing no limitation nor detriment to life, liberty, or the pursuit of happiness.

So much in exposition of the ethical basis of the Declaration. I attempt no argument in its favor, believing that, however imperfectly legislation may embody it, the principle involved will not fail ever to commend itself to the intelligent judgment of a free people.

R. M. BLACK.

ANNALS
OF THE
AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

SEPTEMBER, 1891.

RECENT CONSTITUTION-MAKING IN THE
UNITED STATES.

NORTH DAKOTA, SOUTH DAKOTA, MONTANA, WASHINGTON.

AN act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments, to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States, was approved by President Cleveland, February 22, 1889. This act provided that the Territory of Dakota should be divided on the line of the seventh standard parallel; that delegates having the qualifications of an elector in the respective territories should be chosen on the second Monday in May, 1889, pursuant to a proclamation of the territorial governors made on the fifteenth of the preceding April; and that delegates chosen, to the number of seventy-five in

each Territory, should meet respectively in Bismarck for North Dakota, in Sioux Falls for South Dakota, in Helena for Montana, and in Olympia for Washington, on the fourth of the following July, for the purpose of framing a State constitution for their respective Territories. The act further required that the constitution so framed should be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. Each convention was required, after organization, "to adopt the Constitution of the United States," and to provide, by irrevocable ordinances, save by the consent of the United States and the people of the new States—(a) perfect toleration of religious sentiment; (b) disclaimer forever of all right and title to certain lands known as Indian lands within the limits of the respective States, save as such right and title should hereafter be conveyed through the United States; (c) the assumption and payment of the debts and liabilities of the respective territories by their successors, the respective States; (d) the establishment and maintenance of systems of public schools free to all the children of the respective States, and free from sectarian control; and the delegates chosen to frame a constitution for South Dakota were to assemble at Sioux Falls to frame that constitution in accordance with their instructions indicated by the ballots cast for their election, which were to show, by the words printed upon them, whether or not the people of South Dakota wished to have re-submitted to them the Sioux Falls constitution of 1885, or a new constitution framed by the convention of 1889. The debts and liabilities of the Territory of Dakota were to be assumed by the two States organized out of it, according to the decision of a joint commission to be composed of members of each convention—*i. e.*, of North Dakota and South Dakota. This commission also was to prescribe the manner of dividing the property of

the territorial government between the two States. Every sixteenth and every thirty-sixth section of land in the proposed States was granted by the act for the support of common schools, and the lands so granted were never to be sold for less than ten dollars per acre. The sections covered by these numbers yet contained in Indian reservations were not granted. Upon the admission of the States fifty sections of the unappropriated lands within the States were to be granted for the purpose of erecting public buildings at the respective State capitals for legislative, executive, and judicial purposes. No lands granted for school purposes should ever be used for the support of any sectarian or denominational school, college, or university. The lands already granted to these four Territories for university purposes were confirmed as an additional grant, constituting in each case "the full quantity of seventy-two sections" to each State. The lands already granted to Dakota for asylums; for the penitentiary, 90,000 acres in each State, except South Dakota, which was granted 120,000 acres, and for the support of agricultural colleges, were confirmed. To the State of South Dakota were also granted, for the school of mines, 40,000 acres; for the reform school, 40,000 acres; for the agricultural college, 40,000 acres; for the deaf and dumb asylum, 40,000 acres; for the university, 40,000 acres; for State normal schools, 80,000 acres; for public buildings at the capital of the State, 50,000 acres; and for other educational and charitable purposes as the State legislature might determine, 170,000 acres—making in all 500,000 acres. A like quantity of land, for like purposes and in like proportions, was granted to North Dakota. To Montana were granted: for a school of mines, 100,000 acres; for State normal schools, 100,000 acres; for agricultural colleges, in addition to the grant already made for that purpose, 50,000 acres; for a State reform school, 50,000 acres; for a deaf and dumb asylum, 50,000 acres; for public buildings at the State capital, in addition to the grant before made, 150,000

acres. To the State of Washington were granted: for a scientific school, 100,000 acres; for State normal schools, 100,000 acres; for public buildings at the State capital, in addition to the former grant, 100,000 acres; and for State charitable, educational, penal, and reformatory institutions, 200,000 acres. To each State was a grant of \$20,000 wherewith to defray the expenses of the constitutional convention of that State. Each State was erected into a Federal judicial district—Washington and Montana being attached to the ninth, and the two Dakotas to the eighth judicial circuit. Provision was made for the appointment of four additional United States district judges and other court officers, and the course of all cases of appeal or writ of error from the former territorial courts was fixed. Provision was made against any interruption of judicial business incident to the change from a territorial to a State condition. Each territory was to hold a special election on the first Tuesday of October, 1889, for the ratification or rejection of the constitution framed for it, and at the same election it was to choose a complement of State officials, and a representative to Congress, save South Dakota, which was to elect two Congressional representatives. In case of the ratification of the proposed constitution by the electors of the Territory, the legislature of the new State was to convene and choose two United States senators, who, with the representative in Congress, were to be admitted to the national legislature as soon as the State was formally admitted into the Union. The certificate of the vote cast on the first Tuesday of October was to be forwarded to the President of the United States, and if the constitutions and governments of the proposed States were republican in form, and the provisions of the enabling act had been complied with, it was the duty of the President to issue his proclamation announcing the result of the election in each State, and the proposed States which had adopted constitutions and framed State governments, as provided by the act, were to be deemed admitted by

Congress into the Union, under and by virtue of the enabling act, on an equal footing with the original States, from and after the date of the President's proclamation.¹

The election of delegates to the constitutional conventions occurred in the four Territories in accordance with the provisions of the enabling act, and on the Fourth of July, 1889, the four conventions assembled—for North Dakota at Bismarck, for South Dakota at Sioux Falls, for Montana at Helena, and for Washington at Olmبيا. In each of these cities the national holiday was observed with fitting ceremonies: a civic and military procession, speeches, and a participation in the exercises by the delegates to the

¹ The Territory of Washington was organized from a portion of the "Oregon Country," March 3, 1853, and given its present boundaries March 2, 1861. On the latter date the Territory of Dakota was organized, and given the present boundaries (of the two States), March 3, 1864. Dakota was formed out of the Nebraska Territory. Montana was organized as a Territory May 24, 1864, with its present boundaries.

The enormous area comprised within the new States is measured by a column extending (were the four States so arranged) 1570 miles east and west and 228 miles north and south. The actual distance from the eastern boundary of the Dakotas to the Pacific Ocean is 1235 miles. The respective areas of the States are: South Dakota, 76,600 square miles; North Dakota, 71,900 square miles; Montana, 146,080 square miles; Washington, 69,180 square miles—a total of 363,760 square miles, nearly eight times the area of the State of New York and nearly one-tenth of the entire area of the United States. A simple computation will show the imperial domain specifically granted by Congress as land grants for the support of public schools and other public institutions, public buildings for the State, etc., computing at the value of ten dollars per acre, to be worth \$150,000,000, of which about \$135,000,000 are for educational purposes alone. The school fund thus guaranteed to these States reaches the unparalleled amount, in millions of dollars—for South Dakota, 27; for North Dakota, 30; for Montana, 52; and for Washington, 25. There are large portions of these States excluded from the computation as belonging to Indian reservations, but the amount here computed is not far from correct, as much of the land will be sold for more than the minimum price of ten dollars per acre. The guarantee of the school fund is carefully formulated in each of the four constitutions.

The population of the new States was estimated by *The Morning Oregonian*, a conservative, reliable paper, October 7, 1889, as follows: North Dakota, 250,000; South Dakota, 400,000; Montana, 160,000; Washington, 300,000. It is not without interest to compare the estimates of 1889, before the admission of these new States, with the census of 1890. The census of 1890 gives the population as: North Dakota, 182,719; South Dakota, 328,808; Montana, 132,159; Washington, 349,390.

convention about to organize. The *personnel* of the conventions illustrates the peculiar character of the men called to frame these constitutions. The North Dakota convention consisted of 56 Republicans, 22 Democrats, and 1 Independent. The oldest member was sixty-five, the youngest twenty-seven, the average age thirty-nine and a half years. Fifty-two were born in the United States: Wisconsin furnishing 13; New York, 10; Iowa, 5; Ohio, 4; Maine, 3; Illinois, Connecticut, Indiana, Minnesota, and Vermont, each 2; Massachusetts, New Hampshire, New Jersey, and Michigan, each 1; New Brunswick, 1; Norway or Sweden, 6; Canada, 8; Scotland, 3; Ireland, 3; England, 2. Of American ancestry there were 23; of Norwegian, 8; of Irish, 12; of Scotch, 7; of English, 13; Scotch-Danish, 1; English-German, 1; Scotch-American, 2; German-Irish, 1; Dutch, 1. Twenty-eight were farmers, nineteen were lawyers, thirteen were bankers; four were in mercantile life, two were journalists, two lumbermen, one a judge, one a ranchman, one a physician, one an insurance agent, one an employé of a railroad. Seven were veterans of the Civil War; eleven had served as district or city attorneys; eleven had filled political offices; five had been teachers; and one a preacher. Thirty-one had received a common-school education; fourteen had completed a course in a high school or academy; four were graduates of normal schools; fourteen had graduated at college; and nine had completed a university course. The universities represented were: Wisconsin, 2; Michigan, 3; Iowa State, 2; Pennsylvania, 1; Union, 1. The colleges represented were: Beloit, 2; Wabash, 1; Hanover (Pa.), 1; La Crosse, 1; Allegheny, 1; Milton, 1; Marietta, 1; Heidelberg (O.), 1; Williams, 1; Iowa College, 1; National Normal, 1.

The Montana convention consisted of 40 Democrats, 34 Republicans, and 1 Independent (Labor). The oldest member was sixty-nine, the youngest twenty-eight, the average age forty-four and one-fourth years. There were natives of New York, 10; Maine, 9; Kentucky, 7; Ireland, Illinois, Ger-

many, 4 each; Missouri, 5; Pennsylvania, Indiana, Virginia, Massachusetts, 3 each; Vermont, 2; Tennessee, Ohio, Kansas, England, Iowa, Michigan, Wisconsin, Delaware, 1 each; Minnesota, 3; Canada, 2; and New Jersey, 1. Two were farmers, twenty lawyers, four bankers, twelve merchants, twelve engaged in mining, two physicians, seven stock-growers, three engaged in real estate, two school teachers, two capitalists, one contractor, one foundryman, one journalist, one county clerk. Four were veterans of the Civil War, sixteen had been members of a State or territorial legislature, one had been a governor of the Territory, one its delegate to Congress. All had received a public school education; six had pursued courses in an academy or high school, eight had graduated at college, and six at some university. The universities represented were: Iowa State, 1; Pennsylvania, 1; Michigan, 1; Transylvania, 1. The colleges: Hamline, 1; Union, 1; Tubash, 1; Columbia, 1; Bowdoin, 1; Georgetown (Ky.), 1; Masonic, 1; West Point Military Academy, 1.

The Olympiac onvention was composed of seventy-five delegates, of whom twenty-one were lawyers, thirteen were farmers, six were merchants, six were physicians, five were bankers, four were stock-men, and three were teachers. There were two real estate dealers, two editors, two hop-growers, two loggers, two lumber-men, one preacher, one surveyor, one fisherman, and one mining engineer. Ten were veterans of the Civil War. The average age of the members was nearly forty-five years, and their nativities were twenty-five in number. Ten of the delegates were born in Missouri, eight in Ohio, seven in New York, seven in Illinois, five in Scotland, four in Pennsylvania, four in Kentucky, three in Indiana, three in Michigan, three in Germany, two in Tennessee, two in Ireland, and one each in North Carolina, New Brunswick, Massachusetts, Wisconsin, Ontario, Connecticut, Iowa, New Hampshire, Wales, Nebraska, California, and Washington Territory. The convention was composed of forty-three

Republicans, twenty-nine Democrats, and three Independents.

An examination of the detailed facts concerning the *personnel* of the three conventions specially described shows: (a) That nearly all the members of the conventions were from States immediately east of the new States; (b) that the members were all fairly well educated, and that many of them had pursued courses of study in institutions of learning widely famed; (c) that a large number of the delegates had received legal training, and many had held important legal offices; (d) that, in the Montana convention especially, was a large membership possessing a varied experience in legislative work. Many of the delegates had belonged at one time to legislatures in the Eastern States. (e) That the members represented in their various occupations the principal interests of modern society, and particularly the interests of their own Territory; (f) that the majority of the delegates were young men, less than forty years of age; (g) that none of them, except one delegate to the Washington convention, were natives of the Territory for which they were forming a State constitution; and not of least importance, although the fact is not brought out in the notes, the conventions were composed of men who had been highly successful in life.

The most elaborate of the four constitutions is that of South Dakota, with which, for convenience, the other three constitutions will be compared, article by article.

Each constitution opens with a preamble which declares that the people of the State, "grateful to Almighty God for civil and religious liberties," do ordain and establish the constitution. South Dakota incorporates the preamble of the national Constitution, and Montana refers to the enabling act of 1889.

The name and boundary of each State are distinctly set forth, the territorial boundaries being confirmed.

The principles of the Declaration of Independence, with which the constitutions were required by the enabling act

to accord, are embodied, as they have repeatedly been embodied, in the Bill of Rights contained in the several constitutions. Thus these new constitutions embody the civil and political principles common to the American State constitutions and fundamentally set forth in the amendments to the national Constitution. The provisions in the new constitutions differing from provisions common to the constitutions of the older States are: that the decision of civil cases may be made by three-fourths of the jury in any court; private property shall not be taken for public use, or damaged without just compensation, as determined by a jury, which shall be paid as soon as ascertained, and before possession is taken; no distinction shall be made between resident aliens and citizens in reference to the possession, enjoyment, or descent of property (S. D.); neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever exist in the State (N. D.); and a grand jury shall consist of seven persons, drawn and summoned at the discretion of a district judge, and the concurrence of five members of the jury is necessary to find an indictment (Mont.).

In their constitutional provisions the States go in pairs: North and South Dakota, Montana and Washington—a result not strange when the geographical position, the natural resources, the economic interests, and the influence of the constitutions of neighboring States are considered. Thus the influence of the constitution of California (1879) is perceptible in the constitutions of Montana and Washington, and that constitution was repeatedly quoted in the conventions of those States. The Dakota conventions were influenced by the constitutions of Illinois, Wisconsin, Michigan, and Minnesota, and, generally speaking, by the constitutions of those States with which the delegates, by previous residence, were familiar, or the Territory with which, by present economic interests, they were concerned.

The stream of population in this country has moved in

three great currents: the northern, from New England, New York, and Pennsylvania, along the line of the forty-second parallel. In the early years of the century this course was a convergence of smaller streams from various parts of New England, at Albany, thence westward along the bridle path to Utica, Syracuse, Rochester, Buffalo, Erie, Cleveland, Chicago. The "main road" from Boston to Chicago is the original line of this current, which, by reason of the increase of travel and transportation, has been paralleled by the Erie Canal and the sail and steamboat lines of the Great Lakes; and later, by the several railroad lines—the New York Central, the West Shore, the Lake Shore and Michigan Southern, the Canada Southern, and their connecting lines, which, connecting at Chicago with the trunk lines of the Northwest, have given to the entire northern half of the United States a uniform and distinct character in language, customs, and laws. The width of this northern stream is plainly marked by the northern boundary of the United States, and by a varying line of settlements on the southern edge, of which the principal are from Easton to Franklin in Pennsylvania; Columbus, Ohio; Indianapolis, Indiana; Springfield, Illinois; the southern boundary of Iowa; Kansas City, and thence northward, in scattered settlements, including a portion of northern California, northern Oregon, and northern Washington. All the States included within this area were settled by people from the older Eastern States, especially New England, New York, Pennsylvania, Ohio, Indiana, and Illinois, the western State for the time being taking its earliest settlers from the States directly to the east.

The second current of population, which may be called the Virginia current, has moved westward and southwestward, over an area extending from the Potomac River to the northern boundary of North Carolina on the east, and widening, as it courses westward, to the Ohio River on the north, including the State of Missouri, a portion of Kansas

and Colorado, and thence to the Pacific, excluding a portion of Northern California. Its southern boundary extends from the Carolinas southwestward, including the greater part of Georgia, Alabama, and the States and Territories directly west of the eighty-third meridian from the thirty-first to the forty-first parallel. Within this area the States first settled have contributed to the population of States immediately west of them, imparting to all the States and Territories within this zone of settlement a character of general uniformity.

The third and more recent line of movement has been along the Atlantic seaboard, beginning at various ports along that line, but specially at ports receiving large numbers of immigrants, and continuing from point to point along that line from Portland, Maine, to New Orleans, and the eastern towns of Florida, also to Galveston and Austin, Texas, and thence westward into the Territories of New Mexico and Arizona, into Southern California, and thence northward into Oregon, Washington, and Montana. This line of population-movement has been marked since 1865, and has been intensified and widened by the rapid construction of railroads in the general direction named.

Along the northern or New England line of population-movement have also moved the millions of immigrants from European countries in the corresponding latitude—Germany, Scandinavia, Austria, Russia, and the British Isles. Along the middle or Virginia line moved a native population, chiefly from the older Southern States, which spent its force at the foot of the eastern slope of the Rocky Mountains. The Virginia stream has been second in size to its northern companion. The recent coast stream has combined both Northern and Southern elements, and foreign elements, and reaching Washington and Montana by a backward flow, presents for the first time in our national history a meeting of Northern and of Southern elements north of the latitude of Kansas. The present population of Montana is the proof that the best lands have been taken in this

country, and that population is for the first time returning toward the East. The nativity of the members of the four conventions illustrates the nativity of the inhabitants of the four new States. The census of 1880, with which as to nativities the last census substantially agrees, shows that Dakota received from States north of Maryland and east of Dakota, 52,700 persons; from States south of Pennsylvania and east of the Mississippi, 2200; from the area west of Dakota and north of Indian Territory, 1100; from the area of the United States remaining, 2000; its native population being 17,796; that is, a resident population composed of persons who were born in that part of the United States comprised in the New England area and influence, 71,596; in the Virginia area and influence, 11,786. Of the foreign population, consisting in the aggregate of 51,795 persons, 51,135 were natives of countries in Europe north of the latitude of Venice. The census shows similar nativities for the population of Montana and Washington, excepting one modification, which also proves the truth of the principle that civil institutions follow lines of equal temperature. In Montana and Washington is found a larger proportion of population from the Southwestern and South Central parts of the United States, especially from the State of Missouri. It is well known that the isothermal lines of the United States indicate a climate in Washington and western Montana similar to that of the Mississippi valley in the area of Missouri. The population of the new States, the ideas incorporated into their constitutions, and their civil government are an illustration of the laws of climate as affecting human affairs. For instance, the provision relative to slavery in the North Dakota constitution, a quarter of a century after the abolition of slavery in the United States, is found in the constitution of New Mexico (1889); a common provision which illustrates the supremacy of a national idea, which has been incorporated into the national Constitution, and which has become authoritative west of the Mississippi

river in the actual opinions of the people, largely because of the immigration of persons from the East whose opinions on that subject were intensified by events in which they participated a generation ago. The provision in a State constitution against slavery so long after its abolition, is a passing proof of the persistency of political ideas. When the North Dakota constitution was framed under the enabling act of 1889, it recognized the national Constitution as "the supreme law of the land," and thereby incorporated the thirteenth amendment to the National Constitution. The new State constitutions illustrate in many of their provisions this persistency of political ideas in this country. Perhaps the most striking illustration of all is the great length of the constitutions themselves, by which they become the residuum of what may be denominated the accepted political experience of the people in their civil life as citizens of an American State. An exhaustive examination of these constitutions would show the persistency of every political and civil idea which has prevailed from New England westward since the birth of the Nation.

The journals and debates in State constitutional conventions held in all the States which are situated in the area of the country comprised in the New England zone—New England, New York, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Nebraska, Colorado, Nevada, California, and Oregon—comprise a political literature whose theme is the development and differentiation of fundamental political ideas, from time to time, according to the exigencies of public affairs. All the constitutions of these Northern States, both those which now are in force and those which have formerly been in force, are of one class, and contain a body of provisions essentially alike. The type is that of Massachusetts and Pennsylvania, modified as it moves westward. A consideration of the climatic and sociological laws which have determined the character of the population of the new States explains the cause of the principal differences

between these new constitutions, and, *inter alia*, why they fall into two groups, the two Dakotas forming one and Montana and Washington forming another. The second group has received a population from a different source from that which fed the Dakotas—Montana and Washington comprising within their population a larger percentage of persons from the South and the Southwest than is found in the Dakotas.

The State of Missouri first affected the organization of another State in 1855, when the admission of Kansas was a national issue. Oregon, four years later, was admitted as a State, and its population was largely composed of people from Missouri. Again, the influence of Missouri is shown in the organization of Washington and Montana, which, taken together, contained in 1880 four times as many persons born in Missouri as were of that nativity in the two Dakotas. In general terms, the difference between the Dakotas, and Montana and Washington, may be stated, so far as population is concerned, to consist in the difference which exists between the people of the United States inhabiting States north of Mason and Dixon's line and the Ohio River, and people inhabiting the Mississippi valley south of the northern boundary of Missouri and west of the meridian of Pittsburg. The Dakotas are populated from the Northern and Eastern States; Montana and Washington from the Central and Southwestern States.

Each State elects a legislature composed of two houses, called the senate and the house of representatives. Legislative sessions are biennial. In the four States representatives are chosen for two years. South Dakota chooses her senators for two years, but the three other States elect senators for four years. In South Dakota, North Dakota, and Washington there is no distinction in principle between the system of districting for senators and that for representatives—a district for either division consisting of "a compact and contiguous area;" North Dakota having only one geographical division, into thirty-one districts,

among whose electors are distributed its thirty-one senators and its sixty-three representatives. Washington is divided into twenty-four senatorial districts, electing thirty-five senators—a senatorial district consisting of a county or a group of counties. Each county constitutes a representative district, and there are seventy representatives elected in the thirty-four counties. South Dakota provides for forty-one senatorial and fifty representative districts, electing forty-five senators and one hundred and twenty-five representatives. Montana alone, of the four States, followed the principle obtaining in the Congress of the United States, where each State is equally represented in the Senate and proportionally represented in the House. Montana constitutes each county a senatorial district with one senator, and each county is represented in the lower house according to its population. The Montana legislature consists of sixteen senators, one from each county district, and fifty-five representatives, apportioned among the sixteen counties. The number of members of the legislature is fixed in each constitution.

The constitutional qualifications for membership to the legislature in Washington are, being a citizen of the United States and a qualified voter in the district for which the member is chosen. Montana requires the additional qualifications of twelve months' residence, and that a person be twenty-four years of age if he be a candidate for the senate. North Dakota requires the candidate for the senate to be twenty-five years of age and two years a resident. South Dakota requires the age of twenty-five years and two years' residence of the candidate for either house. He must also be a citizen of the United States. South Dakota excludes from eligibility to legislative office any person "convicted of bribery, perjury, or other infamous crime," or who has not accounted for any public moneys due from him. Persons holding office under the State, the national government, or any foreign government, excepting persons holding the office of notary public, of justice of the peace, and

that of postmaster whose annual compensation does not exceed \$300, are ineligible to the State legislature. The provision relative to the ineligibility of judges, clerks of courts, State officers, and Federal officers is common to the constitutions of the Dakotas and Washington.

Save that of Washington, each constitution provides for a State census in the year 1895, and decennially thereafter. North Dakota and Montana re-district after each census, *i. e.*, every five years; South Dakota re-districts only after the Federal census. Provisions common to the legislative departments in the constitutions of other States are common to the new constitutions, such as the organization of the houses; power over members; journal; adjournment; oaths of members; compensation of members, and their rights and privileges. Montana follows the national Constitution in requiring money bills to originate in the lower house; the Dakotas and Washington allow any bill to originate in either house. This partial obliteration of one of the traditional differences between the two branches of the legislature illustrates one of the tendencies of the present phase of political thought to institute one legislative house instead of two, an idea carefully and earnestly considered in the North Dakota convention, and suggestive of the popular distrust of State legislatures, which may be said to characterize a large portion of the American people at the present time.

The work of the four conventions brings into sharp relief the essential difference between the tendency and the character of political changes in England and in the United States. In England every reform in government for a thousand years has had for its immediate purpose the limitation of the powers of the executive; in the United States, since 1776, the opinion has steadily grown that it is safer to limit the powers of the legislature and to increase the powers of the executive. Englishmen distrust the Crown and grant almost unlimited powers to Parliament; Americans distrust the legislature, especially their

State legislatures, and give great powers to their President and to their governors. The details of these four constitutions illustrate this fixed tendency in American politics. The articles in the new State constitutions on the "Legislative Department" are long and detailed. They seem to be composed by the framers in order to declare what the respective State legislatures cannot be permitted to do. The principal prohibitions on the legislature are: on enacting any private or special legislation; on extinguishing or releasing the obligations of corporations or of individuals to the State; on legislative bribery; on personal or private interest in a bill in any member; on irregular form in framing bills; on appropriations of moneys; on performing legislative functions by deputy; on loaning the credit of the State to corporations; on authorizing lotteries; and on entertaining money bills during the last hours of the legislature. The perusal of these new constitutions suggests that the people have lost confidence in their State legislatures, and that the conventions, responsive to this feeling, have sought to anticipate great evils by limiting the powers of the legislature, or by substantially limiting them in declaring by what procedure the legislature shall act, on what it shall not act, and to what extent it may act. The chief limitations on the legislature are with respect to special or private legislation, corporations, political corruption among members, taxation, and power to use the credit of the State. The provision common to the four constitutions on special legislation is substantially a statement of the evils from which the older States have suffered. An examination of any of the later State constitutions will reveal what these evils are. Whether it is better to limit a legislative body by specifying on what subjects legislation is forbidden, or to constitute the State legislature of such men as are capable of interpreting the essential interests of the State, and of discriminating between proposed legislative remedies, is a question on which men differ. At the present low ebb of ability and

trustworthiness in State legislators, a condition for which the people themselves are responsible, the only escape from legislative evils seems to lie in the direction of sharp limitation on the powers of the legislature. At least, recent constitutional conventions have attempted no other remedy. Short terms, rotation in office, small salaries, political bossism in State politics, concentration of interest and powers in the national legislature, and industrial enterprises and business activity among the people which have tempted them to allow public treasures to be stolen, that the private citizen might be left in quiet to pursue his own profitable occupation, are among the causes which have produced the present distrust of State legislatures, and the evident effort to tie their hands so as to save the State from violence. South Dakota states the principal inhibitions against special legislation in eleven clauses, naming forty-five examples; North Dakota in thirty-five clauses specifies some ninety examples; Washington in eighteen clauses and Montana in one elaborate section provide as many more examples.

When a provision is at last introduced into a State constitution, it is proof that the evils against which it is directed are of long standing, and have become almost paramount in the State. The sections on the "corrupt solicitation of members of the legislature," almost identical in language in the four new constitutions, suggest the alarming hold of such evils in State legislation in this country, and the evident distrust of the people that their representatives will be able to withstand them. The evident purpose of the sections is to prevent the evils of lobbying.

The executive power is vested in a governor, elected in the two Dakotas for a term of two years; in Montana and Washington for a term of four. Washington requires the candidate for governor to have the qualifications of an elector in that State; the three remaining States require him to be thirty years of age and a citizen of the United States. Montana and South Dakota require a two years'

residence; North Dakota a residence of five years. The Dakotas and Montana declare the governor to be ineligible to any other office during his term as governor; a suggestive provision as indicating an effort of the convention to diminish the abuse of political influence in elections. It is now considered in many States of the Union that the office of governor is a stepping-stone to that of United States Senator; early in the present century the United States senatorship was considered a stepping-stone to the office of governor.

The framers of these constitutions set limits to executive power. They give the governor some of those powers common to the office in this country for a century: the power to convene the houses; to send an annual message; to veto bills; to act as commander-in-chief of the State militia; to execute the laws. They empower him to veto "the section or sections, item or items," of a bill to which he has objections. Washington and Montana provide that he may veto a portion of any bill; the Dakotas provide for such a veto only in case of a bill making appropriations.

In the exercise of the pardoning power, the governor is limited in South Dakota and in Montana by the action of a board of pardons, consisting in Montana of the secretary of State, the attorney-general, and the State auditor, and in South Dakota of the presiding judge, the secretary of State, and the attorney-general, to which board the governor can only make recommendations. In North Dakota and in Washington the pardoning power is vested in the governor "under such regulations and restrictions as may be prescribed by law." In South Dakota the governor may remit fines and forfeitures, grant reprieves, commutations and pardons, after conviction, for all offences except treason and cases of impeachment; in all cases where the sentence of the court is capital punishment, imprisonment for life, or a longer term than two years, or a fine exceed-

ing \$200, the governor can only recommend to the board of pardons.

Against "corrupt solicitation" of the governor, or his abuse of his official privileges to influence any member of the legislature in any question or matter, the constitutions of the two Dakotas make express and severe provision, in language nearly alike. The introduction of such a saving clause in a State constitution suggests a lamentable experience in the older States of infidelity to public trust in the office of the chief executive of a State. The absence of such a provision from the constitutions of the other two States may be explained, perhaps, by the infrequent occurrence of gubernatorial infidelity in those States after whose constitutions the constitutions of Washington and Montana were modelled. An act so criminal in its nature would not be anticipated in a State constitution, and an elaborate clause guarding against so serious an evil would be introduced only after the actual existence of flagrant evils in the older States. It is seldom that the governor of a State offends by taking a bribe; seldom that the bribery of members of the houses can be proven. But the presence of elaborate sections intended to prevent legislative and executive corruption is most significant, and evidence of the effort of the conventions to anticipate so direful evils in the new States. Whether such corruption can be prevented by anticipating it in constitutional provisions, or whether the cure is to be found only at the polls, is an unsettled problem.

In fixing the salaries of the governors, South Dakota grants \$2500, which may be increased by the legislature to \$3000; North Dakota, \$3000; Washington, \$4000; and Montana, \$5000 per annum. The relative salaries of all officers in the four States is fairly indicated by the salary of the governors. The farming influence in the Dakota conventions favored low salaries; the mining influence in the two other conventions favored higher salaries. North Dakota and Montana provide that the salary of the governor may be

changed by the legislature, and Washington provides that his salary shall never exceed \$6000 per annum. It may be said that the difference between the Dakotas and Montana and Washington, in opportunities to accumulate wealth and the difficulty on that account in finding men to stand candidate for the office of governor, because the profits of private business far exceed the profits from public office, would naturally cause a marked difference in the salaries paid State officials. In other words, it may be said that it is as difficult to make an annual income of \$2500 in South Dakota as one of \$4000 in Washington or of \$5000 in Montana.

The administrative offices provided for in the four new States are similar. The Washington constitution provides that the legislature at its discretion may abolish the offices of lieutenant-governor, auditor, and commissioner of public lands. A peculiar provision in these constitutions, and one which marks a change in American political thought, is concerning the manner of choosing the administrative officers of the State. This change is shown in the North Dakota constitution, which provides that the secretary of state, the auditor, the treasurer, the superintendent of public instruction, the commissioner of insurance, the three commissioners of railroads, the attorney-general, and the commissioner of agriculture and labor shall be elected by the qualified electors of the State at the times and places of choosing members of the legislative assembly. In the four States all the administrative officers are thus elected: a suggestive change from the custom under the older State constitutions. In the first State constitutions all the administrative officers were appointed by the governor; in many of the States that manner of choice still prevails. In others, some of these officers are appointed, some elected, as in Pennsylvania. The change to an election of them all indicates a "triumphant democracy."

There has been a long struggle in many States between the adherents of an elective and those of an appointed judiciary.

It may be admitted that the system of appointed officials in State governments is decaying, and doubtless the new State constitutions of the future, whether in new or in old States, will embody the system now incorporated in the constitutions of the four new States. The reason for the change from an appointed to an elective body of State officials is complex. Popular disappointment in the operation of the State governments, and the decay of popular interest in them; distrust of the executive, who, by all traditions, is entitled to appoint those who assist him in the administration of the State government; and the intimate desire of the electors to choose for themselves every representative of their interests, are among the direct causes of this change. Whether the civil service is as efficient under the control of such officers elected as under the control of such officers appointed is not a settled question. Experience in the national government seems destined to be paralleled by an experience under a totally different system in the State governments. For instance, it is problematic whether a superintendent of public instruction elected by the qualified voters in a State will be as competent a man for that office as one appointed by the governor of the State. Under the present tyrannical political conditions, there is danger that the superintendent of public instruction may be more astute as politician than as educator. Experience in some of the older States has repeatedly revealed that under an elective system a superintendent of schools often knows more about politics than about pedagogy. Not only are the administrative officers elected, but they are elected for short terms, and it may be confidently expected that the system of rotation in office, the almost inseparable concomitant of a short term, will cripple the civil service of the new States.

Among the administrative offices are several of economic significance, as those of insurance, railroad, agriculture and labor, prison, and public land commissions. The first State constitutions knew nothing of such offices, because

the people of the State then knew nothing of the complexity of modern social, political, and labor interests. Legislatures are now compelled to avail themselves of the reports of experts, or *quasi* experts, in order to enact laws which may remotely ameliorate the conditions of the people of the State. When are considered the demands upon the modern legislature, and the character of that legislature, according to the confessions of the American people in their State constitutions, the tendency to short legislative sessions once in two years is expressive of a hope of escape from both "over-legislation," which is merely the activity of zealous but, as is sometimes the case, incompetent men, and inadequate legislation, which is the confession of mere politicians. It may be that the creation of bureaus in the modern State government is practically the solution of the problem how to escape the danger of a session of the legislature; but it is only by long experience in the preparation of economic statistics, and by patient expert examination of economic conditions, that the work of such bureaus and commissions can become of any value whatever to the people of the State. It is to-day impossible to obtain from any State government a complete and trustworthy record of the economic condition of that State, either during a recent or a remote time. The celebrated Massachusetts reports, most admirable as they are, are incomplete: a fault by no means due to the commissioner of labor of that State, but to the inadequate provision made by the State itself for the preservation of economic records. Only when a State makes provision in its constitution for the exhaustive collection of all kinds of knowledge requisite to the complete exposition of the character of the State and its people, according to a continuous system, even faulty rather than spasmodic, can the reports of commissions and bureaus have value. The conventions that framed the new constitutions made no adequate provision for the collection of such knowledge.

Subject to the uncertainties of politics, it cannot be expected that the knowledge gathered by the various administrative officers will possess either accuracy or relevancy.

It is evident that these constitutions limit both the powers of the legislature and of the executive, and retain much power in the hands of the electors. Experience alone will demonstrate to the people of the new States the wisdom or the folly of attempting to conduct a State government so directly by the electors themselves. These constitutions mark a step toward a pure democracy characteristic of a society somewhat dissatisfied with the course of politics. The work of the four conventions is an indirect blow at that system of representative government which has had its course in the older States almost from their origin. It is a modern application of the principle quoted in the national Constitution, that all powers not delegated remain in the people. To any objections raised against the elective features in these constitutions, it may be said that by making the offices elective the responsibility of the people is brought home to the electors, and the intelligence of that body is necessarily sharpened. Many American citizens will watch with keen interest the practical operation of the system of State government under these new constitutions. Ample provision is made for their amendment, and experience alone will dictate the terms of amendment if demanded.

The judicial power of the new States is vested in the Senate, sitting as a court of impeachment, in supreme courts, in superior (district or circuit) courts, in justices of the peace, and in municipal courts. The judiciary of each State differs from that of either of the other three. The South Dakota supreme court has appellate jurisdiction only, except in specially provided instances, co-extensive with the State, and it has a general superintendence and control over all inferior courts under regulations and limitations prescribed by law. The judges of this court, at present three in number, are required to be men learned

in the law, at least thirty years of age, citizens of the United States, and residents of the district in which they are elected. Under the first election the supreme court judges were elected for a term of four years, but at subsequent elections the term is to be for six years. The annual salary of the judge is \$2500, which may be increased by the legislature to \$3000. Two terms of the supreme court are held at the seat of government each year. The court has power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, injunction, and other original and remedial writs, with authority to hear and determine the same according to law; but no jury trials are allowed in the court; in proper cases questions of fact being sent to a circuit court for a trial before a jury. A majority of the supreme court judges constitute a quorum, and the number of the judges may by law be increased to five. The court has a clerk, and a reporter appointed by the court, to hold office at the pleasure of the court. The reports are published and distributed according to legislative provision, and an evil complained of in some of the older States is anticipated by the provision that no private person or corporation shall be allowed to secure any copyright to such decisions, "but if any copyrights are secured, they shall inure wholly to the benefit of the State." In North Dakota, cases requiring a jury trial are sent to a district court for trial. Unlike the South Dakota provision, for judicial districts, the three supreme court judges are elected at large for the term of six years, and their salaries are to be fixed by the legislature. The court holds three sessions each year—one at the seat of government, one at Fargo, and one at Grand Forks. Whenever the population of the State equals six hundred thousand, the legislature may increase the number of the supreme court judges to five. Vacancies in the court are to be filled by the governor until a judge can be chosen at the next regular election. A judge interested in a case is forbidden to sit in that case. The influence of the lawyers in the convention caused a

provision to be inserted in the constitution that it is the duty of the court to prepare a syllabus of the points adjudicated in each case, to be concurred in by a majority of the judges of the court, and prefixed to the published reports of the case: a provision expressive of the common wish of attorneys-at-law respecting the supreme court in any State. The syllabus of the case is usually prepared by the reporter, and often misses the essential points in the decision. The powers of the supreme court in the two Dakotas are similar. In Montana, the supreme court, which is constituted with powers similar to the Dakota court, may summon a jury according to law. The judges of the court are elected at large for a term of six years, and they are required to have qualifications common to those required in the Dakotas. The membership of the court may be increased to five, and three terms of the court are held annually at the seat of government. The salary of a supreme court judge is \$4000 per annum. The supreme court of Washington consists of five judges, each elected at large for a term of six years. The annual salary of the judge is \$4000; but the salary and membership of the court may be increased at the discretion of the legislature. The clerk and the reporter of the court are appointed by the court to hold office during its pleasure. Provision is made for separate departments of the supreme court at the will of the legislature. The court has original jurisdiction in *habeas corpus* and *quo warranto* and *mandamus* as to all State officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction does not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy does not exceed the sum of \$200, unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. It has power to issue writs of *mandamus*, review, prohibition, *habeas corpus*, *certiorari*, and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of its judges has

power to issue writs of *habeas corpus* to any part of the State upon petition by or on behalf of any person held in actual custody, and make such writ returnable before himself, or the supreme court, or any superior court or judge of a superior court. In South Dakota the governor has authority to require the opinions of the judges of the supreme court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.

The courts immediately inferior to the supreme court in the new States are called circuit courts in South Dakota, superior courts in Washington, and district courts in North Dakota and Montana. In South Dakota are eight judicial circuits, in each of which one judge of the circuit court is elected for four years, at an annual salary of \$2000, which may be increased by the legislature to \$2500. This court has original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law, consistent with the constitution, the legislature being empowered to limit such jurisdiction as to value, amount, and grade of offence. The court and its judges have jurisdiction and power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, injunction, and other original and remedial writs, with authority to hear and determine such cases as arise under those writs. The legislature may increase the number of districts and judges, but cannot form a new district so as to remove a judge from his office during the term for which he was elected. Writs of error and appeal lie from the circuit court to the supreme court.

In each organized county in Washington is a superior court, with one judge, elected for four years, at an annual salary of \$3000. Every case submitted to a judge of the superior court must be decided by him within ninety days from date of submission, or, if a re-hearing is ordered, within ninety days of the submission upon such re-hearing. The superior court judges are required, on the first

day of November of each year, to report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may suggest, and the judges of the supreme court, on or before the first day of January of each year, are required to report in writing to the governor such effects and omissions in the laws as they may believe to exist. The superior court of Washington has original jurisdiction in all cases of equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to \$100; and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. This court has original jurisdiction in all cases and of all proceedings in which jurisdiction has not been by law vested exclusively in some other court, and it has power to naturalize foreigners. It has appellate jurisdiction in cases arising from justices' courts, and from other inferior courts in the respective counties as is prescribed by law. It is always open, except on non-judicial days, and its process extends to all parts of the State. The superior courts and their judges have power to issue writs of *mandamus*, *quo warranto*, review, *certorari*, prohibition, and writs of *habeas corpus*, as in the circuit courts of South Dakota. The judge of a superior court may preside in any county at the request of the superior judge of that county, and it is his duty to preside there if required so to do by the governor.

The district courts in North Dakota are six in number, each district judge being a resident of his district, and elected for four years. He is also required to be learned in the law, a resident of his district for two years previous to his elec-

tion, and at least twenty-five years of age. The jurisdiction, powers, and provisions in the constitution respecting the district courts of North Dakota are almost identical with similar provisions for the circuit courts of South Dakota; and in the Montana constitution its provision for district courts is almost identical with the provisions for superior courts in the State of Washington. It is in these middle courts in the four States that the greater part of the judicial business of the States will be determined; and with respect to the organization of these courts, their powers, and their jurisdiction, the States go in pairs—North Dakota and South Dakota, Montana and Washington. North Dakota provides for "Tribunals of Conciliation," to be established with powers and duties as prescribed by law; but such tribunals, when sitting as courts, have no power to render judgment obligatory on the parties unless they voluntarily submit their matters and differences, and agree to abide the judgment of such tribunals. Montana and Washington, in constitutional language almost the same, provide that in civil actions in district or superior courts, the case may be tried by a judge, *pro tempore*, who must be a member of the bar of the State, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case. The order, judgment, or decree of such a judge has the same force as if rendered by the court with the regular judge presiding. Washington also makes special provision for the appointment of court commissioners, by the judge of the superior court, to perform the duties of a judge at chambers, subject to revision of the superior court judge.

The Dakotas provide for county courts, the electors in each county choosing a county judge for the term of two years. These courts have original jurisdiction in probate and testamentary matters. In South Dakota these courts have civil and criminal jurisdiction conferred by law, providing that their jurisdiction in any case where the debt, damage, claim, or value involved is \$1000 or more, except

in probate matters, ceases. They also have jurisdiction in criminal cases below the grade of felony. Writs of error or appeal are allowed from the county court to the circuit or the supreme court, as the law provides. In North Dakota a peculiar provision obtains. Whenever the voters of any county having a population of two thousand or over, decide by a majority vote that they desire the jurisdiction of the county court increased above that limited by the constitution of the State, then the county court in the county so electing shall have concurrent jurisdiction with the district courts in all civil actions where the amount in controversy does not exceed \$1000, and in all criminal actions below the grade of felony. In case the electors in a county make this judicial change, the jurisdiction in cases of misdemeanors arising under State laws which may have been conferred upon police magistrates ceases in that county. The qualifications of the judge in the county court whose jurisdiction is thus increased are to be the same as those of the district judge, except that he shall be a resident of the county at the time of his election. The jurisdiction so changed continues until otherwise provided by act of the legislature.

In Washington the jurisdiction of the justice of the peace is fixed by the legislature, but it must "not trench upon the jurisdiction of superior or other courts of record." In Montana the electors in each township elect at least two justices of the peace for the term of two years. In each of the four States the jurisdiction of the justice is fixed by the legislature. In Montana they have no jurisdiction in any case where the debt, damage, claim, or value of the property involved exceeds the sum of \$300; in the Dakotas, \$200. They have no jurisdiction in any case in Montana involving the title or right of possession of real property, nor in cases of divorce, nor for annulment of marriage, nor in cases of equity, nor to issue writs already specifically named in connection with the superior courts in that State; nor to naturalize foreigners, nor in cases of felony, except

as examining courts or for preliminary hearings. Cases below the grade of felony may be brought into these courts by information; appeals are allowed to the district courts. With slight modifications, but not with essential differences, the justices' courts of the two Dakotas are constituted similarly to those of Montana. Police and municipal courts are provided in each of the constitutions after the type of the justices' courts.

Each county in Montana elects a county attorney for two years; South Dakota and North Dakota also have a county officer of the same title and duties. Each State provides for an attorney-general. Each State also modifies the provision for a jury from that common to the constitutions of the American States. The right to a jury trial is guaranteed in each constitution; but the organization of the jury itself is somewhat changed from the traditional type. Washington provides for a jury of any number less than twelve in courts not of record, *i. e.*, in courts inferior to the superior court; and that a verdict may be given by nine or more jurors in civil cases in any court of record, and in such cases the jury may be waived with consent of parties. The constitution further provides that no grand jury shall be drawn or summoned in any county except the superior judge of the county shall order one. Montana provides for a grand jury of seven persons, of whom five must concur to find a verdict; but the grand jury, as in Washington, shall be summoned only at the discretion of the district judge. North Dakota provides for a jury in civil cases in courts not of record, *i. e.*, in courts inferior to its district courts, of less than twelve men; and the constitution of South Dakota provides for a jury of less than twelve in any court not a court of record, *i. e.*, in courts inferior to its circuit courts; and the decisions, in civil cases, may be made by three-fourths of the jury in any court.

South Dakota includes a unique provision relative to the political candidacy of judges during their terms of

office, declaring that the judges of the supreme and circuit courts are ineligible to any other than a judicial office during the terms for which they were elected judges, and that all votes given by the legislature or the people for them as candidates for any other than a judicial office shall be void.

The governor, the administrative officers of the State, and the judges of courts of record for malfeasance in office are liable to impeachment by the house of representatives of the respective States, the senate sitting as a court of impeachment. All officers not subject to impeachment under the constitution, may be removed, "as provided by law."

The qualifications of the elector and the provisions concerning elections in these States are essentially uniform in character. In the Dakotas an elector is required to be a citizen of the United States, or, if a person of foreign birth, to be one who has declared his intention to become a citizen conformably to the naturalization laws of the United States; in North Dakota, a civilized person of Indian descent who has severed his tribal relations two years next preceding the election at which he desires to vote may become an elector. An elector is also required in these two States to be twenty-one years of age, or more, to have resided in the United States one year (S. D.), in the State one year (N. D.) or six months (S. D.), in the county thirty days (S. D.), and in the precinct where he desires to vote ninety days (N. D.), or ten days (S. D.), preceding any election. The legislatures of these two States are empowered to subject to the voters of the State at a general election the question of extending the suffrage to all persons, otherwise qualified, without regard to sex. Washington requires the elector to be a citizen of the United States, a resident of the State one year, of the county ninety days, and in the city, town, ward, or precinct thirty days preceding the election at which he wishes to vote. Indians not taxed can never be allowed the elective franchise. Montana requires the

elector to be twenty-one years of age, or more, a citizen of the United States, a resident of the State one year, and of the polling precinct as required by law. In the Dakotas and in Montana any woman, qualified by age and residence, may vote at any school election and be eligible to a school office. The female suffrage clause submitted separately to the electors of Washington at the time of the election to ratify the constitution, was defeated.

The articles on "Education," "School Lands," and "State Institutions" comprise munificent provisions for a system of education in each State, consisting of free public schools, normal schools, technical schools, colleges, and universities. The generous gift of Congress has been already estimated in value; the legislatures are empowered to supplement that source of income for schools by taxation. In each State the school fund is made inviolate, and any loss of the school fund is to be replaced by the State, with interest. Elaborate provision is made for the sale of the school lands, by stating the term of years, and other conditions according to which they may be sold. Instruction in any State school is to be undenominational, and no money can be appropriated by the legislature for sectarian purposes. In North Dakota, the superintendent of public instruction, the governor, the attorney-general, the secretary of State, and the State auditor constitute a commission called the "Board of University and School Lands," having control of the appraisement, sale, rental, and disposal of all school and university lands, and directing the investment of the funds arising from such sales. The county superintendent of common schools, the chairman of the county board, and the county auditor constitute boards of appraisal; and under the authority of the State board of university and school lands, they appraise all school lands, within their respective counties, and from time to time recommend such lands for sale, designating as for sale the most valuable lands. The legislature is empowered to lease school lands, but all rents must be

paid in advance. The moneys of the permanent school fund can be invested in the United States bonds, State bonds, or in farm mortgages in the State, the face of the mortgage not to exceed one-third of the value of the mortgaged property as valued by the appraisers of school lands. Similar provisions obtain in the constitutions of the three remaining States. A significant provision in the constitution of South Dakota requires that the science of mining and metallurgy be taught in at least one of the State institutions of learning: a suggestion of the popular apprehension of the industrial and economic demands of the times. The higher schools in each of the States are specifically cared for and adequately endowed: it remains for experience to show whether the people of these great States create a school system, from primary school to university, which in its results will adequately represent wisely used privileges made possible by such munificent endowments. Recent movements and ideas in education found a generous response in the provision by the North Dakota convention for a "School of Manual Training" and one of "Forestry," the former with a grant of forty thousand acres. These two institutions are the first of their kind founded in America by a constitutional convention.

The foundation of State institutions, such as reform schools, asylums, hospitals, and soldiers' homes have already been referred to.

Local government in the States is committed to counties, to townships, and to cities. The Dakotas are substantially alike in their county officers, which are those of auditor, treasurer, sheriff, clerk of district court, probate judge, register of deeds, county attorney, superintendent of schools, surveyor, coroner, and county commissioners (three to five in number, according to population), each elected for a term of two years. The counties of the Dakotas are generally of regular form, and nearly equal each to the other in area—the counties west of the Missouri being somewhat larger than those east of that river.

Each county is composed of townships six miles square, according to the public surveys of the public domain. The regularity of the counties of the Dakotas imparts to a county map of either of those States an appearance like that of a checker-board. With the exception of two counties in Montana—Dawson and Choteau—and of three in Washington—Jefferson, Skagit, and Whatoom, two boundaries of each of which three are irregular—the States of Montana and Washington are subdivided as irregularly as the State of Virginia. The Dakotas and Washington provide in their constitutions for county or township local government as the electors may decide at a regular election. Counties, cities, towns, or townships are permitted to enforce local laws not in conflict with general laws. Such laws are principally laws of police, or laws incident to the administration of civil government in the locality. In each State the chief repository of county authority is the board of county commissioners, similar to that board in Pennsylvania. Sheriffs and county treasurers are not to serve for more than four years (two terms) in succession. It may be said that the system of local government in the new States was introduced before the admission of the States—was carried into the Territories by the settlers from Eastern States, and corresponds essentially with that in force in New York and Wisconsin. The constitutions provide in detail for local government and for the incorporation of cities: the four States present a general harmony in their system of local government and their civil organization illustrates the modified “town” of New England. The people, as the four constitutions repeatedly provide, are at liberty to modify their local government from the county to the township system, as they may elect.

The absence of populous cities in the new States probably explains the meagre provision concerning municipal government in the four constitutions. The contrast in the length of the articles on “Municipal Corporations”

and "Corporations not Municipal" shows forcibly the greater importance in the opinion of the several conventions of the latter subject, and illustrate with equal force the economic importance of railroads, telegraph lines, trusts, and telephone lines, and the influence of the owners of these corporations in the States. The article on "Municipal Corporations" in the South Dakota constitution consists of three clauses; in the North Dakota constitution, of one; in the Washington constitution, of one; and in the Montana constitution, of six sections, not one of which is specifically about municipalities, and the last section of which only mentions "municipal officers," with no provision for city government. The organization and government of the cities of the future in these States are left to be provided for by law, Montana briefly stating that moneys raised by law in any city "shall not be diverted to any other purpose except by authority of law," a provision also of the South Dakota constitution. Washington makes a unique provision for the chartering of cities of twenty thousand inhabitants: "Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the constitution and laws of this State, and for such purpose the legislative authority of such city may cause an election to be had, at which election there shall be chosen by the qualified electors of said city fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of the qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, and all special laws inconsistent with such charter. Said

proposed charter shall be published in two daily newspapers published in said city for at least thirty days prior to the day of submitting the same to the electors for their approval." The anxiety of the convention to give ultimate expression to the popular mind is expressed in the concluding sentence of the clause: "In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others." South Dakota, mindful of municipal evils in some portions of the Eastern States, provides that no street passenger railway or telegraph or telephone line shall be constructed within the limits of any village, town, or city without the consent of its local authorities; an inadequate provision against the proclivity of city councils to "sell out" the privileges of the town to a rich corporation, repeatedly done in American cities. But the absence of lengthy constitutional provisions on municipal corporations from these constitutions is, doubtless, an indication of the wisdom of their framers, who put upon the State legislatures the responsibility of enacting just laws for the organization and government of cities, as circumstances may dictate. The inhibition of special legislation will probably result, as is now intimated in the South Dakota provision for a classification of cities into not more than four classes, in municipal legislation not unlike that in Pennsylvania under the constitution of 1873.

In contrast with the general and somewhat indefinite provisions in these constitutions concerning municipalities, are the elaborate articles on "Corporations other than Municipal," which, considered in detail, are a compendium of present corporation law, written by popular sentiment. The article in the South Dakota constitution includes nineteen sections; in the North Dakota constitution, seventeen sections; in the Montana constitution, twenty sections; and in the constitution of Washington, twenty-two sections. In addition to these specific sections under

the appropriate article, each constitution contains other clauses under other headings which refer directly or indirectly to such corporations. The reader of these constitutions is almost persuaded that these new States, at the time of their organization, were in the grasp of powerful corporations, from which each was struggling to get free. The future historian of the United States will find here a testimony to the influence of such corporations in this country, in its frontier regions, at the close of the first century of the Republic.

The constitutions define corporations as "all associations and joint stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships." The organization of such corporations, their relations to the State and to each other are specifically provided for. Organized under "general laws," these corporations are to be composed of members or shareholders who, in choosing their directors, may cast the whole number of their votes, individually, for one candidate or distribute them upon two or more candidates, as the shareholder may prefer, a provision common to the Dakota constitutions. No corporation can issue stocks or bonds, except for labor done, services performed, or money or property actually received; and all fictitious increase of stock or indebtedness is declared void. Nor can the stock be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, nor without due and previous notice of the stock as may be prescribed by law, Montana requiring thirty days' notice to stockholders. In this State also, persons, companies, or corporations are forbidden to require of their servants or employés, as a condition of their employment, or for any other reason, any contract or agreement whereby the employer is released or relieved from liability or responsibility on account of personal injuries received by such servants or employés while in the

service of such employers or their agents; such contracts being declared in the constitution to be null and void.

The charters or grants made to corporations which had a *bona fide* organization at the time of admission of the States, and a known place of business in the State, were declared to be in force. All corporations were required to accept the constitution of the State in which they operated, and Montana required that the acceptance be filed in the office of the secretary of State. The exercise of the right of eminent domain by corporations in either of the States can never be abridged or construed so as to prevent the legislature from taking the property and franchises of incorporated companies, and subject them to public use the same as the property of individuals. Foreign corporations are required, if they do business within the State, to have a known place of business, and an agent there, upon whom legal processes may be served if necessary; and Washington provides against the discrimination by the legislature in favor of foreign corporations over those doing business wholly within the State. A corporation can engage only in that business described definitely in its charter, and South Dakota adds, "nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business." This State also provides for the revocation of the charter of a corporation by the legislature "whenever in their opinion it may become injurious to the citizens of this State, in such a manner, however, that no injustice be done to the incorporators." In North Dakota every railroad corporation doing business in the State is required to keep for public inspection books in which are recorded the amount of its capital stock subscribed, by whom, the names of the stockholders, the amount of stock paid in and by whom, the transfers of stocks, the amount of assets and liabilities of the corporation, and the place of residence of its officers. To the auditor of the State the directors of the road are required to make an annual report, under oath, of all the acts and

doings of the road. Foreign railroad corporations are exempted from compliance with the constitutional requisition. It is not improbable that railroads doing business within the State may all be organized as "foreign corporations," rather than subject themselves to the inquisitorial powers of this clause.

In relation to the State, such corporations as railroads and canals, telegraph and telephone companies, and other transportation companies, are declared to be common carriers subject to legislative control. The Washington constitution explicitly provides, in this relation, that any corporation or association organized as a common carrier, under the laws of the State, has the right to connect at the State line with railroads of other States, whether the railroad be yet built or not; the right also to intersect, cross, or connect with any other railroad; and when such railroads are of the same or of similar gauge, they must at all crossings and at all points, where a railroad begins or terminates at or near any other railroad, form proper connections, so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies must receive and transport each the other's passengers, tonnage, and cars without delay or discrimination. Similar provisions are introduced into the constitutions of the three remaining States. Against the consolidation of corporations, such as railroads, telephone and telegraph lines, and canals, the constitutions are plain. Such consolidation is forbidden, except after notice to stockholders, "as prescribed by law." Rolling stock is declared to be personal property, and liable to sale and execution in the same manner as the personal property of individuals. The relation of the State to corporations is that of the State to individuals, according to these constitutions, and the evident purpose of the conventions was to make this relation clear. The prevailing opinion among the delegates, who expressed the popular mind, was that hitherto, in the older States, too great privileges had been

granted to such corporations, resulting in unjust discrimination against the individual citizen. By the incorporation of such ideas into these constitutions, it follows that the relation of corporations to each other of the same kind is substantially that of individuals to individuals. One corporation is inhibited from discriminating against another. The South Dakota constitution expresses this idea in the clause requiring every railroad company operating within the State to "receive and transport each the other's passengers, tonnage, and cars, loaded or empty, without delay or discrimination," a provision embodied in the constitution of each of the States. South Dakota further declares that the legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger traffic on the different railroads in the State. The influence of the Interstate Commerce Act is conspicuous in each of the constitutions.

The protection of the rights of the individual, by the South Dakota constitution is further illustrated in the prohibition on the legislature from depriving any person of an appeal from any preliminary assessment of damages against any kind of a corporation, or against individuals, made by viewers. A jury trial shall decide the damages, as in civil cases. Evidently, the influence of the Farmers' Alliance in the Dakotas was to protect themselves from the aggressive acts of corporations incident to the construction of railroads, highways, or municipal improvements. Pursuing the plan of considering corporations as no more to be favored by the State than individuals, Washington provides that the State cannot loan its credit, nor subscribe to, nor be interested in the stock of any company, association, or corporation.

Washington, mindful of serious bank failures in the older States, makes any bank officer who receives deposits after he has knowledge of the insolvency of his bank, individually responsible for such deposits. Montana makes no reference to banking. The Dakotas provide, in common

language, that if a general banking law be enacted, it shall provide for the registry and countersigning by an officer of the State of all bills or paper credit designed to circulate as money, and require ample security for such currency to be deposited with the State treasurer for the redemption of such notes or bills; South Dakota adds, "in the approved securities of the State or of the United States, to be rated at 10 per centum below their par value; and in case of their depreciation, the deficiency shall be made good by depositing additional securities." South Dakota further provides that such banks "cease all banking operations within twenty years of organization," unless reorganized, and also that the shareholders in such banks be held individually responsible for all contracts and debts of such corporations to the extent of the amount of their stock at its par value, in addition to the amount invested by them in the stock, and that the liability continue for one year after any transfer or sale of stock by any stockholder.

No reference is made in the Dakota constitutions to trusts. Montana and Washington, with a larger experience of the meaning of the term, include in their constitutions the clause, almost identical in language, that no corporation, stock company, person, or association of persons shall directly or indirectly combine or form what is known as a trust, or make any contract with any person or persons, corporation or stock company, foreign or domestic, through their stockholders, trustees, or in any manner whatever, for the purpose of fixing the price or regulating the production of any article of commerce or of the product of the soil for consumption by the people, under penalty of law, forfeiture of franchises, or of the right to carry on business within the State. It will be seen that the term "trust" in these two constitutions is synonymous with the term "monopoly," as popularly understood, and does not apply wholly to financial corporations engaged in a general banking business.

State revenue and finance and public indebtedness are

treated at length in these constitutions. The evident purpose of the conventions in treating these subjects was to provide for an adequate revenue annually, to avoid a State debt, and to fix a low rate of taxation. South Dakota empowers its legislature to levy an annual State tax not to exceed two mills (North Dakota, four mills) on each dollar of the assessed valuation of all taxable property in the State, to be ascertained by the last assessment made for State and county purposes. If the ordinary expenses for the year exceed the income of the State for that year, the legislature in the following year causes to be collected an income sufficient to pay the deficiency and also to meet the current expenses. For paying the public debt the legislature is empowered to levy a tax annually sufficient to pay the interest and the principal of the debt within ten years, provided that this annual tax for the payment of the principal and the interest of the public debt shall not exceed in any one year two mills on each dollar of the assessed valuation of taxable property. Corporations are assessed in South Dakota "as near as may be by the same methods as are provided for assessing and levying taxes on individual property," and the power to tax corporations is expressly declared to be beyond surrender or suspension by the legislature; the same provision exists in the constitutions of Washington and Montana. To this provision belongs the exception out of taxation of property belonging to schools, religious societies if used for purposes of worship, cemeteries, charitable foundations, State and United States property, and such property as is exempted by law, which in South Dakota is limited to personal property not exceeding \$200 in value, and the homestead. All moneys at interest, stocks, bonds, credits, notes, and bills of all banks and bankers, and money at loan are subject expressly to a State tax "equal to that imposed on the property of individuals."

Local taxation in townships, counties, and cities is provided for in addition to taxation by the State. North

Dakota provides for a poll tax, annually levied, of not more than \$1.50 on every male inhabitant of the State over twenty-one and under fifty years of age, "except paupers, idiots, insane persons, and Indians not taxed," the only mention of a poll tax in the four constitutions. Montana provides a scale of taxation: a tax of not more than three mills on each dollar of valuation as a maximum; whenever the taxable property of the State shall amount to \$100,000,000 the rate shall not exceed two and one-half mills on each dollar of valuation; when it reaches \$300,000,000, the rate thereafter shall never exceed one and one-half mills on each dollar of valuation, unless at a general election a majority of votes shall increase the rate. This clause in the constitution is a striking illustration of the intensely democratic character of these constitutions. In order to provide against the evils of hopeless municipal indebtedness, the Montana convention introduced the somewhat questionable provision that private property cannot be taken or sold for the corporate debts of public corporations, but the legislature is empowered, in such a case, to provide for the funding of the corporate debt. Possibly the time may come in Montana when this clause may be seen to have encouraged city indebtedness in confidence that that indebtedness will be met by the credit of the State. Were such a clause in the constitutions of some of the Eastern States, it would tempt to such indebtedness. Montana has a State board and county boards of equalization, with the duties usually attendant upon such officers: the State board consisting of the governor, the secretary of State, the State treasurer, the State auditor, and the attorney-general; the county boards are composed of the county commissioners for the respective counties. The two Dakotas make similar provisions concerning revenue and taxation, somewhat unlike the provisions in Montana and Washington, which two States are more alike in their several financial and taxation clauses than either or both of them compared with the Dakotas. The usual annual

reports are required of the several administrative and financial officers of each State, and these officers are subject to the usual securities and bonds. Public moneys, if drawing interest, accrue to the benefit of the State, and the making of profit out of them by private individuals or public officials is declared to be an offence.

The limit of State indebtedness is fixed by the constitutions at \$100,000 in South Dakota and Montana, at \$200,000 in North Dakota, and at \$400,000 in Washington as the amount beyond which the legislature is not empowered to pass, unless in time of war to repel invasion or to suppress insurrection. Montana expressly prohibits the State from assuming the debt, or any part of the debt, of any town, city, county, or municipality. It permits a county to become indebted to the amount of 5 per centum of the value of the taxable property of the county, but limits the amount of such indebtedness to \$10,000, unless the county electors vote to exceed that amount. Cities, towns, and townships are limited to 3 per centum of the taxable property within their respective jurisdictions; but the legislature is empowered to submit to the electors in municipal corporations the question of an increased debt "when such increase is necessary to construct a sewerage system or to procure a water supply for such municipality, which shall own and control said water supply, and devote the revenues derived therefrom to the payment of the debt."

A similar provision as to the limits on county, township, and city indebtedness obtains in the North Dakota constitution, and in part (as to the 5 per centum maximum) in South Dakota. All bonds issued by State, county, township, or municipal authorities contrary to these constitutional provisions are declared to be void. Each of the four States assumed its territorial debt; the territorial debt of Dakota being divided between the two Dakotas, according to the provisions of the enabling act.

The militia of the four States consists of all able-bodied male citizens residing in the States, between the ages of

eighteen and forty-five years, unless exempted from service by law. Persons having conscientious scruples against bearing arms are exempted in South Dakota, and also in Washington and in North Dakota, "provided they pay an equivalent for such exemption." The constitution of each State provides for militia officers, and for the organization of the militia "as nearly as practicable" in conformity "to the regulations for the government of the armies of the United States."

The first relic of experience may be seen in the provision common to the Montana and the Washington constitutions, but absent from the constitutions of the Dakotas, forbidding the legislatures to authorize any lottery or gift enterprise. The homestead, or a portion of it, together with an amount of personal property to be fixed by law (fixed by the constitution in South Dakota), is the subject of exemption in all the States. In South Dakota married women have all the property rights of *femmes soles*, their property not being liable for the debts of their husbands. Oaths of office, impeachments of all officials, or their removal from office, the style of legal process, the designs for the seals of the States, the organization of a bureau of labor (in Washington and in South Dakota), and the method of constitutional amendment are adequately provided for.

The method of amending or altering the constitution in Montana, Washington, and South Dakota is simpler and more direct than that in the older States. An amendment, approved by both branches of any legislature, having been duly published a required time, is to be submitted to the electors of the State at the next general election. Approval of the proposed amendments (of which the number to be proposed at one time is limited to three in Montana) by the electors, adds them to the constitution at that time in force. Any legislature in either of these three States may propose to the electors in the same manner the calling of a constitutional convention, and upon the approval

of that proposition by a majority of the electors, a new constitutional convention, equal in number of delegates to the total membership of both houses of the legislature, will be summoned at a fixed time after such an election. North Dakota, following the method for amendment more common in the older States, provides that any legislature of that State, by a majority vote, may propose amendments to the constitution, which shall be entered upon the journals of the two houses and referred to the next legislature, which, upon a majority vote so to do, shall submit the proposed amendments to the electors of the State for their ratification or disapproval. In each of the States provision is made for the submission of separate amendments to the electors for their approval or disapproval. It is possible, therefore, for three of these States to have a new constitution every three years. At the election in October, 1889, the Dakotas and Washington conventions submitted, as separate articles, a clause prohibiting the manufacture, sale, gift, or importation into the State of any intoxicating liquors. Washington also submitted in the same manner an article in favor of Woman Suffrage, and South Dakota one providing for minority representation.

Provision was made in each constitution for the status of all cases at law in the territorial courts, continuing the standing of parties and securing justice under the State judiciary, which became the successor to the territorial system of courts, save in such cases as were to be tried in the courts of the United States. In the compact setting forth the relation of the new States to the United States, the enabling act was followed, and the Constitution of the United States, and the laws and treaties made under it, were declared to be the supreme law of the land.

The framing of four State constitutions, in convention contemporaneously, essentially alike in their general character, and in many important articles identical, is a remark-

able evidence of the persistency of common civil principles and opinions among the people of the United States.¹

In a comparison between these recent constitutions and the earlier constitutions of the States east of the Dakotas, it may be said that the general features of the constitutions of the new States resemble the general features of the more than one hundred and thirty State constitutions framed in this country before them. But a comparison so general is almost worthless without pursuing it into a general comparison of details. The division of government into legislative, executive, and judiciary is common to all the American constitutions framed in the eighteenth century, and no principle in government seems better settled than the principle that the definition of tripartite government should be as distinct as possible. In the constitution of Massachusetts of 1780, yet in force, the only surviving State constitution of the last century, this distinction in civil functions is clearly stated, and in all the constitutions

¹ On the second Tuesday of October, 1889, the electors in each of these States ratified the constitution submitted to them by the constitutional convention. The four constitutions were adopted. The article on prohibition, submitted separately in the Dakotas, was adopted in both; the article providing for minority representation in South Dakota was rejected by the electors; the two Dakotas were admitted into the Union at the same moment, November 2, 1889. In North Dakota the official report of the vote shows that 27,441 votes were given for the constitution and 8107 against it, being a majority in favor of the constitution of 19,334. For the prohibitory amendment to that constitution were given 18,552 votes, and against the amendment 17,393 votes, being a majority of 1159 votes in favor of prohibition. In South Dakota the official report of the number of votes cast shows 70,131 for the constitution and 3267 against it. The great majority in favor of the new constitution in this State is partly explained by the fact that the constitution of 1889 was substantially the Sioux Falls constitution of 1885, which was familiar to the people of the State, and accepted by them in 1885 by a heavy majority. In Montana the vote in favor of the constitution was 24,676; against the constitution, 2274. The large majority in Montana is partly explained in the same manner as in South Dakota; the Montana constitution of 1884, of which the constitution of 1889 was in many respects a copy, was acceptable to the electors of that State. Each convention assembled July 4, 1889; that of South Dakota adjourned, *sine die*, August 5th; that of North Dakota and of Montana, August 17th; and that of Washington, August 22d. Montana was admitted into the Union by proclamation of the President November 8th, and Washington, November 11, 1889. Dakota had sought admission three times, Montana twice.

which have been framed from Boston to Olympia this civil differentiation has obtained, not, however, with equal definition in all. There seem to be four rather than three dimensions to government, the fourth dimension springing necessarily out of the relations between the other three, being the dimension or department of administration. This fourth function is in conformity with the history of the growth of government in this country. During the seventeenth and eighteenth centuries the struggle in this country was to determine the principles of government. This struggle was the civil characteristic of the colonial period, and it closed with the era of constitution-making from 1776 to 1789, during which time the first State constitutions and the present national Constitution were framed. But before the making of these constitutions there was the long-continued labor to work out the foundations of government. This foundation, as worked out during the last century in America, finds expression first in the general principles set forth in Bills of Rights, which formulate accepted principles of civil relations. These Bills of Rights are the characteristics of later colonial life, and they appear in all the colonies in similar form, style, and language just before the outbreak of the Revolution. But these general principles were too vague for a practical foundation of government, and the early constitution-makers merely used these Bills of Rights as prefaces to detailed plans of government which we are accustomed to call the constitutions of the States. In these detailed plans precedent was closely followed, and the traditional threefold division of governmental powers and functions was observed. There was one element in the conduct of government in which the Americans of the last century failed to see that practical power and significance which is now clear to statesmen—the element of administration. Nor did the European governments approach any nearer than did the Americans to an adequate understanding of administrative law. After a century of experience in the conduct

of representative government in this country the function of administration is more clearly defined. The earlier constitutions of this century hint at this definition or differentiation of a new element in government, or, to speak more accurately, at this discovery of a permanent element in government; and since 1825 the various State constitutions illustrate the recognition of this function separate from the legislative, the executive, and the judiciary. This recognition is apparent in the Northern States rather than in the Southern, because the Northern States revised their constitutions or framed new ones oftener than did the Southern States. This revision of constitution-making in the North was chiefly due to migration and immigration in the North, and the constant civil activity incident to the organization of many new civil units, new Territories and new States.

It is one labor to lay down the principles of representative government; it is another labor to administer these principles. These two labors are distinct, as experience in this country has shown. The administration of government in this country is popularly supposed to be the triumph, for the time being, of a political party, but our history, both State and national, will correct this popular supposition. One instance in national history will suffice: the administration of national affairs when Jefferson succeeded Adams in 1801. The party of Jefferson did not introduce a new administration of the government; it found that to a great degree it was impracticable and inexpedient to change the methods of administration already in vogue. Jefferson's reputed saying of the Federalists left over in office applied, perhaps, more truly to the principles of Federal administration: "Few die and none resign." To introduce an entirely new scheme of running the government would, in Jefferson's time as it would now, upset most disastrously the stability of business, the execution of the laws, and the obligation of contracts. The administration of government has been found to be a science and

its course a course of principles, just as the course of legislation or of judicial decisions follows a system based on recognized principles. Gradually, therefore, there has come into constitutional form a clearer idea of the permanent element of administration, and in the recent State constitutions this fourth department of government is more clearly defined than ever before in this country. In other words, the people are coming to believe that there is a permanent system of administration possible, and they have been forced to this conclusion by the fearful expense of administrative experiments which have been made in all the States, and often in the national government, during the century. But it has taken nearly a hundred years to learn the alphabet of this lesson. The constitutions of the four new States may well be examined with reference to the significant changes which they present in comparison with the constitutions of the last century. The summary of the case may be stated something in this form: it is agreed how representative government should be constituted; it is partially agreed how representative government must be administered. These new constitutions, like those which have come since 1860 in various parts of the Union, approach a definition of the administrative department of government by curtailing the other departments. Limits are set on the executive, on the legislative, and on the judiciary. This limitation means practically that if special legislation is prohibited under eighty sections or on eighty subjects, the legislature by such limitation is compelled to pursue a system, though rather a loose system, of prescribed administration. If the executive is forbidden to exercise some functions hitherto commonly exercised by the executive of a State, this limitation implies that to the extent of the limitation he must follow an administrative system, although that system be still loosely organized. If the judiciary is compelled by constitutional limitations to pursue whatever course, either by limitation of terms, tenures, methods of trial, jury systems, or juris-

diction, that limitation is practically the introduction of an administrative system into the scheme of government. These limitations on the three ancient departments of government are only strong indications of the change through which constitution-making is passing; the creation of a body of administrative officers with defined duties, however illy defined, is a further evidence of the tendency to recognize the fourth department of government. In politics the recognition of this fourth department finds expression in the civil service, whose reform implies a fixed administration of affairs. In other words, the people are learning that it is easier and cheaper to change the governor, the members of the legislature, and the judges, than to change the body of administrative public servants who practically do the work of government. Without doubt we are tending to a condition of permanency in the administrative force in government, and we are defining with increasing care the duties of the officials in the three ancient departments. The union of so many States has compelled this change, and it will eventually work out a clearly defined administrative department of government in every State constitution. The compulsory change is due, more than to any other cause, to the confusing increase of State laws, of State court decisions, and confusion of methods of execution of the laws.

The popular feeling has long been expressed in such sayings as "We want better execution of the laws, not more laws;" "We want honest and capable administration of government irrespective of party." I think that the four new constitutions, if examined critically in comparison with the earlier constitutions of which they are the historical outgrowth, will stand forth on the witness-stand of the high court of our constitutional history and give evidence to the effort of the four conventions to express the demand of the American people for a closer definition of the administrative element in government.

In attempting to define this fourth department clearly or

loosely, the framers of these four constitutions have gone to great length of clauses and words. These instruments are exceedingly long. They approach a code of laws, rather than a *résumé* of governmental principles. They will prove unwieldy in practical administration, because they attempt to prepare the State for a great number of detailed labors. The framers seem to have thought that the governments would at best be intrusted to untrustworthy officials, and that it was wise, if not necessary, to set forth the details of State government even to the definition of such terms as monopolies and railroads. This phase of the constitutions is not beyond explanation. The last word has not been said on government, and until it is said there will be much of verbiage in constitutions. A constitution aims to be a chart, based upon a large amount of experience in the conduct of government. But a constitution is not intended to teach a system of legislation, or to discuss passing problems in transportation. If any person will read the first constitutions of the States he will discover that the details of religious and property qualifications found in them—the definitions of religion and the detailed references to incidents peculiar to the period when these constitutions were formed—soon passed out of these constitutions; they are of historical interest, but they were not an essential part of a State constitution. So in the future, and in the near future, will drop out of these new constitutions the detailed and special definitions which can be traced plainly to the feelings of members of the conventions against railroads, monopolies, and trusts. The economic aspects of these constitutions finds here a point of view, but the point of view will, in the end, prove historical.

The modifications of the jury system, the permit in the constitution for the abolition of such offices in the State as that of lieutenant-governor, auditor, and commissioner of public lands; the peculiar attitude of the conventions toward the judiciary, in suggesting the discredit into which

our State judiciary has fallen, and the evident effort of the conventions to reduce law to a so-called common-sense system by the abolition of technicalities and the possible elevation of "farmer lawyers" to the bench; the curious provision in North Dakota by which a popular vote may change the jurisdiction of the county court; the freedom of choice in organizing local government; the democracy which may rule in determining a city's charter in Washington; the anxious effort of the conventions to limit the indebtedness of the States and to prevent a waste of public funds in the future, are special features each of which has its history in a long series of abuses in the Eastern States. As is characteristic of every convention of men assembled for whatever purpose, their finished labors always illustrate some specific effort to correct some particular abuse with which some of the members were familiar or from which they had suffered. It must always follow in a representative democracy that such detailed masses of reform will appear in the grand result. I need only cite the long and bitter debate in the convention of 1787 over that clause in the national Constitution which allows Congress to levy taxes on imported slaves; or on the power of Congress to lay import duties. Subsequent events clearly showed that the right of taxation on imports as a right to levy a tax never troubled the country: the disputes arose on how to levy the tax and on what to impose it. The whole clause turned for definition on the administration of the government. Whatever party was in power, it took advantage of the clause; the manner of laying hold of it became a plank in party platforms.

So in the administration of these new constitutions: much that gave the conventions great anxiety will become problems of administration. The constitution will take meaning from such administration, not from any set of principles which the convention sought to lay down in the legislative department of their new State government. In this connection lies the pertinency of the remarks of Judge

Cooley before the Bismarck Convention, on the 17th of July: "In your constitution-making remember that times change, that men change, that new things are invented, new devices, new schemes, new plans, new uses of corporate power. And that thing is going to go on hereafter for all time, and if that period should ever come which we speak of as the millennium, I still expect that the same thing will continue to go on there, and even in the millennium people will be studying ways whereby by means of corporate power they can circumvent their neighbors. Don't, in your constitution-making, legislate too much. In your constitution you are tying the hands of the people. Don't do that to any such extent as to prevent the legislature hereafter from meeting all evils that may be within the reach of proper legislation. Leave something for them. Take care to put proper restrictions upon them, but at the same time leave what properly belongs to the field of legislation, to the legislature of the future. You have got to trust somebody in the future, and it is right and proper that each department of government should be trusted to perform its legitimate function."

The influence of early education on the members of the conventions is apparent in their work. The extreme democracy, I might say, which characterizes these constitutions on the whole, reflects the effort of the conventions to escape some of the evils which hang about all State governments, the principal one of which is the taking of government on trust. The conventions evidently wished to say the last word, and to compel so far as they could the course of future affairs in their States. But in this effort they undertook questionable labors, and the history of these subsequent events will doubtless be a history of events now undreamed of by the men who framed these constitutions. No evidence is stronger in this country of the suspicion that State officials cannot be trusted than is afforded by these four constitutions. From this prevailing sentiment there will be a counter-revolution. It will come

through politics, not through formally elected constitutional conventions. The people will ultimately insist upon capable administrations of public affairs, irrespective of the verbiage of State constitutions. It is impossible that in a country possessing so much practical skill and common sense the essential function of administration will long remain indistinct. It is in the clear understanding of how to run a government that the safety of a government depends. Without doubt the typical constitution has been nearly three-quarters made, but the finishing-stroke in the theory of its construction is now being given. Every effort toward a definition of governmental administration aids in the stroke, and these four conventions have greatly aided. To criticise the work of these earnest men is easier than to appreciate the significance of their work. To appreciate their labor requires not only a knowledge of the problems which they had to face, but also a knowledge of the solution of similar problems in the North for nearly two centuries. Economic conditions regulate the making of a State constitution whether or not the members of the constitutional convention ever heard of Adam Smith or of Mill. From the *personnel* of these conventions we are able to conclude that they represented many communities. The framers of the constitutions were more than average men. They were mostly young men who had not experienced constitutional evils in other States, but they were men who had examined, however cursorily, the provisions of other constitutions. But after considering all these sources of their knowledge, one is compelled to admit that the constitutions, in their elaborate details, reflect local rather than general interests. Every first State constitution contains these local *indicia*: it is only after long State experience that such particulars disappear. When these four States frame their next constitutions there will doubtless appear local interests amidst provisions of a general character, but the proportion will be less than in the present constitutions. The practical administration of these new gov-

ernments will compel the correction of faults. But most significant in the constitutions themselves is the recognition, expressed or implied, of the fourth department of representative government, the department of administration. This recognition is in keeping with the entire political tendency of American constitution-making during the present century. Our fathers settled or tried to settle on what principles government should be founded: we are settling or trying to settle on what principles government shall be administered.

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ECONOMICS IN ITALY.

Economics, as they have developed in civilized countries, during the period of their existence, are represented—and it is a well-known fact—by four distinct schools, two of them being, to my mind, essentially vicious, the other two simply incomplete. There are the socialistic school and the optimistic school; schools eminently partisan, inspired not by a dispassionate search for truth, but rather by the pecuniary interests of one or of another social class; schools, whose leaders, or better, whose adherents do not hesitate to maintain a falsehood, if it more surely lead to that practical result at which they aim. There are, besides, the classical school and the historical school, both inspired by a conscientious search for truth, having no other fault than that of working separately and almost opposedly, instead of harmoniously joining in those synthetic principles which shall draw from the history of economic facts the general law which governs the growth of their diverse manifestations.

Now, if we examine the development of economics in Italy from the middle of the century to the present time, we shall find that of the four schools already cited, one, the socialistic school, has never had among us a notable or even a mediocre representative. And, indeed, whether it be that our industrial growth, which is even now limited, has prevented the gathering of those great manufacturing masses which become the hot-bed of socialistic ideas; whether it be that the gentle Italian genius is opposed to thoughts of devastation and of death, too often the horrible corollary to socialism; whether it be that the prevalence and the pressure of political struggles make us indifferent to economic struggles—certain it is that socialistic theories have not had in Italy a single conspicuous

expounder. And not only have we no original representative of socialistic doctrines, but the theories of French socialism, as well as those more recently advanced in Germany, while they have won many readers among us, have made no prominent converts. Only recently an eminent Sicilian writer, celebrated for his profound knowledge and for his masterly skill in dealing with criminal sociology, has taken a position hostile to the economic conditions of to-day. Nevertheless, I should hesitate to consider Colajanni an upholder of socialism, for he does not treat the question of the basis of property, or of value or of profit, but limits himself to subjecting the present economic situation to criticism, sharp and true, indeed, in many cases, and to predicting the advent of a higher social phase. If this can be called socialism, I myself do not hesitate to take my stand in its ranks, because in all my writings—yes, and in almost every line of them—I have always been inspired by the most open hostility to a social situation so dishonored by injustice as is this with which we have to do, and I have had the firmest hope that humanity, weary of usurpations and of struggles, must be brought by the law of gradual development to a more peaceful and a brighter destiny. But, while I openly make this statement, and while I recognize the furtive character of capital proprietorship, I declare myself out of sympathy with the practical, the sanguinary side of socialism, and with the bloody seditions which it would substitute for the great, silent work of gradual evolution, in order to place society in a new and less barbarous position. Now, thus reduced to its true proportions, it seems to me that the criticism of existing economic relations cannot by any means be confounded with those socialistic theories which find so many acolytes in other countries, and which throw so many burdens upon the police force of Europe and America. This criticism is, to my mind, exclusively scientific; it does not invoke the applause of the laboring classes, nor does it seek to rouse them against property; but it seeks simply to discover the law which, independent of the wishes of man, determines the course of humanity. It is, in reality, a natural outgrowth of the classical school,

itself so critical and so pitiless toward the economic relations of capital, and a happy fusion of the findings of that school with those of the more recent historical school. It marks, in short, not a memorial of any party whatsoever, but the peaceful victory of impersonal investigation over the researches of the schools.

The absence of exposition of socialistic problems in the literature of Italian economics ought to assure the impartiality of official economists ; for they might have devoted themselves to a severe criticism of existing economic relations, with no fear that advantage would be immediately taken of their teachings—what has often come to pass in other countries—to rouse the masses against the dominant class. Unfortunately, this was not the case ; and the Italian economists, far from making use of the privileged position in which they found themselves to disclose the ill condition by which society was bound, and thereupon to trace the cause, made use of it to lull to sleep their speculations in the calm of optimism. Who shall say? Perhaps a glorious sun, a heaven of enravishing blue, a gentleness of climate, and a smiling nature in a southern land, by fate's decree threw their rose-hued lenses between Italians and their science, and hid from them that disenchanting and inexorable film which the leaden sky beyond the Alps seems so naturally to interpose. Be that as it may, it is certain that economics in Italy appeared under optimistic auspices, and that that character, preserved for a long period, cannot be said to have departed even now from our literature. And this it is which I hope that these pages will show.

Economics in Italy, in their modern and scientific character, date from Francesco Ferrara, a Sicilian by birth, professor at the University of Turin, later a member of the Chamber of Deputies and Minister of Finance, and without doubt, the greatest genius of which the economic science of our country boasts. Ferrara is the author of no complete work but he has set forth his doctrines not only in able lectures, but also in a series of Introductions appearing in various volumes of the "*Biblioteca dell' Economista*", of which he was for a long

time editor, and which furnished translations of the most important foreign works on economics and finance. These Introductions, which fascinate the reader with all the charms which a brilliant style, varied knowledge, admirably elaborated, powerful thought, and polished expression can bestow, contain, besides a series of critical, biographical and bibliographical notes, most worthy of consideration, an exposition of Ferrara's theories, which form a symmetrical, and for the most part an harmonious whole. His system is grounded upon the theory of value, which, he declares, is the fundamental idea of economic science; and he develops it with great originality, not, however, without adopting much from Carey. With him, Ferrara opposes Ricardo's theory of value, as well as that held by Say, and takes refuge in the formula of the *cost of reproduction*, which he develops and illustrates with much ability. This favorite theory, which our economist advances at every step, seems to him to be the only one which can unite all economic phenomena under a single formula, since it accounts not only for (1) the value of those products which can be increased unlimitedly, but also for (2) the value of those products which are increased with ever greater difficulty, and even for (3) the value of those products which are absolutely limited in quantity. Nevertheless, in order to bring the last-mentioned class under his formula, Ferrara is forced to make a subtle distinction between physical reproduction, and economic reproduction, and he holds that the value of products of the third class is determined, not by the cost of their physical reproduction, which is impossible, but by the cost of those products which would be purchased, if the former could not be bought. For example, the value of one of Raphael's pictures is regulated by the cost of what the purchaser would select were he forced to do without the painting. In this manner, Ferrara believes that he has brought the various kinds of value under a single new law, thereby making advance upon Ricardo's theory, which covers, with two different laws, cases of competition and of monopoly. The answer is—and already the reader will have made it for him-

self—that the very conditions of competition and of monopoly are radically different, because in the first instance the producer cannot ask more than the article has cost him, while in the second case he can set his own price, and hence that the idea of uniting these diverse phenomena under a common law, is not tenable. And it may be added that sure proof of the dissimilarity of the two phenomena is to be found in the subtlety with which Ferrara seeks to reduce it; for his theory of the cost of reproduction applied to products which are absolutely limited in quantity, is only the old theory of supply and demand, which holds that the value of products rises to that point beyond which the consumer makes no further demand. But on this and on other criticisms with which the later Italian economic school did not fail to attack Ferrara, we cannot dwell, for the further development of the master's theories claims our attention.

The theory of the cost of reproduction is not only, to the mind of Ferrara, to unify the law of the value of products, but also to throw light upon all the relations of the distribution of wealth, and bring them to a single standard. Hence, says Ferrara: rent, profits, wages are but so many operations of the law of the cost of reproduction. It is especially upon the first of these three forms of revenue that English science has put its indelible stamp of usurpation, and it is especially to rent, that Ferrara directs his studies, and, firm in his theory of value, he sets himself to overturn the teaching of Ricardo, and to establish rent as the natural and legitimate recompense of capital and of labor. Here, too, the greatest American economist is the master of the greatest Italian economist, and if he does not at once admit with Carey, that cultivation proceeds from sterile to fertile lands, nevertheless he admits that economic progress renders newly cultivated lands the more productive, and hence an advantage is given to those lands, and the proprietor reaps an increase of income justly due to the better methods originated and employed by him. Thus rent stands as the result, not of an increasing cost of production, but rather of a decreasing cost of reproduction,

and bears no trace of usurpation or of injustice. Ferrara goes so far as to claim that rent, where it is not the reward of improved methods employed by the proprietor, is always the recompense of an *immaterial labor*, such *e. g.*, as the signing of a lease in a gilded drawing-room (*La firma di un contratto d'affitto in un dorato salone. Optimum mellifluis modulare carmina nervis!*)

This significant theory of the cost of reproduction explains, or pretends to explain, the whole problem of economics. And the reader has anticipated me in making the supposition that, in Ferrara's system, profit is determined by the cost of reproduction of capital, wages by the cost of reproduction of labor; which, in its ultimate analysis, amounts to saying that profit is determined by the supply and demand of capital, wages by the supply and demand of labor. Finally, even with the question of finance, this theory concerns itself, and taxes are fixed by the cost of reproduction of government service, as import duties must be adjusted to the limit marked by the cost of reproduction of the smuggler, etc., etc. The advancement of such ingenious relations cannot fail to recall the sentence, *Multa renascentur quæ jam cecidere*. For, are not these attempts at unification, which, in their form already indicated, have been so long forgotten, revived, perhaps to-day in the theories of the Austrian school? The *passé partout* which Ferrara found, or thought that he had found, in the cost of reproduction, the new school finds again in the law of *final degree of utility*, which explains the most diverse phenomena, value, money, profit, wages, rent, taxes, public loans, insurance; it explains them, or rather it cloaks them with the same garment. But every attempt whatsoever at unification, to my mind, does injustice to the essential difference between the phenomena; for *e. g.*, not only the phenomena of competition and of monopoly are not to be brought under one law, but the phenomena of circulation, or the relations among capitalists, are essentially different from the phenomena of distribution, where those who are free to act, the capitalists, are set over against those who are not free to act, the laborers. The

former relations are marked by equality, the latter by the greatest oppression, the most absolute tyranny. While unification, which tends to exhibit the relations of oppression under the semblance of equality, undoubtedly works to the advantage of the optimistic school, and that school develops it with that secret intent ; it does not work to the advantage of the cause of science, befogged and dragged beyond the orbit of reality by its fallacious reasonings. Nor less serious is the mischief which this course of reasoning does to financial problems ; for the effects which the same oppression and inequality bring into the constitution of finance, are falsified and concealed by a theory which holds that citizens possessing unequal wealth find themselves treated equally in their relations with the State, and bear in her deliberations an equal influence.

It is by no means any intention of mine to combat Ferrara's theories, abandoned to-day as they are by even the most impenitent free-traders. I will say only this, that contradictions multiply in a theory, which on the one hand denies the existence of rent, and defies the theory of Ricardo, and on the other hand recognizes and magnifies the importance of Malthus's Law of Population, while yet graver contradictions are found in confronting Ferrara's theories with the record of his political life, for *e. g.*, this economist, who had so long contended against indirect taxation, and, above all, against corn-laws, had no sooner become Minister, than he favored the odious grist tax (*macinato*). These considerations, by which it is unnecessary that the reader be delayed at this time, I willingly pass over, adding only this statement that Ferrara's theories soon became those of all the Italian economists, that they were accepted even by Minghetti, and reproduced in one of his celebrated works, and that Ferrara occupied for a long time a solitary and colossal position in the economic literature of our nation. But this eminent position, built upon the marvelous talent of the writer, and not on the truth of his dogmas, this glory that was laid in sophism, ought not, could not endure, and Italian thought had but succeeded in releasing itself from the influence of the illustrious theorist, when

the scientific system which he had created was seen in its true character, nor had it another follower.

At the most brilliant point reached by Ferrara's school, certain noteworthy economists had already shown that they would not be held by his partisan theories, and on their part, instead of repeating the eulogies that the master had pronounced upon the economic system, they preferred to make a dispassionate study of economic laws. Among the economists least affected by Ferrara, I should place Antonio Scialoja, had not the cares of State too early put an end to his scientific work. But among them must surely be numbered Gerolamo Boccardo, who in his treatise on Political Economy, which has still a charm for the Italian youth, defends the true theories of Ricardo, divesting them of the rigid and heavy form in which they have been presented by the English economist. It was, however, especially in the field of technical research, that Ferrara's school suffered its first defeat; for this school, besides bringing a partisan criterion to the study of social facts, dared to introduce party considerations into the non-partisan problems of circulation, of finance, and of statistics. So that it is most natural that the excessive exaggerations of the optimistic school should be the first attacked by criticism, and that the first indication of a scientific theory of economics should appear in the treatment of those questions in which a partisan spirit is most unsuitable and disastrous. Among the leaders of these investigations may be mentioned Baer (*Wealth and Taxes—L' Avere e l' Imposta*) and Pescatore (*The Logic of Taxes—La Logica delle Imposte*), both of whom gave much impartial study to financial relations. But the real author of the reaction against the theory dominant at that period is undoubtedly Angelo Messedaglia—a mighty genius, technical rather than philosophical, analytical rather than synthetic, a powerful and acute investigator of the laws of statistics, and a distinguished student of physical and mathematical science. Messedaglia was less than all others drawn to researches into the most burning problems of economics and more than all others inclined to studies, which in that they

were more minute and demonstrative insured a greater impartiality. He instituted a series of investigations in reference to population, public loans, money, land tax, not proposing to effect the triumph of any one school, but to lay bare the intimate relations of economic phenomena, and to establish their various manifestations. In these researches, which resulted in many very valuable monographs, every phenomenon is studied with mathematical exactness, every relation carefully examined and subjected to the most minute analysis ; the opinions of writers are scrupulously interrogated and duly criticised ; the various elements of a fact are placed side by side and wisely compared ; everything, in short, which analysis apart from synthesis can give, is to be found in these admirable writings, which for their exactness, sobriety and conscientious investigation, furnish that which is best in our economic literature. In the works of Messedaglia are to be found all the excellencies which are lacking in the writings of Ferrara, as, on the other hand, it is just to recognize that no trace of the excellencies which belong to Ferrara appears in his successor. Indeed, you will look in vain in the writings of Messedaglia for a directive idea, which shall search the immense scientific mass and quicken it, and in vain, too, will you look for a single thought to throw light for you on the economic system under which we live, on its origin, on its destiny ; while the cold and almost inanimate pages of the Veronese economist, the irregular and unsymmetrical movement of his writings, and the lack of sequence which often appears, contrast strongly with the brilliant style, the forcible and vivid phrases, the wonderful connection of ideas, and of parts, which are so characteristic of the distinguished Sicilian. And Messedaglia does himself no little harm by the excessive eclecticism, notable not only in his doctrines, but in his methods, which swing continually from deduction to induction ; for the latter mode of reasoning is not limited by the author to a final regulator, to a test of theories deductively discovered but it is permitted to check the very process of deduction, which is then turned from the free course of pure logic, and held by the facts

that crowd about its path. Hence these two methods bring no help, the one to the other, but become entangled, and, like all else hybrid, lessen the fruitfulness of investigation, and the author, too positive in the theoretical portions of his writings, and too theoretical in the practical portions of them, does not always reach that profundity and those important results to which his great genius might have led him.

Naturally, however, the points which I have noted do not subtract from the considerable value of Messedaglia's writings, which present new and characteristic elaborations of economic questions. In his essay on population, which is, unfortunately, unfinished, and which does not go behind the abasis of Malthus's views, Messedaglia has introduced a noteworthy correction; for he justly observes that the two progressions of subsistence and of population cannot advance separately and independently, but that, on the contrary, the latter is rigidly limited and held in check by the former, and that it is precisely for this reason that there are to be obtained different results from those set forth by Malthus. For, given the progression of subsistence 2, 3, 4, 5 ———, and the progression of population 2, 4, 8 ———, it is evident that the second term of the second series is speedily reduced to 3 by the corresponding limit of subsistence, which is unable to support the excess; whence the doubling of the population must be based on the term 3, and in the succeeding period cannot pass beyond 6. Now, this term, confronted with a subsistence of 4, becomes reduced to 4, and doubling itself brings the population in the following period to 8; wherefore the real progression of population is not, as Malthus thinks, 2, 4, 8, 16, 32, ———, but 2, 4, 6, 8, 10, ———. In other words, the progression of population is not a geometrical progression, but an arithmetical progression, its common difference being double that of the progression of subsistence. This observation of Messedaglia's is highly important, as are also most important the studies which he has made in reference to the statistics of population, indicating in his valuable work on "Average Life" (*Vita Media*), a work beyond the scope of our present article,

the methods of their determination. Most excellent, also, is his study of public loans, in which he examines carefully the various questions of their emission, conversion and redemption; and of no less importance is his recent work on money, in which he deals most ably with the history and statistics of the precious metals, with the question of legal tender, with the corruption of money in the Middle Ages, and discusses fractional currency, monometallism and bimetallism, the history of prices, etc. This latter work, however, bears evidence, greater perhaps than do all the others, of that oscillation between deduction and induction, to which already allusion has been made; for long technical disquisitions, detailed inquiries into the state of monetization in various countries, a constant return to the struggles of types and to a multitude of other practical problems, preoccupy the author's mind and lead him away from much more important questions, such as the value of money, the distribution of the precious metals among the nations, hoards and their functions, the influence of credit on prices, etc. Finally, in his important parliamentary report on the equalization of the land tax, Messedaglia studies the history of the cadastre from the earliest times to our own day; he studies the constitution of the land-tax in the most diverse regions; and, with remarkable acuteness, he discusses its nature and character; he gives, in short, a splendid monograph, that might be called perfect, if here, too, his deductions were not sometimes restrained by excessive reserve and circumspection. A point in proof is the argument which Messedaglia uses against the consolidation of the land-tax. Though he agrees to the consolidation of rent with the price of land, he declares that the consolidation of the land-tax, while reasonable in theory, cannot be put into practice; for to other reasons he adds the following: that in the consolidation of an increasing tax with a decreasing price of land an estate may become less productive, and be the cause of loss to the proprietor. Now, it is easy to see that this argument has nothing to do with the consolidation of the tax, and does no more than indicate the existence

of causes which affect the productiveness of the land, and which, notwithstanding the consolidation or the equalization of the tax, make necessary periodical censal revisions, that thus there may be a correction of the inequalities in the condition of proprietors, inequalities which are independent of the differences in taxation. But, I repeat, these criticisms and others which could be made of the works of Messedaglia do not lessen the high admiration in which I hold the illustrious economist, nor that in which he is held by the youthful band who gather reverently around the great master, Messedaglia stands as the greatest economist of New Italy. and he leaves upon the history of our national thought an impress which time and its progress will not be able to efface.

The strictly scientific method which Messedaglia applied to subjects purely technical and foreign to social problems was afterwards applied by other reputable economists to the more vital questions of the distribution of wealth. Among these writers especial mention must be made of Emilio Nazzani, who, while the official school was still striving to throw a veil over the most grievous phenomena of our economic system and to deny the unrighteousness of the modern distribution of wealth, courageously studied the laws of rent, of profit and of wages, developing, amplifying and correcting Ricardo's theories. For this and for other reasons the appearance of Nazzani in the scientific arena must be considered as indicating the commencement of a new era for Italian economics; for with him they were to rid themselves of optimistic falsifications and inaugurate a rigorous and bold criticism of the relations of production. It is not to be said that either Nazzani or the other economists of that school carried to its utmost limit the criticism of our economic system; on the contrary, it is to be noted that they were possessed of such timidity that they were prevented from attaining the largest results from a criticism which had been so powerfully initiated. In the question of the redistribution of wealth, *e. g.* in his theory of rent, Nazzani seeks to temper the pessimistic character of Ricardo's theories, and in problems relating more properly to the distribution of

wealth, *e. g.* in his theory of profit, he repeats the old optimistic theory of Senior, based on abstinence, while he opposes every attack on capital. But there still remain the importance and the critical character of Nazzani's work, which has overturned the sophisms of apologetic science in Italy, and has laid the foundations of social criticism, opening the way for the present generation to bring the criticism to its completion.

The glory of this scientific revolution, which has re-established the better fortune of economics in Italy, belongs with Nazzani to Luigi Cossa, Fedele Lampertico and Luigi Luzzatti. The first has spread and defended among us the doctrines of the English school, harmonizing them with the most noteworthy conclusions reached by German thought (disseminated in Italy also by Cusumano) together with the doctrines of the French, Spanish and Dutch schools, for in their doctrines he is remarkably well versed; and he has given to economic science a valuable and original essay on the limits of production. The second has reproduced in an ample treatise, the English and German theories. The third, finally, has combatted with great eloquence the principle of *laissez-faire* and in his writings and parliamentary speeches, he has valiantly defended and wisely and practically applied social legislation.

While these writers were thus engaged in upbuilding economic science in Italy, others were solidifying it by an able application of the historical and statistical method. Cognetti studied the primitive forms of economic progress and the origin of socialism, recording the results of his labors in several books that bear evidence to his perspicacity and knowledge; Toniolo made a study of the factors of the economic power of Florence in the Middle Ages; Vanni used the positive method in dealing with the theory of population; Manara and Masè-Dari drew from statistics many data that bear upon the question of rent; Rabbeno, in several essays bristling with facts and ideas, studied co-operation in England and in Italy; Mazzola studied the insurance of operatives in Germany, and its application to Italy was made by C. F. Ferraris. But while

researches were being pushed forward in the urgent field of the distribution of wealth, there kept appearing publications of a more purely technical character on banking, commercial, and financial questions. Among these publications the first place is indisputably occupied by Pantaleoni's "Theory of the Transference of Taxes" (*La Teoria della Traslazione dei Tributi*), the able work of a man of the first rank, in which the complications to which the reactions of taxes give rise are investigated with a marvelous acuteness not equaled in the pages of any other Italian writer. Pantaleoni's book is a brilliant exposition, and in part a skillful correction of the doctrines of the English school, and is in itself sufficient to demonstrate how very considerable is the progress which investigative science has made in our country. Record should be made also of the studies of Magliani on "The Monetary Question" (*La Questione Monetaria*) which set forth a most noteworthy and profound criticism of bimetallism; and of the writings of Ferraris, Stringher, Piperno, G. Luzzatti, De Viti, Benini, all of them in reference to monetary questions, which no less to modern Italian economists than to their predecessors, prove attractive. Notice should be taken, too, of the very admirable work of Supino on "Navigation from the Economic Standpoint" (*Navigazione dal Punto di Vista Economico*), in which the numerous problems relating to freight, to the cost of navigation, to the economics of maritime enterprise, are discussed with remarkable ability. And we must add the writings of Alessio and of Valenti, on value; of A. Rossi and of Benini, both of them protectionists, on the balance of trade; of de Jehannis, of Dalla Volta and of Martello, all free traders, on value, socialism and banks; of Zorli, of Alessio, and of Tuviani on questions of finance; of E. Cossa and Sartori, on agrarian economics, which, in various aspects, merit honorable mention. Nor have we completed the list of writings which are not immediately connected with the most urgent themes of economics, without including the series of works on the early Italian economists, which a band of strong thinkers (Cusmano, Ricca-Salerno, Gobbi, Supino, Conigliani, Grazi-

ani, Balletti, Fornari, Sinigaglia, Errera), are engaged in publishing under Cossa's direction.

The great triumphs, which in later years have attended the rise and development of the so-called Austrian school, could but exercise their magic influence on the Italian mind, already—to speak truthfully—too easily disposed to follow the progress of Ultramontane thought. It is, therefore, no matter of wonder that numerous writings appear, which reproduce, comment on and illustrate the theories of Jevons, of Menger, of Boehm-Bawerk, of Sax and of Wieser. The theories on value held by this school are accepted by Graziani in his excellent critical "History of the Theory of Value in Italy" (*Storia Critica del la Teoria del Valore in Italia*), and in part by Pantaleoni, in his valuable "Manual of Economics" (*Manuale di Economia*), and by Alessio, in his work already mentioned; while the theories of Sax on finance, carefully reproduced by Ricca-Salerno in his learned "Manual of Finance" (*Manuale di Finanza*), are accepted with slight modification by Conigliani in his able "Theory of the Incidence of Taxes" (*Teoria dell' Incidenza dell' Imposta*); and Mazzola (*Scientific Data of Public Finance—Dati Scientifici del la Finanza Publica*), who apparently assumes a position hostile to Sax, but in reality reproduces with some inconsiderable correction the fundamental doctrines of the latter. With this enthusiasm the less serious, because the more unpremeditated, I, for my part, do not sympathize, and though I hold in high esteem the ability of the Austrian economists, I am forced to consider their scientific expositions as a deviation and a retrogression, a deviation from the rigid and exact researches of the classical school, and a retrogression toward the unfruitful theories of the optimistic school. I am firmly convinced that the reaction recently initiated against that school by Bonar in England, by Dietzel in Germany, and by Macvane in America, must result in a large triumph, and that that school must in the gradual advance of economic thought represent only a period of repose, during which economists pause for a time before passing from the theory of *redistribution*, which made the glory of the sci-

ence of the past, to the theory of *distribution*, which is to make the glory of the science of the future.

Finally, it should be added that economic studies have received in Italy a most generous impulse from the "*Giornale degli Economisti*," a most excellent review, edited by a corps of able writers, and assisted by eminent contributors, all of them of anti-protectionist tendencies.

The development of contemporaneous economics in Italy presents first a period of the absolute domination of Franco-American optimistic theories under the intellectual dictatorship of Ferrara, followed by a period of direct and wise restoration of the theories of the English school under the influence of Messedaglia, Cossa and Nazzani, with certain deviations in historical researches and certain applications of social politics, due in great part to the influence of social legislation in Germany. But if such indeed is the *external* history of Italian economics, we may now push investigation to a farther limit, and ask what is the *internal* history of economic science in Italy, what is, in other words, the intimate cause which has determined its advance and its successive transformations. In order to understand its advance, it is obvious that we must consider the gradual growth of economic relations, of which scientific growth is but the ideal reflection; so that we are led to glance rapidly at the economic evolution of the Peninsula.

All students know that the feudal system did not have in Italy that long and brilliant existence which it had in the other countries of Europe, and that the power of our republican cities soon brought about the ruin of the lords of the manor. The destruction of the feudal system, which occurred throughout Italy during the thirteenth and fourteenth centuries, brought with it the disappearance of serfdom, whence the very foundations of profit were threatened, for they were laid on serfdom. But in the very moment in which the mediæval basis of profit was destroyed, a basis wholly modern and most stable was adroitly substituted, by systematically withdrawing all landed estate from the liberated serfs. Italy understood sooner and better than any other nation that modern

profit is grounded on the privation of landed estate, which is experienced by the greater part of the nation, in other words, on the expropriation of the laborer ; and instead of securing this end by those violent means which are a dishonor to the history of other European countries, the result was quietly gained by a most simple and obvious method, viz: by granting the serf his freedom on the condition that he cede the land held by him as proprietor. By this means the Italian serf became converted at once into a wage-earner, for, seeing that he was cut off from the land, he found himself forced to sell his labor to the capitalist for so much as the latter pleased to give him.* When first the capitalist became the potent factor in Italian economics, the circumstances of the laborers were fairly satisfactory, and the little savings that had been accumulating during the period of their servitude, permitted them to make better conditions with the proprietor, and, indeed, to have a part in his profits. Such, at least, was the state of things that obtained in agricultural economics, where the metayer system (*Mezzeria*) became the most general form of production. But this form of production, crippling the gains of the capitalist, checked the accumulation of capital and its concentration, so that it made impossible the rise of large manufacturing interests, while it assured the persistence and vigor of independent artisans. Hence the principal features of social economics in Italy were summed up for a long period in the decentralization of capital, in the metayer system and in small industries ; they presented a rachitic form of capitalism, which was characterized neither by the brilliancy nor by the tremendous losses in which the social economics of England, of France, and of Germany became involved.

Now this network of economic relations created a scientific literature, which was its natural reflection. Indeed, a profound and scientific theory of the distribution of wealth could not, as may be readily understood, be formulated in a country where the phenomena of distribution bore no sharp nor decisive character, and where there was no opportunity for the rise of

Cfr. my *Analysis della Proprieta Cappitalista*, Turin 1889, II. 450.

the strident conflicts to which the most developed economics of capital give rise. Wherefore all that has been written by the Italian economists of past centuries concerning the distribution of wealth is of not great value, and the eloquent controversies over the poverty of the peasants and of the laboring classes do not pass beyond the restrictive limits of sentimental literature. The Italian student, excluded by reason of the imperfections of the existing economic situation from the possibility of studying fundamental social relations, turned himself zealously to investigate the more superficial economic conditions, the development of which, being independent of that of more profound economic relations, had had opportunity to exhibit itself even among us. Whence those numerous writings on money, which make the better portion of our economic literature ; and those numerous publications on commerce, on usury and on taxes, which treat of economics in their exterior and better defined manifestations, while the investigations on value, which rapidly followed one another in that epoch, are limited to a more or less careful analysis of necessities, of utility, of competition, or of monopoly ; but they do not show even the influences by which the phenomenon of value becomes involved in the most profound relations of capital and of profit, and in the technical organization of production. Certain it is that the nearer we approach the present day, the easier it is to detect among Italian economists some evidence of a serious analysis of the economic structure of society ; there are already some traces of it in the interesting works of Ortes, and in the scholarly writings of Galiani, Beccaria, Verri, Genovesi, Pagnini, etc. But in these writers, as indeed in others of that period, one looks in vain for that exact appreciation of economics, which is apparent in the works of the English writers who were their contemporaries.

With the opening of the nineteenth century, capital in Italy took on a more vigorous development and a power which it had not known before ; and even if, especially in the south, its growth was yet arrested by certain feudal entanglements, it kept everywhere creating those conflicts and those interesting

relations, too, which are so generally characteristic of modern economics. It seemed, therefore, that those causes, which from the outset had wrecked economic doctrines, had disappeared and that the scientific era of economics might open for Italy. But at this moment a graver matter occupied the heart of the Peninsula and united Italians in a supreme desire for national unification. And even if this desire resulted from economic causes—for it was capital that sought unification that it might develop itself more freely—the irruption and the urgency of the struggle, the greatness of the danger, the insurrections, the misery, the martyrdoms which preceded and accompanied the uprising, fatally distracted the mind from the arid study of social inequalities; for then they seemed forgotten in the sympathy of united feeling, which the battle ground created between the rich man and the poor man, and in that strong alliance which drew together the sons of the Italian soil against the foreign oppressor. It is not, then, to be wondered at, if in such circumstances there did not yet appear an Italian theory of the distribution of wealth, not because the capitalist system was not developed in Italy, but because political conditions concealed its advance and checked its exact study. Nor is it surprising, if those few thinkers who pursued economic inquiries, found themselves powerless to search the depths of economic relations, and were drawn by the inevitable superficiality of their view to optimistic doctrines. Nor, finally, is it singular, if even at this time we do not find in the works of our economists any notable contribution to the theory of the distribution of wealth or to the analysis of property, while there are most significant investigations on the exterior forms of economics, on money, on commerce, and on taxes.

But when, in 1870, the longed-for unification of our country was accomplished, and internal and international political relations were placed on a firm basis, the circumstances which had been opposed to the establishment of economic science in Italy, ceased to exist. At the same time the investigations of students were claimed by those distressing phenomena which are the inevitable issue of the economics of capital. For while our

statistics showed the vicious distribution of wealth, especially of landed estate, the extension of large landed possessions, the increase of leases, the abuses of banks and railroad companies, able writers revealed the miserable case of the laboring classes and the wretched condition of the rural population. Sonnino, Franchetti Villari, Signora White-Mario Lombrose, Stivanello, and Mortara presented the situation of our agricultural classes in a series of admirable and memorable monographs, while the great "Agrarian Inquiry" (*Inchiesta Agraria*) added a large contribution of facts and of considerations pertinent to the question, while its official character strengthened its authority and importance. In the Inquiry, Emilio Mörpurgo described in dark but true colors the great misery of the agricultural classes in Venetia, while the reports of Jacini, Angeloni, Branca, Tanari, Damiani showed that Italy had reached an equalization of sorrow, since through the farthest provinces echoed the same wail, the same imprecation. At this time the publications of *Officio di Statistica* due to the indefatigable labor of Bodio, placed the condition of the operative class in an unfavorable light, and the reservations and modifications of official comment endeavored in vain to moderate its effects. In the face of so great an outburst of facts, the fair doctrines of Ferrara were suddenly undone and disappeared in the abyss of by-gone theories. A new spirit of research and of criticism revived economic thought from one end of the Peninsula to the other, and a legion of young students, animated by strong faith and ample knowledge, dedicated themselves to researches into social problems, confounding the falling remnant of bourgeois science. And it is due to these champions of thought, that to-day Italy holds in economics a place much superior to that held by France or even by England, and not inferior to that held by the most cultivated and advanced nations.

Now that capital proprietorship is sovereign in our land and has assumed most powerful dimensions, the conditions of Italian economic science do not differ from those of other nations, nor can they attach themselves to any specific phase of national government. Various obstacles, it is true,

rise even now to check our economic growth ; and foremost among them are the paraded contempt which Italian politicians affect towards economic science and their real ignorance of the results which it has reached—an ignorance all the more deplorable because it is in no small part accountable for the chronic disorder of Italian finances. To these must be added the interest which the Italian youth take in other questions, as in criminal science, certainly most important ; as so much less important than economics, as the study of a single diseased member is of less importance than the study of the entire human organism.

The viciousness of the imitation of what is foreign, against which Cicero, long ago, and Genovesi, nearly eighteen centuries later, have counseled Italians, manifests itself undoubtedly even in economic literature, in the eagerness with which our economists welcome every theory that comes from abroad, while very often they pay little heed to the teachings of their fellow countrymen. This is a grave—the gravest—fault of which our economists are guilty, and in no small degree it retards scientific development in Italy. But it is just to add that this fault, too common among the earlier and less intelligent critics, is disappearing from among the later and more scholarly students of science, and that Cognetti, Pantaleoni, Salandra, Rabenno, Manaro and Supino, who stand for the flower of Italian talent, are wholly free from such tendencies. There is no doubt, on the other hand, that the even now imperfect development of manufacturing industry in Italy makes less easy and less successful the analysis of the phenomena of capital, while the disparity between agricultural conditions and the constitution of landed estate in different provinces, render it less easy to discover a general law of agrarian phenomena. But these obstacles, which are yielding little by little, are not, as I believe, an impediment fatal to Italian economics ; for the stationariness of population and the small proprietorships existing in France and the feudal constitution still obtaining in Germany have not prevented among those nations the rise of original and flourishing economic schools ; and on the contrary, I think

that the prevailing agricultural development of our national economics will afford the better opportunity for our scientific thinkers to trace the hidden springs of the economic system and conceive its synthesis. Indeed, the true *raison d'être* of social relations lies in the relations of landed estate ; and only to its analysis may we look for a solution of the theoretic problems yet unsolved ; and this is a truth which the great English economists have discovered, which some illustrious German economists *e.g.* Thünen, have understood and ably demonstrated ; but which contemporaneous economists, turned aside by the appearance of phenomena, persisted in ignoring. Upon the economists of Italy who have already had experience of the scientific impotence of the schools that will not consider the question of landed estate ; upon those whose constant object of thought and of study is the constitution of landed proprietorship ; upon them it is incumbent to follow in the path so successfully traveled by their great predecessors, and to confront the economic theories beyond the Alps, which are the science of darkness, with an economic theory eminently Italian, which, based on the analysis of landed proprietorship, shall illumine the entire social fabric.

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THE PRESENT CONDITION OF THE PEASANTS IN THE RUSSIAN EMPIRE.

One need not be an aged man to remember the enthusiasm which greeted the emancipation of the Russian serfs in 1861. The emperor, Alexander II, was magnified as the most philanthropic monarch that had ever directed the destinies of a nation. By all intelligent persons it was considered that the emancipation marked the definitive assimilation of Russia with the other countries of Europe.

The gratitude with which his people regarded their sovereign was fully justified, no less than was the admiration which the whole world lavished upon the Emperor of all the Russias. But it is for what he wished to do, and not for what he did, that he must be judged. No one can doubt that his generous soul most truly desired to summon his millions of serfs to liberty, that his noble heart would reign over men who knew no other master than himself, no other rule than the common law.

It is because emancipation has not brought this result that it in no wise merits the enthusiasm which it awakened. Why not make the statement at once? It has been only a delusion. True, the *seigneurs* have been stripped of their authority, but authority has not ceased to lie heavily upon the peasants; it has changed its name, it has become collective; and from the days of Proudhon to the present time all the world has recognized that there is no greater tyranny than that of collectivity.

Now, in formal terms, the edict of 1861 transferred to the *mir* the power which had previously been exercised by the *seigneurs*. This word, and the system for which it stands, are absolutely new to us. What is the *mir*? Put the question to a Russian, and if he answers you, it is very probable that his reply will not give you much information. Nine times in ten he will say, "The *mir*? The *mir* is the commune."

And in all the countries of the world the commune is a certain extent of territory or a given company of persons inhabiting a portion of land. In Russia, of two neighbors one makes part of the mir, the other makes no part of it. It has to do with the peasants, but not with all of them. And by peasant must be understood, not only the inhabitant of the country, but all the lower classes, all that are not bourgeois or noble. Of these peasants, a very small part (11,000,000 in 40,000,000) are really free. These either were enfranchised before the act of emancipation or they have since released themselves from the obligations which that act imposed upon those whom it professed to liberate. The rest, that is to say twenty-nine millions of Christians, are bound by shackles not different from those that slavery forged for them. In order that the freed serfs might have those means of subsistence which the *seigneur* was now no longer bound to furnish them, at the time of the emancipation there was taken from the *seigneur's* domains a portion larger or smaller according to the number of the liberated serfs. This land was not divided among the serfs; it was given to the mir, to an association, to a collectivity formed of the serfs. To them was left the care of dividing it, and of cultivating it as they chose. There was the single restriction that the parts, if a division had been made, should not be permanent, much less hereditary, to the end that always periodical distributions might thereafter allot a tract to new families or to the *nouveaux venus*. The restriction thus imposed upon the mir constrained it simply to imitate what the *seigneur* had done, for apparently he could never dispossess himself of the obligation of apportioning his lands among his peasants.

The lands thus given stood in lieu of those which the landlord had been accustomed to grant in remuneration for labor performed on other lands. To represent this labor, since a liberatory act could not exact labor from those whom it had freed, the communities were compelled to pay the *seigneurs* such an indemnity as was judged an equivalent for the labor they had received. The payment of the indemnity giving rise

to continual conflict, the State reimbursed the landlords, substituted itself for them, and became the sole creditor of the peasants. It was provided that the debt should be paid in seventy-nine annuities, and that the mir, as a solidarity, should be responsible for the payments, as it had been when the expropriated lands had been received. This, then, is the mir: An assemblage of families holding in common a certain quantity of land, bound to pay annually a certain sum of money, and in order to satisfy these obligations, invested with powers equal, if not superior, to those exercised by the *seigneurs*, their predecessors.

We are to study the conditions under which these associations operate, and their effect, not only upon the peasants, but upon the entire Russian organism; and I trust that the American people will take interest in the study, for the great Republic of the New World cannot but take interest in the great Empire of the Old.

II.

From the point of view of the public wealth the periodic dispossession of the landholder can be but disastrous. With every new partition, occurring as it does about every five years, the peasant finds himself assigned to a new tract. Hence why waste his time and his money in improving it during the period that he holds it? The cultivation in common might have had its advantages, but it requires a social condition far beyond that permitted by the possibilities of the Russian peasant. Without a single exception the land of the mir is divided. A peasant receives by lot a certain number of parcels, almost always separated one from another and always distant from the house which belongs to him in fee. But not only is this land allotted to him in virtue of his right; it represents also the extent of his obligations. Every family receives a number of strips proportional to the number of its active members and in the same proportion must it contribute to the common debt, annual payments, and taxes. In districts in which the land yields a revenue the result is satisfactory;

but in those districts, far more numerous, in which there is no revenue or a revenue which is not sufficient to discharge the debts, the land becomes a burden. At the time of apportionment I have seen the peasants resort to a thousand artifices, and to supplication, too, that less land be given them. One declared that his sick sons could not cultivate the tracts which had been assigned to him; another pleaded advancing age and appealed to the mercy of the apportioners. The chief of the community was inflexible, for the other peasants who stood by would not have tolerated an exemption which resulted in an infraction of their rights. The State, in fact, takes no cognizance of the members of the mir, for it is of the mir itself that it demands the annual payments; hence it is at the expense of all if a peasant would excuse himself from his obligations, and one may understand the rigor which presides at the distribution.

Were not the association endowed with efficient powers, many of its members would release themselves by flight from the duties which the mir creates for them. But the code has made provisions against such a result; in Vol. 9, Art. 703 *et seq.*, thus it regulates the rights and duties of the mir:

“The land shall be divided equitably, the expenses, taxes and annual payments made in solidarity.”

The mir has the power of banishment; it may expel by a decision from which there is no appeal, the member who is offensive to it, granting him the privilege of joining a new mir, but not, by Art. 709, an adjoining one. This ostracism becomes, then, a veritable exile. Art. 712 makes the condition of peasant incompatible with every other condition. The intent of this provision is obvious from the following article, which declares that the mir may order the transportation to Siberia of such of its members as it deems suspicious.

We have seen that the possession of land is often a burden. It is, therefore, of the greatest importance to a mir that an idle member shall not take the place of one who is solvent, industrious and sober. Art. 719 prohibits any cession of portions of land.

If you note the title of the following chapter, "The Liberation of the Peasants," you will grant with me that Art. 724, which I am about to cite, is a model of legislative irony.

It is distinctly stated that any debtor peasant may withdraw from the mir when he chooses to do so, but on the following conditions:

1. He shall abandon his portion of land, as is eminently natural.

2. He shall put himself *en règle* as regards his military service.

3. He shall discharge, both he and his family, every debt, whether it be payable to the mir, to the district or to the commune, and pay the taxes levied for that current year.

4. He shall have no process pending against him.

5. He shall have no judgment against him unsatisfied.

6. He shall have the consent of his parents, no matter what age he may have attained.

7. If he leave children, he shall provide for their maintenance.

8. He shall pay all undivided claims (*redevances afférentes*) on the land which he may have received in fee from the *seigneur*.

9. He shall have the acceptance of another mir, *i. e.* he shall declare that he does not become free, that he does no more than change his prison, that he does not cease to be a serf.

In the last paragraph we might find ample proof, were it necessary, to show that the serfage of the peasant has changed only in form. The first eight provisions might be explained under strict construction by fiscal necessities, but here the law says clearly, "Thou art not free, and of thyself thou canst not be." However, this is but a theoretic consideration. How is it possible for a Russian peasant, the most indolent of beings, the most unlettered, the most suspicious of the scribe and of his art, to secure the nine certificates prescribed by this wonderful article?

Since the annual payments are to be made during only seventy-nine years, it would appear that at the expiration of

that time the proprietorship of lands freed of encumbrance would then become personal. If it had been to the interest of the treasury to establish a solidarity wherever it found a guarantee, why continue the solidarity when the debt shall have been cancelled? It is not thus, however, that the code has made provision.

If a peasant with his labor and his earnings pays his portion of the annuity, a thing, however, which he cannot do, except the mir consent, his share of the common land becomes his personal property and he ceases to be held longer by the common obligations, yet he retains his right to vote in the assemblies.

But if the payments have been made by the mir the lands continue to be its own property and are still cultivated by the community. Again, it often happens that it is not possible for the common domain to furnish support for the associated peasants. If the lands lie at a distance from a city, there will be no commerce and no industries to help the peasants to make for themselves additional resources. They are, then, forced to emigrate, to take advantage of the winter season when the cold prevents agricultural labor and find employment in a large city. But they must first obtain leave of absence from their associates, a permission without which the authorities would check their movements, a permission, too, which may at any time be revoked. Note the result. In 1883 M. de Coutouly, Consul of France at St. Petersburg, had an excellent nurse with whom he was well content. Without awaiting for the time for weaning the child, the mir to which the woman belonged ordered her to return at once, allowing it to be understood, however, that the order would be withdrawn in case M. de Coutouly sent two hundred rubles. He objected, took many steps to defend himself against the injustice, and in the end paid the sum demanded. So it is easily imagined what happens when an industrious and intelligent workman comes to receive large wages; he is recalled immediately, nor can he escape complete ruin without permitting a larger or a smaller sum to be extorted from him.

III.

It is with difficulty than one can believe that this institution has found not only those who defend, but those who applaud it. Yet it is exclaimed: "It is the remedy for social evils!" "The mir makes misery impossible; it checks in its earliest stages the formation of the proletariat. Thanks to it, every laborer, the laborer in the city as well as the laborer in the field, has a roof to shelter him when sickness falls upon him, a parcel of land which will keep him when the years shall have spent his strength. The horrible prospect of death brings no fear to the Russian workman buried in the heart of a great city, away from his parents, away from friends. If he is sick, if old age comes upon him, he sets off for his village and finds there a hearth which is his own, neighbors whose companion he has not ceased to be."

And many another eulogy has been spoken for the mir. The *doctrinaires* themselves have thought they saw in it that primitive form of proprietorship which might become the system of the future. Others, without reflecting that its analogue is to be found in the Kabyle associations, in the Servian communities, in the Slav Zadrouyas, have declared that the mir is a concept of the rulers of 1861 which will suffice for their glory.

Theoretically, a single simple consideration is enough to cause this enthusiasm to subside, for all the advantages which the institution can offer were offered by serfage. Take one by one the eulogies bestowed upon the mir, and they are strictly applicable to the system which preceded it. And it is natural; for the act of emancipation has, I repeat, transferred to the peasant community all the rights and the privileges of the supplanted *seigneurs*. The duties and the rights of the peasants have not, therefore, changed in any wise, they are serfs of the commune instead of being serfs of the landlord—and that is all. It is beyond doubt that from a material point of view serfage had its excellencies, and that the mir has preserved them; but it is needless to prove here that its advantages were far from compensating for its defects, since it was

this very fact which led to the act of emancipation, the true bearing of which we are now studying.

Theoretically, then, the peasant communities cannot escape the condemnation of public sentiment unless they abolish serfage. What shall we say if we examine the practical side?

I ask the reader in his kindness to imagine a Russian village set in a vast plain, touching the rest of the world only when the few Jewish traders come to it to take provisions in exchange for their wares. There each is the serf of all. If a peasant cultivate his field poorly the rest share the loss, hence there is a continual surveillance, and naturally it is routine which gets the advantage of initiative. Thus would it always be, even if the associated peasants were all of them upright—and that is not the case. As soon as a member of the association has succeeded in laying by anything, the others seem to thirst for it—and thirst in the literal sense of the word; for they insist that they will drink with him and he must pay for it. If he refuses, the peasant-mayor will readily find pretexts to lay fines upon him. If he undertake to escape the determination of his extortioners, Art. 713 stares him in the face and deportation is reserved for him.

Such is the actual operation when the peasant remains in the village; if he go to the city, not only will an enormous portion of his wages be snatched from him by his fellow peasants, but he must go alone, without his family; he will be only a sojourner there, as are, for example, the ten thousand cabmen of St. Petersburg. How will he conduct himself? How will his wife conduct herself while he is away from home? In truth, a great disillusion is in store for the observer. The mir does not vary much from the probable prototype of human society. We should be glad to find there in the midst of inevitable defects certain valuable characteristics that by analogy we might suppose had made better the life of our forefathers. In reality there is not a single point in which liberty and the appropriation of land would not be a thousand times rather to be desired. This institution of earlier ages has brought results such as these:

Thirty millions are serfs and are oppressed by bonds stronger than those which the edict of 1861 attempted to break.

All moral or intellectual progress is absolutely impossible in this mass of human beings.

The laborers in a great industry are by law condemned to be nothing more than nomads where they gain their bread, nor can they ever have a permanent home.

Every one of the thirty millions of debtors lives under the surveillance of the *haute police* and is liable to a sentence which the laws of France prescribe for those whom our courts have charged with infamy. Any day he may be called to a distant village, and forced to do work which he has forgotten how to perform. Indeed, he cannot succeed in escaping the call, except by abandoning that portion of his gains which might aid him in securing a means of industry.

Russia is a great country with a great people; but she will remain an alien in Europe until that hour in which her august sovereign of to-day shall realize that truth, the sole conception of which has rendered immortal the memory of his magnanimous father, and shall give to his thirty millions of serfs a liberty that shall no longer be apparent, a liberty that shall be real.

IV.

If the counselors by whom Alexander II was surrounded had sought for him glory in succeeding ages rather than the ephemeral applause of his contemporaries, they would have said to him :

“Sire, the generous heart of your majesty wishes to loose from thirty millions of your subjects the chains which bind them from the cradle to the grave and to tear down the barrier that separates them from other men. The time is not yet come. They would not know how to use the liberty, they would abuse it. If your Majesty would not make thirty millions of indigent persons, to another must be delegated the power which is taken from the nobility. We beseech your Majesty not to do this. A new authority,

whatever it be, would have all the severity and all the cruelty which your government has known how to repress while yet the progress of civilization could not check those evils in the *seigneurs*. Besides, this new-created power would receive a sort of consecration from the generous thought which guides your Majesty. We pray you, do not emancipate the serfs, rather make use of a power that continues integral to make them fit to be free, capable of using their liberty. We know that we ask your Majesty to renounce a great glory, the glory of receiving from the whole world the name of *Tsar liberateur*; but we know also that it is not an empty glory that your great heart seeks, but the welfare of your subjects and the greatness of your empire. Hereafter when your successor shall be able to proclaim the act which you will have prepared, which, in reality, you will have completed, History, who never forgets, will go back to the source of this great, grand deed and the descendants of the serfs of to-day will forever bless you for having cherished a veritable emancipation, the breaking of the chains of ignorance, of routine, and of poverty, instead of having deluded their fathers by a change of gaolers."

The emperor, Alexander II, did not free the serfs, but he wished to free them; he thought that he had freed them. The admiration of the world did not, then, deceive itself when it bowed before him. He deserved it the first of March, 1861. Alas! he deserved it still the first of March, 1881, that day in which his generosity made him the victim of the most ignoble of all political parties. He had escaped the first attempts of the assassins, but one of his attendants had been wounded. He imperiously ordered the carriage to be stopped, when it was the rapidity with which it moved that had saved his life; it is at the moment in which he stoops to give assistance to his injured officer that the fatal bomb comes and strikes him to the ground.

And dying thus, for having given to all sovereigns a bright example of compassion, was he not an hundred times the

greater man than if he had died upon the battle field, leading his squadrons? And with an expression of profound respect for his memory it is fitting to close this criticism of his work.

VICOMTE COMBES DE LESTRADE.

Chateau des Noyes, Ouzouer sur Loire, (Loiret,) May 13, 1891.

STATISTICAL PUBLICATIONS OF THE UNITED STATES GOVERNMENT.

It is the purpose of this paper to correlate and present various facts concerning the different statistical publications of the Federal Government.* Too little is known by the public of the great variety of publications of the general Government. The United States supports and maintains a vast printing establishment, from which it issues yearly thousands of volumes on as wide a range of subjects as that of books coming from any private publishing house in the country. It is a mistake to suppose that these publications consist only of routine reports of the various executive offices. The Government is yearly issuing a greater and greater number of publications, whose only *raison d'être* is their value as contributions to human knowledge. Of these last, statistical compilations form an important and valuable class. They can be best considered according to their subject matter.

The Federal Censuses :

The regular decennial censuses taken by the Federal Government form the most extensive and valuable compilation of statistics that exists in the United States, if not in the world. Their well-known character renders unnecessary any extended comments here. Each census prior to the one just taken has shown a tendency to be more elaborate than the one preceding. With this increase in length and scope has certainly come a corresponding increase in the attention paid to the

*Only the present statistical work of the Federal Government will be considered in this paper. The United States has in the past done some little for statistical science by paying the expenses of delegates to International Statistical Congresses and International Penitentiary Congresses, and in publishing a number of single statistical works. Congress has also encouraged statistical work by the purchase of a considerable number of copies of such works as Seybert's *Statistical Annals* 1818, Pitkins' *Commercial Statistics of the United States* 1818 and Watterson's and Van Zandt's *Statistical Tables* 1820.

requirements for the collection of statistics on a scientific basis. In addition to the final full reports, the Census Bureau issues as soon as possible "Compendiums" which contain tables showing summaries of results, which in many cases serve the same purpose as the more bulky quarto volumes. Results of the census are also announced, as soon as arrived at, through brief bulletins in pamphlet form. A large number of such bulletins for the eleventh census have already appeared.

Statistics of Commerce:

All nations have found it advisable to keep as accurate a record as possible of statistics of trade and commerce. For this purpose the United States issues through the Bureau of Statistics of the Treasury Department two series of reports, entitled "Statistics of Commerce and Navigation" and "Internal Commerce." The first includes quarterly and annual reports on the commerce and navigation of the United States, and an annual list of merchant vessels. In addition to these the bureau issues monthly summaries of the imports and exports of the country in order to supply the demands of the public for early and frequent statistics of our foreign trade. That the delay required for compilation and printing may be avoided, the press is supplied with a statement of the total value of monthly imports and exports as soon as obtained from the custom officers. The annual report on commerce and navigation contains statistics of the amount and value of imports and exports in detail by countries and articles; statistics of immigration and emigration; the number and tonnage of vessels entered and cleared, and general information concerning the tonnage of steam and sail vessels, the number of vessels built in this country, etc. The Bureau of Statistics was created in 1866. Volumes on internal commerce have been published since 1876. They are compilations of statistics and general information concerning the internal commerce of the country, railroad and water transportation, etc.

A Bureau of Statistics also exists in the State Department. In August, 1842, Congress directed the Secretary of State to

issue annual reports on our commercial relations with foreign nations. These reports are based mainly on reports of consuls. Prior to 1880 they were issued only in annual "Commercial Relations." Since then they have been issued each month under the title of "Consular Reports." They contain statistics and general information relating to our commerce with foreign nations. Special consular reports are issued from time to time.

Statistics of Production :

In addition to the regular decennial censuses of production, the Federal Government collects and publishes through various bureaus statistics of the production of the most important classes of commodities. The Statistician of the Department of Agriculture publishes monthly and annually reports on the production of all agricultural products in this country. His report also includes statistics concerning the course of distribution, the cost of transportation, the rate of consumption, the range of prices, the wages of agricultural laborers, the production of foreign countries, etc. The first appropriation for the collection of agricultural statistics was made March 3, 1839, and amounted to \$1000. Agricultural affairs were then attended to by the Commissioner of Patents. The difficulties inherent in the task of collecting agricultural statistics prevent these reports from being accurate census reports of production. Their past history has, however, shown them to be close approximations to the precise amounts produced, and they are complete enough to perform their function of keeping the farmers and the public informed concerning the condition of agriculture, the movement of prices, etc. These statistics are based mainly on reports of numerous correspondents located in different sections of the country, verified whenever possible by collateral sources of information, as reports of State officers, boards of trade, and other bodies.

In 1883 the United States Geological Survey commenced the issue of annual reports on "The Mineral Resources of the United States." These give complete statistics of the amount

and value of each mineral mined or quarried during the year, and the movement in prices for each, and an estimate of the quantity of each mineral existing in this country. The United States Fish Commission has also published in a less complete way statistics of fishes and fisheries. The Director of the Mint under the Treasury Department issues an annual report on the production and consumption of gold and silver throughout the world.

Statistics of Education :

The Bureau of Education, now under the Interior Department, was created in 1867. Its annual reports since then have been largely devoted to educational statistics. They are compiled largely from reports of State and local school officers, and registers and catalogues of scholastic institutions and other printed sources of information. They are very complete, and relate to foreign countries as well as the United States, showing the proportion of children of school age attending school, the number and resources of institutions for higher education, etc., etc.

Finance Statistics :

The annual report of the Secretary of the Treasury embraces statistics on a wide range of financial subjects. This report embraces the reports of the various bureau officers under the department. The report of the Treasurer gives the receipts and expenditures of the United States, the condition of various funds and the amount of money in the Treasury.* The report of the Director of the Mint shows the amount of money coined, the amount of gold and silver exported and imported, the stock of gold in the various countries of Europe, the value of foreign coins, etc. The report of this officer on the production and consumption of gold and silver has already been mentioned. The reports of the Commissioners of Internal Revenue and of Customs give the details of the collection

*In 1886 the Treasury Department transmitted a valuable report to Congress, giving a statement of expenditures for public buildings, rivers and harbors, ports, arsenals, armories, and other public works since March 4, 1789. Senate Executive Document No. 196. 47th Congress.

of revenue from these sources. The report of the Comptroller of the Currency gives statistics of the number and condition of National Banks, State Banks and Savings Banks in the United States, and the amount of money in circulation. The report for 1873 contained the first general information relating to the condition of banking institutions other than national. Pursuant to an Act of that year, February 19, the Comptroller has since then collected information as far as obtainable, of all banks, State, savings, private, and loan and trust companies. The report of the Register gives the condition of the national debt and the details of the expenditures and receipts of the Government. For most questions concerning the expenditures of the Federal Government, the "Annual Letter" of the Secretary of the Treasury transmitting estimates of expenditures of the Government to Congress is the best source of information. This letter gives in detail the objects for which appropriations are required, the amount of the appropriation asked for the preceding year, the actual amount appropriated, reference to the Act authorizing each appropriation, and the reasons for appropriations for new purposes or objects.

Statistical Abstracts :

Congress has recognized the difficulty entailed in the search for statistics in the foregoing compilations, few being acquainted with their scope or methods of arrangement. To partially remedy this difficulty, the Chief of the Bureau of Statistics of the Treasury Department has been authorized to issue yearly a "Statistical Abstract," which shall contain in a condensed form summaries of the statistical information contained in Government publications. Reports of this character have been issued since 1878. They furnish the material for much of the information contained in year books and almanacs.

Railroad Statistics :

In 1888 the Interstate Commerce Commission commenced the publication of annual statistics of railroads in the United States. Only the reports for 1888 and 1889 have thus far

appeared. They promise to form one of the most valuable sets of the statistical publications of the general Government. These reports give in detail for each railroad in the United States its length, character and equipment, the amount of its capital, its income and expenditures in detail, the amount of fixed charges, as bonded indebtedness, and its relation to other roads, as for instance, whether an operating road or leased. These roads are grouped according to companies operating, thus showing exactly the roads included in each system. Attention is also given in them to the extent of traffic, the number of accidents, etc. Commencing with the second report, the statistician has introduced a new table, which he announces will be continued in succeeding reports, showing the changes which have taken place in the ownership of railways during the year. There is thus presented an accurate history of the railroad development and consolidation which is going on so rapidly in this country. The importance of this table will increase with each report.

Statistics of Labor:

The foregoing statistical works have been largely compiled in connection with the other routine work of the federal executive. In 1885 Congress established a purely statistical bureau named the Bureau of Labor, under the Interior Department. In 1887 the Bureau of Labor was created an independent department. The attention of this department is exclusively devoted to the collection of statistics concerning the condition of labor, except when especially directed by Congress to undertake a particular investigation. Congress has ordered this to be done but once ; though it is probable that in the future Congress will make greater use of this department for conducting special investigations. Hon. Carroll D. Wright, for seventeen years Chief of the Massachusetts Bureau of Labor, has been Commissioner of Labor since the creation of the bureau. The publications of this department consist of five annual reports treating successively of (1) Industrial Depressions, (2) Convict Labor, (3) Strikes and Lock-outs, (4)

Working Women in Large Cities and (5) Railroad Labor ; and a special report on Marriage and Divorce. These are statistical works of the highest order of merit. That on Marriage and Divorce is probably the most complete and accurate collection of statistics relating to one subject that has ever been made. The next series of reports of this department, will be on the Cost of Production and Cost of Living of the laborers in the principal branches of industry in America, England and on the Continent of Europe. The department has been engaged on this investigation for a number of years, and its result will fill four or five volumes. The great value of this work is unquestionable. For the first time it will furnish us reliable data concerning a number of much debated questions, such as the relative advantages of America and Europe for the production of the chief staple commodities,* the proportion in which wages enters into the cost of production in each country, the efficiency of labor in each, the condition of operatives, their earnings and expenses in detail, etc.

A summary of the foregoing shows that the United States Government issues fifteen distinct statistical publications. The general condition of the country is presented each decade by an elaborate census. The annual letter and report of the Secretary of the Treasury and the reports of the Comptroller of the Currency cover the subject of Federal, and in part, of State finance. In the important field of production, yearly statistics are presented of agriculture, mining products, fisheries, and of gold and silver both in this and in foreign countries. Three publications, the monthly and annual Reports on Foreign Commerce and Navigation, the annual Reports on Internal Commerce, and the monthly Consular Reports, give statistics of the commerce of the country. A special report covers fully statistics of railway transportation, and an independent department reports concerning statistics of labor. A statistical abstract summarizes to some extent government statistics.

*The bearing of this on the tariff question is evident. See "Scientific Basis for Tariff Legislation" by Hon. Carroll D. Wright, *Journal of Social Science*, 1884.

The proposition has been frequently mooted to combine the various statistical bureaus into one department of statistics. I shall not attempt to discuss fully the advantages and disadvantages of such a plan. There would be something gained in a few directions, but much lost in others. Undoubtedly it would be advisable to have the taking of the census entrusted to a permanent department, such as already exists in the Department of Labor.

The advantages of such a union have been presented repeatedly, and it has been recommended by every one either engaged in or interested in statistical work. These advantages are illustrated in Massachusetts, where the taking of the decennial State census is entrusted to the State Bureau of Labor. Both the census and the labor reports of Massachusetts are unsurpassed in this country for accuracy and scientific presentation. Each service aids the other. Labor statistics are collected at the same time that the census is taken, and the permanent existence of a bureau of statistics furnishes a corps of expert statisticians for the census work, already familiar with the ground to be covered. A new machinery does not have to be erected each decade, and a new service educated at great expense, which at best can never equal in efficiency a permanent service. In the case of the United States it would do away with the necessity of taking the whole census the same year. Census figures of population and production could be taken each decade, while collateral investigations, such as of vital statistics, statistics of mortgage indebtedness, of local finances, etc., could be collected during intermediate years. The greater part of the force would then be constantly employed. There is little doubt that greater economy and efficiency would be thus secured.

Possibly also, it would be advisable to combine the Bureaus of Statistics which now exist under the Treasury and State Departments. But it is difficult to see how statistics of railways could be more advantageously collected than as at present through the Interstate Commerce Commission, or agricultural and mining statistics than by the departments of the Government devoted to these industries.

There is, nevertheless, a lack of uniformity and coördination between the different statistical bureaus which is to be regretted. Each bureau has been organized as circumstances have seemed to require. As a result there has been formed a system of statistical collection in many ways defective. In some fields exceptionally complete statistics are furnished, while on other subjects of equal or even greater importance, no information at all is collected. In the remainder of this paper I shall refer to a few fields that should be covered by statistical publications if we would render our system of Federal statistics complete.

It will be noticed that in the great divisions of productions, annual statistics are collected for each class except that of manufactured products. Recent years have witnessed a marked tendency on the part of the Federal Government to create separate departments to look after each class of industrial interests as for example the Agricultural Department for agriculture, the Fish Commission for fisheries, and the Bureau of Mines and Mining in the Geological Survey for the mineral industries. Manufactures alone have received no attention from the Federal Executive, however much they may have occupied the attention of late Congresses.

The collection of statistics of manufactories, to be sure, offers many difficulties, but not more than is offered in the collection of agricultural statistics, and a similar system of collection would be equally effective. The success attending the efforts of such associations as the American Iron and Steel Association and the National Wool Growers' Association to secure statistics of the production of iron and wool illustrates the feasibility and ease with which statistics of the principal articles of manufacture can be obtained.

The second gap in the Federal statistical system is that caused by the incomplete collection of statistics of transportation. Since 1888 we have had adequate statistics concerning railroad transportation. The reasoning which applies to the necessity for the collection of railroad statistics applies with equal force to the collection of statistics of other transportation companies, such as those engaged in transportation by water, express

companies, palace and sleeping car companies, telegraph companies, etc. These statistics should be collected by the statistician of the Interstate Commerce Commission. The Interstate Commerce Commissioners in their last annual report urge that the provisions of the Interstate Commerce Act be extended to companies engaged in transportation by water, and the statistician desires that all companies concerned in any way in Interstate Commerce should be required to make reports to the Commission similar to those now required of railroad companies. This latter suggestion at least should be adopted. Were this done much assistance would be furnished us for the determination whether these companies should come under the Interstate Commerce Act or not, or the advisability of the Government organizing a postal telegraph system. Such statistics are also very easy of collection. Printed forms of reports are now furnished each railroad company, which the company is required by law to fill out and return to the Commission. Absolute uniformity is thus secured. Prof. Henry C. Adams has demonstrated that a very valuable collection of railroad statistics can be secured in this way at a small expense. It is scarcely necessary to dwell upon the importance of securing this class of statistics. Prof. Adams in a paper read before the Washington meeting of the American Economic Association, 1890, on statistics as an aid in the correction of corporate abuses, showed their great practical value in the adjustment of the relations between corporations and the Government. The proper management of the finances of these corporations is of very nearly equal importance to the general public to that of the Government finances. Complete publicity of their accounts would go a long way towards the correction of many abuses.

There are other important fields in which the Government has as yet done nothing—fields in which foreign central governments have done exceptionally elaborate work. Of these the two most important are statistics of crime and vital statistics.

The Attorney-General of the United States, in his last report as head of the Department of Justice, recommends

the creation of a bureau of statistics of prisoners and prisons. In his report for 1889 the Attorney-General says :

“It is urged with much force that a prison bureau should be established in the Department of Justice, where could be gathered, collated and recorded in a permanent form the criminal statistics of the United States. It is impossible at the present time to find any office or bureau where information concerning crime and criminals in this country can be obtained. The criminal statistics of the United States cannot be compared with those of other nations. The advantages of such a bureau to the Government, State, county and municipal officers, and the public generally would be invaluable. This prison bureau could be made the central office of the Bertillon system of measurements for the identification of criminals. It is believed the States and Territories would cooperate and heartily endorse such a plan, and it would undoubtedly meet with the favor of the wardens and superintendents of the several penitentiaries. I earnestly urge an appropriation necessary to carry out the above recommendations.”

The National Prison Reform Association has repeatedly adopted resolutions favoring the establishment of a bureau of this character. This is a subject of no ordinary importance, and it is one upon which little or no reliable information now exists for the whole country. Such questions as the influence of our foreign-born population on the prison population, the influence of education, of intemperance and of insanity upon crime, the question of hereditary tendencies towards crime, etc., are questions which should be answered as soon as possible.

An equal necessity exists for vital statistics. There is a remarkable lack of either statistical compilations or of literature of any kind bearing upon this class of statistics in this country. A number of States (notably Massachusetts), collect statistics of births and deaths through State Boards of Health and Registers; and the reports of health officers of most of our large cities are of great value. What is lacking is a cen-

tral bureau to correlate these efforts. A Federal bureau would be of great service did it make no collections itself, but devote its entire attention to the summarizing and presentation of material contained in State and municipal health officers' reports. Congress created in 1878 a National Board of Health, which, however, has never exhibited any vitality. This Board might be revived, and possibly made a permanent bureau under the Interior Department, and the collection of vital statistics intrusted to it. Foreign powers have attained a high degree of perfection in the collection of vital statistics. The long series of reports of the Registrar General of Great Britain contributes a fund of information of which Englishmen may well be proud.

In the extension of its statistical labors the Federal Government should bring one consideration prominently forward. A feature of its work should be its co-operation with State and municipal officers. It is justly held that the States should bear their proportion of the burden. In many cases the States are in a better position to collect statistics than is the Federal Government. A fair proportion of the States are already doing considerable work in the collection of statistics. Twenty-three States have bureaus of labor. Thirty have boards of health, and at least seventeen of these collect statistics of births, deaths, and marriages. Thirty require reports from railroad companies, ten from banking institutions, etc. Reports of State Commissioners of prisons, agriculture, etc., also contain statistics of more or less value.

Central bureaus at Washington could be made the medium through which these disconnected results could be brought together, and presented in an available shape. The Federal bureaus now existing are doing something in this way. The Bureau of Mines and Mining and the Agricultural Department make considerable use of State publications. The Department of Labor is now engaged in the preparation of a topical digest and index of the one hundred and forty reports of State labor bureaus, and a digest of State laws relating to labor.

The establishment of national bureaus is markedly effective in improving the quality of similar work of the States. They are of the greatest service in introducing uniform methods of statistical presentation. The superior work of the United States Department of Labor has furnished a model for the States to copy. The Interstate Commerce Commission has been very successful in its efforts to secure this result.* State Commissioners have changed their forms of reports required of companies and of the financial year covered by their reports to conform to that of the Interstate Commerce Commission.

The day has now long passed when it is necessary to insist upon the importance of accurate statistics illustrating the resources of a nation or the condition of its citizens. Each advance in civilization renders social and economic conditions more complicated, and increases the need for systematizing information through statistical compilations. There are indications of a development of a statistical science in this country. Let us hope that the Government will aid in every way the furtherance of this much-to-be-wished-for result.

WM. F. WILLOUGHBY.

Washington, D. C.

*See address by Prof. H. C. Adams on Uniformity in Railway Statistics, at the First Annual Convention of Railway Commissioners 1889, also appendix to his first report on Railway Statistics 1888.

PERSONAL NOTES.

AMERICA.

Brown.—Dr. G. G. Wilson has been appointed Associate Professor of Political and Social Science in Brown University. He was born in Plainfield, Conn., in 1863, prepared for college at the University Grammar School of Providence, R. I., and graduated from Brown University in 1886 with the degree of A.B. Two years later he received the A.M. degree on examination and the following year the Doctorate of Philosophy. He was for some time engaged in teaching, as principal of the Groton and Rutland high schools and then studied in Europe at Heidelberg, Berlin, Paris and in England. He has contributed to various periodicals and is author of—

“Town and City Government in Providence; a Study in Municipal History, 1889.”

Columbia University.—Dr. Monroe Smith, managing editor of *Political Science Quarterly*, and author of numerous encyclopædia and magazine articles, has just been made full Professor of Comparative Jurisprudence in Columbia University. Professor Smith was born in Brooklyn, N. Y., in 1854; studied at Amherst College, (1870-1875,) Columbia College, Law School (1875-77) and the Universities of Berlin, Göttingen and Leipsic (1877-80). He received the A.B. and A.M. degrees from Amherst, LL.B. from Columbia and J.U.D. from Göttingen. His positions in Columbia, where he has taught consecutively since 1880 have been : Lecturer on Roman Law 1880-91; Instructor in History, 1880-83; Adjunct Professor of History, 1883-91. *The Political Science Quarterly*, of which he is editor, was established in 1886.

Professor Franklin H. Giddings, of Bryn Mawr College,

has been appointed Lecturer on Sociology in the School of Political Science, Columbia College, for the Academic year 1891-92. The appointment does not take him from Bryn Mawr, nor affect his duties there. Professor Giddings was born at Sherman, Fairfield county, Conn., March 23, 1855. After preparatory studies at the high school at Great Barrington, Mass., he entered Union College in 1873 and received in course the degrees of Bachelor and Master of Arts. Engaging in newspaper work, he became an editorial writer on political and economic questions, and held positions on the Springfield, Mass., *Daily Union*, the *Springfield Republican*, and other journals. In 1885, at the request of the Hon. Carroll D. Wright, he made an investigation of productive co-operation and profit sharing in the United States, the results of which were published in the seventeenth annual report of the Massachusetts Bureau of Statistics of Labor. The monograph was reprinted for general distribution by special order of the Massachusetts Legislature, and was translated in part for the "*Bulletin de la Participation aux Benefices.*" The growth of interest in profit sharing in the United States, and the steady extension of the practice, date from this work. In 1888 Professor Giddings published, with Professor J. B. Clark, of Smith College, "The Modern Distributive Process," a reprint of articles contributed to the *Political Science Quarterly*. Among his other contributions to economic and sociological theory have been ; "The Sociological Character of Political Economy," American Economic Association, 1886 ; "The Theory of Profit Sharing," *Quarterly Journal of Economics*," April 1887 ; Studies in the Theory of Capital and Interest, *Quarterly Journal of Economics*, July, 1889 ; January, 1890 ; and January 1891 ; "The Province of Sociology," ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, July, 1890 ; "Malthusianism and Working Women," *Ethical Record*, July, 1890, and "The Ethics of Socialism," *International Journal of Ethics*, January, 1891. In 1888 Professor Giddings came to Bryn Mawr College, as Resident Lecturer on Political Science. The following year he was made Associate in

Political Science, and this year Associate Professor of Political Science. He is chairman of the publication committee of the American Economic Association, a vice-president of the American Academy of Political and Social Science, and an associate editor of the ANNALS.

University of Kansas.—There have been a number of changes in the teaching force of the department of Political Science and History in the University of Kansas, all of which take effect at the opening of the next academic year. Professor James H. Canfield, as noted below, has resigned the Professorship of American History and Civics to accept the Presidency of the Nebraska State University.

Dr. E. D. Adams, who has been elected Assistant in History and Sociology, was born at Decorah, Iowa, in 1865. He was a student in Iowa College, Grinnell, Iowa, 1883 to 1885; student in the University of Michigan, Ann Arbor, Mich., 1885 to 1887, taking the degree of A.B. in 1887; was principal of the High School at McGregor, Iowa, 1887 to 1888, and student of the University of Michigan for the degree of Doctor of Philosophy, 1888 to 1890, during which time he was for a short time principal of the high school at Saginaw City, Mich., supplying a vacancy. In 1890 he took the degree of Ph.D. The subject of his thesis was "The History of the Budget in the United States." A portion of this monograph was read as a paper before the American Historical Association at its last meeting in Washington, D.C. Since July, 1890, he has been connected with the census work on street railways, and since December has held the position of special agent in charge of street railways.

Dr. Frank W. Blackmar, at present Professor of History and Sociology, combines his chair with that made vacant by Professor Canfield's departure. Dr. Blackmar has been engaged steadily in his chosen profession with intervals of study and preparation since his completion of the course in the Northwestern State Normal School at Edinboro, Pa., in 1874. He was born in Erie County of that State in 1844. His col-

legiate education was acquired at the University of the Pacific and his university education at the Johns Hopkins University. From the latter institution he received the Ph.D. degree in 1889, having taken the Ph.B. and A.M. degrees from the University of the Pacific. The most important position which Dr. Blackmar had held before his appointment in the University of Kansas, was that of Professor of Mathematics in the University of the Pacific, 1882-1886, though he has spent much time in public education, in high schools, in academies, and in boards of education. His writings have been confined to studies in education and history. Among them are :

“The History of Federal and State Aid to Higher Education in the United States,” 1890;

“The Study of History and Sociology,” 1890;

“Spanish Institutions in the Southwest,” 1891 (in press).

University of Nebraska.—The University of Nebraska has secured as Chancellor, Professor James H. Canfield of the University of Kansas, a man who, through his prominence in the work of the National Educational Association for many years, as well as through his work in American History and Civics, is known throughout the entire country. Chancellor Canfield was born at Delaware, Ohio, in 1847. He prepared for college at the Brooklyn Collegiate and Polytechnic Institute and graduated from Williams College in 1868. After graduation he held the position of General Accountant, Purchasing Agent and Superintendent of Construction for the Milwaukee and St. Paul Railway. He was admitted to the bar in Michigan and practiced law at St. Joseph in that State, where he was also Superintendent of the city schools, (gratuitous). In the University of Kansas his position has been twice modified. He filled originally the chair of History and English Language and Literature, then that of American History and Political Science, and, at the time of his transfer from that institution, his chair had the designation of American History and Civics. He was for three years Secretary of the National Educational Association, and was President for the year

1889-90. He is the author of the following and other minor works :

"Local Government in Kansas."

"School History of Kansas."

"A Monograph on Taxation."

In accordance with our custom, we give below a list of the students in political and social science and allied subjects on whom the degree of Doctor of Philosophy was conferred at the close of or during the last academic year:*

Columbia College, Department of Political Science.—John Fieldhouse Fenton, Jr., A.M. Thesis: The Theory of the Social Compact and its Influence upon the American Revolution.

Percival S. Menken, A.M. Thesis: Regulation of the Liquor Traffic.

John Dean Goss, A.M. Thesis: The History of Tariff Administration in the United States.

Walter Francis Wilcox, A.M. Thesis: The Divorce Problem; a Study in Statistics.

Harvard University.—Herman V. Ames, A.B. Thesis: The proposed Amendments to the Constitution of the United States.

Frederick E. Haynes, A.M. Thesis: The Struggle for the Constitution in Massachusetts.

Johns Hopkins University.—James William Black, A.B. Thesis: Attitude of Maryland in the Struggle for the Possession of Canada.

George Petrie, A.M. Thesis: Church and State in Early Maryland.

Edward Allsworth Ross, A.B. Thesis: Sinking Funds.

Sidney Sherwood, A.B. Thesis: The University of the State of New York; an Historical Account of its Founding, together with a Sketch of its present Organization and Workings.

Bernard Christian Steiner, A.B. Thesis: History of University Education in Maryland.

* See Vol. I, page 293 for Academic year 1889-90.

William Howe Tolman, A.B. Thesis: History of Higher Education in Rhode Island.

Stephen Beauregard Weeks, A.B. Thesis: Religious Development in the Province of North Carolina.

Westel Woodbury Willoughby, A.B. Thesis: The Supreme Court of the United States.

Arthur Burnham Woodford, Ph.B. Thesis: The Use of Silver as Money in the United States.

University of Pennsylvania.—William Draper Lewis, B.S. Thesis: Our Sheep and the Tariff.

For the academic year 1890-91, appointments to fellowships and post graduate scholarships have been made in our leading institutions as follows:

Bryn Mawr.—Fellowship in History, Caroline Miles, A.M.

Columbia College.—Of the twelve University Fellowships, 1891-92, one was awarded in the Department of Political Economy to William L. Ripley, B.S. Four annual Seligman Fellowships: Stephen F. Weston, A.M.; Frank Loomis Eckerson, A.M.; Samuel Whitney Dunscomb, Jr., A.M.; William Bondy, A.M. Seligman Prize in Political Economy was awarded to Charles H. J. Douglas, A.M., for an essay on "The Financial History of Massachusetts."

Cornell University.—Fellow in Political Science, Frank Fetter, A. B.; in Political Economy, J. A. Lindquist, A. B., T. B. Veblen, Ph.D.; in Modern History H. C. Stancliff, Ph.B.

Johns Hopkins University.—Fellows in History: Paul Erasmus Lauer, A. B.; Michael Andrew Mickelson, A. B.

Harvard University.—Rogers Fellow, Student of Political Science, John H. Gray; Ozias Goodwin Fellow, Student of History and Political Science, William G. Brown; Thayer Scholarship, Student of Political Science and History, F. R. Clow; Thayer Scholarship, Student of History, Everts B. Greene; Thayer Scholarship, Student of Political Science, J. A. Wilgers; University Scholarship, Student of Political Science, F. G. Caffey.

For the translation of the two papers in this number of the

ANNALS, "Economics in Italy" and "The Present Condition of the Peasants of the Russian Empire," the Academy is indebted to Cornelia H. B. Rogers, of Bridgeport, Conn. Miss Rogers received the A. B. degree at Wellesley College in 1884, and was a post-graduate student there the following year. She subsequently resided in Italy and Spain, and studied the languages of those countries. She is now interested in the study of modern languages, and has rendered the Academy valuable service on several occasions in the manner indicated.

AUSTRIA.

A signally deserved honor has been conferred by the Austrian Government upon the President of the Royal and Imperial Central Statistical Commission, Dr. Karl Theodor Von Inama-Sternogg, by his appointment for life as a member of the Upper House of Parliament in recognition of his scientific services in Economics and Statistics. Dr. Sternogg was born in Augsburg, Bavaria, in 1843 and obtained his University education mainly in the Bavarian University of Munich, where he took his degree in 1865 as Doctor of Political Science (*Doctor der Staatswirtschaft*). His career as an instructor began in the same University, but in 1868 he was called to Innsbruck as Professor of Political Economy, in which University he remained twelve years, serving as Rector in 1875-6. He went to Prague as Professor in 1880 and in the following year to Vienna where he had been appointed Director of Administrative Statistics, and at the same time, Honorary Professor in the University of that city. In 1884 he received the appointment to the position which he now holds at the head of the Statistical Commission. This position was, in 1890, made equal in rank with that of Department Chief (*Sectionschef*). Dr. Sternogg is a member of learned Societies in Austria, Belgium, France and England. The most important of his writings are:

"Verwaltungslehre," 1870.

"Deutsche Wirtschaftsgeschichte," 1st Vol., 1879, 2d Vol., 1891.

Vienna.—Dr. E. von Böhm-Bawerk* has been appointed Honorary Professor of the University, and expects to avail himself of the privilege of lecturing, which the appointment confers.

ENGLAND.

Kings College.—Dr. Wm. Cunningham has been appointed to the Tooke Professorship of Political Economy at Kings College, London, vacated by the appointment of Professor Edgeworth to Oxford, and he has also been elected to a Fellowship at Trinity College, Cambridge. Professor Cunningham, who is a D.Sc. of Edinburgh and a D.D. of Cambridge, has for some time been University Lecturer at Cambridge and Lecturer in Trinity College as well as Vicar of St. Mary's the Great. We are indebted to Professor W. J. Ashley, of Toronto for permission to quote from his review of the "Growth of English Industry" in the *Political Science Quarterly* for March, the following statement of Professor Cunningham's position among English Economists :

"Anyone who is acquainted with recent English political economy knows that for the last decade Mr. Cunningham has been the sturdy and even aggressive critic of the dominant abstract school, the advocate of a more historical or 'empirical' study of social phenomena. In the years between the death of Cliffe Leslie and the appearance of Dr. Ingram's "History," he stood almost alone in the English academic world in his open antagonism to the deductive method. And he did not confine himself to mere criticism: his "Growth of English Industry and Commerce," (1882) was the first attempt that had been made to trace the whole course of English Economic development; while his monograph on "Usury" (1884), now unfortunately out of print, was the first serious discussion in England of one of the most important of mediæval conceptions. To the revival of economic studies which is now showing itself in England, Mr. Cunningham both as a teacher at Cambridge and also through his books, has contributed in no

* See ANNALS, Vol. I., p. 139.

small measure. To him, perhaps, more than to any one else it is due that the conception of the "relativity" of economic doctrine is at last beginning to find a place in current discussions."

GERMANY.

Leipzig.—Professor v. Miaskowski* who followed Professor L. Brentano, at Vienna when the latter was called to Leipzig in 1889, has again become his successor in the University of Leipzig. As announced in the ANNALS for July, 1891†, Professor Brentano has resigned his chair at Leipzig to accept a call to the University of Munich.

Munich.—Dr. Walther Lotz‡, now privat docent at Leipzig has been called as honorary professor to the University of Munich. Since the issue of the ANNALS of July, 1890, Dr. Lotz has published in the "*Schriften des Vereins für Sozialpolitik*," an essay entitled "*Die Schiedsgerichte in der nordenglischen Eisen und Stahl Industrie.*" The same essay appeared later in "*Le Revue d'Economie Politique.*"

Strassburg.—Dr. Georg von Mayr, who has established himself as privat docent at Strassburg and expects to begin his lectures in the Winter Semester of 1891-92, was born in 1841 in Würzburg, attended the Gymnasium in Würzburg and the University of Munich. He passed the State examination in law in 1865 and in the same year won at Munich his degree as Doctor of Political Science (*Doctor der Staatswirtschaft*). He became privat docent in Munich in 1866, and two years later was appointed as extraordinary Professor in the same institution. He was actively engaged in the public service, however, from 1869 to 1887 having been appointed Chief of the Royal Statistical Bureau of Bavaria (1869), Member of the Bavarian Ministry of the Interior (1872), and Chief of the Department of Finance in Alsace-Lorraine (1879). Since resigning the last-named office in 1887, he has resided in Munich.

* See ANNALS, Vol. I., p. 139. † See ANNALS, Vol., II., p. 110.

‡ See ANNALS, Vol. I., p. 141.

Dr. von Mayr established in 1890 the "*Allgemeinen Statistischen Archiv*" and has contributed many of its leading articles. He has also taken active part as representative of the government ministry, in several important Parliamentary debates, particularly in 1879, when the Tariff of that year was under discussion in the Reichstag; in 1882, in the debate on the Tobacco Monopoly Bill, and at various times when the affairs of Alsace-Lorraine were under discussion. His lengthier writings have been:

"Die Gesetzmässigkeit im Gesellschaftsleben, Statistische Studien," München, 1877.

"Das Deutsche Reich und das Tabakmonopol," Stuttgart, 1878.

"Die Quellen der Sozialstatistik, mit besonderer Rücksicht auf die Einrichtungen der Arbeiterversicherung," im "*Bulletin de l'Institute international de statistique*," 1889.

BOOK REVIEWS.

THE WORKING CLASS MOVEMENT IN AMERICA. By EDWARD and ELEANOR MARY AVELING. Second Edition. Pp. 239, with Appendix. London: Swan, Sonnenschein & Co. 1891.

THE statement of the authors at the beginning of this book that the phrase "Working Class Question in America" is to them, in the main, synonymous with "Socialism in America," reveals the character and bias of their work. The authors state that the knowledge necessary for its preparation was gained in a fifteen weeks' tour in the United States in the fall of 1886, from the labor journals of our country and from the Reports of the Bureaus of Labor. Traveling under the auspices of the Socialistic Labor Party and conversing with its representatives in the different cities visited, it is not strange that the authors should show themselves poorly informed about the classes of our people. They conceive of our population as divided into a cruel employing class, and a working class crushed by every sort of tyranny. Of the vast middle class of our town and country population they are entirely ignorant. A much longer time than fifteen weeks and a more judicial turn of mind than that of the authors are necessary in order to appreciate the political, social and economical organization of our country. A few quotations from Chapter II may emphasize the authors' ignorance: "In America transition stages and classes are, for the most part, wanting." "In America there seems to be no social and intellectual middle class." "There are in America far more trenchant distinctions between the capitalist and laboring class than in the older lands." "At the one end of the scale is the millionaire At the other end is the helpless, starving proletarian." "The workingmen and the capitalists in the ma-

majority of cases quite understand that each as a class is the deadly and inexorable foe of the other." Unfortunately, Mr. and Mrs. Aveling are not the only writers on economic questions who assume that the conditions of large manufacturing cities prevail over the entire United States.

In the chapters upon the conduct of employers, wages, work, method of living, woman and child labor, the authors have selected from the vast amount of testimony in the reports of the Bureaus of Labor a few complaints of men, who in many cases were out of work, to support their conclusions. That there are many evils in the relation of employer and employee is only too true; but the selected, unsupported statements of discontented laborers cannot be considered to give reliable accounts of our economic condition. Throughout the book there is a very unscientific use of authorities. There is no attempt to balance contradictory evidence and to arrive at a true conclusion as to the average condition of our wage-earners.

The chapter on Anarchists contains a bitter attack upon the courts which convicted the Chicago Anarchists. Mr. and Mrs. Aveling became warm personal friends of the chief counsel of the Anarchists and they accept his statements as conclusive authority.

The book will be of no use to any American reader and it is unfortunate that such an utterly unreliable account of the relations of employer and laborer in the United States should be put before English readers.

HERBERT ELMER MILLS.

Vassar College

L'ÉVOLUTION SOCIALE EN BELGIQUE ; ses péripéties au point de vue des Classes Ouvrières. L'Équète Ouvrière de 1886. Par le DR. LE CAMPS. Pp. 309. BRUXELLES. 1890.

In his preface the author states that his work is not based on original investigation, and that it does not pretend to be a profound sociological study. It is intended to be merely an historical sketch of the various phases of the social development of the laboring classes since those classes first had political organization in Belgium, together with a summary of the remedial legislation enacted or proposed at the present time. Ninety sketchy and rather rhetorical pages are given to the historical view extending from the middle ages to the present. The remainder of the work is for the most part a summary of the testimony taken and conclusions reached by a Royal Commission of Enquiry concerning labor which was appointed April 15, 1886.

The author says of this commission that "according to the organic act its mission was very great : a field without limit opened before it for exploration. Nothing essential to the labor problem was foreign to its investigations." In other words, it was something like one of our congressional committees authorized to sit during the recess of Congress and take a bulky lot of testimony on any and all phases of the labor problem, and to listen to all witnesses that present themselves. A *questionnaire* filling six closely-printed pages was scattered broadcast over the country, and the commission conducted oral investigations in different parts of the kingdom.

The author devotes seventy-eight pages of his book to extracts from the oral testimony, the rather scrappy selections being arranged according to the places where the testimony was taken. A more usable portion of the work is that, about fifty pages, devoted to the written replies to the questions sent out. These are classified by subjects, and, as already intimated, cover the whole range of the labor problem from the physical characteristics of the laborers themselves to the adulteration of liquors. Then follow abstracts of seventeen papers, each dealing with a special topic, written by different men.

The manner of conducting the investigation foreordained the accumulation of a heterogeneous mass of material, much of it of no special value. An avowed aim of the commission was to listen to all complaints and report them. This was doubtless useful work for the citizens of Belgium; it served to lessen discontent and to awaken active sympathy. But the complaints and plans for reform are very much like those with which students of the labor problem are familiar elsewhere; and as the author elected to reproduce the bulky investigation in miniature rather than to make a study based upon it, the work is of special value only to one specially interested in Belgium itself. The volume contains no statistical tables and no index.

A. G. WARNER.

Washington, D. C.

DER WAREN-TERMINHANDEL; seine Technik und Volkswirtschaftlich Bedeutung. Von DR. CARL JOHANNES FUCHS, Privatdocent an der Universität, Strassburg. Leipzig, 1891.

FEW people not directly concerned in business on Boards of Trade or stock exchanges have any clear conception of the nature of these institutions, while the expression "dealing in futures" to most people means simply gambling in some way to them unknown. In consequence of this prevailing ignorance and false opinion regarding their nature, there has been an outcry against them, and legislation of a crude and mischievous kind has been frequently proposed, though as yet in our country little has been really carried through.

It would be a genuine service if some one in our country would do what Dr. Fuchs in this brief pamphlet, reprinted from Schmoller's "*Jahrbuch*," has done for Germany. He has given a clear, succinct account of the nature and process of growth of such institutions, has shown their significance and importance, not to say necessity, for the business interests of the community, and has made clear their workings in every-day transactions.

Of course, the dangers arising from them, the real injury done to the commercial interests of the country at times by stock manipulators, corners, etc., are not neglected, but are traced to their sources, and the remedies that have been proposed for such abuses are carefully analyzed and criticized. It is interesting to note that such abuses are considered to be in great part due, not to the nature of the business itself, but rather to its imperfect organization, and that the remedy is, in the author's opinion, to be found, not so much in legislation—though legislation that should give the public detailed and accurate information regarding the business is considered desirable—but rather in a better organization and in the more reasonable and rigid action of the organizations themselves.

All such publications that throw light upon the real nature of practical business, and enable people to understand how sensible and reasonable, as well as economically beneficial to all classes in the community, in spite of many abuses, our business institutions are, will tend to check injurious legislation and to promote greater harmony among the different industrial classes. Unfortunately, such publications too often fail to reach the classes that most need them.

JEREMIAH W. JENKS.

Cornell University.

SOCIALISM, NEW AND OLD. By WILLIAM GRAHAM, M. A., Professor of Political Economy, etc., Queen's College, Belfast. Pp. lv. 415, 12mo. Volume 68 of the International Scientific Series. New York : D. Appleton & Company, 1891.

THIS is a carefully-planned book, embracing an introduction of fifty pages, which may be profitably re-read as an appendix, and thirteen chapters. Striking off the first chapter, devoted to analysis and definition, and the last, which discusses certain tendencies in existing society towards a socialistic State, the reader finds the remaining space divided about equally into three portions. Three chapters go to a compact historical résumé; four others describe and discuss the socialistic or collectivistic State as imagined by those who now profess and call themselves "Socialists;" and other four chapters.

under a running title of "Practicable State Socialism," enumerate and criticize various measures proposed as remedies for existing evils in the body politic.

The author did not propose to himself the task of writing in detail the history of socialistic ideas and experiments, but in a vigorous sketch he brings into relief the men and events marking epochs in socialistic evolution. Those only who are already well informed in the annals of socialism can make the most of this résumé and the criticism it was intended to call out. It serves the author's purpose well to bring into the strongest light Rousseau, St. Simon and Marx as epoch-making socialistic theorists. And this disposition is not really misleading. Some readers will disapprove of the apparent disparagement of Rodbertus and Lasalle; all will, however, agree that in the economic writings of Rousseau are to be found the *fons et origo* of all modern socialism. The equivocal position of John Stuart Mill is properly indicated. The author does not fail to give due prominence to the doctrine of Karl Marx as the basis of State socialism. He sees clearly and states strongly its presuppositions and its central element in a theory of value.

In reply to the Marxian postulate that labor alone confers value, he shows that this postulate imports into the science of production, a function or element which emerges only in the field of exchange. Human labor, applying the forces of nature to matter, produces, if anything at all, simply produce or product; whether value shall ever attach to produce depends upon its getting into the field of exchange and the relations of men and things in that field. Machines, by calling into use the forces of nature, contribute to the increase of produce, which may, or may not, be carried into the domain of exchange and there be valued in competition with other produce. The answer to Marx is not, then, that capital as well as labor produces value, but that neither of them produce value. Value is not a product, but an attribute.

In the chapters devoted to State socialism, Professor Graham describes, criticises, and finally unequivocally condemns that

general scheme. The most radical and ingenious objection brought forward is that in its theory of value State socialism, or collectivism, as the author prefers to call it, fails to fulfil its promise of setting up a principle of distribution, self-acting and infallible. The number of laborers in the State being uncertain and changing, and the amount of produce always fluctuating, it would be necessary for the State from time to time to determine the value, in terms of all possible products, of the labor-time checks, in which labor is in the first instance to be paid, and which circulates as currency, all money having been abolished. The author's final pronouncement is, that "universal State enterprise" with its corollaries, the cessation of interest and the abolition of money, is impossible.

Convinced of the impossibility of "*laissez-faire*" in the modern State and recoiling from the extreme of State socialism, Professor Graham advocates cautious and patient experiment with such remedial measures of a socialistic nature as may be thought promising. A reason for this is that it is a general fact that by the time a tendency in politics or industry is widely and generally felt, an unseen counter-tendency is already beginning to operate; for example, the drift towards equality of condition so apparent fifty years ago and portrayed with so much vigor and apprehension by De Tocqueville has been counteracted by processes entirely unobserved by that acute publicist. Although none too sanguine of the success of co-operative production in the face of private competition, he favors experiment and the granting of State aid in the way of advancing capital at market rates. He would abolish speculative land holding, so soon as local government shall be properly and effectually reformed. His plan for public education strikes an American reader with amused surprise, so far short does it fall of the actual socialistic development in education in our country, it is simply proposed that public funds be created for furnishing prizes, exhibitions and scholarships for the talented poor, who may in this way be assisted to rise. The taxation of inheritances is strenuously contended for, but it is admitted that such taxation must be so limited as not to

induce proprietors to evade it by gifts or other alienations in life. The question naturally arises, "Will not this be done, if the tax is of any real account?" In socialistic legislation to fix the length of the working day, or to fix a minimum wage or an average wage, the author finds little or no promise of help to laborers. He is more sanguine of the benefits to result from State ownership of railroads, forests, and mines, and he insists on the municipal building of houses for the occupation of the working poor. Mr. Charles Booth's scheme for the enforced colonization of a stratum of the London poor is characterized as the sending, by society, of three or four million of slaves into captivity for the benefit of the classes of laborers just above them in the ingenious classification of that philanthropist.

"Socialism, New and Old," is well worth the careful perusal of all who wish to be well informed on that subject. The exposition is clear, the argumentation acute, and fair. The conclusions will satisfy, for the time being, all reasonable people who are free from enthusiasm on the one hand and pessimism on the other. The only drawbacks to the book are occasional entanglements in sentence-making and numerous little infelicities of diction which mar a style in the main clear and forceful.

WILLIAM WAATS FOLWELL.

University of Minnesota.

PRINCIPLES OF SOCIAL ECONOMICS Inductively Considered and Practically Applied, with Criticisms on Current Theories. By GEORGE GUNTON, author of "Wealth and Progress." Pp. 447. New York: G. P. Putnam's Sons, 1891.

The key to this book is found in Mr. Gunton's former work, "Wealth and Progress." Having therein developed a law of wages, he now sets himself to work out this law into a complete system of "social" economy. The present work summarizes in the chapter on The Law of Wages the conclusions reached in "Wealth and Progress." According to the author, wages are not a proportional share of the product, but

are a stipulated price, determined by the same law as the prices of commodities. Applied to labor the law is "that wages tend to move towards the cost of furnishing the most expensive portion of the necessary supply of labor-power in any given market;" or, taking account of the standard of life, "the rate of wages in any country, class or industry constantly tends towards the cost of living of the most expensive families, who furnish a necessary part of the supply of labor in that country, class or industry." This is the fundamental principle in the book before us, and whatever of strength or weakness it shows, is ultimately due to the strength or weakness of this proposition. A close examination will show that this principle is wholly superficial. It is undoubtedly true as far as it goes, and is, in so far, of universal application. But it is of no real significance unless it is accompanied by an exposition of all the causes which determine what shall be this "necessary part of the supply of labor" in the given country, class or industry. But here Mr. Gunton fails. He seems to take it for granted that there is always a demand for all laborers, and loses sight of the problems of involuntary idleness, the appropriation of opportunities, the growth of monopolies, and, in fact, all causes which affect the demand for labor. But the law has a practical truth, for it is applicable to all those occupations where labor is organized. Here the vital principle is the limitation of the number of laborers who shall work at the trade in question. In such cases the law is true and of considerable import, but Mr. Gunton fails to make the limitation. Among the great masses of unorganized laborers the hypothesis is insufficient, and consequently all conclusions of a universal character which the author bases upon it must be faulty. This weakness can be traced throughout the entire work. For example, Mr. Gunton concludes with reference to taxation, that it is wholly indifferent to the laborer where taxes are originally imposed; if they are placed upon the commodities which he consumes they will increase the cost of his living, it is true, but he will demand higher wages or refuse to work. In this

way all taxes are transferred from the laborer to the employer, who is the only one who can pay taxes, since he is the only one who has a surplus above his necessary cost of living. Attractive as this conclusion may be, it is vitiated by reason of the important omissions above noted. Owing to the same cause, other conclusions of the author are inadequate, such as those relating to the necessary functions of government, the functions and regulation of money, and in general the entire theory of distribution.

Notwithstanding this imperfection, the work shows abundance of keen observation and shrewd criticism, and it makes at least one important contribution to economic science in showing the relations between machinery and the consumption of wealth by the masses. It is here that Mr. Gunton works out a suggestive outline of economic history and of corresponding economic thought. Political economy was written first from the standpoint of the land-owning class, then from that of the manufacturer and merchant; but now that serfs have become wage-receivers, large factories have arisen which require "a more extensive market for their success than any possible increase in the consumption of wealth by the upper and middle classes could furnish," and, "therefore, it is in the needs of the masses that the economics of the future must be studied and statesmanship determined." In developing this side of economic doctrine, the author may rightly claim that "instead of a system of '*commodity*' economics, which justifies human degradation as a means of cheapening wealth, we have a system of *social* economics which shows that the most effective means of promoting the industrial welfare of society on a strictly equitable basis must be sought in influences which develop the wants and elevate the character of the masses." No other American has shown so successfully the economic justification of all legitimate and practicable efforts for elevating the condition of the wage-receiving classes. Herein his book will stand criticism, and will furnish a starting-point for a well-rounded system of economics.

Oberlin College.

JOHN R. COMMONS.

THE ELEMENTS OF JURISPRUDENCE. By THOMAS ERSKINE HOLLAND, D.C.L., LL.D. Fifth Edition. Pp. XIX, 390. Oxford: Clarendon Press, 1890.

THIS work, at its first appearance in 1880, was widely read in all English speaking countries. It was the first serious attempt in their tongue to treat the subject in a systematic and scholarly way. Austin's lectures were but fragments of material for a system; Sir Henry Maine had only covered special topics; but it remained for Professor Holland to explain the Science of Jurisprudence scientifically, from the Anglo-American standpoint. That he did it well the call for five editions in ten years is the best proof.

The present edition makes a volume larger than the first by about a fourth, and the new matter has been added with excellent judgment. Several of the chapters have been substantially rewritten, but rather the better to sustain the author's previous positions, than to vary them. Of this, that on the "Sources of Law" is a good example. Religion is now introduced as one of these, and its influence on the Government of British India is referred to with effect, as showing how it may force the adoption of personal law rather than territorial law, as the rule of judicial decision. "Adjudication" receives a much fuller and more satisfactory treatment, particularly with reference to the reasons that have made the continental judges pay it so little respect.

"The continental view is an inheritance from the law of Rome; for although Cicero enumerates '*res indicatæ*' among the sources of law and the Emperor Severus gave binding force to the *auctoritas rerum perpetua similiter indicatarum*, the contrary principle was firmly established by the Constitution of Justinian. The codes of Prussia and Austria expressly provide that judgments shall not have the force of law, and although the codes of France, Italy and Belgium are silent on the point, the rule in all these countries is substantially the same, viz: that previous decisions are instructive but not

authoritative ; subject to certain special provisions of a strictly limited scope."

The rescript of Severus, referred to in this passage, it may be observed in passing, was confined to ambiguities in statutes (*in ambiguitatibus, quæ ex legibus profiscuntur. D. I. 3. 38.*) In the discussion of "Equity," as a source of law, its constant change and development is strongly insisted on, and Jessel's remark, as Master of the Rolls, is quoted with approval, that equitable doctrines "are progressive, refined, and improved ; and if we want to know what the rules of equity are, we must look, of course, rather to the more modern than to the more ancient cases."

Professor Holland refers freely to American authorities and speaks with special commendation of Dr. Wharton's treatise on Negligence, Holmes on the Common Law, and Woolsey on Divorce. In quoting from a recent opinion by Judge Holmes in the Massachusetts' Reports, we observe that he describes it (p. 98) as a "New York case." The greater diversities of condition and circumstances existing in this country, as compared with those to be seen in England, have given our courts the opportunity to advance the law in many directions of late years, and he notes sometimes not without apparent surprise and distrust, many positions taken here, not yet reached on the other side of the Atlantic. In regard, for instance, to marital rights *in rem*, after stating (p. 150) that of the husband that no man shall deprive him of his wife's society or affection, he adds : "An analagous right might, of course, be conceivably recognized as vested in the wife, and is said to have been recognized in recent American cases." In fact, the doctrine has been repeatedly affirmed here, not only in the cases to which he refers (evidently without having read them) but in that of *Foot v. Card. 58 Conn. Rep. 1.*

We should judge from the omission to refer to them in the chapters on Public and International Law, that the draft codes prepared by the Congress of Montevideo, 1889, and favorably considered at the Washington International American Conference of 1889-90, had not come under Professor Holland's

eye. They are now readily accessible in Government publications, and constitute a step of the first importance in the progress of international jurisprudence towards fixity and form.

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LA MONNAIE ET LE BIMETALLISME INTERNATIONAL. Par EMILE DE LAVELEYE. Pp. xviii, 347. Paris: Gernier, Baillière et Cie, 1891.

THIS is the latest addition to Laveleye's long list of writings on bimetallism. His earlier contributions to the literature of the subject appeared in the *Revue des deux Mondes*, the *Revue Suisse*, the *Journal des Economistes*, the *Revue de Belgique*, and the *Contemporary Review*, and as independent works under the titles of "*La Question d'Or*," (1860), "*Le Marché Monétaire et ses Crises Depuis, 50 ans*" (1865), "*La Monnaie Bimétallique*" (1876), "*La Question Monétaire*" (1880), "*Le Bimétallisme International*" (1881), "*La Question Monétaire en Belgique en 1889*" (1890), etc. These are all familiar to a student of finance, and some of them have appeared in English translations. This latest work does not add much to the author's previous writings, and cannot lay claim to great originality. Constant reference is made to the other authorities in monetary matters, both monometallists and bimetalists—Sœtbeer, Palgrave, Sauerbeck, Giffen, D. A. Wells, Leroy-Beaulieu, S. D. Horton, Cernuschi, and Lexis. From these and from the reports of the English and American Commissions the statistical material is largely borrowed.

It is unnecessary to say that the book is an extended argument for international bimetallism. As usual, it begins with the demonetization of silver by Germany in the seventies, and its influence on the silver market, and indirectly on the money market. To quote from the preface: "Germany demonetizes silver and forces the other European governments to cease coining silver; the value of silver falls; a part of the wealth of the holders of silver throughout the world is destroyed; the Hindoo peasant loses 20 per cent. of his hoarded wealth;

the miners in the Rocky mountains earn less ; . . . English commerce is disturbed, exchange on silver countries fluctuates ; the currency is contracted ; prices fall ; a crisis results in the whole world. All this because Herr Bramberger wrote a pamphlet, entitled "*Reichsgold*," which induced Germany to adopt gold money as the only money worthy of a great nation." A parallel case is found in the adoption of a single gold standard by England in 1866, an unjust measure, and the immediate cause of money contraction, low prices, and commercial crises. He finds a different state of things in France during 1803-1870, the era of French bimetallism. So much for the historical part of the book. The argument for the adoption of international bimetallism, that is, the free coinage of gold and silver, the mint ratio to be fixed by treaty stipulation, is based as usual on the idea of scarcity of money. Demonetization of silver causes contraction of money, which causes low prices, depression, commercial crises, and distress. Hence, an increase of our circulating medium by opening the mints to the coinage of both metals is the panacea for the diseases of our modern industrial system. Each step in the syllogism (which in its structure logicians might find faulty) is supported by the familiar array of figures and facts. It is not unfair to say that the argument is the old inflation argument in a new form.

The most interesting parts of the book are chapters 53 and 68, which contain Laveye's answers to supposed objections to bimetallism. The objection that the market and not the law determines the relative values of gold and silver is met with the statement that the mint adds to the value of an ounce of silver by making it into a coin, just as much as if it manufactured it into a spoon or fork. Gresham's Law receives some attention, while the claim that bimetallism would be unjust in allowing the debtor a choice between two kinds of money in making his payments is met by the statement that such a choice was allowed in England up to 1798. Laveye seeks to weaken the monometallists' argument that the fall in the price of silver has been due not to legislation but to natural laws, namely, the increased

output of silver; and their argument that prices will vary less under a single than under a double standard. As was said before, the book lacks originality, but as a compilation of arguments in favor of the adoption of bimetallism it no doubt will be found a useful addition to the literature of the subject.

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AN INTRODUCTION TO SOCIAL PHILOSOPHY. By JOHN S. MACKENZIE, M. A., Scholar of Trinity College, Cambridge, etc., etc. Pp. xi and 390. New York: Macmillan & Co., 1890.

Much of the recent popular discussion of social and economic questions in this country has proceeded more or less along ethical lines, and nearly all of it has been confused and intermingled with the various types of popular philosophy. Scientific social writers have rather gone to the other extreme and attempted carefully to separate social and economic discussion from ethical and philosophical doctrines. Yet these fields of study are so nearly related that there are few writers in one of them that are not at least interested, if not masters, in the others, and each field of investigation has much to contribute to the elucidation of the others.

Little attempt has been made in a scientific way to bring the conclusions of philosophy to bear upon social questions, perhaps because there are so few conclusions. Yet even in the unsettled state of philosophy at the present time, our author hopes to have some new light from that source. The comparative novelty of his undertaking elicits our interest at the outset. He possesses many qualifications for the task, including a terse and varied diction.

The substance of the volume was given in a course of lectures at the University of Edinburgh in 1889, in accordance with the conditions of the Shaw Fellowship. In its present form it consists of six essays, treating, respectively, the following subjects: The Scope of Social Philosophy, The Social Problem, Organism, Aim, Ideal, and The Elements of Social Philosophy.

Mr. Mackenzie regards Social Philosophy as that which is concerned with the relations of men to each other, with their relations to the material world and with the development of individual character in so far as that is affected by these relations. (p. 62). Thus considered, he divides it into three departments, Political Philosophy, Economic Philosophy and the Philosophy of Education. Among the departments of Philosophy, "Social Philosophy will be logically treated among the last, since its object is one of the most complicated in the world of our experience. But it does not follow that the study of Social Philosophy ought to be postponed till the other departments of philosophy have been fully worked out; . . . such a study, though tentative and though dependent on a kind of faith is yet both a legitimate and a valuable one."

The social problem the author conceives to be largely a constructive one. The growth of the past century has been along the line of bettering our material conditions, brightening our general outlook, and breaking down a great number of old forms of connection, and the problem now is to find "some principle which will enable us to bring about a more perfect connection between the parts of our society, to form new links and ties . . . to overcome individualism on the one hand and the power of material conditions on the other." Further, he maintains that society is an organic whole and grows from within in accordance with an inner end. This end he conceives to be self-realization, and its ideal to be neither the monadistic one of Comte nor the dualistic one of Spencer, nor the monistic one of Schaffle, but an organic ideal. Thus he emphasizes the influence of personal development and education generally, and this section constitutes the strongest part of his book.

The two sections to which we wish to call special attention are those in which he treats of Utilitarianism pp. (202-227), and of Education (pp. 351-356). Mr. Mackenzie will probably admit the enormous importance that the Utilitarian principle has assumed of late years in all social discussion. It has

revolutionized economics and controls all scientific legislation. Yet he dismisses it as "a pretty piece of theorizing" that "looks on the surface as sound as could be wished." It is not to be wondered at that a writer who manifests throughout a strong Hegelian tendency in his philosophy should find little to sympathize with in the clear-cut reasoning of John Stuart Mill and others who have done most to develop Utilitarianism. Doubtless much can be said in criticism of that doctrine, but it is unfortunate that one who sees fit to differ from the prevailing tone of modern social writings should show that he either completely misunderstands the Utilitarian point of view or does not wish to present it in its strongest light.

In his treatment of the influence of education and its relation to social questions our author is at his best. He discusses three stages that go to make up a complete education ; first, the acquisition of intelligence, that training which is necessary to produce a human being at all ; secondly, the acquiring of abilities, or man becoming the particular individual for which he is by nature fitted : thirdly, the acquiring of wisdom, or the bringing of one's individuality into harmonious relationship with the rest of the world.

The suggestions respecting the opportunities and need of the church and other organized bodies in society disseminating knowledge on social subjects, and the reflex action of education on life, are especially worthy of praise.

SAMUEL M. LINDSAY.

THE PRINCIPLES OF STATE INTERFERENCE. By DAVID G. RICHTIE.
Pp. 172, London, 1891.

THIS volume is composed of four essays on the political philosophy of Herbert Spencer, J. S. Mill, and Thomas Hill Green. The reason for presenting these essays in one volume is found in the relation of the three authors to the general subject of political philosophy ; Mr. Spencer being "perhaps the most formidable intellectual foe with whom the New Radicalism has to reckon," in other words, the leading advocate of

laissez-faire ; Mr. Mill being "in a process of transition from the extreme doctrines of individualism and *laissez-faire*, in which he was brought up, to a more adequate conception of society ;" and Mr. Green holding views of political philosophy most nearly in harmony with the true conception of the State.

The first two essays are devoted to a criticism of Mr. Spencer's views as set forth in "The Man versus the State." The essence of the criticism is that Mr. Spencer's "political individualism" and his organic conception of society are inconsistent. Incomplete or erroneous conceptions of the organic nature of society are the source of much that is misleading in current political theories. Mr. Ritchie has undoubtedly reached a sound conclusion when he states that "an appeal to the fact that society is an organism is no argument either for or against government interference in any given case." The errors of "a one-sided application of the conception of organic growth" can be escaped only "by recognizing a truth which includes them both. We must pass from 'organism' to 'consciousness,' from nature to the spirit of man."

In the third essay, Mr. Ritchie discusses "Individual Liberty and State Interference." The first part contains a criticism of J. S. Mill's negative philosophy. In general it may be said that Mr. Mill's conceptions of "liberty," of "individuality," and of "State interference," are false because they are only half truths ; e. g. liberty is "being left to one's-self," individuality is "diversity of one man from another." Having shown the insufficiency of Mr. Mill's political philosophy, Mr. Ritchie proceeds to discuss the "End of the State," and the practical application of the principles underlying this end. The end of the State is the development of man ; but since man's development is impossible apart from organized society, "in a way, the State is an end to itself." To the objection that such reasoning "involves the fallacy of arguing in a circle," that logic is against it, he replies pointedly : "So much the worse for logic ; i. e., the abstract logic of mathematics or of mechanics is not applicable to what is organic or more than organic. Wherever there is growth,

there we must expect to find what will not fit into one or other of the alternatives of an antithesis. No one has solved the puzzle whether the hen or the egg comes first. We cannot understand the one without implying the other ; and so it is with the individual and the State, with the actual morality of the age, and the ideal or end which determines that morality."

The essay on the political philosophy of Thomas Hill Green is least satisfactory, for it deals too sparingly with the subject. In his conception of the ethical end, Mr. Green may be called a utilitarian ; but the statement needs qualification, for, while any course of conduct is to be tested by its end, he holds that this end is not mere pleasure nor the greatest good to the greatest number in a society considered merely as an aggregate of individuals. The end is rather the self-realization of the individual and the common good. To Mr. Green these have identically the same meaning. From this conception of the "ethical end," the theory of "freedom" naturally follows, and from it, the conclusion as to "State action." "State action is expedient just in so far as it tends to promote freedom in the sense of self-determined action directed to the objects of reason, inexpedient in so far as it tends to interfere with this."

Mr. Ritchie in this, as in a former work, "*Darwinism and Politics*," appears as the advocate of the philosophical soundness of the reaction from the old theories that emphasize the supreme importance of the individual and place in antagonism State action and individual liberty. While this reaction is to be welcomed, it is to be hoped that in the new philosophy the lesson of the old will not be lost. A complete theory must give equal emphasis to the two facts: first, that apart from society the individual is a mere abstraction about whom nothing can be said "except that it is not any other individual," and, second, that apart from the individual, society is not even an abstraction. Rightly interpreted the one involves the other, but unless each be given due emphasis errors will result.

Mr. Ritchie's work is valuable not so much for its exhaustive treatment of the subject—indeed, it makes no such pre-

tention—as for its clearness and suggestiveness. The style is too combative to be strictly philosophical but not to be interesting. In general the conclusions follow logically. In speaking of the corn laws, however, without here passing upon the general correctness of the conclusions, it may be doubted whether the writer's reasoning admits of the application of *laissez-faire* in all economic conditions simply because they are economic. Mr. Ritchie has not freed himself from Mr. Mill's conception of the economic man.

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THE LAND AND THE LABORERS: Facts and Experiments in Cottage Farming and Coöperative Agriculture. By CHARLES WILLIAM STUBBS, M.A., Rector of Wavertree; Author of "Village Politics," "Christ and Democracy," etc. Pp. 228. London: Swan, Sonnenschein & Co., Paternoster Square, 1891.

THE first impression upon reading this interesting book by Mr. Stubbs is similar to that obtained from the accounts of other co-operative enterprises. Such attempts at united effort in industry are certainly based upon correct and lofty principles and ought always to succeed, but somehow there are more financial failures than successes. Mr. Stubbs' book is confined to a consideration of different kinds of co-operative farming. "Twelve years' work as a country parson in a Buckinghamshire village have forced upon me two very definite conclusions. They are these:

"1. That of the many urgent social problems with which at the present moment Englishmen are confronted, there are few whose solution is not largely dependent upon such a revision of the English Land System, as shall permanently raise the social and economic condition of the English rural laborer.

"2. That any permanent elevation of the rural laborer's standard of comfort is impossible, unless there can be effected either (*a*) a great increase in the proportion of small agricultural holdings in England; or (*b*) the adoption of some system of agriculture, probably co-operative, which shall once more

make it economically advisable to increase largely the amount of English labor applied to English land."

From his own experience in the cultivation of an acre of ground apportioned after the same manner, as the half-acre plots of his parishioners, Mr. Stubbs finds that small husbandry may "add very largely to the annual income of the rural laborer."

Besides the allotment system, Mr. Stubbs considers in detail and gives the results of several experiments in co-operative farming and also of the Collins' Cow-club and similar ones in Bucks county. The experiments described at length are: "The Ralahine in Clare County, Ireland;" "Farms at Assington," "Cumberland Experiment," and "Experiments in Germany." The Ralahine was a success financially as far as the associated members were concerned, but it was discontinued after three years on account of bankruptcy, occasioned by the gambling habits of Mr. Vandeleur, the founder.

The general business arrangements of the different experiments in "association farming," described by Mr. Stubbs, while each differs in details from the others, are similar. The chief features are some form of joint control, definite work from each one, and, after paying rent and interest, division of profits at the end of the year. Of the two farms at Assington, one was a financial success, the other doubtful.

According to our author, the conditions under which the experiment in Cumberland and those in Germany were carried on were such that conclusions drawn from the seeming want of financial success would not be valid for co-operative farming in general.

Considering the generalization from the different experiments, the chief advantages derived from co-operative farming are: when successful, an increase in annual income; all attempts at co-operation have a high social and moral value—the interests of capital and labor become identical; the increase of personal responsibility tends to develop stronger individuality; the educational effects in teaching carefulness in the use of material and in the opportunities for interchange of

thought ; and, instead of the motto, "every man for himself," there is inculcated the higher ethical idea, " 'Each for all, and all for each,' and that enlightened self-interest can be attained only by the path of self-sacrifice."

Among the chief causes of failure in the experiments thus far made are the following: bad seasons or times of low prices cannot be calculated in advance ; the original outlay of capital usually renders necessary a debt, the interest on which absorbs the profits ; the difficulty of finding managers with all the necessary qualifications for the work ; the prospect of a profit at the end of the year does not present the same incentive to earnest work that the possibility of immediate savings does ; and that "productive co-operation presupposes habits of organization" which are not found to a large degree at present, and can only come with a higher grade of intelligence and a formation of these habits through the lesser forms of co-operation, such as the "allotment system," co-operative stores and trades unions.

The results as given by Mr. Stubbs of the experiments in "allotments" and of the "cow-clubs" seem to be in every way satisfactory. Whatever may be the experimental results thus far in "association farming," there are certain fundamental principles that must be recognized. That there is a limited portion of land for the use of humanity as a whole will be readily granted. There is no other possible way for man to develop except by an exercise of his will upon something external to himself. Land is one of those instruments by the means of which man expresses his individuality. This process of growth in freedom can take place only as each one's right to the use and transfer of land is recognized by others of the social unity. At present the principle of individual ownership in land has been perverted through the excessive desire of the few to control the many. Unless the immense estates and large farms are in some such ways as the allotment system or association farming granted for the direct use and control of a larger number of people, society as a whole will continue to suffer to the present degree from the pres-

ence of a large number of criminals, paupers and impotent members.

Two or three slightly sarcastic allusions by Mr. Stubbs to "orthodox" political economy suggest an inquiry. Considering the movement in economic thought at the present time, and the recognition by leading writers that altruistic motives may in the long run be as truly economic as those of self-interest, and that many phases of industrial relations show attempts at conscious practical application of altruistic principles—in view of such facts, is it not time to grant that this newer thought has become so well established that it may itself be called "orthodox?"

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THE EIGHT-HOURS DAY, by SIDNEY WEBB, LL.B., and HAROLD COX, B.A., Pp. viii, 280. London: Walter Scott; New York, A. Lovell & Co.

THE perusal of this little work suggests the conclusion that joint authorship, unless subjected to the vigorous revision of a dominant editorial control, is seldom appropriate to a continuous argument. The subject of this treatise is one of the most important in the entire domain of applied economics, and its treatment, to inspire respect with the contending advocates of apparently clashing interests should be logically sustained and dispassionately stated. The volume before us is distinctly polemical. It is devoted to the advocacy of a compulsory eight-hours day for all industrial employments except domestic service and agriculture; and it aims to further its cause by a careful review of the attainable historical evidence and a temperate discussion of the leading arguments urged by opponents as well as by partisans of the movement.

This creditable scheme is very unevenly accomplished. The writer of the argument comprised in chapters IV to IX inclusive has succeeded admirably in reviewing dispassionately the probable results of a reduction to eight hours of the normal working day.

Throughout this discussion a logical and scientific method is consistently adhered to, a dispassionate tone is adopted, and the utmost adverse criticism that may be urged is that the practical difficulties of the proposed change are somewhat slightly treated, while the advantages are amplified in great detail.

But after so candid a review of the controversial part of the discussion it is disappointing to observe a tone of extreme partisanship in the purely historical portions of the work. Adverse parliamentary reports are characterised as disingenuous, attention is called to flaws in such evidence as does not confirm the authors' views, while equally obvious flaws in confirmatory testimony are passed over in silence ; legislative bodies which have not responded to the demands of the agitators are innuendoed ; "political economists" are referred to with contempt, and Mr. Herbert Spencer is assumed to "blaspheme" at the theories which the author evidently imagines he is quite bold in so vigorously upholding. When it is stated that the Chicago riots of 1886 were "savagely" repressed by the police and when men who work during strikes are characterized as "blacklegs," it is, we submit, time to call attention to the fact that extravagance and partiality are not the weapons with which doubters are convinced, and that in the present instance they do much to create distrust of the array of facts which they intersperse.

The authors have added a copious appendix of facts and statistics relating to the discussion, and have supplied an excellent index whereby the labor of reference is greatly abridged.

The possibility of a shorter working day, which masters as well as men equally desire, depends, in modern competitive production, upon the comparative efficiency of its instruments.

In continental Europe, where as yet the productivity of each producing agent is comparatively small, long hours and small pay are the result. Shorter hours would imply the restriction of home production to home demand ; and, by loss of the export market, a diversion of both capital and labor into new channels. Such diversion is always accomplished with great distress to all classes of the community ; and it is a question

whether this distress would not so far outweigh the advantages of greater leisure to the working classes that an attempt at shorter hours under such conditions would effectually postpone them for an indefinite period.

Where individual productivity is great and labor cost small, the opportunity for the reduction of hours is apparent ; but in this process none but moderate measures will accomplish the desired object without disturbing the delicate conditions of production. The Massachusetts manufacturers were this year ready to concede a working week of fifty-eight hours ; the agitators demanded fifty-four, and as a result the mill wheels still turn sixty hours, and the reform is postponed. That it will come eventually cannot be doubted, but any progress which is so radical as to seriously disturb the condition of modern competition can only be disastrous to those whom it directly affects, as well as to the community at large

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MISCELLANY.

THE CONGRESS OF THE LEARNED SOCIETIES AT PARIS.

On Friday, May 21, the *Congrès des Sociétés Savantes* was opened by the Admiral Julien de la Graviere, and on the following Monday, M. Simèon Luce, of the Institute of France, opened the Annual Congress of the Society of Social Economy. The Congress of the Learned Societies of France is assembled annually under the patronage of the Minister of Public Instruction. It furnishes an occasion once a year for the *savantes* of the "province," as they are called by the Parisians, to unite at Paris, exchange news and ideas, communicate the researches and investigations of the year, and come into contact with the highest authorities in the different branches of science—who are, as a matter of course, to be found at Paris.

After the first general session, the congress divided itself into five sections:—history and philology; archeology; economic and social sciences; historical and descriptive geography; and science. The mornings were devoted to special communications and the afternoons to discussions of questions previously determined in the program of the congress. The economic section was ably presided over by M. Levasseur. The nine questions that afforded subjects for discussions and papers, were as follows:—

1. The position occupied and the nature of the functions fulfilled by the *procureurs* of the king under the *ancien régime* and in the different regions of France—their relations with the local authorities.

2. The attributes of the *procureurs-syndics** and other officials of the same category under the Constitution of 1791.
3. Local statistical researches on accidents, sickness and deaths in the different callings and professions.
4. Paternal authority over the person and property of legitimate or illegitimate children.
5. The French and foreign institutions that facilitate arbitration and conciliation between employer and employee.
6. The limits of State intervention in questions of public hygiene.
7. The execution of the sentence of "hard labor."
8. Real estate credit in France and the reform of the mortgage system.
9. The position of professional or technical schools in primary compulsory education. Should the workshop be placed in the school or the school in the workshop? International comparisons.

The most important discussions of the congress were on the topics 5, 6 and 8. On number 5 two interesting papers were read, one by M. Gibon in which he set forth the favorable working of arbitration committees composed of employers and workmen, the other by M. Bellom of the Society of Comparative Legislation of Paris in which he gave a *résumé* of the results observed in different foreign countries, especially in Germany. The eighth question was ably treated by M. Saint-Genis, who developed both the legal and economic aspects of the subject.

Several papers on special topics were read. M. Babeau read the results of an interesting research on "The Efforts Made by the Government to Combat High Prices in 1724," and M. Dumas, a paper on "The Commerce in Grain in Touraine at the End of the Eighteenth Century." M. Dumas maintained that Louis XV. was innocent of any desire to speculate in grain at the moment when his subjects were at the verge of starvation,

*Under the *ancien régime*, "*procureurs-syndics*" were the chief authorities in the municipal government.

and that, though the province was blameworthy for the measures taken to avert a famine that seemed inevitable, its intentions were honorable and were meant for the good of the people.

Dr. Laurent gave his personal experience as a medical inspector of one of the school districts of Paris, showing the depressing effects on the intellect and morals of children addicted to the use of tobacco, that he had observed during a portion of their primary school career. M. Lequien read a paper on "The Results Obtained in the Struggle against the Use of Tobacco;" M. Massilon-Rouvet one on "Economic Building from a Technical Point of View;" and M. Cacherix one on "The Life-Saving Service in France and in Foreign Countries with Special Reference to its Position in the Cities." Other papers had been announced but the authors were not present. They will be published in the report.

One cannot fail to see that the choice of subjects was hardly judicious. The discussions were very often directed to subjects whose economic interest was obscure.

CONGRESS OF THE SOCIETY OF SOCIAL ECONOMY.

At the opening session of this society on Monday evening, May 25, the President, M. Simeon Luce, of the Institute of France, famous for his historical researches into French social conditions during the Middle Ages, read a paper on "Frederic Le Play, la vieille France, l'Ecole des Chartes et la Société d'Economie Sociale." It was an eulogy of the founder of the Society and a tribute to the France of the Middle Ages. The real work of the Congress began on Tuesday morning. A paper of M. Princeteau read by M. Gaston David on "The Strikes of the Glassblowers in the Region of Bordelais," made clear the pernicious influence of the Federation of Labor of Paris, which had sent to these unfortunate laborers the order to leave their work. The efforts towards arbitration made by M. Princeteau had failed of the desired effect and the unhappy strike continued to the detriment of the employer and employee. M. H. C. de Wiart of Brussels in a paper, "Alcoholism in Belgium," argued that

the thirteen liters of alcohol consumed on the average by each Belgian annually, while the Frenchman on the average consumes not more than four, represent an expenditure of from 20 to 25 per cent. of the Belgian's wages in alcoholic drinks. M. Wiart showed the extreme difficulty of effecting any reform through legislation, because Belgium with its system of limited suffrage (a state of affairs which has been changed by recent laws) did not have more than one hundred and thirty thousand electors of which forty thousand were saloon keepers or distillers. The general session on Tuesday evening was presided over by M. Mercier, Prime Minister of the Province of Quebec.

Among the papers read at this and subsequent sessions were the following:

By M. Cheysson on "Internationalism in Social Questions," in which he traced the progress made in the different branches of modern industry, the birth and development of international socialism and the questions examined and the results obtained by the Berlin Conference of Labor.

By M. Etcheverry, Deputy of the Basses Pyrénées, on "Agricultural Credit before the Houses of Parliament." After passing in review the different bills now before the Chamber of Deputies, he arrived at the following conclusions, which were unanimously echoed by the Congress as to the principles if not the applications: (1) The organization of agricultural credit should be left to private initiative. "I have not to discuss the dangers of State intervention," said the author, "they are too well known to you all." This attitude was characteristic of the Congress. (2) Reform of customs and habits is more essential than any laws that might be enacted. (3) The basis of any system should be,—personal credit founded upon local solidarity and responsibility.

By M. Louis Guibert on "The Communities of the Linconsin during the XIII, and XIV, Centuries."

By M. Albert Babeau on "An Agricultural and Industrial Colony in Provence at the Close of the Last Century," which was another tribute to the memory of the "*ancien régime*."

By M. Eugene Rostand, president of the savings banks of the Department of the "*Bouches-du-Rhône*," on "Savings Banks Considered as Centres of Social Action." M. Rostand protested against the present plan of depositing the funds of the savings banks in the State Treasury. After describing the savings banks of the different countries of Europe and showing that their funds are used in part, to encourage social and philanthropic work such as construction of workmen's habitations, asylums, schools and libraries and to fructify, by loans, local industry and agriculture, M. Rostand demanded the same system for the French savings banks.

By M. G. Blondel on "The Condition of the Rural Classes in Germany at the Close of the Middle ages."

By M. De Laynes, Professor in the Law School of Bordeaux, on "The Family Property, its Preservation and its Hereditary Transmission." To many minds this subject is intimately connected with the stagnation of the French population and it is exciting the keenest interest throughout the country. M. Laynes explains how the Civil Code with its provisions for a distribution of property "in kind" among the children, causes the family estate soon to pass into the hands of strangers. He then reviewed the different foreign systems, paying special attention to the American "homestead."

Theoretical questions of political economy were almost wholly banished from the program as one would expect them to be in view of the principles of Le Play and his school.

LEO H. ROWE.

Paris, June 1891.

ANNALS
OF THE
AMERICAN ACADEMY

OF
POLITICAL AND SOCIAL SCIENCE.

NOVEMBER, 1891.

CONGRESS AND THE CABINET.

In the year 1881, a select committee of the United States Senate was appointed to consider a bill (S. 227) to provide that the principal officer of each of the executive departments may occupy a seat on the floor of the Senate and House of Representatives. On the 4th of February in that year, the Chairman, Hon. Geo. H. Pendleton, reported back the bill, and recommended its passage as follows, said report being signed unanimously by the eight members of the committee, consisting of Geo. H. Pendleton, W. B. Allison, D. W. Voorhees, J. G. Blaine, M. C. Butler, John J. Ingalls, O. H. Platt and J. T. Farley. A cordial agreement, be it observed, of Democrats and Republicans. The bill provides :

“That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney-General, and the Postmaster-General shall be entitled to occupy seats on the floor of the Senate and House of Rep-

representatives, with the right to participate in debate on matters relating to the business of their respective departments, under such rules as may be prescribed by the Senate and House respectively.

SEC. 2. "That the said Secretaries, the Attorney-General, and the Postmaster-General shall attend the sessions of the Senate on the opening of the sittings on Tuesday and Friday of each week, and the sessions of the House of Representatives on the opening of the sittings on Monday and Thursday of each week, to give information asked by resolution, or in reply to questions which may be propounded to them under the rules of the Senate and House; and the Senate and House may, by standing orders, dispense with the attendance of one or more of said officers on either of said days"

"The first section provides for a voluntary attendance, to take part in debate. The second section provides for a compulsory attendance, to give information. In order to carry into effect the second section, rules somewhat like the following should be adopted by each house, *mutatis mutandis* : "

"That the Secretary of the Senate shall keep a notice-book, in which he shall enter, at the request of any member, any resolution requiring information from any of the executive departments, or any question intended to be propounded to any of the Secretaries, or the Postmaster-General, or the Attorney-General, relating to public affairs or to the business pending before the Senate, together with the name of the member and the day when the same will be called up.

"The member giving notice of such resolution or question shall, at the same time, give notice that the same shall be called up in the Senate on the following Tuesday or Friday: *Provided*, That no such resolution or question shall be called up, except by unanimous consent, within less than three days after notice shall have been given.

"The Secretary of the Senate shall, on the same day on which notice is entered, transmit to the principal officer of the proper department a copy of the resolution or question, together with the name of the member proposing the same, and of the day when it will be called up in the Senate.

"In the Senate, on Tuesday and Friday of each week, before any other business shall be taken up, except by unanimous consent, the resolutions and questions shall be taken up in the order in which they have been entered upon the notice-book for that day.

"The member offering a resolution may state succinctly the object and scope of his resolution and the reasons for desiring the information, and the Secretary of the proper department may reply, giving the

information or the reasons why the same should be withheld, and then the Senate shall vote on the resolution, unless it shall be withdrawn or postponed.

“In putting any question to the Secretaries, or the Attorney-General, or Postmaster-General, no argument or opinion is to be offered, nor any fact stated, except so far as may be necessary to explain such question; and, in answering such question, the Secretary, the Attorney General, or Postmaster-General shall not debate the matter to which the same refers, nor state the facts or opinions other than those necessary to explain the answer.”

“These rules relate only to the execution of the last section of the bill—to giving information—to putting and answering questions. They in no wise affect the debate permitted and invited by the first section. They have been framed after a most careful examination of the rules and modes of procedure of the British Parliament and French Assembly, and are believed to contain the best provisions of both. They are framed to accomplish the purpose of obtaining the needed information with the least interference with the other duties of the heads of departments. No question can be called up unless after three days’ notice to the Secretaries; and the answers are limited to the specific points of the question, in order that accuracy may be attained. These rules may be amended as experience shall show their defects.”

“The bill confers a privilege and imposes a duty on the heads of departments. The privilege is to give their suggestions and advice in debate, by word of mouth; the duty is to give information orally and face to face.”

The report, which follows the above, sets forth some of the advantages of the measure, its consistency with the constitution of the United States, and the almost universal prevalence of a corresponding practice in all countries which make even a pretence to representative government. Almost at the outset the report says: “The advantages of the system proposed are so obvious and manifold that the committee feels itself relieved from a detailed statement of them and confines this report to an examination of the question of its constitutionality.”

It seems somewhat strange that a measure thus unanimously endorsed by a committee of both parties, presenting advantages so obvious, and with so complete a demonstration of its accordance with the constitution, should never since have received the slightest attention from either House of Congress, or from the executive. The explanation of this circumstance is of more importance than the actual analysis of the measure itself. In fact the dismissal by the report, in the few words above quoted, of the whole question of its political bearing has an exceedingly suspicious look, as if the committee did not care to assume the burden of a discussion in which they saw plainly that a tide of opposition was sure to set in. The grounds of this opposition may be stated under two heads :

I. The conservatism, or, if you please, the patriotism, which objects to a revolution in our traditional forms of business, arguing that either the change is too unimportant to care about, or else that under our system it cannot be made to work successfully.

II. The powerful private interests which would be injured by it, against which the public interest has little chance to be heard.

It is generally admitted that the main features of our Federal constitution were copied from the government of Great Britain, and though it has been contended with much force by Mr. William C. Morey, in the April (1891) number of this magazine, that it was based upon the colonial constitutions which were themselves modelled upon the charters of the great British trading companies, the result is not much affected as far as the present inquiry is concerned. Now the leading feature of the British constitution is the government of the cabinet in parliament, so ably described by Mr. Bagehot, and, as the framers of our constitution did not introduce this feature, it is assumed that they did not intend to have it. Nearly all foreign observers maintain that it is wholly incompatible with our constitution, and Mr. Bagehot draws an elaborate distinction of what he calls presidential from parliamentary forms,

based entirely upon the absence of this cabinet government and says triumphantly that while the Americans have many excellent things, this they have not and cannot have. On the other hand Mr. James Bryce (*American Commonwealth*, Vol. I., Chap. XXV, p. 279) says :

“These observations may suffice to show why the fathers of the constitution did not adopt the English parliamentary or cabinet system. They could not adopt it because they did not know of its existence. They did not know of it because it was still immature, because Englishmen themselves had not understood it, because the recognized authorities did not mention it. Whether the fathers would have imitated the cabinet system, had it been proposed to them as a model, may be doubted. But as the idea never presented itself, we cannot say that it was rejected, nor cite the course they took as an expression of their judgment against the system under which England and her colonies have so far prospered.”

We have next to consider whether the measure could be made to work successfully. It is objected that the English ministry resign when the majority of the House of Commons is against them, and that such a practice here would be wholly inconsistent with our fixed terms, especially as the ministry have the power of dissolving parliament as a weapon of self-defence, which our cabinet could not have as against Congress. The fatal instability of the French ministries depends largely upon the fact that they have not the power of dissolution, which belongs to the president and the senate acting jointly. This feature, it may be replied, is not at all essential to the system, but only a consequence of the method by which the British ministry as well as the French is appointed. The former, as Mr. Bagehot has pointed out, is a committee of, and practically elected by, the majority of parliament. Of course the creature must obey its creator. As the majority makes the ministry, the majority is the only power which can unmake it, and the ministry must spend most of its strength in fighting for life. If our cabinet were to resign at the bidding of Congress, the power of appointment would soon be transferred from the President to Congress and the former would become a mere cipher. This weakness is increased by another circumstance, namely,

that parliament does not choose the whole ministry, but only indicates imperatively to the queen the candidate for the premiership, and this individual is invited by the queen to form a ministry. He does this by inviting in his turn certain other men, of equal standing with and as independent as himself, to join him. He can secure them only by promising to stand by them, that is to make his own resignation a consequence of their defeat. The whole fabric is in a condition of unstable equilibrium, being exposed to entire collapse through an accident to any one of its parts. The conditions of our government are wholly different. The President is chosen, to speak conventionally, by the whole nation, and appoints his cabinet, which the Senate seldom or never refuses to confirm. Neither he nor the cabinet are in any way dependent upon Congress, for existence and he can support or remove any member of the cabinet at his pleasure. The objectors say that this would have one of two consequences either of which would be fatal; either the cabinet would be so brow-beaten and bullied that their situation would become intolerable, and the whole executive be humiliated, or else by exercising power and intrigue, the executive would overshadow the legislature to the manifest danger of our institutions.

As to the first point it must be remembered that the sympathy of the people would always incline towards the executive, both on account of the element of personality and because, as the agent of the whole, he would wield a force of public opinion much stronger than that at the disposal of any part or number of parts. Factious opposition or criticism on the part of members would be restrained by the fear of losing their seats. It would be perfectly easy for a cabinet officer by dignity and self-control to secure corresponding treatment on the part of the houses. If those bodies refused to pass measures desired by the government, or insisted upon those opposed by it, the executive could accept the results, just as it does now, but with such measure of protest or force of argument as would carry weight in the next elections. The protection against the abuse of power on the part of the executive would be just as great.

Instead of being always shielded by a party vote as the price of subserviency to party purposes, or, on the other hand, if the party majority was of opposite politics, of being hampered to the point of impotence, the members of the cabinet would be exposed to criticism and cross-examination by individuals of either party or independent, and would thus be unable to carry on secret intrigues. Whatever power they did exercise would have to be displayed in full view of Congress, always sufficiently jealous of prerogative, and in that of the nation, which would either approve or condemn it at the next elections. The experience of the British government is at least conclusive on this point. It is beyond question that precisely this public and personal responsibility has converted both parliament and ministry from the corrupt condition of Walpole's time and half a century later, gradually but steadily to the purified condition of the present day, has extinguished bribery at elections, and to that end has led the House of Commons to surrender its control in the case of disputed elections into the hands of the courts. It is this personal responsibility which has been the instrument of carrying into effect more extensive and at the same time peaceful reforms in the interest of the masses of the people at large, than have been achieved in the same time by any other nation in the world.

We come next to the class of objections, which may be described under the head of vested interests, and which are so numerous and so powerful that they might well cause despair in any less important cause. The central fact around which they all turn, and which is more important than all others to be kept in mind, is that the people of the United States as a whole are not represented at all in either House of Congress. Every man who can speak there, represents either a State or a district, is responsible only to that locality, and has neither interest nor authority to act or speak for the whole country. When the house of representatives assembles, its 325 members are all precisely equal, for the most part strangers to each other, and without any official guide or leader whom they can look up to, so that they are compelled to submit to certain

self constituted party managers. The nearest approach to a leader is the Speaker, whom, being nominally a presiding officer to conduct deliberations, we have seen aspiring to an almost despotic control over legislation. Such a body can only get to work by splitting itself up into a number of standing committees, made up at the pleasure of the speaker, who gives all the most important places in them to those members who have been most active in securing his election. This is an arrangement so fruitful of corruption and jobbery that it would drag down and corrupt the purest and ablest body of men in the world. For the working of the committee system I need only refer to Prof. Woodrow Wilson's work on "Congressional Government". The result is that no question is ever considered, debated, or acted upon from the point of view of the general interest of the people. It is simply a matter of securing the largest number of local and party votes by private manipulation, intrigue, lobbying, and the manufacture of a spurious and fictitious public opinion. The McKinley tariff bill, the silver coinage bill, the pension bill are the results of just this process, and whether good or bad are in no way the concentrated expression of a national public opinion. Now the presence of the cabinet officers in Congress would exactly reverse this process. It would apply to every scheme brought forward the touchstone of its relation to the general public interest, represented by a national official deriving his authority through the president from the whole people. Again, when Congress meets not one single item of business is prepared for either branch. The president and cabinet indeed send in messages and reports, but they contain merely general recommendations which can claim no precedence over thousands of private schemes and motions brought forward by members and Senators, either for themselves or their party and local supporters. The whole mass is sent upon a precisely equal footing to the standing committees, and what attention, if any, they receive, must depend upon the amount of private and party influence which is brought to bear upon the committees. During the interval, from one to five months, while this pro-

cess of incubation is taking place, the main bodies have little or nothing to do, and are apt to illustrate the saying of Mr. Bagehot, that if you get together the ablest body of men and give them nothing to do they will quarrel about that nothing. If the cabinet, as proposed, occupied seats in the house, they would be ready to present at the opening of the session a series of measures perfectly prepared from the point of view of the general interest, and would at once demand and receive for these the attention of the houses in separate succession, instead of as now everything being left to come in with a confused rush at the end of the session, so that anything like debate or calm consideration is impossible. As in the smoke and turmoil of battle, it is impossible to see what is doing, until all is over, and it is too late for remedy. It is obvious that the existing state of things gives an enormous advantage to private and party interest in the hands of skilled manipulators under the stimulus of direct gain, as against the interest of the people at large who have no agent or representative. Further than this, as the whole business of Congress is done in the privacy of the committee rooms, by the action of majorities and minorities, with hardly any personal agency which the public can see, the voters, even of the local constituencies, have no guide to the selection of candidates and this accordingly falls into the hands of party managers in the nominating conventions, working in affiliation with the forces which surround Congress, while the voters have only the choice between the names put forward by the two sets of managers known as the Republican and Democratic. For this reason it has come to be considered at least wanting in taste for a man to offer himself to a constituency as a candidate for Congress, because he is to receive a considerable salary with an agreeable residence in Washington, while it is out of his power to offer any consideration in past or future achievements, at least of a kind for which he can establish a personal credit. From this cause, again, has grown up the restriction, not at all required by the constitution, that a member shall be a resident of the district from which he is elected. If it were a

question of a lawyer, a physician or a business agent, the absurdity of this would be at once apparent, but when it involves not something to do but something to get, there is a natural desire to retain such a perquisite in the district, while fairness requires that it should not be held by any person for more than one or two terms, even though the experience he has gained may be of great value to the public service. The presence of the cabinet officers would tend to reverse this. If the business were transacted in public, members would appear as individuals in relation to it, could go to their constituents with a record and evidence of work done, and a pledge of future effort in the same direction. They would no longer hesitate to offer themselves as candidates and the popular choice would not be limited to convention nominees, whose first and last qualification is that they have proven themselves submissive to the discipline of party managers.

In what has been said, I have by no means attempted to show all the advantages to be derived from the measure proposed in the Senate report, or the weakness of the objections to it. The doing this would furnish matter for a considerable volume. My present object has been only to explain the reason why a report of such importance has never received the slightest attention from Congress, namely, that under our present practice a network of private interests has grown up which would be seriously prejudiced and endangered by such a change ; that while the change would greatly promote the interest of the mass of the people, these masses have no common agent or representative, and while the initiative thus far lies wholly with Congress, the influences which surround and control that body have quite different objects in view. The only chance of the reduction of the matter of that report to practice lies in two directions, first, that a voluntary association should be formed for securing it by popular agitation, as to which it may be said that the whole force of that kind is now applied to the attainment of details, civil service, tariff and currency reform, that of Indian administration and so on, and has not yet grasped the idea of a general principle which

should include them all. The other expedient is, that some President should have the intellect and courage to take in the situation, and make it the subject of a direct appeal to the nation under cover of a message to Congress, as to which again it may be said that this is hardly the kind of fruit which experience justifies us in expecting from nominating conventions.

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THE PLACE OF PARTY IN THE POLITICAL SYSTEM.

It is evident even to the careless observer that party fills a large space in the world of politics. In the United States, France, Great Britain, and indeed in all countries where party government is fully established, the citizen receives the larger share of his political education from party, and through party discharges the larger portion of his political duties. But despite its conceded importance in practical politics, very few have as yet turned their attention to the philosophy of party. As a rule even the best of the formal treatises on political science give it little or no consideration. This neglect may be due in some degree to the fact that the establishment of party government is of recent date, and also to the further fact that previous to the establishment of party government, party was regarded not as the servant but as the enemy of the state. It used to be thought of as having no rights in the political household. It led therefore the precarious life of an outlaw. Under governments which rest on force, as well as under governments that base their claims on divine right, there is no room for party. Such governments see in party a denial of their pretensions and an aspirant to their seats. This dislike of party on theoretic grounds was confirmed by its early conduct. Treated as an outlaw it behaved as an outlaw. Conventional morality it set at defiance. It grew up in the atmosphere of irresponsibility. Since its first work was to unsettle and destroy, it arrayed against itself all conservative influences both good and bad; and this hostility has always stood in the way of the discovery of its functions and the recognition of its services. It is clear that the framers of the Constitution of the United States did not make full allowance

for the fact that the system which they planned would be worked by party ; had they done so they would not have devised so futile an arrangement as the electoral college. [See Bryce : " Hamilton and De Tocqueville. "]

But whatever may be the excuse for past neglect, there can be no good ground for its continuance. We live to-day under party government. We want good government; and the first step towards securing this is to acquaint ourselves with the nature, the capacity and the limitation of our new ruler. But party is by no means identical with government. It is both something more and something less. It is one of a number of factors which taken together constitute the system found in every advanced state by means of which its political life and progress are maintained. But what place does party hold in this system? The first step towards an answer is to obtain a clear conception of the nature of the state and of the several factors which serve as the organs of its activity.

The state, for the sake of which the political system exists, may be defined as a people politically organized ; that is, a people whose classes and individuals form an organic whole in and through which the political wants of each and all are satisfied. No people that lacks this political self-sufficiency can be a state. A community may be so organized that it can satisfy most of the wants which its members feel as citizens, and yet if it must go outside of itself in order to find satisfaction for even one of these, that community is not a state. In this sense—the sense which we employ when we speak of France and Russia as states—neither Canada nor Massachusetts is a state. But political self-sufficiency, although essential to every true state, does not imply isolation. A degree of inter-dependence among states in matters of a non-political nature is not only desirable but indispensable. Without it progress must be slow and inconsiderable. This useful interdependence is partly economic, partly intellectual, and partly moral and spiritual. That it obtain from other peoples their highest goods and that it impart to them its own, is the condition on which alone any people can take a worthy part in promoting civilization. The

traffic in ideas is safe enough unless it becomes one-sided. The habit of receiving and enjoying what others produce without producing and giving what others may enjoy is not less hurtful to a people than to an individual. The "ultimate end" for which each state exists is to contribute as much as possible to the progress of mankind, but its immediate end as well as its absorbing occupation, is to provide for its own development and welfare. [See the chapters on the Ends of the State in Prof. Burgess' "Political Science and Constitutional Law," Vol. I. p. 83.]

The organ through which the state provides for its ordinary wants is government. It will aid in the effort to obtain a true conception of government, to think of it as the agent whom the state commissions to do certain things in certain ways and for as long a time as the state sees fit to continue the commission. It will aid also to separate in idea the agent from the agency: the agent being the person or group of persons who govern, and the agency the post or group of posts which they fill. Government is the creature of the state. Its office is to serve the state. It has no rights as against the state. It is good in proportion to its obedience and in proportion to the efficiency and fidelity with which it provides for the interests committed to its charge.

But how shall the state secure this obedience and fidelity? In the earlier stages of political development the state did not as a rule secure them at all. Government regularly usurped the functions of the state and identified itself with the state. When Louis XIV. asserted that he, the king, was the state, he advanced a claim which accorded with the practice of most governments before his day and for some time afterwards. There had been, it is true, exceptional great rulers who held themselves to be the servants of their people, and there had been exceptional great periods of considerable duration when government was obedient to the state. But these were in the best days of Greece and Rome. Before and afterwards and nearly everywhere government was the master and the state, the people, was the servant or rather the slave. This, however,

did not come by chance. It was the necessary consequence of the fact that the people were then in their political infancy. The governments were guardians who, since there was no court to call them to account, administered the estates of their wards in their own interests. This statement, however, does not apply without qualification to Latin-Christian Europe during mediæval times. Fortunately each people had then not one but three government-guardians, namely, the pope, the emperor or king, and the feudal lord. Each in turn interposed as the champion of the people against the oppression of the other two. The people under the protection and leadership of first one and then another of their masters, learned to understand, to value, and to fight for their rights, and in this way made some advance towards political manhood. How greatly this mediæval division of government contributed to progress may be seen in the political retrogression which followed, when, at the beginning of the modern period, the national king overcame both pope and baron and appropriated to himself the whole or nearly the whole of government. The peoples were at that time still very far from being able to cope with government. They possessed the principle of representative government; but nowhere could they avail themselves of it in resisting the encroachments of the king. In Spain and France the principle itself was disowned and for a long time almost forgotten. In England it remained, but for a considerable period Parliament was excluded from its highest functions, and degraded into an almost passive instrument of royal policy and caprice. The early Tudors oppressed the state; but, because they did this by means of Parliament, England was able to preserve what her neighbors lost, namely, an institution through which in better times the state could win back its freedom and its rightful authority over government. The English, moreover, were the first to outgrow the political immaturity which had made oppression possible during the fifteenth and much of the sixteenth centuries. Amid the fierce conflicts of the Reformation period, and under the tactful though despotic guidance of Henry VIII. and Elizabeth, the

people learned to think for themselves; and the state, apart from government, came to have a mind and a will of its own. This was one step towards emancipation. The second belongs to the seventeenth century. Stated in its most comprehensive form, the result of the struggle between Parliament and the Stuarts and between Parliament and Cromwell was the overthrow of the theory of the divine right not only of kings but of government, and the establishment of the doctrine of the supremacy of the state over government. This I think is the innermost meaning of the Bill of Rights of 1789. This epoch-marking instrument signifies in the history of the English-speaking peoples the second and greater Restoration; not of the king "to his own," as in 1660, but of the people to their own. The victory won, the question which next arose was, how shall its fruits be secured? By what devices can the state make sure that government will always and fully execute its will?

The oldest and crudest of these is revolution. But this, although frequently useful, and at times indispensable, is always costly. It leaves behind a demoralization and exhaustion, from which the state recovers slowly and imperfectly. Revolution, moreover, can never be more than a partial remedy for the evil under consideration. Indeed its greatest service is to enable the state to regain for a short period its lost mastery over government, and while in possession of this to make those changes in the form and personnel of government which promise greater efficiency and more perfect obedience. But such changes are experiments; and there is usually much in the situation which works against their success. In the case of many, perhaps of most revolutions, the governments which they set up prove not less despotic than those which they overthrow.

The constituent convention—the agency through which the state acts in the formal reconstruction of government—is most frequently resorted to in those crises when an impending revolution is to be averted, or when, in consequence of revolution, government is to be constituted anew. Employed in this way,

the constituent convention is one of the most impressive and useful of the means at the command of the state, for asserting its rights and enforcing its will. But it is open to the same objections which apply to revolutions; indeed it is itself a revolution. It does not, and cannot, secure for the state the continuance of that control over government which in its name and for a moment it strongly asserts.

Another device also of ancient date, by which the state seeks to hold government in due subordination to itself, is a constitution. This, defined in simple terms, is a body of rules by which the state constitutes government and attempts to regulate its conduct. It is obvious, however, that these rules, whether accepted slowly, one by one, as custom gives them form and authority, or all at once when promulgated by a constituent convention, can never adequately express the will of the state. They can only tell what that will is in respect to the general direction of public policy. Particulars they cannot touch. Not only in respect to ordinary legislation and administration, but also in respect to the extraordinary measures which emergencies call for, a constitution, however comprehensive, and however careful in the matter of detail it may be, must still leave a very large field to the discretion of government, so that it becomes possible for government, while observing scrupulously the formal requirements of the constitution, to pursue a policy in many points contrary to the will, and hurtful to the interests of the state. And this can happen all the more easily, because in progressive states the development of the constitution cannot keep even pace with the development of the people. As a rule, stongly conservative interests associate themselves with established constitutional forms and resist for a long time and with success useful as well as injurious changes. Moreover, constitutions are not self-executing. Behind them there is need of a force separate from and independent of themselves in order to carry their provisions into effect.

In some states the government may at will resolve itself into a constituent convention to the extent at least of making im-

portant changes in the constitution. This is true of England, France, and Germany. The result is to greatly strengthen government and to increase correspondingly the risk of encroachment upon the prerogatives of the state. Such states therefore stand in special need of some primary form of organization by which they can hold their governments in subjection.

The most effective of the several devices for accomplishing this end is party. Slowly and clumsily it was fashioned during the quarrels between Cavalier and Roundhead. Awkwardly it began to claim and to fill its place under the later Stuarts and William III. But during the reigns of the first and second Georges, it came to be so well established that it could withstand the reaction led by George III. The American colonies received the institution of party, as they did most of their political outfit, from the mother country. But in their hands it underwent after the formation of the Union a marked development, and to-day the American party-system presents a perfection of organization not elsewhere to be found.

How does party accomplish this task of holding government in subjection to the state? Its more obvious functions are two; it educates and organizes public opinion, and it administers the government. Public opinion is what the people think and feel in respect to public questions; not what they think and feel when such questions are first presented; but their well-considered thought and their clarified feeling after they have studied these questions well, and have attained the mood which is favorable to wise judgment. Party is by far the most important of the agencies through which the crude first thoughts and blind first feelings of the people are transformed into the rational thinking and feeling which is public opinion. In the first place, party keeps the people fully informed in regard to public matters. What one party fails to discover or wishes to conceal, its rival is sure to unearth and proclaim. In the second place, party discusses with freedom and thoroughness every public question in the presence of the people. In the third place, party discusses such questions not merely on the ground of a surface expediency but in the light of great princi-

ples. Indeed the ultimate end of party is to secure as the basis of public policy the adoption of the principles which it professes. The dissemination of these principles is therefore one of its chief employments, and enters largely into the discussions which it conducts. But the principles of the different parties considered collectively are the principles of the people. Despite the many objectionable features which mark the contests of parties, such as narrowness, exaggeration, and downright misrepresentation, the results of these contests is to bring the people closer to the fundamental truths of politics, and to make them sounder as well as better informed judges of what concerns the public welfare. In the fourth place, party not only secures the discussion of public questions before the people, but, what is more important, discussion by the people. In this way party lifts the common citizen out of the ranks of private life and imparts to him in some degree a public character. Lastly, party organizes the public opinion which it helps to form. It provides the means by which those who hold like views in regard to public questions can act together effectively in their support. It is able to do this because it possesses and exercises the right to designate those who fill the posts of government ; and because, in the second place, it must take into its own hands the direction of every movement by which the constitution is modified. The second of the two functions named is to administer the government. In the performance of this function the party in power under the system of party government, holds the position and does the work which fall to the king under a system which is really—not nominally as in England—monarchical. In the discharge of this function the duty of the party in power as well as of the king is to apply in the wisest possible way the public resources to the satisfaction of the public wants, and to do this according to the methods and with strict regard to the limitations prescribed by the constitution. It is not necessary to discuss here the debatable question whether party government in itself is a good form of government. It will suffice to direct attention to one remarkable difference between it and other forms of government.

The party in power, in other words the government, is removable at will. In England this can be done at any moment when Parliament is in session; in the United States it can be done at least once in every four years. Moreover, in all countries where party-government exists, the state is constantly checking, rebuking, or encouraging the party in power; and the party in power, that is the government, listens respectfully and obediently to every manifestation of its master's will. That this is not true under other forms of government is sufficiently obvious. States which are ruled by monarchs or oligarchies are usually forced to resort to revolution whenever it becomes necessary to depose the agent who governs.

To what place in the political system do these functions entitle party? The answer to this question is that party, or rather the party system, constitutes an informal but real and powerful primary organization of the state. Party stands closer to the state than any other factor of the political system. It is the first to interpret, and the first to give expression to the will of the state. And when that will is once made manifest party superintends its execution. If the state wills a change in the constitution, party puts in motion the constitutional machinery by which the change is effected. If the state wills a change in the policy of government, party takes the steps by which this, too, is accomplished. In short, it seems to me, that the obedience of government which the state used to secure at long intervals and for short periods, at great cost and very imperfectly by means of revolution and constituent assemblies, it now secures easily and far more durably and perfectly by means of party.

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RECENT TENDENCIES IN THE REFORM OF LAND TENURE.

Frenchmen are fond of speaking of the great revolution of a century ago as if it were the source from which all subsequent European reforms have sprung. But each country has its own germs of development, and the strongest historical influences have been from within the nations, not from without. Yet it is true that the French revolution was to a most wonderful degree a microcosm of modern history. Scarcely a form of subsequent political or social experience in any western country is without its type in France in those turbulent years. An instance of this is found in one of the earliest movements of the revolution, the series of reforms in landholding. This was not only one of the first institutions of French society to feel the effects of the revolution, but during that whole period it was the object of much legislation and administrative attention. Since that time it has never been long out of discussion. What began thus early in France, began at somewhat later dates in every other country of Europe. Questions of land tenure have been among the constantly recurring problems of internal policy in each of those countries. In this course of discussion and legislation it is curious to note that notwithstanding all the differences of national institutions and national character, the questions connected with landholding have taken much the same form in the whole group of western nations, and the solutions themselves, in as far as they have been reached, have a considerable degree of similarity.

A century ago, at the beginning of the French revolution, landholding in every country in Europe retained the stamp which the middle ages had impressed upon it. Although the feudal system as a form of government had long before given

place to more centralized monarchical power, yet in many of its social and economic elements it still remained dominant over the life of the people. This was especially true of landholding, the privileges of which had been left to the nobility as a partial equivalent for the political power they had lost. The system of land tenure moreover had the marks not only of feudalism but also of the earlier communal system on which feudalism had been imposed. In France the slow, insensible effect of economic growth had modified the earlier conditions more than in most countries, but even here the apparent possessors of much of the soil held it in very incomplete ownership, and subject to many feudal burdens. Primogeniture was the legal rule of descent, *mortmain*, through the church, had its clutch on almost one-third of the soil of the country, and another third was in the entire possession of the *seigneurs*. The communes still held a great deal of undivided land. This condition of things was attacked in the first great series of reforms of the revolution, the legislation initiated on the night of August 4, 1789. By these decrees the remains of serfdom in France were abolished, all rights of the lords over holders of land in their manors were either abrogated outright or made redeemable, and the exclusive right to all game and fish on lands lying within the borders of their manors taken away. A whole series of old burdens on landholding was removed and the actual occupants of the soil in France were emancipated from much of the pressure of effete feudalism. Three months afterward the National Assembly declared the estates of the church national property, they were sold and thus taken out of the trammels of *mortmain*. In 1793 lands belonging to emigrant nobles and persons convicted of political offenses were confiscated and sold, thus lessening to a great degree the applicability of primogeniture. Subsequently the communal lands also were largely divided and sold. Another measure of reform was the breaking of entails, prohibition of primogeniture and substitution therefor of equal division of land as well as other property among all the children. This law of bequest finally settled into the condition perpetuated by the Code Na-

poléon, by which all lands must be divided either equally among the children or with one extra portion disposable at the wish of the testator. Although Napoleon in the exigencies of his political system allowed a slight return towards entails yet this was infinitesimal in its effect on the land system of France. Thus in the twenty-five years of the revolutionary period the land of France had been freed from almost all the remains of feudalism and communism, and had been put into the complete ownership of its possessors.

The surrounding nations were not quick to borrow from the French during the revolution, but nevertheless sooner or later most of them succumbed to its influence on their land systems. The incorporation of the portions of Germany west of the Rhine, and of Belgium into France, involved the assimilation of their land systems, and this remained a permanent change. In Holland and the parts of Germany annexed for a shorter period, the alteration of the land system was only temporary, though its influence was permanent. In the States of the Confederation of the Rhine the immediate effect was only appreciable in a few States, such as Westphalia and the Grand Duchy of Berg, Hesse-Darmstadt, and Nassau, and only in certain respects, such as the abolition of serfdom, and the abrogation or redemption of some feudal dues and impositions. Prussia also was influenced, indirectly perhaps, by the movements of the time, and in the Stein-Hardenberg legislation of 1807 and 1811 serfdom was abolished, free purchase and sale of land granted, permission to break entails by a family agreement given, and other reforms introduced. In Germany the communal elements of the mediæval manor had remained in much greater strength than in the countries further west, and a dissolution of the double ownership between lord of the manor and tenant of the manor had to be one of the first steps of reform. The completion of the ownership of the soil by the peasant, in such cases, was provided for by requiring the cession of one-half or one-third of his holding as the condition of his becoming full owner of the remaining portion. Austria alone among all the States of Germany seems to have felt no

effects on its system of land holding from the French revolution. Joseph II, before this time, had introduced modifications of the worst personal elements of the feudal manor, but as a land system it had been and long remained practically untouched. In the Italian Peninsula land tenure at the beginning of the revolutionary period was of a distinctly mediæval type, except indeed, in Tuscany, where the "enlightened despotism" of Leopold I, as of his brother Joseph, in Austria, had already introduced some modern reforms. In 1774, for instance, in his code of provincial regulations, he had given peremptory instructions to all local bodies to alienate their communal lands, either by sale or by the form of perpetual lease known as *allivellazione*. In 1782 he modified entails and primogeniture, and in 1789 abolished them altogether. In some of the other Italian States the panic resulting from the news of the actions of the National Assembly in France, led the governments to introduce some reforms, among which were modifications of primogeniture, and of some of the other abuses of feudal landholding. But these were of little importance compared with the changes brought about by the results of the French invasion. In the ephemeral republics into which Italy was then divided, and in its somewhat more permanent organization as French departments, and the Kingdom of Italy, the French code was introduced as civil law. Under its provisions, over all northern Italy, the burdens of feudalism were removed from the landholders, primogeniture ceased to be the rule of descent, and strict settlement of estates was abolished. In the kingdom of Naples the sovereigns of the house of Bonaparte set themselves to the same work, which was carried out between the years 1806 and 1812 by a "feudal commission." A great mass of the Italian peasantry, before this time only occupants of the soil, now became its real possessors.

In Spain the revolutionary Cortes of 1811 began the work which had been done twenty years before in France. The lords of manors were deprived absolutely of all purely feudal control of the land, and after indemnification were deprived of

all previously irredeemable rights. In England the economic development of the country had made the purely feudal relation of the land holders of comparatively little importance. The original communism of the manor as represented by the "commons," was also to a great extent a thing of the past. The old feudal and manorial constitution still existed, but attracted little attention, and during this whole period received no legislative modification. The land system of England was sufficiently full of abuses, but they were not directly traceable to feudalism or the manorial system. The same absence of land legislation applies also to the countries dependent on England. Thus during the twenty-five years between 1789 and 1814, the land system of Europe as it had existed before the beginning of that period had, with some exception, been radically changed. Feudalism as a system of land tenure was abolished, and the remains of the old communal organization were very much lessened. Private property in land had become a familiar conception where before it had hardly existed. Complete and individual ownership, dissolution of joint claims, freedom of purchase and sale, bequest to all children instead of to a single heir, were more or less fully introduced into all the States of central Europe.

But this development of the land system of Europe had been made in the midst of a great period of political upheaval and reorganization. That period was now at its close, and it remains to be seen how close was the connection between the political movement and land tenure. As the course of land legislation is traced further, it becomes evident that just as the period succeeding the downfall of Napoleon in 1814 was one of political reaction, so in the economic sphere, and especially in landholding, it was a period either of return to old conditions, or at best of cessation of reform and development.

In France, the code and the constitution stood in the way of any radical return to pre-revolutionary land conditions, but even here modifications in the way of reaction were introduced. In 1817 the right to make bequests of land to the church was restored, in 1819 the right to institute *majorats* or entails, restored by

Napoleon for the sake of his new nobility, was extended to all the constitutional peerage of the restoration, and in 1826 the right to make strict settlement to one generation allowed by article 1048 of the code was extended to two generations. This policy culminated in the attempt of the government of Charles X to carry a law making the extra disposable portion allowed by the French legislation in bequests of land go always in cases of intestacy to the oldest son, instead of an equal division taking place. This being clearly a departure from the spirit of the land laws, and an attempt to reintroduce rights of primogeniture, was so strongly opposed by all the liberal elements in France that the attempt was given up. In Prussia a law of 1815 restricted the operation of the Hardenberg legislation to large farms, and in 1821 the calculation of indemnity to be paid by peasants to lords of manors in order to become full owners was again made on the basis of the whole group of old feudal dues, instead of the normal one-half or one-third. In the other German States the process of land enfranchisement that had been going on so rapidly during the last period came to a sudden stop. In the States of the Italian Peninsula the same reaction took place. In Piedmont the old régime was introduced as completely as possible. In Lombardo-Venetian provinces the Austrian code, one of the most backward in Europe in its land legislation, was enforced by the courts; in Modena absolutely all of the old feudal paraphernalia were brought back. In Tuscany and Parma alone was there an enlightened land system. In Spain Ferdinand VII, along with his abrogation of the constitution, repealed the law of 1811 and re-established, in 1814, all of the old feudal rights over the soil.

As this period of retrogression in land tenure reform was an accompaniment of political reaction, so the European revolutions, which instituted political advance, led to renewed progress in land legislation. In 1820, 1830, and 1848 the peoples of the continent made successive efforts to gain liberty, and a resumption of the work of enfranchising the soil from mediæval conditions followed in the wake of each of these movements.

The earliest instance of this close connection between political and economic reform was when the Spanish revolutionary government in 1820 confiscated the *mortmain* lands of the church, limited entails, and re-established the old law of 1811. But the most striking instances are in some of the Italian States. The Sardinian government, for instance, as a result of the risings of 1820 and 1821, turned its attention to reforms, though the only actual result was a law for the public registry of mortgages. After the revolution of 1830 a new code was formulated in which the division of intestate lands left forever the old basis of primogeniture, and settlements and entails were very much limited. In 1832, an edict gave to communes permission to alienate their joint possessions, and at the same time feudal rights and communal holdings were abolished in the Island of Sardinia. In a third step, immediately after the revolution of 1848, entails and all other rights of primogeniture were abolished, and in 1851 the work for that kingdom was practically completed. Similarly in France, the law of 1835 forbade future creations of *majorats* or entails, and that of 1849 provided for the speedy extinction even of those already existing. This law abolished the right of making *substitutions* or strict settlements altogether. In Germany the more backward States which had withstood the earliest movements, all succumbed as a result either of 1830 or of 1848, and followed the main lines of early land tenure reform, abolition of serfdom and feudal dues, modification or abolition of primogeniture in its various forms, division of communal rights, introduction of allodial and individual holdings in place of joint holdings on a feudal basis. For instance, in Hesse-Darmstadt and Würtemberg the long, dragging discussion of feudal burdens remaining from the Napoleonic period, was roused into life by the events of 1830, and in the year 1836 radical laws cleared them away altogether. Still more promptly after the revolution of 1848, we find liberal land laws in Bavaria, Baden, Hesse Cassel and Prussia, before that year was finished. In Austria and Hungary since the attempted reforms of Joseph II, as has been already noted, land legislation had lagged behind almost all.

the rest of Europe, and this notwithstanding general recognition of the character of the land system as an anachronism. In 1835, proposals for change had been made by the landholding nobles themselves, but the government with its well-known reluctance to enter upon innovation shrunk from the task. In 1846, however, a peasant rising in Galicia directed the eyes of all Europe upon the land system of the Austrian States, and the Imperial government at last issued a series of decrees facilitating voluntary arrangements between the peasants and the lords. Here, however, it stopped and no effective changes had been made when the storm of revolution in 1848 swept down upon the country. A month after the March risings in Vienna, the emperor promulgated a constitution for the empire which would have necessitated the ultimate enfranchisement of the soil, but soon the new assembly took the matter out of the hands of the sovereign, and on the 4th of September, 1848, decreed the immediate and entire abolition of the whole feudal régime including the burdens and restrictions on land.

After the reactions of 1849, it might have been expected that the recent reforms in land tenure would be reversed, as in 1814. But the century was too far advanced; the risings of 1848 had been almost as much economic as they had been political, and an element had entered into them which had little place in the revolutions of 1820 and 1830. This new element was a demand not for more political rights only, but for greater material prosperity and economic opportunity for the mass of the people. Therefore, although the political reforms failed, at least temporarily, yet the accompanying reforms in landholding were permanent.

In England the land system had gone through a unique development, and had long resisted any influences from the outside. But even here the spirit of the age was at last felt, and the old citadel of English conservatism, the land system, was attacked. But this work scarcely began before the middle of the century. Up to that time the communal holdings in the form of manorial commons and intermixed fields had been

gradually decaying, it is true, partly under the influence of economic forces, partly as the result of direct legislation. The private acts for the enclosure of commons had been superseded in 1801 by a general enclosure act, and this had been extended and developed in 1845. The feudal burdens had become shadowy, and, with the exception of the few "copyhold" tenures, almost obsolete. Nevertheless, the advantage of these changes had not gone to the peasantry, nor to small farmers of any kind, but to a class of landholding families owning the land in large tracts, and having a grip on it stronger than any other class in Europe. Legislation and the theories of the common law had all been developed to perfect the control of this class over the land, and to keep it within their possession. Entails still existed, the custom of strict settlements made practical entails over a large part of the country, in intestate division primogeniture was recognized; there was no public land registry, the formulas of wills and of deeds had become long, complex and doubtful in meaning, all legal actions relating to landholding were slow, cumbrous and dangerous. The land therefore remained for the most part in the hands of its few owners, and sales were difficult and unusual occurrences. The peasantry had been reduced to a hopeless and helpless class of day laborers, and the intervening class, the tenant farmers, paid a competitive rent to the land owners. The first proposition for changes in the English land system were made after an investigation by a board of real property commissioners about 1830. Little by little after that time minute reforms were carried out. These were principally in the direction of simplification of the processes of purchase, sale, mortgage, and bequest of land, and of its assimilation to other forms of property. In 1838 a means was suggested by which copyhold estates could be transformed into actual property. In 1841 a large step towards this was taken and in successive laws, especially those of 1852 and 1858, the change was practically completed. The net result of all the land legislation of England to this time was absurdly small, yet its general direction was unquestionably the same as that of the contemporaneous

legislation in the continental countries. The Irish land question was brought into recognition by the report of the Devon commission in 1845, and was elevated into the prominence it has never since lost by the famine immediately following that year. But the measures for reform introduced into parliament representing the views of Irishmen were all rejected and the only resulting legislation was the creation of the Encumbered Estates Court, in 1849. This court had large powers for the selling of estates, even when settled by bequests, if they were heavily encumbered, on the appeal either of the holder or of the creditors.

During the whole revolutionary period and the early part of this century, the principal incentive to reform of land tenure was the feeling that the feudal system and communal holdings were unjust, a tyrannical abuse, a privilege of the few at the expense of the many. In abolishing this system the liberal governments simply felt that they were attacking an old injustice. Subsequently, however, the movement toward the enfranchisement of land was reinforced by a second influence, that is, by the strong bent of the economic thought of the time toward individualism, freedom of contract, and absolute ownership. The political economists had no mercy on entails, primogeniture, communistic holdings, government interference or any other limitation to freedom of sale and bequest, or the readiness of disposition and use of land according to the supposed laws of demand and supply. The group of views held and taught by the most influential political economists of the first half of this century therefore worked in the same direction and gave added force to the movement of land reform already long in progress. This influence as it affected the land question may be considered to have reached its height in the decade after 1850.

During that period, in nearly every country in Europe, laws were passed requiring the registry of mortgages and other land operations, facilitating the purchase of encumbered lands by the peasantry, and simplifying judicial procedure in foreclosure and ejectments. Such laws presupposed the abolition

of the feudal system, and were simply improvements in the new order of landholding. Instances of the first of these classes of laws are found in the Belgian law of 1852 and the French law of 1855, and of the second class in the legislation of Saxony, Prussia, Baden and Hesse, to help the peasants to pay the necessary indemnity for their farms, in 1850 and 1851. The Irish acts of 1854 and 1858 are instances of the third class of reforms. Probably it is a mere chance co-incidence that in America, in the State of New York, in the same period, the combined action of the legislature and the courts dissolved the double ownership of the landlord and the tenant in the so-called *leasehold* districts. But the clearest instance of the influence of economic theory on land legislation was in the Irish land law of 1860. This act introduced the simple principle of absolute free contract into the complexity of Irish land conditions. At one stroke it changed the whole relation of landlord and tenant from one of *status* to one of contract. With studied care it disregarded entirely that "tenant-right" which was claimed and believed in by the great mass of Irishmen as the foundation of their tenancy, and which was half acknowledged by earlier, and entirely recognized by later legislation. Before this time the Irish courts had been looked upon as performing the function of determining the relative rights of landlord and tenant; by this law they were restricted to the sole duty of enforcing contracts entered into between landlord and tenant. Thus an attempt was made to put land owning and land renting in Ireland on the same footing as any mercantile operations. The influence of economic teaching on the minds of the English legislators of that time could hardly be shown in a more striking manner than by the passage of such a revolutionary law, reversing the whole development of Irish land history up to that time, and trying to make its system conform immediately to a preconceived theoretic model. A few years later, another example of such influence was found in the new Portuguese code of 1867, and its effect in destroying the old system of land tenure known as *aforamento*. This was a kind of perpetual lease, introduced by the Benedictine

monks in early centuries on their domains, and gradually became the prevailing form of landholding in southern Portugal. A farm held on these conditions could not be divided, and the tenure provided for the payment of a fine on every alienation, either by sale or by bequest. The code of 1867 was professedly based on that of France, and intended to liberate the soil and reconstitute absolute property in land. It prohibited, therefore, payments on occasions of an alienation, as being a feudal recognition, and forbade bequest of all the land of a father to any one child. These two provisions struck at the primary characteristics of the tenure mentioned above, and under their action *aforamento* has since been rapidly passing away. The same influences in Spain have led to the division and sale of much of the property of the communes.

Down to as late a period as 1860, at least, the tendency of land legislation was all in one direction. This was toward making land an object of individual and uncontrolled ownership, of free contract and free disposal; toward making it the object of possession, use, and exchange in just the same way as a piece of furniture, a horse, money, or any other article of personal possession is at the disposal of its owner. Within a period of three quarters of a century the mediæval bases of landholding had been destroyed and an individualistic form of tenure substituted. Private property in land had been created; land had been brought into the category of objects of personal ownership. The laws of the middle of the century, moreover, over all central Europe, seemed to tend toward a further development of the characteristics of the new system.

If, however, we abandon the method of tracing the course of land legislation from the French revolution downward, and beginning with the most recent laws and proposals for laws, trace legislation upward through the last decade or two, we will find ourselves in the midst of a strikingly different tendency. For instance, in last winter's session of the French chambers of deputies, three distinct laws were introduced providing for the compulsory payment by the landowners to an outgoing tenant of the amount by which he has made the farm more

valuable. A law of the same effect was passed in England in 1883, and one of much the same import as early as 1875. The principle was introduced in Scotland in 1885, in the crofters acts, and in Ireland in the land acts of 1870 and 1881. An act for the same purpose was debated in the Belgian parliament in 1888, and although it failed to pass, was only defeated on an unessential argument. In all of these laws and projects of laws the landlord and tenant are forbidden to contract themselves out of their provisions. The normal case therefore would be one where the tenant independently of the landlord, without his participation and even possibly without his consent would put any such expense upon the land as he could make appreciable and then at the expiration of his tenancy collect the proper indemnity from the landowner. There is in this case a considerable deduction from the landowner's complete control of his land. Indeed such a principle when admitted exactly reverses the former policy of assimilating land to other forms of property, and introduces an element of joint double ownership, instead of absolute single possession. Coming from an entirely different origin, it brings in practically the same combined rights to property in the soil as those which existed in the feudal manor.

Again, the Prussian lower house, in September, 1890, passed a law allowing the formation of *Rentengüter*. That is, it permitted the establishment of what are practically perpetual tenancies, on a ground-rent irredeemable except by consent of both parties. This legislation, if completed, would be a return toward such tenures as the Portuguese *aforamento*, Italian *allivellazione*, American lease-holds and ground-rents, and others, which were the especial objects of destructive effort in the legislation of the first half of the century. The idea that land should be tied up in a form difficult of alienation, and incapable either of being resumed by its original grantor or freed from incumbrance by its holder, is one utterly repellent to the spirit of the legislation already discussed, and yet it is the deliberate object of more than one recent proposal.

Still a third instance of reversal of policy is in the matter of

communal lands. In England there were few of these left, but their preservation, instead of enclosure and division, has been the object of successive acts reversing the previous policy, beginning with the "metropolitan commons act" in 1866. The English allotments act of 1886 enabled local authorities to acquire land by compulsory purchase for the purpose, among others, of forming common pastures. On the continent the same feeling has shown itself in an appreciable diminution in the process of selling communal holdings, and a study of the possibilities of utilizing such as remain in a more profitable way. Such a movement is, of course, quite contrary to the old effort to make land an object of ready division and sale. It seems to acknowledge that there are some uses of land which are better served by keeping it in the hands of the community than by distributing it to individuals.

Interferences between landlord and tenant by which the community, as a whole, sees to it that the tenant secures better terms than mere competition has been found to give him, are numerous in recent legislation. The Irish land act of 1870 gave compensation to the tenant for disturbance as well as the compensation for unexhausted improvements already mentioned. The law of 1881, in addition, provided for a government estimate of what was a fair rent, and this the landlord was bound to accept. The same provisions were incorporated in the Scotch crofters acts of 1885 and 1886. The latter also gave the authorities power to take land from the landlords and add it to the crofts of the peasants at an official, not a competitive, rent. Similarly, the allotments act of 1886 gave power to acquire land by compulsory purchase in order to let it to small cultivators. Still more radical propositions have been made by a commission of parliament recently appointed to investigate the question of the distribution of land. These measures certainly represent a very different principle from that typified by the Irish land act of 1860, very different from a régime of pure contractual relation between landlord and tenant.

Thus in at least four different aspects of landholding, recent laws have shown themselves to be of a directly opposite ten-

dency to that of the first half of the century. If these measures of reform of land tenure are followed up they will prove to have this new tendency since about the year 1870. This then was the turning of the tide. Consciously or unconsciously, at one time in one aspect of landholding, at another time in another, agitation, interest, legislation have departed from their old ideas and turned toward new. We have apparently ceased to try to treat land exactly as other forms of property. Recognizing its intrinsic peculiarities, society is struggling with the problems involved in its more just and at the same time equally productive distribution and use. And this, like the earlier movements, is practically contemporaneous in all the countries of Europe. Just as the process of early enfranchisement followed the same general fortunes in each of the countries during one period of modern European history : just as land tenure in the several countries was affected nearly alike by the political currents and countercurrents of the time : just as the influence of political economy came to reinforce the movement in all the countries—so the cessation of the older course of laws came at nearly the same time, and the tendency of recent legislation has been strikingly alike in all Europe.

The movement away from individualism in land owning must therefore be considered as a general one, not confined to any particular country. It is part of the great social movement of our time, turning away from mere freedom of the individual and seeking for a reorganization of the community, disavowing the rule of selfishness however "enlightened," and insisting on some degree of associative action, control and enjoyment.

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LAW-MAKING BY POPULAR VOTE ;

OR,

THE AMERICAN REFERENDUM.

The Referendum is commonly thought of as a political institution peculiar to Switzerland. It is there, truly, that the name has come to have the particular signification which attaches to it to-day, and there that the institution has laid most prominent claim to the notice of students in the science of government, especially since 1874, when it was lifted out of the cantonal systems into the Federal Constitution and given a national recognition. It seems, however, to have been very generally overlooked that here in the United States, in every State of the Union, and also in the municipality, we employ, and in New England have employed since the Revolution, this same popular political principle. The Referendum may be defined as the submission of laws, whether in the form of statute or constitution, to the voting citizens for their ratification or rejection, these laws having been first passed upon by the people's representatives, assembled in legislature or convention. By a narrower definition the name might be held to apply only to laws submitted by a legislature, but the people when they vote upon a constitution or an amendment to a constitution are engaged in what is quite as much a legislative act as voting on a statute law, and especially is this so in our American States at the present time since the framers of constitutions have enlarged the concept and, therefore, altered the nature of the term constitution.

Although my province in this paper is to review the direct share of the people in the making of their laws in the United States, it may be well, in the first place, to look briefly at the Referendum as it has been developed in Switzerland. The name, Referendum, if traced back to its origin, could be shown to be very old, some writers even stating that it was in use in several

Alpine cantons as early as the sixteenth century. At any rate the delegates from the cantons to the early Federal Diets were only empowered to assent to important measures *ad referendum*, that is, subject to the approval of the governments which sent them. The institution in the perfected form in which it appears in Switzerland to-day is a development of this century. Beginning in some of the Teutonic cantonal governments, the outgrowth of the *Landsgemeinden* and the extreme democratic political inclinations of a people bred in the traditions of a folk-mote system of government, it very soon fastened itself firmly in public favor. To-day every one of the twenty-two cantons in the Confederation employs the Referendum in some of its forms, not excepting Freiburg whose clerical majorities, however, have up to this time been able to prevent its introduction except in the matter of a revision of constitution.

In two cantons, Uri and Glarus, and in the two half-cantons of Appenzell, and the two half-cantons of Unterwalden, the *Landsgemeinde* still survives. On account of increase of population, and the resulting cumbrousness of legislation by mass-meeting, it has been abandoned within recent times in Schwyz and Zug. The *Landsgemeinde* is only a means of securing the Referendum without the expense or trouble of a ballot, and is possible only in a district of small territorial extent and small population. Each of these two cantons and four half-cantons has an executive power—the *Regierungsrath*—and a representative assembly—the *Landrath*. Laws are framed and prepared for enactment by this representative assembly, but it has no powers beyond those of a committee, everything being referred for ratification, rejection or amendment to the people who meet semi-annually in the *Landsgemeinde*.

In other cantons the Referendum takes simpler forms. Two kinds are distinguishable, the compulsory and the optional. The compulsory Referendum is one made obligatory by the cantonal constitution according to which laws cannot go into effect until ratified at the polls by the people. The optional Referendum is one in which there is no element of obligation, the act of submission only taking place if the people desire it.

If a certain number of signatures of voting citizens are not received within a specified time after the representative legislature approves a law it goes into force without a popular vote. These two forms exist side by side in many of the cantons and it is not easy to make a correct classification. In all the cantons, however, Freiburg included, there is a compulsory Referendum on every proposition to alter or amend the cantonal constitutions.

The Federal Referendum has existed in its present form in Switzerland since the adoption of the amended Constitution of 1874. Besides a compulsory Referendum on constitutional amendments, the Constitution contains the following guaranty of an optional Referendum :—"Federal laws as well as Federal decrees—if not of an urgent nature—must be submitted to popular vote upon demand of 30,000 qualified voters or eight cantons." The outcome of the experiment in nationalizing the Referendum has been watched with great interest by political observers everywhere. In four years, from 1875 to 1879, the people demanded the Referendum on eight laws. In sixteen years the Referendum has been taken on about twenty-five laws, including several constitutional amendments, or an average of about three in two years. The judgment of the people may be considered for the most part to have been expressed very intelligently, if we except the votes on a number of laws submitted during the period from 1879 to 1885 when there was a wave of extreme jealousy of the Federal influence and a fear in the cantons that they were being overshadowed by the Berne government. For a time the Referendum was demanded on nearly all the laws of much importance which the Chambers passed and without regard to their character or value they were defeated by large majorities.

The adversaries of the Referendum are few in Switzerland. The Ultra-Clericals and Conservatives originally opposed it, but as they have found it, in the case for instance of the re-establishment of the death penalty and the rejection of several laws looking toward centralization, to be reactionary rather than reformatory, their opposition has been partially

allayed, and indeed many leaders of the party are now its earnest supporters. Of late there seems to be less hostility to legislation tending towards centralization if the votes on the liquor monopoly, the bankruptcy code and the insurance law signify anything.

Perhaps it may not be fair to make the assumption that the New England town-meeting has had any direct influence upon the development of the Referendum in this country as the *Landsgemeinde* had in Switzerland. At any rate it is a coincidence that of the thirteen original States only two submitted their first Constitutions to popular vote, and these were Massachusetts and New Hampshire where the people had long met together in town-meetings to make their local laws. It has been asserted that in the other States the propriety of submitting the first Constitutions was not denied, but the Tories forming so uncertain a quantity, it was thought dangerous to call for a popular vote.¹ How this may have been it is not my present purpose to inquire. One good reason why only New Hampshire and Massachusetts followed this plan can doubtless be found in the fact that the States outside of New England had no easy or economical method of getting an expression of the popular judgment. In the town-meeting the people could be reached directly and while assembled to do the public business of their respective communities could at the same time confer upon matters affecting the State government. Connecticut and Rhode Island, remaining under their old Charters until 1818 and 1842, respectively, furnish no confirmatory evidence as to the relations between the town-meeting and the Referendum, for though their first Constitutions were submitted to popular vote the custom had by this time taken deep root all over the country. Vermont accepted her first Constitution from a Convention without a Referendum. There was a general feeling, though, that it was not the correct procedure, but the long boundary contests in which she had been engaged with Massachusetts, New Hamp-

¹ Jameson on Constitutional Conventions, p. 499.

shire and especially, New York, made it seem unwise to take the risk of consulting the people.

In 1778 the General Court of Massachusetts prepared a Constitution which was rejected in the town-meetings. A Convention was called and after long labors another Constitution was submitted in 1780, which was ratified, and by more than two-thirds of those who voted. The Constitution provided that in 1795 the voters of the towns and plantations should express themselves upon the question of revision.¹ There was, doubtless, an influence in securing such a speedy ratification, in the knowledge that if the Constitution proved unsatisfactory or inadequate the people were to be guaranteed a part in amending it.

There was still greater difficulty in getting a Constitution to the taste of the people of New Hampshire. One submitted in 1779 was rejected, another submitted in 1781 was so much amended in the town-meetings that the Convention began work all over again and finally completed a document which was approved by the people in 1784. Here, then, in these two New England States the Referendum first appears in America, and in a very vigorous form, the people fully appreciating and asserting their right to direct consultation by their representatives.

In Pennsylvania, not a year after the Constitution of 1776 was adopted by Convention and put into effect, we learn there was much dissatisfaction among the people. The Supreme Executive Council addressed an order to the General Assembly, representing "that they are sorry to find the present Constitution of this State so dissatisfactory to any of the well affected inhabitants thereof and would gladly concur in any suitable and safe measure for the removal of this uneasiness; that they are of opinion this might be greatly attained by taking the sense of the majority of the electors throughout the counties on the important question whether a Convention be holden at some proper time to reconsider the frame of

¹ Chapter VI, Art. X.

government formed by the late Convention, etc.”¹ This recommendation seems to have met with no response during the ensuing war excitement. In 1790, after the Federal government had been established the need of a new Constitution was satisfied in a Convention called for that purpose by order of the Assembly. The recommendation by the old Executive Council that “the sense of the majority of the electors throughout the counties” be taken, was not heeded and again a Constitution was prepared and went into force without coming directly to a vote of the people. None of the thirteen original States, indeed, followed the example of Massachusetts and New Hampshire, until New York led the way in 1821.

About fifteen years after the century opened, it came to be a generally recognized principle that to the people of the States belonged a direct voice in deciding what their governments should be. Mississippi and Missouri² when they came into the Union had Constitutions which had been adopted by direct popular vote. The Constitution of New York about 1820 became notably unsatisfactory. Governor Clinton in a message to the Legislature recommended: First.—That the question of calling a Convention should be submitted to the people and decided by them by a majority vote at the polls of election; and Second :—That if a Convention should in this way be called that the doings thereof should again be referred to the people for their confirmation or rejection.³ A bill was passed by the Legislature according to the Governor’s recommendations; the people voted “Convention” or “No Convention,” with a large majority in the affirmative, and a subsequent act ordering the election of delegates stated that it should be the duty of the said Convention to submit their proposed amendments to the decision of the citizens of the State, entitled to vote under this act, together or in distinct

1 Colonial Records, Vol XI, p. 220.

2 Mississippi, 1817; Missouri, 1820.

3 Hammond’s History of Political Parties in the State of New York, Vol. I,

propositions as might appear most expedient.¹ From this time on, most of the new States came into the Union with Constitutions which had received the direct sanction of the people, and the old States, as fast as new Constitutions were thought to be necessary, adopted the same process. The town-meeting principle had developed into the Referendum and it was a firmly established institution the country over. To-day, the people of not more than one or two States in the Union would be likely to be denied, nor would they permit themselves to be denied, the right to pass upon the form and frame of their government. It is a significant fact that the Constitution of Mississippi adopted last fall was not voted upon at the polls.

From this habit of employing the Referendum, in the case of new constitutions, grew up naturally the Convention Referendum and the Amendment Referendum. Perhaps these latter were hastened in their coming by a recognition of the fact by those who had the ordering of these things, that if a constitution was to be submitted to the people with the expectation of having it ratified, some means would have to be devised by which they could change it if it proved in any way unsatisfactory. A section in the New Hampshire Constitution of 1792 provided, that the people should vote once every seven years whether a convention for revision should be called or not, and, further, that no alteration should be made before the same should be "laid before the towns and unincorporated places, and approved by two-thirds of the qualified voters present and voting on the subject."² The right of the people to determine whether they would alter their government, and if so, in what manner, was here plainly expressed. This Constitution is still in force in New Hampshire and a number of amendments have been made by this clumsy process.

Amendment by convention was at the beginning the only means of amendment and the question as to when a convention should be called for purposes of revision very soon came to be a subject for a Referendum. This is now the uniform method

¹ *Id.* Pages 559 and 560.

² Sections 99 and 100.

when a new constitution is wanted, or the old one requires radical revision. When to submit the question of calling a convention is usually left to the judgment of the legislature. Ordinarily a majority vote of the people decides the matter, but the Constitution of Kentucky of 1850,¹ required not only a majority of those voting on the question, but of all the electors in the State qualified to vote for State representatives, and, to make the conditions yet more difficult of fulfilment, this vote must be secured at two successive elections, a feat only accomplished in 1889. Delaware finds this kind of a majority vote necessary also, but it is sufficient if expressed at one election.²

To find a method of amendment easier than by convention was reserved for Connecticut in 1818, when the Amendment Referendum was invented in the form it has since very generally taken, the passage of two successive legislatures followed by a vote of the people.³ A Convention met in Massachusetts in 1821 to propose amendments to the State Constitution and a few months later a body of delegates met in New York for a similar purpose. Among the articles proposed to the people of each State for their approval or rejection was the Connecticut plan. Henceforth the Amendment Referendum by legislature became an admittedly necessary feature in every State government. The constitutions prescribe several different forms of treatment before the legislatures may submit amendments. Most in favor is, either the passage by two-thirds of the members of each house of one legislature, or a passage by a simple majority through two successive legislatures. There are other plans in States which have old constitutions.⁴ In

1 Article XII.

2 Constitution of 1831, Article IX.

3 Article XI, Constitution of 1818.

4 Two-thirds passage through one Legislature: Alabama, Colorado, Georgia, Idaho, Illinois, Kansas, Louisiana, Maine, Michigan, Mississippi, Montana, Texas, Washington, West Virginia and Wyoming.

Majority passage through one Legislature: Arkansas, Minnesota, Missouri, and South Dakota.

Three-fifths passage through one Legislature: Florida, Maryland, Nebraska, North Carolina and Ohio.

Majority passage through two successive Legislatures: California, Indiana, Iowa, Nevada, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, Virginia and Wisconsin.

Delaware alone the people have no direct share in constitutional amendment by legislature.¹ In every other case they are given the final disposition, except in South Carolina, where, after passing the legislature once, then going to the people, amendments revert to the legislature again.²

It is proper to remark here, however, that from the simple statement that the people of the States vote upon their constitutions, and the amendments thereto, one can form but a very incomplete idea of what this right really means. It is only after considering the nature of the content of these constitutions that the Referendum as exemplified in America is seen to have its closest likeness to the Swiss Referendum. When it is remembered that in these days the American State constitutions are codes of laws limiting the Legislature to a short biennial session, defining in detail what it may and may not do in that short session, there is a better understanding of how great a direct force in the enactment of the laws the people have become.

Majority of one Legislature and two-thirds of the next: Connecticut and Tennessee.

A majority in the Senate and a two-thirds vote in the House of Representatives, two Legislatures: Massachusetts, New Hampshire, and Vermont amend only by convention. and in the latter State the people are not consulted directly. The amendments are prepared by a council of censors which meets septennially and they are ratified by a convention elected for the purpose.

¹ Constitution of 1831, Article IX. "The general assembly, whenever two-thirds of each House shall deem it necessary, may, with the approbation of the Governor, propose amendments to this Constitution, and at least three, and not more than six months before the next general election of representatives, duly publish them in print for the consideration of the people, and if three-fourths of each branch of the Legislature shall, after such an election and before another, ratify the said amendment, they shall be valid to all intents and purposes as part of this Constitution."

² Constitution of 1868, Article XV, Section 1. "Any amendment or amendments to this Constitution may be proposed to the Senate or House of Representatives. If the same be agreed to by two-thirds of the members elected to each House, such amendment or amendments shall be entered on the journals, respectively, with the yeas and nays taken thereon; and the same shall be submitted to the qualified electors of the State at the next general election thereafter for representatives, and if a majority of the electors qualified to vote for members of the general assembly, voting thereon, shall vote in favor of such amendment or amendments, and two-thirds of each branch of the next general assembly shall, after such an election, and before another, ratify the same amendment or amendments by yeas and nays, the same shall become part of the Constitution: Provided, That such amendment or amendments shall have been read three times, on three several days, in each house."

Instead of a representative law-making body which shall meet once a year, the people are showing a preference for a representative law-making body which shall meet once in ten or twenty years and which submits its work for their approval or disapproval at the polls. There is thus a tendency toward taking our laws in bulk from a convention instead of in small lots each year from a legislature; the code to be changed at intervals when it may need it by the initiation of the legislature and the ratification of the people. Matters which were once left to the legislature are now dealt with in the constitutions. To illustrate, the following are now deemed suitable subjects to be treated in State constitutions:—the prohibition or chartering of lotteries, the prohibition or regulation of the liquor traffic, the establishment of tax-rates, the founding and location of schools and asylums, regulations relating to the rights and duties of railroads and other corporations and defining the relations of husbands and wives, and debtors and creditors, the establishment of a legal rate of interest, the salaries of public officials, etc., etc. Indeed there are now few matters, which are subjects for legislation at all, that may not, according to the new conception of a constitution, be dealt with by the conventions.

The change in the character of the constitutions has of necessity radically altered the character of amendments. Legislation has, of late years, been more and more disguised in these amendments and sent to the Referendum. In line with this tendency to much amendment is the accompanying tendency to easy amendment. In nearly all the new States and those older ones which have Constitutions recently adopted, the time in which amendments may be effected is reduced by one half. While previously the endorsement of two successive Legislatures was the prevalent plan before submitting to the people a proposition for constitutional change, now passage through one Legislature is coming to be considered sufficient. This greater facility in amendment is one of the demands of the time. If a constitution is to enter into the technique and detail of government and trespass on those

fields of action before reserved to the Legislature, it cannot have that character of permanence which it had when it was only an outline to direct the Legislature. It must change as laws change, and laws must change as the needs of the people change. Whether this has a tendency to degrade the Legislatures or not I shall not discuss. Certain classes of amendments, it may be observed, it has become the custom for Legislatures to submit to the people without the deliberation which would be given to statute laws upon the same subjects. This is notably the case with amendments to prohibit the manufacture and sale of intoxicants, and those relating to woman suffrage. In the treatment of prohibition, especially in the Eastern States, this tendency of later years is very manifest. It is usual for few members of the Legislature which passes such an amendment to vote for it affirmatively at the polls.

In some States in which an amendment must pass two Legislatures, and where it is not especially otherwise provided by the constitution, amendments are often voted upon at special elections, when, it is contended, there is better chance to get an intelligent expression of public opinion, both because the people are then less occupied with other matters involving the triumph and defeat of particular men, and on account of lessening the evils of electoral barter and kindred forms of corruption likely to exist when general issues are being decided. The extra expense of opening and equipping the polls is on the other hand urged against the habit of special elections. The ballots take different forms in different States, and are usually drawn up as briefly as possible. If it is a prohibition amendment the tickets are likely to read simply, "For the Prohibition Amendment" and "Against the Prohibition Amendment." Others are given very popular names as "Judiciary Amendment," "Suffrage Amendment," "Tax Amendment," etc.

It is not necessary however to search under the disguises of these constitutional amendments to find law-making by Referendum in the American State. Statutory legislation on

certain classes of subjects is passed by the Legislatures on condition that it be approved by the people. Probably the first subject of this kind to be put to popular vote was the location of State capitals, a Referendum which was first recognized in a Constitution in Texas, in 1845.

In order permanently to settle the matter it was provided that an election be held on the first Monday of March 1850 at which the question of the location of the seat of government should be put to vote.¹ This has since come to be a matter to be left altogether to the vote of the people in States which make any pretense to conducting affairs on a modern and progressive basis. A section of Article III of the Constitution of Pennsylvania reads: "No law changing the location of the capital of the State shall be valid until the same shall be submitted to the qualified electors of the Commonwealth at a general election, and ratified and approved by them." Similar provisions are to be found in the Constitutions of fifteen States, including all the new States and Mississippi, and in very few of the rest would the Legislatures be likely to pass such laws without referring them to the people.

Another kind of Referendum was invented by Iowa and appears in the first Constitution of that State framed in 1846, though it was suggested in an amendment to the Constitution of Michigan three years before.² This declares that laws for the contraction of debt, except those specified by the Constitution, shall be submitted to popular vote. The clause referred to in the Constitution of Iowa reads as follows: "Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by or on behalf of this State unless such debt shall be authorized by some law for some single work or object to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof; but no

¹ Constitution of 1845, Art. III, Sec. 35.

² Constitution of 1835, Michigan, Amendment ratified 1843.

such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for or against it at such election."

On referring to the article on the "debts hereinbefore specified" it is seen that these, without the popular approval, can be contracted only to the aggregate amount of \$250,000 and this only to supply "casual deficits or failures in revenue." Unlimited power exists, however, to contract debts to repel invasion or suppress insurrection.

The Convention to frame a new Constitution for the State of New York which convened soon after, took this debt Referendum from Iowa with no material modification except to raise the limit for the supply of "casual deficits" to \$1,000,000, a figure more in keeping with the greater needs and requirements of the State. This Referendum has since become, with varying casual debt limits, very popular with Western Constitutional Conventions. California puts the limit at \$300,000; Illinois, \$50,000 in 1848, raised to \$250,000 in 1870; Kansas, \$1,000,000; Kentucky, \$500,000; Missouri, \$250,000; Montana, \$100,000; The State of Washington, \$400,000; Idaho not above the sum of one and a half per centum upon the assessed value of the taxable property in the State; and Wyoming, in any year, not above the revenues of that year.

Another Referendum which found its way into the State Constitutions mainly during the bank excitement appears first in Iowa, in 1846, in the following form: "No act of General Assembly authorizing or creating corporations or associations with banking powers, nor amendments thereto, shall take effect or in any manner be in force until the same shall have been submitted separately to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election."¹ There are provisions similar to this in the Constitutions of Illinois, Kansas, Michigan, Missouri and

¹ Constitution of 1846, Iowa, Art. VII., Sec. 5.

² Iowa, Constitution of 1846, Article VIII, Section 5; also Constitution of 1857.

Ohio. Wisconsin goes to even greater lengths to protect the people from "wild-cat" banking, and the Constitution after declaring that the Legislature shall have no power to incorporate banks or banking companies says: "The Legislature may submit to the voters at any general election the question of 'bank or no bank'; and if at any such election a number of votes equal to a majority of all the votes cast at such election on that subject shall be in favor of banks then the Legislature shall have power to grant bank charters or to pass a general banking law with such restrictions and under such regulations as they may deem expedient and proper for the security of the bill holders: *Provided*, that no such grant or law shall have any force or effect until the same shall have been submitted to a vote of the electors of the State at some general election and been approved by a majority of the votes cast on that subject at such election."¹ This is in the form of a double Referendum, and is a remarkable evidence of existing faith in the wisdom and discernment of the people and of deep seated distrust for Legislatures.

Another interesting Referendum appeared in the Constitution of Colorado in 1876 which is patterned after by Montana and Idaho. As it occurs in Colorado it takes this form:—"The rate of taxation on property for State purposes, shall never exceed six mills on each dollar of valuation and whenever the taxable property within the State shall amount to \$100,000,000 the rate shall not exceed four mills on each dollar of valuation; and whenever the taxable property within the State shall amount to \$300,000,000 the rate shall never thereafter exceed two mills on each dollar of valuation, unless a proposition to increase such rate, specifying the rate proposed, and the time during which the same shall be levied, be first submitted to a vote of such of the qualified electors of the State as in the year next preceding such election shall have paid a property tax assessed to them within the State, and a majority of those voting thereon shall vote in favor thereof in

1. Wisconsin, Constitution of 1848, Article XI, Section 5.

such manner as may be provided by law."¹ Idaho and Montana express this Referendum in much the same words except that the mill rates and valuation limits differ. The question is, in these States, moreover, submitted to all the qualified voters instead of property tax payers only.

There are numerous examples of the Referendum in many other States. The Constitution of Illinois provides that the Illinois and Michigan Canal shall never be sold or leased but upon a vote of the people.²

An amendment to the Constitution of Minnesota states that no laws levying a tax or making other provision for the payment of the interest or principal of the bonds of the Minnesota State Railroad are to have any force until approved by the people.³

The Legislature of North Carolina by the Constitution of 1876 was denied power to loan the State credit in aid of any person, association or corporation, except to help in the completion of such railroads as may have been unfinished at the time of the adoption of the Constitution, unless the subject be first submitted to the people.⁴

The school lands of the State of Kansas can never be sold but with the consent of the people.⁵

The Constitution of Colorado gave to the Legislature power to pass a law creating a debt for the erection of public buildings, provided this was ratified in the Referendum.⁶

In Illinois, the Legislature, by the Constitution of 1870, was restricted in its expenditure on the new capital grounds and state house to \$3,500,000. Any proposition for additional expenditure was to be voted on by the people.⁷

In Colorado, the Constitution provides that the question of woman suffrage may at any election be submitted to the people.⁸

1. Article X, Section 11.

2. "Additional Section," Article X, Constitution of 1870.

3. Amendment to Constitution of 1857, ratified 1860.

4. Article V, Section 4.

5. Constitution of 1859, Article VI, Section 5.

6. Constitution of 1876, Article XI, Section 5.

7. Article IV, Section 33.

8. Article VII, Section 2.

The location of a college for the education of the negro youth of the State was by the last Constitution of Texas left to the people.¹

The sites of the State university, insane asylum and penitentiary are to be voted on by the people of Wyoming, after the expiration of ten years, and all new State institutions are to be located only on popular vote.

A plan of proportional representation in the upper chamber of the State Legislature was made a matter for popular action in West Virginia by the Constitution of 1872.²

Besides these Referendums made imperative by the Constitution, there have been Referendums ordered by State Legislatures, on matters to which it was certain that one important class of the people was agreed and another important class was opposed, and which the Legislatures were unwilling to decide upon themselves. In more recent years this form of the Referendum is not common. Its constitutionality has been seriously questioned³ and since the constitutions have come to be enlarged it is more convenient to bring these questions before the people as amendments.

There remains the Municipal Referendum. To-day, especially in the West, there are very important examples of the Referendum in local matters. There are County Referendums, City Referendums, Township Referendums and School District Referendums. Some of these we have found to our advantage to adopt in the local communities of the East; even Mississippi in her last Constitution guarantees to the people of the counties certain referendums, and Texas and Missouri under the influence of the progressive political civilization of the West in which since the war they have been partial participants, in their last Constitutions recognize as vested in the people a veto on various types of local legislation.

Just as the people of the States have come to be consulted in the location of State capitals, the people of the counties

1. Article VII, Section 14.

2. Article VI, Section 50.

3. Rice vs. Foster, 4 Harr. (Del) R. 479, a case directly in point, and other cases.

have come to be consulted in the location of county seats. Nineteen constitutions make this guaranty. The change of county lines, the division of counties into two or three, etc., another matter lying very near to the hearts of the people, is usually left to be settled by Referendum. Twenty-four State constitutions agree in reserving this right to the counties. The people of the counties of several Western States can determine when they shall adopt township organization, and cities, in other States, can decide only by popular vote, when they shall be organized by the Legislature into separate counties.

As in the State, there are debt and tax matters which may be passed upon only by the people of cities, boroughs, counties, school districts, etc. In Pennsylvania no municipality may contract debt above two per cent. upon the assessed value of the taxable property therein without a Referendum. In some other States the municipal indebtedness is limited in any year by the revenue thereof, unless assent to incur further liability is given by a majority or a two-thirds vote of the people, as the case may be. The new States of the West altogether prohibit the creation of loans, except upon the people's authority. In some States there are limits to the tax rates beyond which the municipal authorities may not go unless the people agree. In some communities the local credit may be loaned to railroads, water, and other corporations if the people decide affirmatively in the Referendum. Cities along the Gulf of Mexico in the State of Texas are privileged by the Constitution of the State to make harbor improvements after consulting the people.

Then, as in the State, the prohibition of the liquor business is often left to the people of cities and counties. These "dry" and "wet" contests have come to be very common in many States where there is local option by Constitution or statute.

The newest and most interesting form of our municipal Referendums we find in California and the State of Washington where city charters and all amendments thereto are submitted for popular approval or rejection. This is the first appearance of

anything like republican government in our American cities and it may be the step towards a much-needed and effective reform. Certain it is that if these charters come to be as comprehensive and as much like codes of laws as the State Constitutions have grown to be, there will be diminished opportunity for the evils at present so conspicuous in American city government. In April, 1887, the people of California voted upon and accepted an amendment¹ to the Constitution which took the framing of city charters out of the hands of the Legislature. It provides that any city with over 10,000 inhabitants "may frame a charter for its own government." This is the process. A board of fifteen freeholders, men, who have for at least five years been qualified electors of the State is elected. These freeholders are entrusted with preparing a charter for submission to the people of the city. If it is accepted by a majority vote, then it must be sent to the Legislature "for its approval or rejection as a whole without power of alteration or amendment, and if approved by a majority vote of the members elected to each house" it becomes the charter of the city. It is provided further that: "The charter so ratified may be amended at intervals of not less than two years by proposals therefor, submitted by legislative authority of the city to the qualified voters thereof, at a general or special election held at least sixty days after the publication of such proposals and ratified by at least three-fifths of the qualified electors voting thereat and approved by the Legislature as herein provided for the approval of the charter."

It will be seen that there is a chance here for the interference of the Legislature, a right that it might exercise automatically. Yet it must always either approve or not approve; there is no power of amendment or revision to suit any particular ideas that may be held by a majority of the Legislature. It is nothing more than a power of veto and though the experience in California has been short there has not yet developed in the Legislature any disposition to thwart the popular will. Two years ago Stockton, San Jose, Los An-

1. Article XI, Sec. 8.

geles and Oakland made new charters which were accepted by the people and the Legislature obligingly ratified them.¹

When Washington came into the Union she brought with her a Constitution in which there is a very similar article.² Here, however, only cities of 20,000 population can take advantage of the charter Referendum. There is the difference, and it may prove to be a very important one, that the Legislature has no power of veto. After being framed by the board of fifteen freeholders the charter is submitted and if approved by a majority immediately becomes the organic law of the city.

In general, then, and to recapitulate, the people of the States of the United States are conceded to have by the development of over a century certain rights to direct consultation by the Legislatures in the making of constitution and statute law. The people in practically every State are competent and they alone are competent to decide whether they shall have a new form of government. This is the Convention Referendum as we have seen, when the vote is upon "Convention" or "No Convention." If they decide for a new form of government it rests with them to determine what that new form shall be—when the people vote "For the Constitution" or "Against the Constitution." Then at any time they only shall say how this form of government shall be altered or amended—when the people vote for or against the amendments. These matters all concern the nature and form of the government, which the people are by location and circumstances forced to live under and obey.

The following subjects, as we have seen, are not submitted to the Referendum in all the States, or in the States of any one section, but have been looked upon very generally as subject to popular disposal. First, the location of the seat of government. The people having the guaranty of determining their form of government might naturally be allowed the right of saying where that government shall be administered. This came into practice with the civilization that sprang up on the

1. Editorial in San Francisco *Alla-California* (newspaper).

2. Article XI Section 10, Constitution of 1889.

frontier, and the jealousies that naturally arose among rival towns for the honor. There have been several amusing illustrations of this recently in the States of Washington, North Dakota and especially South Dakota. Secondly, in matters bearing upon the collection and expenditure of the public money, banking, etc., questions of public policy which come very intimately into the daily life of the settlers of the western prairies where these Referendums were first employed and have found their fullest development. And thirdly, questions upon which there are bound to be vigorous and violent differences of opinion and which the Legislatures decline to take responsibility for, as, to-day, prohibition, woman suffrage and, in Louisiana, the chartering of a great lottery, and, in the last generation, the question of slavery.

The municipal Referendums, as I have indicated, will allow of very much the same classification: the kind of government, city or borough, the question of township organization and in two States, city charters; the location of the county capitals; tax and revenue matters; prohibition and questions upon which the people are likely violently to disagree.

Just what is in store for us in the future in the nature and growth of the Referendum must be wholly a matter of speculation. There is reason to think that the people will be brought into more intimate relation with their municipal governments at a very near date. The Referendum has become an issue in the communal politics of Belgium,¹ and, here as there, a devotion to the institution as a means to political reform is developing which may lead to more important results than any which have yet been attained.

In the States a progress can be traced which may portend continued and still greater progress. What another era of Constitution building may bring forth none can tell. The Referendum may never reach the general constitutional form here that it now has in Switzerland, but it is interesting to note what a member of the Convention which in 1873 framed the present Constitution of Pennsylvania proposed and argued

1. *Le Referendum*, M. Georges Lorand. Brussels; 1890.

for.¹ Mr. Samuel C. T. Dodd, Delegate-at-large from Venango County, maintained in a speech on the floor of the Convention that laws should be referred to the people. In the section of the Constitution he advocated, the option, however, was made to rest, not with the people as in Switzerland, but with the Legislature. As proposed it read: "The Legislature shall have power to refer the adoption or rejection of any law to a vote of the qualified electors of the State, or that portion of the State to be affected thereby." There have been similar propositions before the Conventions of other States.

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1. Debates Pennsylvania Convention 1873, Vol. II. pages 587-588.

SOME NEGLECTED POINTS IN THE THEORY OF SOCIALISM.

The immediate occasion for the writing of this paper was given by the publication of Mr. Spencer's essay, "From Freedom to Bondage";* although it is not altogether a criticism of that essay. It is not my purpose to controvert the position taken by Mr. Spencer as regards the present feasibility of any socialist scheme. The paper is mainly a suggestion, offered in the spirit of the disciple, with respect to a point not adequately covered by Mr. Spencer's discussion, and which has received but very scanty attention at the hands of any other writer on either side of the socialist controversy. This main point is as to an economic ground, as a matter of fact, for the existing unrest that finds expression in the demands of socialist agitators.

I quote from Mr. Spencer's essay a sentence which does fair justice, so far as it goes, to the position taken by agitators: "In presence of obvious improvements, joined with that increase of longevity, which even alone yields conclusive proof of general amelioration, it is proclaimed, with increasing vehemence, that things are so bad that society must be pulled to pieces and reorganized on another plan." The most obtrusive feature of the change demanded by the advocates of socialism is governmental control of the industrial activities of society—the nationalization of industry. There is also, just at present, a distinct movement in practice, towards a more extended control of industry by the government, as Mr. Spencer has pointed out. This movement strengthens the position of the advocates of a complete nationalization of industry, by making it appear that the logic of events is on their side.

In America at least, this movement in the direction of a broader assertion of the paramount claims of the community,

* Introductory paper of "A Plea for Liberty"; edited by Thomas Mackay.

and an extension of corporate action on part of the community in industrial matters, has not generally been connected with or based on an adherence to socialistic dogmas. This is perhaps truer of the recent past than of the immediate present. The motive of the movement has been, in large part, the expediency of each particular step taken. Municipal supervision, and, possibly, complete municipal control, has come to be a necessity in the case of such industries—mostly of recent growth—as elementary education, street-lighting, water-supply, etc. Opinions differ widely as to how far the community should take into its own hands such industries as concern the common welfare, but the growth of sentiment may fairly be said to favor a wider scope of governmental control.

But the necessity of some supervision in the interest of the public extends to industries which are not simply of municipal importance. The modern development of industry and of the industrial organization of society makes it increasingly necessary that certain industries—often spoken of as “natural monopolies”—should be treated as being of a semi-public character. And through the action of the same forces a constantly increasing number of occupations are developing into the form of “natural monopolies.”

The motive of the movement towards corporate action on the part of the community—State control of industry—has been largely that of industrial expediency. But another motive has gone with this one, and has grown more prominent as the popular demands in this direction have gathered wider support and taken more definite form. The injustice, the inequality, of the existing system, so far as concerns these natural monopolies especially, are made much of. There is a distinct unrest abroad, a discontent with things as they are, and the cry of injustice is the expression of this more or less widely prevalent discontent. This discontent is the truly socialistic element in the situation.

It is easy to make too much of this popular unrest. The clamor of the agitators might be taken to indicate a wider prevalence and a greater acuteness of popular discontent than actually exists; but after all due allowance is made for exag-

generation on the part of those interested in the agitation, there can still be no doubt of the presence of a chronic feeling of dissatisfaction with the working of the existing industrial system, and a growth of popular sentiment in favor of a leveling policy. The economic ground of this popular feeling must be found, if we wish to understand the significance, for our industrial system, of the movement to which it supplies the motive. If its causes shall appear to be of a transient character, there is little reason to apprehend a permanent or radical change of our industrial system as the outcome of the agitation; while if this popular sentiment is found to be the outgrowth of any of the essential features of the existing social system, the chances of its ultimately working a radical change in the system will be much greater.

The explanation offered by Mr. Spencer, that the popular unrest is due essentially to a feeling of *ennui*—to a desire for a change of posture on part of the social body, is assuredly not to be summarily rejected; but the analogy will hardly serve to explain the sentiment away. This may be a cause, but it can hardly be accepted as a sufficient cause.

Socialist agitators urge that the existing system is necessarily wasteful and industrially inefficient. That may be granted, but it does not serve to explain the popular discontent, because the popular opinion, in which the discontent resides, does notoriously not favor that view. They further urge that the existing system is unjust, in that it gives an advantage to one man over another. That contention may also be true, but it is in itself no explanation, for it is true only if it be granted that the institutions which make this advantage of one man over another possible are unjust, and that is begging the question. This last contention is, however, not so far out of line with popular sentiment. The advantage complained of lies, under modern conditions, in the possession of property, and there is a feeling abroad that the existing order of things affords an undue advantage to property, especially to owners of property whose possessions rise much above a certain rather indefinite average. This feeling of injured justice is not al-

ways distinguishable from envy ; but it is, at any rate, a factor that works towards a leveling policy. With it goes a feeling of slighted manhood, which works in the same direction. Both these elements are to a great extent of a subjective origin. They express themselves in the general, objective form, but it is safe to say that on the average they spring from a consciousness of disadvantage and slight suffered by the person expressing them, and by persons whom he classes with himself. No flippancy is intended in saying that the rich are not so generally alive to the necessity of any leveling policy as are people of slender means. Any question as to the legitimacy of the dissatisfaction, on moral grounds, or even on grounds of expediency, is not very much to the point ; the question is as to its scope and its chances of persistence.

The modern industrial system is based on the institution of private property under free competition, and it cannot be claimed that these institutions have heretofore worked to the detriment of the material interests of the average member of society. The ground of discontent cannot lie in a disadvantageous comparison of the present with the past, so far as material interests are concerned. It is notorious, and, practically, none of the agitators deny, that the system of industrial competition, based on private property, has brought about, or has at least co-existed with, the most rapid advance in average wealth and industrial efficiency that the world has seen. Especially can it fairly be claimed that the result of the last few decades of our industrial development has been to increase greatly the creature comforts within the reach of the average human being. And, decidedly, the result has been an amelioration of the lot of the less favored in a relatively greater degree than that of those economically more fortunate. The claim that the system of competition has proved itself an engine for making the rich richer and the poor poorer has the fascination of epigram ; but if its meaning is that the lot of the average, of the masses of humanity in civilized life, is worse to-day, as measured in the means of livelihood, than it was twenty, or fifty, or a hundred years

ago, then it is farcical. The cause of discontent must be sought elsewhere than in any increased difficulty in obtaining the means of subsistence or of comfort. But there is a sense in which the aphorism is true, and in it lies at least a partial explanation of the unrest which our conservative people so greatly deprecate. The existing system has not made, and does not tend to make, the industrious poor poorer as measured absolutely in means of livelihood ; but it does tend to make them relatively poorer, in their own eyes, as measured in terms of comparative economic importance, and, curious as it may seem at first sight, that is what seems to count. It is not the abjectly poor that are oftenest heard protesting ; and when a protest is heard in their behalf it is through spokesmen who are from outside their own class, and who are not delegated to speak for them. They are not a negligible element in the situation, but the unrest which is ground for solicitude does not owe its importance to them. The protest comes from those who do not habitually, or of necessity, suffer physical privation. The qualification "of necessity," is to be noticed. There is a not inconsiderable amount of physical privation suffered by many people in this country, which is not physically necessary. The cause is very often that what might be the means of comfort is diverted to the purpose of maintaining a decent appearance, or even a show of luxury.

Man as we find him to-day has much regard to his good fame—to his standing in the esteem of his fellow-men. This characteristic he always has had, and no doubt always will have. This regard for reputation may take the noble form of a striving after a good name ; but the existing organization of society does not in any way pre-eminently foster that line of development. Regard for one's reputation means, in the average of cases, emulation. It is a striving to be, and more immediately to be thought to be, better than one's neighbor. Now, modern society, the society in which competition without prescription is predominant, is pre-eminently an industrial, economic society, and it is industrial—economic—excellence that most readily attracts the approving regard of that society.

Integrity and personal worth will, of course, count for something, now as always ; but in the case of a person of moderate pretensions and opportunities, such as the average of us are, one's reputation for excellence in this direction does not penetrate far enough into the very wide environment to which a person is exposed in modern society to satisfy even a very modest craving for respectability. To sustain one's dignity—and to sustain one's self-respect—under the eyes of people who are not socially one's immediate neighbors, it is necessary to display the token of economic worth, which practically coincides pretty closely with economic success. A person may be well-born and virtuous, but those attributes will not bring respect to the bearer from people who are not aware of his possessing them, and these are ninety-nine out of every one hundred that one meets. Conversely, by the way, knavery and vulgarity in any person are not reprobated by people who know nothing of the person's shortcomings in those respects.

In our fundamentally industrial society a person should be economically successful, if he would enjoy the esteem of his fellowmen. When we say that a man is "worth" so many dollars, the expression does not convey the idea that moral or other personal excellence is to be measured in terms of money, but it does very distinctly convey the idea that the fact of his possessing many dollars is very much to his credit. And, except in cases of extraordinary excellence, efficiency in any direction which is not immediately of industrial importance, and does not redound to a person's economic benefit, is not of great value as a means of respectability. Economic success is in our day the most widely accepted as well as the most readily ascertainable measure of esteem. All this will hold with still greater force of a generation which is born into a world already encrusted with this habit of a mind.

But there is a further, secondary stage in the development of this economic emulation. It is not enough to possess the talisman of industrial success. In order that it may mend one's good fame efficiently, it is necessary to display it. One does not "make much of a showing" in the eyes of the large

majority of the people whom one meets with, except by unremitting demonstration of ability to pay. That is practically the only means which the average of us have of impressing our respectability on the many to whom we are personally unknown, but whose transient good opinion we would so gladly enjoy. So it comes about that the appearance of success is very much to be desired, and is even in many cases preferred to the substance. We all know how nearly indispensable it is to afford whatever expenditure other people with whom we class ourselves can afford, and also that it is desirable to afford a little something more than others.

This element of human nature has much to do with the "standard of living." And it is of a very elastic nature, capable of an indefinite extension. After making proper allowance for individual exceptions and for the action of prudential restraints, it may be said, in a general way, that this emulation in expenditure stands ever ready to absorb any margin of income that remains after ordinary physical wants and comforts have been provided for, and, further, that it presently becomes as hard to give up that part of one's habitual "standard of living" which is due to the struggle for respectability, as it is to give up many physical comforts. In a general way, the need of expenditure in this direction grows as fast as the means of satisfying it, and, in the long run, a large expenditure comes no nearer satisfying the desire than a smaller one.

It comes about through the working of this principle that even the creature comforts, which are in themselves desirable, and, it may even be, requisite to a life on a passably satisfactory plane, acquire a value as a means of respectability quite independent of, and out of proportion to, their simple utility as a means of livelihood. As we are all aware, the chief element of value in many articles of apparel is not their efficiency for protecting the body, but for protecting the wearer's respectability; and that not only in the eyes of one's neighbors but even in one's own eyes. Indeed, it happens not very rarely that a person chooses to go ill-clad in order to be well dressed.

Much more than half the value of what is worn by the American people may confidently be put down to the element of "dress," rather than to that of "clothing." And the chief motive of dress is emulation—what I have ventured to designate as "economic emulation." The like is true, though perhaps in a less degree, of what goes to food and shelter.

This misdirection of effort through the cravings of human vanity is of course not anything new, nor is "economic emulation" a modern fact. The modern system of industry has not invented emulation, nor has even this particular form of emulation originated under that system. But the system of free competition has accentuated this form of emulation, both by exalting the industrial activity of man above the rank which it held under more primitive forms of social organization, and by in great measure cutting off other forms of emulation from the chance of efficiently ministering to the craving for a good fame. Speaking generally and from the standpoint of the average man, the modern industrial organization of society has practically narrowed the scope of emulation to this one line; and at the same time it has made the means of sustenance and comfort so much easier to obtain as very materially to widen the margin of human exertion that can be devoted to purposes of emulation. Further, by increasing the freedom of movement of the individual and widening the environment to which the individual is exposed—increasing the number of persons before whose eyes each one carries on his life, and, *pari passu*, decreasing the chances which such persons have of awarding their esteem on any other basis than that of immediate appearances, it has increased the relative efficiency of the economic means of winning respect through a show of expenditure for personal comforts.

It is not probable that further advance in the same direction will lead to a different result in the immediate future; and it is the *immediate* future we have to deal with. A further advance in the efficiency of our industry, and a further widening of the human environment to which the individual is exposed, should logically render emulation in this direction more intense. There

are, indeed, certain considerations to be set off against this tendency, but they are mostly factors of slow action, and are hardly of sufficient consequence to reverse the general rule. On the whole, other things remaining the same, it must be admitted that, within wide limits, the easier the conditions of physical life for modern civilized man become, and the wider the horizon of each and the extent of the personal contact of each with his fellowmen, and the greater the opportunity of each to compare notes with his fellows, the greater will be the preponderance of economic success as a means of emulation, and the greater the straining after economic respectability. Inasmuch as the aim of emulation is not any absolute degree of comfort or of excellence, no advance in the average well-being of the community can end the struggle or lessen the strain. A general amelioration cannot quiet the unrest whose source is the craving of everybody to compare favorably with his neighbor.

Human nature being what it is, the struggle of each to possess more than his neighbor is inseparable from the institution of private property. And also, human nature being what it is, one who possesses less will, on the average, be jealous of the one who possesses more ; and "more" means not more than the average share, but more than the share of the person who makes the comparison. The criterion of complacency is, largely, the *de facto* possession or enjoyment ; and the present growth of sentiment among the body of the people—who possess less—favors, in a vague way, a readjustment adverse to the interests of those who possess more, and adverse to the possibility of legitimately possessing or enjoying "more ;" that is to say, the growth of sentiment favors a socialistic movement. The outcome of modern industrial development has been, so far as concerns the present purpose, to intensify emulation and the jealousy that goes with emulation, and to focus the emulation and the jealousy on the possession and enjoyment of material goods. The ground of the unrest with which we are concerned is, very largely, jealousy,—envy, if you choose ; and the ground of this particular form of jealousy, that makes for

socialism, is to be found in the institution of private property. With private property, under modern conditions, this jealousy and unrest are unavoidable.

The corner-stone of the modern industrial system is the institution of private property. That institution is also the objective point of all attacks upon the existing system of competitive industry, whether open or covert, whether directed against the system as a whole or against any special feature of it. It is, moreover, the ultimate ground—and, under modern conditions, necessarily so—of the unrest and discontent whose proximate cause is the struggle for economic respectability. The inference seems to be that, human nature being what it is, there can be no peace from this—it must be admitted—ignoble form of emulation, or from the discontent that goes with it, this side of the abolition of private property. Whether a larger measure of peace is in store for us after that event shall have come to pass, is of course not a matter to be counted on, nor is the question immediately to the point.

This economic emulation is of course not the sole motive, nor the most important feature, of modern industrial life; although it is in the foreground, and it pervades the structure of modern society more thoroughly perhaps than any other equally powerful moral factor. It would be rash to predict that socialism will be the inevitable outcome of a continued development of this emulation and the discontent which it fosters, and it is by no means the purpose of this paper to insist on such an inference. The most that can be claimed is that this emulation is one of the causes, if not the chief cause, of the existing unrest and dissatisfaction with things as they are; that this unrest is inseparable from the existing system of industrial organization; and that the growth of popular sentiment under the influence of these conditions is necessarily adverse to the institution of private property, and therefore adverse to the existing industrial system of free competition.

The emulation to which attention has been called in the preceding section of this paper is not only a fact of importance to an understanding of the unrest that is urging us towards an

untried path in social development, but it has also a bearing on the question of the practicability of any scheme for the complete nationalization of industry. Modern industry has developed to such a degree of efficiency as to make the struggle for subsistence alone, under average conditions, relatively easy, as compared with the state of the case a few generations ago. As I have labored to show, the modern competitive system has at the same time given the spirit of emulation such a direction that the attainment of subsistence and comfort no longer fixes, even approximately, the limit of the required aggregate labor on the part of the community. Under modern conditions the struggle for existence has, in a very appreciable degree, been transformed into a struggle to keep up appearances. The ultimate ground of this struggle to keep up appearances by otherwise unnecessary expenditure, is the institution of private property. Under a régime which should allow no inequality of acquisition or of income, this form of emulation, which is due to the possibility of such inequality, would also tend to become obsolete. With the abolition of private property, the characteristic of human nature which now finds its exercise in this form of emulation, should logically find exercise in other, perhaps nobler and socially more serviceable, activities; it is at any rate not easy to imagine it running into any line of action more futile or less worthy of human effort.

Supposing the standard of comfort of the community to remain approximately at its present average, the abolition of the struggle to keep up economic appearances would very considerably lessen the aggregate amount of labor required for the support of the community. How great a saving of labor might be effected is not easy to say. I believe it is within the mark to suppose that the struggle to keep up appearances is chargeable, directly and indirectly, with one-half the aggregate labor, and abstinence from labor—for the standard of respectability requires us to shun labor as well as to enjoy the fruits of it—on part of the American people. This does not mean that the same community, under a system not allowing private property, could make its way with half the labor

we now put forth ; but it means something more or less nearly approaching that. Anyone who has not seen our modern social life from this point of view will find the claim absurdly extravagant, but the startling character of the proposition will wear off with longer and closer attention to this aspect of the facts of everyday life. But the question of the exact amount of waste due to this factor is immaterial. It will not be denied that it is a fact of considerable magnitude, and that is all that the argument requires.

It is accordingly competent for the advocates of the nationalization of industry and property to claim that even if their scheme of organization should prove less effective for production of goods than the present, as measured absolutely in terms of the aggregate output of our industry, yet the community might readily be maintained at the present average standard of comfort. The required aggregate output of the nation's industry would be considerably less than at present, and there would therefore be less necessity for that close and strenuous industrial organization and discipline of the members of society under the new régime, whose evils unfriendly critics are apt to magnify. The chances of practicability for the scheme should logically be considerably increased by this lessening of the necessity for severe application. The less irksome and exacting the new régime, the less chance of a reversion to the earlier system.

Under such a social order, where common labor would no longer be a mark of peculiar economic necessity and consequent low economic rank on part of the laborer, it is even conceivable that labor might practically come to assume that character of nobility in the eyes of society at large, which it now sometimes assumes in the speculations of the well-to-do, in their complacent moods. Much has sometimes been made of this possibility by socialist speculators, but the inference has something of a utopian look, and no one, certainly, is entitled to build institutions for the coming social order on this dubious ground.

What there seems to be ground for claiming is that a society

which has reached our present degree of industrial efficiency would not go into the Socialist or Nationalist state with as many chances of failure as a community whose industrial development is still at the stage at which strenuous labor on the part of nearly all members is barely sufficient to make both ends meet.

In Mr. Spencer's essay, in conformity with the line of argument of his "Principles of Sociology," it is pointed out that, as the result of constantly operative social forces, all social systems, as regards the form of organization, fall into the one or the other of Sir Henry Maine's two classes—the system of status or the system of contract. In accordance with this generalization it is concluded that whenever the modern system of contract or free competition shall be displaced, it will necessarily be replaced by the only other known system—that of status; the type of which is the military organization, or, also, a hierarchy, or a bureaucracy. It is something after the fashion of the industrial organization of ancient Peru that Mr. Spencer pictures as the inevitable sequel of the demise of the existing competitive system. Voluntary coöperation can be replaced only by compulsory coöperation, which is identified with the system of status and defined as the subjection of man to his fellow-man.

Now, at least as a matter of speculation, this is not the only alternative. These two systems, of status, or prescription, and of contract, or competition, have divided the field of social organization between them in some proportion or other in the past. Mr. Spencer has shown that, very generally, where human progress in its advanced stages has worked towards the amelioration of the lot of the average member of society, the movement has been away from the system of status and towards the system of contract. But there is at least one, if not more than one exception to the rule, as concerns the recent past. The latest development of the industrial organization among civilized nations—perhaps in an especial degree in the case of the American people—has not been entirely a continuation of the approach to a régime of free contract. It is also,

to say the least, very doubtful if the movement has been towards a régime of status, in the sense in which Sir Henry Maine uses the term. This is especially evident in the case of the great industries which we call "natural monopolies;" and it is to be added that the present tendency is for a continually increasing proportion of the industrial activities of the community to fall into the category of "natural monopolies." No revolution has been achieved; the system of competition has not been discarded, but the course of industrial development is not in the direction of an extension of that system at all points; nor does the principle of status always replace that of competition wherever the latter fails.

The classification of methods of social organization under the two heads of status or of contract, is not logically exhaustive. There is nothing in the meaning of the terms employed which will compel us to say that whenever man escapes from the control of his fellow man, under a system of status, he thereby falls into a system of free contract. There is a conceivable escape from the dilemma, and it is this conceivable, though perhaps impracticable, escape from both these systems that the socialist agitator wishes to effect. An acquaintance with the aims and position of the more advanced and consistent advocates of a new departure leaves no doubt but that the principles of contract and of status, both, are in substance familiar to their thoughts—though often in a vague and inadequate form—and that they distinctly repudiate both. This is perhaps less true of those who take the socialist position mainly on ethical grounds.

As bearing on this point it may be remarked that while the industrial system, in the case of all communities with whose history we are acquainted, has always in the past been organized according to a scheme of status or of contract, or of the two combined in some proportion, yet the social organization has not in all cases developed along the same lines, so far as concerns such social functions as are not primarily industrial. Especially is this true of the later stages in the development of those communities whose institutions we are

accustomed to contemplate with the most complacency, *e.g.*, the case of the English-speaking peoples. The whole system of modern constitutional government in its latest developed forms, in theory at least, and, in a measure, in practice, does not fall under the head of either contract or status. It is the analogy of modern constitutional government through an impersonal law and impersonal institutions, that comes nearest doing justice to the vague notions of our socialist propagandists. It is true, some of the most noted among them are fond of the analogy of the military organization, as a striking illustration of one feature of the system they advocate, but that must after all be taken as an *obiter dictum*.

Further, as to the manner of the evolution of existing institutions and their relation to the two systems spoken of. So far as concerns the communities which have figured largely in the civilized world, the political organization has had its origin in a military system of government. So, also, has the industrial organization. But while the development of industry, during its gradual escape from the military system of status, has been, at least until lately, in the direction of a system of free contract, the development of the political organization, so far as it has escaped from the régime of status, has not been in that direction. The system of status is a system of subjection to personal authority,—of prescription and class distinctions, and privileges and immunities; the system of constitutional government, especially as seen at its best among a people of democratic traditions and habits of mind, is a system of subjection to the will of the social organism, as expressed in an impersonal law. This difference between the system of status and the "constitutional system" expresses a large part of the meaning of the boasted free institutions of the English-speaking people. Here, subjection is not to the person of the public functionary, but to the powers vested in him. This has, of course, something of the ring of latter-day popular rhetoric, but it is after all felt to be true, not only speculatively, but in some measure also in practice.

The right of eminent domain and the power to tax, as interpreted under modern constitutional forms, indicate something of the direction of development of the political functions of society at a point where they touch the province of the industrial system. It is along the line indicated by these and kindred facts that the socialists are advancing; and it is along this line that the later developments made necessary by the exigencies of industry under modern conditions are also moving. The aim of the propagandists is to sink the industrial community in the political community; or perhaps better, to identify the two organizations; but always with insistence on the necessity of making the political organization, in some further developed form, the ruling and only one in the outcome. Distinctly, the system of contract is to be done away with; and equally distinctly, no system of status is to take its place.

All this is pretty vague, and of a negative character, but it would quickly pass the limits of legitimate inference from the accepted doctrines of the socialists if it should attempt to be anything more. It does not have much to say as to the practicability of any socialist scheme. As a matter of speculation, there seems to be an escape from the dilemma insisted on by Mr. Spencer. We may conceivably have nationalism without status and without contract. In theory, both principles are entirely obnoxious to that system. The practical question, as to whether modern society affords the materials out of which an industrial structure can be erected on a system different from either of these, is a problem of constructive social engineering which calls for a consideration of details far too comprehensive to be entered on here. Still, in view of the past course of development of character and institutions on the part of the people to which we belong, it is perhaps not extravagant to claim that no form of organization which should necessarily eventuate in a thorough-going system of status could endure among us. The inference from this proposition may be, either that a near approach to nationalization of industry would involve a régime of status, a bureaucracy, which would be unendurable, and which would there-

fore drive us back to the present system before it had been entirely abandoned; or that the nationalization would be achieved with such a measure of success, in conformity with the requirements of our type of character, as would make it preferable to what we had left behind. In either case the ground for alarm does not seem so serious as is sometimes imagined.

A reversion to the system of free competition, after it had been in large part discarded, would no doubt be a matter of great practical difficulty, and the experiment which should demonstrate the necessity of such a step might involve great waste and suffering, and might seriously retard the advance of the race toward something better than our present condition; but neither a permanent deterioration of human society, nor a huge catastrophe, is to be confidently counted on as the outcome of the movement toward nationalization, even if it should prove necessary for society to retrace its steps.

It is conceivable that the application of what may be called the "constitutional method" to the organization of industry—for that is essentially what the advocates of Nationalization demand—would result in a course of development analogous to what has taken place in the case of the political organization under modern constitutional forms. Modern constitutional government—the system of modern free institutions—is by no means an unqualified success, in the sense of securing to each the rights and immunities which in theory are guaranteed to him.

Our modern republics have hardly given us a foretaste of that political millennium whereof they proclaim the fruition. The average human nature is as yet by no means entirely fit for self-government according to the "constitutional method." Shortcomings are visible at every turn. These shortcomings are grave enough to furnish serious arguments against the practicability of our free institutions. On the continent of Europe the belief seems to be at present in the ascendant that man must yet, for a long time, remain under the tutelage of absolutism before he shall be fit to organize himself into an

autonomous political body. The belief is not altogether irrational. Just how great must be the advance of society and just what must be the character of the advance, preliminary to its advantageously assuming the autonomous—republican—form of political organization, must be admitted to be an open question. Whether we, or any people, have yet reached the required stage of the advance is also questioned by many. But the partial success which has attended the movement in this direction, among the English-speaking people for example, goes very far towards proving that the point in the development of human character at which the constitutional method may be advantageously adopted in the political field, lies far this side the point at which human nature shall have become completely adapted for that method. That is to say, it does not seem necessary, as regards the functions of society which we are accustomed to call political, to be entirely ready for nationalization before entering upon it. How far the analogy of this will hold when applied to the industrial organization of society is difficult to say, but some significance the analogy must be admitted to possess.

Certainly, the fact that constitutional government—the nationalization of political functions—seems to have been a move in the right direction is not to be taken as proof of the advisability of forthwith nationalizing the industrial functions. At the same time this fact does afford ground for the claim that a movement in this direction may prove itself in some degree advantageous, even if it takes place at a stage in the development of human nature at which mankind is still far from being entirely fit for the duties which the new system shall impose. The question, therefore, is not whether we have reached the perfection of character which would be necessary in order to a perfect working of the scheme of nationalization of industry, but whether we have reached such a degree of development as would make an imperfect working of the scheme possible.

T. B. VEBLEN.

Ithaca.

PERSONAL NOTES.

AMERICA.

Brown University.—Henry Brayton Gardner, who was last year appointed Associate Professor of Political Economy in Brown University, was born in Providence, R. I., in 1863. He entered Brown University and in 1884 received the degree of A. B. From that time until the Spring of 1888 he studied in the department of History and Political Science in Johns Hopkins University, holding a fellowship in 1887. In 1888 Mr. Gardner was appointed Instructor in Political Economy at Brown and in 1890 received the degree of Ph. D. from Johns Hopkins University. Professor Gardner has published among other articles a paper on "Statistics of Municipal Finance" in the publications of the American Statistical Association. Vol. I. p. 254 ff.

College of the City of New York.—Prof. Christopher G. Tiedeman, who has for the past ten years been connected with the University of Missouri, has accepted the Professorship of Real Property in the University of New York. In conjunction with his professorship he participates with his colleagues in providing post-graduate courses of lectures in advanced Constitutional Law, Municipal Corporations and the Interpretation and Construction of written law and legal instruments.

Prof. Tiedeman was born in Charleston, S. C., July 16, 1857, and was graduated from the College of Charleston in 1876. He then went abroad (1877-8) attending lectures in Roman Law and Political Science in the Universities of Göttingen and Leipsic, by Profs. v. Ihering, Winscheid, Friedberg and Roscher. In 1879 he was graduated from Columbia College Law School. After practicing law in Charleston for a year he re-

moved in 1880 to St. Louis, Mo., where he continued his law practice until, in the fall of 1881, he accepted a call to the Chair of Law in the University of Missouri, at Columbia, Mo.

Besides articles in the *American Law Review*, the *Central Law Journal*, the *Albany Law Journal* and the *American Law Register*, a number of which have been re-published in other law journals, both in this country and Great Britain, Prof. Tiedeman has published the following works: in 1883, "The Law of Real Property" which is now used as a text-book in a large proportion of the law schools of the country, including those of Boston University, Yale, Cornell, Michigan, the University of New York, and Washington and Lee; further:

"The Limitations of Police Power in the United States." 1886.

"The Law of Commercial Paper." 1889.

"The Unwritten Constitution of the United States." 1890.

"The Law of Sales." 1891.

Cornell University.—Walter F. Willcox, the author of a recently published work on the "Divorce Problem," has been appointed Instructor in Philosophy in Cornell University. He was born at Reading, Mass., in 1861. From Phillips Academy, Andover, he entered Amherst College in 1880 where he graduated in 1884. Since that date his course may be summarized as follows: Boston University Law School, 1884-5; Tutor in Latin, Amherst College during the Spring term, 1885; Columbia Law School and Columbia School of Political Science, 1885-87; Seligman Fellow in Political Science, 1886-7; member of the New York Bar, 1887; L. L. B., Columbia, 1887; Instructor in Philosophy and Common Law in Amherst College, 1887-8; A. M., Amherst 1888; graduate student in Philosophy and Theology, Yale University, 1888-9. After spending a year at Berlin (1889-90) Mr. Wilcox received the degree of Doctor of Philosophy from Columbia College in 1891.

University of Indiana.—At the University of Indiana, Dr. Edward A. Ross has been chosen to succeed Professor J. W. Jenks* as Professor of Economics and Social Science. He was

* Recently called to Cornell University. For biographical notes see the *ANNALS* for July, 1891, p. 105.

born at Verden, Ill., in 1866. After his graduation at Coe College, Cedar Rapids, Iowa, in 1886, he passed two years in teaching at the Fort Dodge Collegiate Institute. In 1888 he went abroad and devoted sixteen months in Berlin and Paris to the study of Philosophy and History. On returning to the United States in 1890, he entered the department of History and Politics at Johns Hopkins University and in 1891 received the degree of Ph. D. Dr. Ross's doctor's dissertation on "Sinking Funds," as well as several other scientific papers, will be published soon.

Kansas State University.—Frank Heywood Hodder, A. M., who succeeds Professor James H. Canfield * as Associate Professor of American History and Civics in the Kansas State University, was born in Aurora, Ills., in the year 1860. He graduated from the University of Michigan in 1883, taking his Master's degree on examination at the same time. During his college course his attention was chiefly directed to the study of History and Political Economy under the instruction of Professors C. K. and H. C. Adams. After teaching a year in his native place Mr. Hodder received, in 1885, an appointment at Cornell University where as Instructor and, later as Assistant Professor, he taught History and Political Economy. Last year he spent abroad, chiefly in Göttingen, with Professor Cohn and at Freiburg i. B. with Professor v. Philipovich.

Massachusetts Institute of Technology.—Charles F. A. Currier, of East Kingston, N. H., has recently been appointed Instructor in Political Science in the Institute of Technology. Mr. Currier entered Harvard University from Phillips Exeter, in 1883, and received his degree of A. B. in 1887, and that of A. M. in 1888. After two years of post-graduate study at Harvard, chiefly in Constitutional History, Mr. Currier went abroad, devoting a year to study at Berlin under Professors Gneist, Brunner and others, and a year in Paris at the École

* Recently appointed Chancellor of the University of Nebraska. For biographical notes see the ANNALS for Sept. 1891.

Libre des Sciences Politiques. His subjects of instruction in the Institute of Technology are constitutional history, comparative politics and international law.

Mills College.—Miss Marietta Kies has received an appointment as instructor in Philosophy and Political Economy in Mills College, Alameda Co., Cal. Miss Kies was born at West Killingly, Conn., December 31, 1853. She graduated from Mt. Holyoke Seminary in June, 1881, and occupied successively the positions of teacher at Mt. Holyoke, 1881-82; Associate Principal of High School, Putnam, Conn., 1882-83; Principal of Preparatory Department, Colorado College, Colorado Springs, Colo., 1883-85. In the fall of 1885 Miss Kies returned to Mt. Holyoke as teacher of Mental and Moral Philosophy and began systematic study with Dr. W. T. Harris. Two years later the subject of Political Economy was added to her department.

In October, 1888, at the University of Michigan, Miss Kies resumed her studies in Philosophy and Political Economy. In 1890 she took the examination for the degree of Ph. M., presenting as a thesis, "Introduction to the Study of Philosophy; a Compilation of the Writings of Dr. W. T. Harris with Commentary and Illustration." For the degree of Ph. D., received at the University of Michigan, in June, 1891, Miss Kies presented as a thesis, "The Ethical Principle: and its Application in the State Relations." The thesis will shortly be published by the Register Publishing Co., Ann Arbor, Mich.

Oberlin College.—John R. Commons, who has recently been appointed Associate Professor of Political Economy in Oberlin College, was born in Darke Co., Ohio, in 1862. He received the degree of A. B. from Oberlin College in 1888 and a year later that of A. M. from the same institution. The year 1888-90 he spent at Johns Hopkins University. After a year as tutor in Political Economy at Wesleyan University, he received the appointment at Oberlin.

Professor Commons is associated with Dr. G. W. Knight of

the Ohio State University in a publication of a "History of Higher Education in Ohio" which is now being issued by the National Bureau of Education.

University of Pennsylvania.—Wharton School of Finance and Economy.—Some important additions have been made to the corps of instructors in the Wharton School for the coming year. Roland P. Falkner recently appointed Associate Professor of Statistics¹ has been granted leave of absence to assist in the statistical investigation of wages and prices, now being conducted by the Finance Committee of the United States Senate.

The following appointments have been made: James Harvey Robinson, Ph. D., Lecturer in European History; A. B. Woodford, Ph. D., Instructor in Political Science²; Frederick W. Moore, Ph. D., Instructor in Sociology; Sidney Sherwood, Ph. D., Instructor in Finance; Mr. L. K. Stein, Assistant, and Albert S. Bolles, Ph. D., Lecturer on Mercantile Law and Banking.

Dr. Robinson was born in Bloomington, Illinois, June 29, 1863. He entered Harvard in 1884, and was graduated there with the Class of 1887. After a further year of post-graduate study in History he went to Germany, spending a semester at Strasburg and two at Freiburg im Breisgau, studying with Profs. Hermann v. Holst, Philippovich and Rcsin. In April, 1890, he received the degree of Doctor of Philosophy. The following summer he spent in northern Germany, chiefly at Berlin, completing a monograph on the German Federal Council. The succeeding winter Dr. Robinson continued his studies in European History in the National Library at Paris, occupying himself principally with the Revolutionary and Napoleonic periods.

Dr. Robinson has published a paper on the Original Features of the Constitution, in the ANNALS, October, 1890. This had previously received the Toppan Prize at Harvard, in 1888.

1. See ANNALS for July, 1891.

2. For personal notes see the ANNALS, July, 1890.

He has also published a monograph on the German *Bundesrath* which appears in the series of publications of the University of Pennsylvania on Political Economy and Public Law.

Frederick W. Moore was born in East Lyme, New London County, Conn., October 18, 1863. At the age of nineteen he entered the Department of Arts, Yale University, and graduated with the Class of 1886. The three years next following he spent as graduate student in the same University, working along the line of Political and Social Science and American History, coming especially under the influence of Professors Sumner, Hadley and Brewer. In 1890 he received the degree of Doctor of Philosophy upon submission of a thesis treating of the early reconstruction period in the history of Louisiana, 1862-1867. The years 1889-90 were spent abroad, in France and Germany, especially in Berlin, where he attended for several consecutive terms the lectures of Professor Dr. Schmoller. Upon his return home, in the spring of 1891, Mr. Moore was offered the position of Lecturer in Political Science at Yale, which was relinquished to accept a position in the Wharton School.

Dr. Sherwood was born in 1860 at Ballston, Saratoga County, N. Y. He entered Princeton College in 1875, and was graduated there in 1879. For a year he taught Latin and Greek at Newton Collegiate Institute, Sussex County, N. J. In 1880 he went abroad, spending two years in travel. In 1883 he took up the study of law, and spent the year 1884-5 at the Columbia Law School. Although his law studies were undertaken for the sake of general culture, Dr. Sherwood took the Court examinations for admission to the bar, was licensed to practice in New York State, and entered upon the practice of the law in connection with Abner C. Thomas, Esq., of New York City. After nearly three years of practice, he decided definitely upon an academic career and in 1888 entered the Department of History and Politics in the Johns Hopkins University, where he received his degree of Doctor of Philosophy in 1891.

Mr. L. K. Stein was born in the City of Hanover, Germany,

in 1859. He studied Philology and Philosophy at the University of Berlin, from 1878 to 1882. In the United States he began the study of Political Science at the Johns Hopkins University, where he remained from 1885 to 1888. The next two years he devoted mainly to teaching. During the year 1890-91 he held a fellowship in the School of Political Science of Columbia College, and during the last summer he conducted a class in Economics at the Summer School of Applied Ethics in Plymouth, Mass.

Trinity College, N. C.—Stephen Beauregard Weeks has been appointed Professor of History and Politics in the Department of History, Political and Social Science in Trinity College, N. C. Dr. Weeks was born in 1865 in Pasquotank County, N. C. He entered the University of North Carolina in 1882, and received successively from that institution the degrees of A. B. (1886), A. M. (1887) and Ph. D. (1887), the two years of post-graduate work being devoted to the study of Comparative Literature and Philology and to private work in History. In 1887-8 Dr. Weeks was instructor in English in the University of North Carolina. In October of 1888 he entered Johns Hopkins University as a graduate student, and spent three years there devoting himself to the study of History, English and Political Economy, receiving the degree of Ph. D. in 1891. Among the papers which Prof. Weeks has published may be mentioned :

- “Duels in North Carolina and among North Carolinians.”
- “Blackbeard, the Corsair of Carolina.”
- “Ralph Lane and John White, Governors of Roanoke.”
- “Raleigh's Settlements on Roanoke Island.”
- “The Slave Insurrection in Virginia in 1831.”

He is now preparing a monograph on the Religious Development in the Province of North Carolina, and a bibliography of the Historical Literature of North Carolina.

Wesleyan University.—W. M. Daniels, A. M., has been appointed Instructor in Economics and Social Science at Wesleyan University. Mr. Daniels was born at Dayton, Ohio,

in 1867. He was graduated from Princeton in 1888 and taught the two years following in the Princeton Preparatory School. The last year he has spent in Leipzig pursuing his studies in History and Political Science.

GERMANY.

Würzburg.—Dr. Max von Heckel has recently become Privatdozent for Economics at the University of Würzburg. Dr. von Heckel pursued his University studies at Munich and Berlin, at the latter especially under the direction of Professor Wagner. In 1889 he took the degree of Doctor of Political Science at Munich, and on July 15, of the present year, he entered the Academic career at Würzburg. Besides book notices and statistical tables in Conrad's "*Jahrbücher*," and Schanz's "*Finanzarchiv*," Dr. von Heckel has published the following :—

"Die Berücksichtigung der Schulden und Schuldzinsen in der direkten Besteuerung." Munich, 1889.

"Die Schuldzinsen und die Einkommensteuer." Leipzig, 1890.

"Zur Entwicklung und Lage der Staatswissenschaftlichen Litteratur in Spanien." Conrad's "*Jahrbücher*" 1890.

"Zur Lehre von den Verkehrssteuern." "*Finanzarchiv*" VII, 2.

"Die Reform der Gebäudegrundsteuer in Frankreich." "*Finanzarchiv*," 1891.

HOLLAND.

Amsterdam.—At the University of Amsterdam, Professor Cort van den Linden has been elected to succeed the late Professor Beaujon. Professor Cort van den Linden was born at the Hague, in 1846, studied law at the University of Leyden 1864-69, and was called to the bar in 1869. Subsequently he filled the position of second Secretary to the second chamber of the House of Representatives, and was called in 1881 to the Chair of International Law, Political Economy and Statistics at the University of Groningen. Professor Cort van den Linden is the only representative in the Dutch Universities of the Historical School in Political Economy. He is Vice-President of State Commission appointed to inquire into the condition of

agriculture in the Netherlands, and has been appointed to draw up the report of the Commission. His principal publication is: "Leerboek der Financien. De theorie der belastingen," s'Gravenhage, 1887.

ITALY.

Padua.—Professor Achille Loria, formerly of the University of Siena, has been called to Padua as Professor of Political Economy, and enters on his duties this fall. He was born in Mantua, March 2, 1857, and studied Jurisprudence at Bologna. After taking in 1877 the degree of Doctor of Laws, he studied Political Economy at Pavia with Professor Cossa, and Statistics at Rome with Professor Messadaglia. Later he was sent abroad by the Italian government to pursue advanced economics at Berlin with Wagner, Engel and Meitzen, and especially to study the scientific material preserved in the British Museum. In 1881, he was appointed extraordinary Professor at Siena, and three years later ordinary Professor. In addition to his important contributions to scientific periodicals, Professor Loria has published the following:—

"La rendita fondiaria e le sue elizione naturale." Milan, 1879.

"La legge di popolazione ed il sistema sociale." Siena, 1882.

"La teoria del valore negli economisti italiani." Bologna, 1882.

"La teoria economica della costituzione politica." Turin 1886.

"Analisi della proprietà capitalisti." Turin, 1889. 2 Vols. (This work was accorded the royal prize by the Accademia dei Lincei.)

"Studii sul valore delle moneta." Rome, 1891.

BOOK REVIEWS.

SOME BOOKS ON CANADA.

THE NEW EMPIRE. By O. A. HOWLAND, of Osgoode Hall, Barrister-at-Law. Toronto: Hart & Co., 1891.

This is a thoughtful and suggestive book that will repay reading. Although Mr. Howland has particularly in mind the fate of Canada, his analysis and his proposals involve the English speaking peoples of the world. He has in view the consolidation of a great Federal Empire composed of Great Britain, Ireland, Canada, Australasia and all the British Colonies and this to be brought into a very close alliance with the United States.

His scheme when fully developed and understood is not at all so Utopian as it must appear from such a bald statement of it as can be made in a short review. He does not propose such an amalgamation of legislative functions as the Imperial Federationists advocate. Their plan he considers impracticable. His union would include much less of the political life of the individual States than theirs, and would also be far more flexible. It would be what might be called a federation for mutually advantageous forbearance. The utmost actual restriction he would put upon the individuality of any State of the Federation would be that it should not be permitted to enact such laws or perform such acts as would be detrimental to any other part of the Empire. It would be expected that each member of the confederation would contribute to the defence of the Empire, but this would be a matter for the Parliament of each individual State, *e. g.*, Australia or Canada, to deal with, and to vote such supplies as it deemed expedient. The Empire as a whole would have neither power nor machin-

ery to enact laws. The Sovereign would have a Constitutional power to refuse assent to the laws passed by the Legislatures of the various States of the Confederation and the Legislatures would have the same means of coercing the Sovereign as is now possessed by the House of Commons in Great Britain. There would also be a Supreme Court which could pass upon the constitutionality of the laws enacted in the various States of the Empire. The Judges he proposes should be chosen from the Judicial Committee of the Privy Council. They should go on circuit and hold semi-annual sittings in the capitals of the various States. The State in which the court sat, at any time, should nominate one native Judge, who would be a member of the court for all cases arising in that State. In this way he thinks something of unity and consistency would be given to the laws of the Empire. Only such unity as mutual advantage would lead to is desirable in the eyes of the author, and mutual advantage would, he thinks, lead to such trade relations and plans of defence and offence as would give the Empire solidity and cohesion.

This is "The New Empire." With the United States it is to be brought into close alliance and a friendly disposition is to be maintained by the establishment of an international court, to be composed of judges chosen from the Supreme Court of the United States, and from the judicial committee of the Privy Council. This court is to be a tribunal of reference for all international questions; and each country, of course, reserves its right to appeal to arms, if in the eyes of its people any decision of the court warrants such a course. Such a court, Mr. Howland predicts, would do away with the greater part of the soreness that has too frequently existed between the two kindred peoples.

An arrangement of this nature is indeed a political possibility. As the author labors to show that it would be only the natural outcome of the development of the British Constitution, he seems to bring it almost within the range of political probability.

Mr. Howland begins to trace this development from the

eighteenth century. His first point is made by showing that there really is a "New Empire" as distinguished from the "Old Empire" of the period when the United States declared their independence. He is not the first to point out that there has been a revolution in the English Constitution since the reign of George III. ; but it is well to keep the fact before the English-speaking world, for it is one that is scarcely recognized by any but the few who give the subject very special attention. The great changes in the Imperial constitution on its *colonial* side have not, however, been clearly brought out by any preceding writer. He shows that on this side of the constitution there has been even more marked development toward democracy than in the manner of managing the domestic affairs of the realm. At the time the Thirteen Colonies seceded, the central Parliament, sitting at Westminster, claimed and exercised the right of legislating for the entire Empire. At the present time the great colonies of the British Empire are practically unfettered in their legislation and executive action by the central government. The British Parliament never thinks of passing an act affecting the domestic policy of a self-governing colony. The rebellion of the Thirteen Colonies was the first step towards the change. Shortly after their independence we have, in Canada, the constitutional act of 1791, which Mr. Howland deems entirely different in its underlying political ideas from any of the older charters or constitutions. There was, at this time, an open renunciation of the right, on the part of the British Government, to enact laws for the good governance of Canada. There was established in Canada by this act a Constitution similar in principle to the British Constitution of that period. In short, just what the Americans had asked for before the secession, and indeed what they got by their independence, was granted to the Canadians by the constitutional act. From this point the development has gone on without let or hindrance until Mr. Howland is now able to argue with a good show of reason, that the British Constitution is really a federal constitution ; that the only relationship between Great

Britain and Canada is that established by their both being subject to the same Sovereign ; that the proper official designation of Her Majesty now is Queen of Great Britain, Ireland, Canada, Australia, etc., and Empress of India ; indeed, that the colonies are now in reality States of a great federal Empire, and that all that is needed to establish his " New Empire " is official recognition by the Parliaments of the various States.

The plan of government which he sketches is, perhaps, the least valuable part of his book. But in his endeavor to establish its feasibility by showing that the present constitution of the Empire is in reality already very like what he proposes and that it has been continually growing towards his ideal for more than a century, he is led to analyze the Canadian and the British Constitutions at different periods ; and it is the acumen with which he conducts this examination that makes his book valuable. It is quite probable that he will not find many ready to accept his prescription ; but all must agree, to a very large extent, with his diagnosis. He certainly sees far into the weaknesses of the democratic institutions of the present age and fortunately he has lost that deluding habit of calling everything liberty and honesty that is enacted by the vote of a majority. He argues with truth that electoral issues must be simplified before any just conclusion can be formed from the result of a general election as to what the majority of the nation really desire. In most parliamentary elections the voter is altogether confused by the number of questions which he is called upon to decide by casting a single vote. The voter probably does not agree with all the positions taken up by either party. The consequence generally is that he does not try to arrive at a decision as to what will be for the public good, but votes for his father's party. It is only occasionally that any single question is allowed by the party managers to assume a really preponderating influence on the election. It is with a view to simplifying electoral issues by removing from this field all questions of international import that he proposes to establish the International Court. In a country where there are French, Irish, German and English populations, there may be

pending at nearly every election some question of an international nature which, when distorted by party leaders, would influence a whole class of electors and perhaps offend a neighboring State, and which would still not be at all relevant to the matters properly at issue in the election. He may, indeed, does overestimate the baneful influence of party ; but he is certainly right in saying that government in the United States and Canada is now becoming government for the party instead of for the country.

The book also deals very minutely with the settlement of the western boundary of the United States by the Treaty of 1783. The spirit of that treaty he deems to have never been fully conformed to by the Americans. He is of the opinion that the great West was deliberately handed over to the United States by Great Britain upon the understanding that there should be cordial trade relations between the two countries ; and the United States for the greater part of the time since have kept up a hostile tariff. It seems, indeed, certain, since the private correspondence in regard to that treaty has become public, that, if England had been willing to divide this vast territory between herself and Spain she might have done so. France, who was figuring as the ally of the Americans, proposed a division to the British Government whereby the United States would have received but an inconsiderable part of the Great West ; and the Americans could not have rejected the arrangement at that time in the teeth of the three European governments. If this version of the events of 1783 is correct it may fairly be argued that the subsequent policy of the United States has hardly been generous.

Mr. Howland does not, perhaps, very accurately estimate the present situation ; he may not realize the magnitude of the changes he proposes ; but he is a Canadian of the type we need—he is hopeful. He is too acute an observer to be carried away with the enthusiasm known by various names, but all of which mean that Canada cannot remain in her present political status. This is the keynote in the lament, both of Imperial Federationists and Annexationists as well as of those who look

forward to independence as a speedy boon. Canada has no need for, nor is she likely to witness any such sudden change. Our normal development is sufficient for us, whether it take us in the direction of the "New Empire," or whether it achieve the less pretentious, but more necessary work of so reforming our Constitution, that in the Dominion, as a whole, there shall not be a continual suspicion—if not a certainty—that some of the provinces are being practically bribed out of the Dominion Treasury. With men in whom the people have confidence, and she does not despair of securing such men to manage her affairs, the Dominion is doing so well that she proposes to bear the ills she has rather than to fly to others she knows not of. So completely are Jeremiades becoming the fashion with writers on Canadian affairs that Mr. Howland is to be complimented for his courage in daring to appear in print, as one who has faith in Canada and her institutions.

CONSTITUTIONAL DOCUMENTS OF CANADA. By WM. HOUSTON, M. A.
Pp. 338. Toronto : Carswell & Co., 1891.

Of Mr. Houston's work proper there is but little to be said. He has collected a number of documents, without a close study of which no one can hope to form an accurate conception of certain features of the Canadian Constitution. And although these documents were well known to every careful student of that Constitution before his publication appeared, yet he has rendered an important service to a large class of readers by making available within this narrow compass, what up to the present, has been scattered through many volumes. He has made it possible for even the casual reader to become acquainted with the foundation stones of the Constitution of Canada, in so far as they can be found in written instruments. For it must always be remembered that written Constitutions are but evidence for Constitutional history and not the history itself.

The book is in many respects modeled after Mr. Poore's now well known collection of Charters and Constitutions of

the States of the Union. In it will be found nearly all the instruments by which the British Government has given, altered or withdrawn its authority for the administration of civil government in any of the Provinces or Districts now constituting the Dominion. Each of these instruments contains more or less minute directions for the administration of civil affairs. Such directions, issued, as they were, at various dates throughout nearly a century and a half, give an official statement of the views of government entertained at the date of each document; and as a series they manifest the continual growth of constitutional ideas in the British Empire. In this way they reflect important light on English Constitutional history as well as on Canadian. In addition to these, the volume contains the treaties whereby the territories now forming the Canadian Provinces were ceded to Britain, as well as the commercial and boundary treaties with the United States. Mr. Houston has, moreover, written quite elaborate notes on many passages, giving explanations and references to further sources of information. This part of the work gives evidence of wide reading and painstaking investigation; and the notes are a decided assistance to the reader who has access to a large library.

The book will be especially welcomed by students desiring a legal rather than a political insight into the various positions occupied by the British North American Provinces during the last century and a half. The selection of documents is avowedly arbitrary; and for that reason it would be ungenerous to suggest that some of those that have been chosen are of little constitutional significance, or on the other hand that others of decided value have been omitted. The compiler in his preface says that he has sought to include only documents of "international or imperial origin" which are of importance to the student of Constitutional history. Under this description one is disappointed at not finding such a document as the Charter of the Hudson's Bay Company. The trading company has played an important part in the establishment of civil government in America, and it would therefore seem desirable

to have included at least one of their charters in such a collection of documents as the present.

One is also disappointed at finding the right of French Canadians to recognition in our constitutional history entirely ignored in a compilation which, otherwise, would be tolerably complete. Here it would be useless to suggest individual documents; there are many of primary importance. The whole question is whether there should be any documents at all relating to the history of French Canada in such a collection; whether the colonization and early history of New France has left any important impressions upon Canadian constitutional history. Mr. Houston is clearly of opinion that French influences have not materially affected the later development. He says, in his preface, by way of accounting for the absence of documents relating to the French period that "the true line of development of the Canadian Constitution takes us back not to the French régime in Canada, but to the Colonial Government of what is now the United States."

This seems to be going too far. It is indeed true that French models were not followed in the construction of the articles of the Canadian Confederation. It is also true that the government machinery in each of the Provinces has always been, so far as mere form is concerned, very similar to that which was common among the colonies which have since become the United States, but of which the Canadian Provinces are rather contemporaries than descendants,—a distinction Mr. Houston fails to appreciate. Mere form, however, counts for little in matters political. The history of the forms of government that have followed one another in Canada could be quickly written and would be of little use when it was written. What it is above all desirable to study is the relation of a particular form of government to a particular people. To understand this is far more important than to know many mere forms of government. What would be a good form for a people of British extraction living on this continent in the eighteenth century might be a bad form for a people of French ancestry living here during the same period.

The nature of the people and the state of their political education must be taken into account in estimating the fitness of a form of government for them; and this cannot be done in the Dominion by ignoring the early history of the French in Canada. Two-fifths of our present population are of French origin. One of our provincial governments enacts French laws, and in that Province the civil law and not the common law is the legislator's starting point. The most dangerous problem before Canadian statesmen is the race problem, and Fabian tactics are the only safe process for its solution. The statesman's true task is to induce both nationalities to let the race question alone. In such a state of affairs there can be no information more useful to every Canadian, be he French or be he English, than such as will give him a thorough understanding of what his fellow countryman is politically, and what he has been politically. Confederation is not the whole of the Canadian constitution. There is more political life in each Province as such, than there is in the Dominion as a Dominion. The Provincial entities are far more powerful and far more important in the eyes of the people than is the Dominion. Our constitutional history is the history of Provinces both before and after Confederation, rather than the history of a Dominion of Canada. Why neglect the study of one of these Provinces and that an important one? All Canadians must lament that we are not more thoroughly united; but surely the quickest way to a more thorough union is a more adequate knowledge of each other.

Mr. Houston gives up his introduction to an unqualified advocacy of the "seminary method." He attempts to establish the proposition "that *ex cathedra* lectures are an antiquated and an ineffective method of dealing with any subject in the class-room, and that they are particularly out of place in the academic treatment of history."

No one questions the usefulness of the "seminary method" of teaching. For many parts of the subject of Canadian Constitutional history it is invaluable; but it is only a helpmate to older methods. There is plenty of room for both the *ex*

cathedra lecture and the seminary. It is unfortunate that Mr. Houston should think it necessary to discredit the practice of delivering lectures in order to advocate his own favorite method of teaching. He has done useful work in compiling this book ; but decrying a particular system of teaching, with which he has no sympathy, has no legitimate connection with the collection of constitutional documents. It was well enough to suggest the manner in which he thought the book might be most advantageously used, but it was not necessary to condemn other methods, and the omission of these unnecessary remarks would have secured for the book an even more hearty welcome than has been accorded it.

CANADA AND THE CANADIAN QUESTION. By GOLDWIN SMITH, D.C.L.
Pp. 325. Macmillan & Co., 1891.

If all that has been published recently upon the condition of Canada were collected into a sacred volume, to be made the political guide of benighted Canadians, Mr. Goldwin Smith's contribution would be unanimously accepted as the Book of Lamentations. He is the Jeremiah among those sincerely interested in Canadian affairs. For his profound and varied attainments, for his acknowledged literary ability there is the utmost respect and admiration throughout the Dominion, but that constant dissatisfaction which his writings exhibit, that continual tendency to belittle, to put the worst possible face on everything Canadian, is extremely irritating to the greater part of the reading public of Canada. It very materially lessens his influence, which might otherwise be a power in the country.

His last book is no worse in this respect than much else that he has written. He advocates commercial union with the United States, a measure which ~~most all~~ ^{most} thinking Canadians believe would be for their country's good. But as usual with what he advocates, most Canadians do not believe that it can be attained at present. It is the belief that the United States would not entertain the proposition, rather than any lack of faith in "commercial union" that keeps the great majority of Canadians from expressing themselves more heartily in its favor.

It is not, however, his open advocacy of commercial union nor his unavowed advocacy of political union that is distasteful. Every one is ready to respect his convictions upon these points. But the manner in which he advocates his views is very annoying, if not humiliating to many Canadians. We do not object to being convinced that annexation is for our benefit, but we do object to being held up to the world as a people that must soon be starved into annexation. We are not *in extremis*.

His professed object in this book is to discuss "the Canadian Question." Before doing this, however, he affects to put the reader in possession of all the facts of Canadian history pertinent to the argument. It is in this part of his book that he makes Canada and Canadians cut so indifferent a figure. It might be difficult successfully to controvert his more important historical conclusions; but there is a lack of anything like sympathy with the struggles and difficulties in Canadian politics, which may not always have found their best solutions, but which nevertheless deserve honorable rather than dishonorable mention. He seems to be unconsciously controlled by a notion that Canada is a poor little place that has not sufficient intelligence to accept his advice and thereby become happy and great. In accordance with this notion he seems to see only that part of Canadian history which feeds his misconception; and even this he relates with that disparaging, half-hidden irony of which he is such a master. This is the impression his book makes upon many of his fellow citizens. That he intends to be strictly impartial and to be of the utmost service to the country no one doubts. He is conscientious to a fault, but, nevertheless, his book seems to many calculated to convey an unjust impression of Canada to those who do not know her as she is.

He represents the people of Quebec as an utterly unenterprising and shiftless race, without energy and without ambition; as a people who are entirely inimical to all that is British and all that is Canadian, unless it be French Canadian. To establish this view, he quotes some words of the Prime Minister of Quebec, uttered in a moment of enthusiasm at a banquet, which was given by a French national club to do him honor

upon his achieving victory at the polls. He complains bitterly that the hall on such an occasion should be profusely decorated with French flags while only one Canadian flag was to be seen. He thinks it very significant that the Premier should declare that the victory they celebrated was a national (in the sense of French) victory. Another portentous sign is found in the fact that Sir George Cartier, a prominent French-Canadian politician, said on one occasion that the French-Canadians were much exercised over the defeat of France in the Franco-Prussian war.*

That the inhabitants of Quebec have always been, are now, and are likely to continue to be French Catholics, he might have saved himself the trouble of proving, and it has long been cheap knowledge that they were not so "progressive" as their Anglo-Saxon neighbors. These, however, are not facts that should drive sensible Canadians to distraction. Under the present arrangement it makes but little difference to the people in other parts of the Dominion whether the inhabitants of Quebec are French or English, Catholic or Protestant. Ontario has no right to demand that Quebec become English or that she become Protestant. Her right is to demand that Quebec should pay her honest share of the burdens of Federal government and receive only her fair proportion of patronage and advantage from the government. If the citizens of Quebec did this, there would be nothing alarming in the fact of their being French or of their being Catholic. If they do not bear their share of the national burdens,—and I am fully convinced that they do not,—the remedy is not to be found in reproaching them with being French and Catholic. The remedy is in the hands of the electors. Once any party convinces the people of the other Provinces that Quebec is getting an undue proportion of Federal money, there will go to Ottawa at the next election a majority of men pledged to the removal of the injustice. The giving of subsidies from the Dominion to the Provinces is, as Mr. Smith points out, undoubtedly a defect in our Constitution. But to declare, as he seems to,

(* Pp. 18, et seq.)

that it cannot be changed is mere childishness, and to believe that it is more difficult to change it than it would be to make an alteration of similar importance in the Constitution of the United States, is to be deluded. If the Canadian people were as united in requesting the change as the American people must be before they can amend their Constitution, the British Parliament would make the change at once. All that is necessary to secure any change in the Constitution is a reasonable amount of unanimity among the Canadian people. The British Parliament will not hesitate to give official recognition to any such change in Canadian sentiment as is clear and pronounced. Mr. Smith himself intimates his belief that the British Parliament would pass an act sanctioning a political union of Canada with the Republic, but in the same breath asks us to believe that she would not amend the British North America Act!

The truth is that Ontario's political leaders, no less than Quebec's, are afraid to speak out and propose that the provinces should support the provincial governments by direct taxation. "The people won't stand it" is the undercurrent of opinion one finds among Canadian politicians, French and English alike. So long as the people do not believe the change to be in their interest, no change can be made. But let us be honest about it, and instead of reproaching Quebec with being French, admit that the explanation is that the people of the Dominion are under the sway of party, and that voters think more of party victory than of good government.

Again Mr. Smith takes occasion to suggest that French loyalty to Canada could not be relied upon in case of war with the United States, because two-sevenths of the French-Canadians are across the line; entirely forgetting the fact which he so repeatedly makes use of elsewhere in his argument, that nearly one-fifth of the English-Canadians also are in the United States. The French-Canadians might, with almost as much reason, impeach the loyalty of English-speaking Canadians upon this score.

It is not in reference to the race problem only that Mr. Smith takes a dark view of Canadian affairs. He intimates

on very insufficient grounds that in Canada there exists a practice of "working out" or exhausting farms and moving on to newer lands. It is doubtful if one abandoned farm can be found in Ontario. To believe that such an occurrence is common in Canada is to be mistaken.

He also has his fling at the offices of Governor General and Lieutenant Governor. It would be unwarranted to suppose that his estimate of the importance of these offices at all represents Canadian opinion. It has indeed become fashionable of late with some to say smart things at the expense of their occupants, but both the officials and the offices are generally respected by the people. Not only so, but many thinking Canadians are not at all convinced that we would improve either our officials or our system of government by electing men to these places.

The statement, again that Canada is supporting eight constitutional monarchies¹ is true only in the sense in which it is true that the United States are supporting forty-five constitutional monarchies. If the Provincial Government officials were too well paid we could have their salaries reduced.

It would not be just to the kindly spirit which Canadians feel towards British subjects to pass unnoticed the warning given to educated Englishmen who contemplate seeking employment in Canada. Mr. Smith thinks the individual Englishman is received with jealousy and distrust, that he does not get in Canada that even-handed justice which is meted out to him in the United States.² ~~No Englishman~~ ^{Mr. Smith} need expect that in Canada the mere fact of being English will set him above natives who are equal to himself in ability and education, though it does make his chances for promotion as good as those of a native. Other things being equal he will not be, as was once the case, preferred before a Canadian; but he will be preferred before all others except Canadians. To expect more than this is only to affect superiority which is always offensive. The very fact which Mr. Smith relates—that three Englishmen have been appointed to chairs in the University

1. Pp. 234.

2. Pp. 52.

of Toronto within about a decade—is sufficient to overthrow his argument. Which of the great American universities have appointed three Englishmen to their most important and lucrative positions in that time?

In discussing the “Canadian Question” as a matter of practical politics, Mr. Smith has offered nothing new in either argument or information, but all the facts that have been heretofore adduced by various writers and speakers in favor of closer commercial and political relations with the United States are marshalled with his usual skill and acknowledged ability. The humiliation of being a dependency is noticed and made responsible for the lack of national spirit among Canadians. The difficulties in the way of independence are considered and not deemed insurmountable although great. And the glorious future that Canada might enjoy as a part of the great republic is set forth. He declares that there is no natural trade between the provinces; that their natural markets are to the south, and that the fiscal policies of both Canada and the United States, which keep the two countries from trade are the result of blundering or boodling.

The book is full of entertaining and useful information. To Americans, Australians, Englishmen and Canadians desiring a picture of Canadian social and political life it will be valuable. It must, however, be taken *cum grano*. Attention has been called to a few of the positions taken up by the author in which very many Canadians would not concur, and of much else in the book it might be said in Mr. Smith's own phrase “readers had better inquire.” He has presented a view of Canadian life and politics for the purpose of advancing a political movement, and in reading the book this fact must never be forgotten. His book must not be mistaken for history. It is a clever piece of pamphleteering executed with great literary ability, but it is not—and perhaps was not intended to be—a valuable contribution to political science or Canadian history.

JOHN M. McEVOY.

Toronto, Ont., July 17, 1891.

ESSAYS AND MONOGRAPHS. By WILLIAM FRANCIS ALLEN. Memorial Volume. Boston, 1890.

As this is an age of book makers, when the desire of each scholar is to create a literary or scientific monument to his memory, it is gratifying to find that one of the best of such scholars has had another and a different ambition. So much of his time and energy did Professor Allen, of the University of Wisconsin, devote to other pursuits than the writing of books that all that remains of his many years of labor as an instructor, to give evidence of his ability to those who did not know him, are the dozen or more monographs contained in this volume on the primitive and mediæval institutions of Germany and England.

For classical studies his work has been mainly confined to text editing and text book writing, and his essays on Roman affairs, though unquestionably interesting, cannot be considered permanent in their influence. His chief work in this field was devoted to the study and criticism of Tacitus, to which he was led by his unflinching interest in everything connected with Germanic history. He has published excellent editions of the *Agricola* and *Germania*, and his last work of this kind was an edition of the first six books of the *Annals*. These editions are characterized by thorough knowledge of the latest results of philological and historical investigation. He had embodied all the learning of the Germans without their dullness and pedantry and has shown everywhere such keen appreciation of the necessities of students in this country as to render his text books invaluable for those who would read intelligently the great historian of the empire. It was this sympathetic spirit for the difficulties of the problems which he examined that led Professor Allen to be moderate in his judgment and undogmatic in his conclusions. He wrote eleven articles treating of institutional and economic history: *The Primitive Democracy of the Germans*; *The Village Community and Serfdom in England*; *The Village Community and Feudal Manor*; *Town, Township and Tithing*; *Primitive Communities*; *Peasant Communities in France*; *Ranks and Classes among the Anglo-*

Saxons; The English Cottagers of the Middle Ages; The Origin of the Freeholders; The Rural Population of England as classified in Domesday Book; The Rural Classes of England in the Thirteenth Century. From the treatment of these subjects it is evident that had Professor Allen devoted himself to the investigation of primitive and mediæval institutions he would have thrown much light upon the vexed question of primitive land holding, the village community, the origin of the lord of the manor, and the mediatization of the *ceorl*. His work is not that of an antiquarian, but of a broad-minded historical scholar.

The order in which these monographs appear in this volume is not the order of their production. Professor Allen's investigation of the twelfth and thirteenth centuries preceded the study of the earlier periods and therefore we read the results of the ripened scholarship first. The latter shows the stimulus of the work of Seebohm and Fustel de Coulanges, while the former is more in touch with the spirit which was prevalent twenty years ago. Still Professor Allen wrote very carefully and has given us little opportunity for criticism. Probably the weakest of the essays is that on "Peasant Communities in France." It is not profound and the work has been much better done by French writers. In the "English Cottagers of the Middle Ages" we have the merit of clearness in the attempt to explain the position of the different peasant classes. He is wrong in asserting the "cottagers" to be an outgrowth of the village community, for there is no mention of them, technically speaking, before the ninth century. Their tenure represents a stage in the development of the manor in England. He is also wrong in considering the *gebûras* of the Rectitudines as an unfree class; they were, it is true, in a harsh condition of serfdom but this was bondage toward the lord and the land; they were free in all other respects, a condition not true of the slave proper. Again, it is doubtful if the tenants in demesne were of necessity of the slave class, for it is to be remembered that the lord's demesne included strips in the open fields and enclosures in the *essarts* and meadows as

well as land in the immediate vicinity of the manor house. By the time of Domesday book much of this land was in the hands of *gebúras* and *cotsetlas*. The latter he considers the same as the *bordarii* and is himself confused regarding their location. On page 307 he says: "In the first place the *bordarii* are regularly associated with the *villani* from which it appears that they occupied the village and not the lord's demesne;" on page 320 he states the exact opposite, "[the *bordarii*] had cottages (*bord*) not in the village proper but on the lord's demesne or 'inland'." Probably both were true.

Especially valuable is the discussion of the *sochmanni* and the freeholders. The former he finds through the aid of etymology and evidence to be a class in nearly the same social position as the *villani* but not, as were the *villani*, members of the village organization and he would explain their peculiar position by reference to a Danish origin. The freeholders he would trace to a purely feudal origin, a class appearing sometime between Domesday book and the Abingdon Chartulary (1086-1185). This theory would give them no historical connection with the original freeman and the absence of freeholders from the manor of the Rectitudines forms a serious hiatus in the chain of evidence for the old theory, which however, has been generally advanced without much evidence. This conclusion leads to one of the most important of Professor Allen's views (in which however he follows Ritson and Elton) that the customary court of that class which later received the name of copyholders, was the survival of the village meeting. Still as the feeling at present is that the village meeting was not a court at all it is doubtful if any of the manorial courts can be traced to it.

The next in importance of Professor Allen's views is his denial of the accepted distinction between *eorl* and *ceorl*. This distinction he considers merely personal and not hereditary. We cannot discuss the question here, but since the laws and the poets give no clear evidence of such class distinction, the subject is worthy of a more critical examination. Professor Allen also defended the freedom of the village community and the

ceorl; he was in favor of a composite origin for the manor and defended Bishop Stubbs' view of the constitutional position of the English town. But his criticisms are always moderate and his judgments are given only after careful study.

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THE FRENCH REVOLUTION. By E. BELFORT BAX. Pp. 119. London: Swan Sonnenschein & Co. Social Science Series.

This sketch is a socialistic interpretation of the French Revolution. It appeared originally as a serial of twenty-six chapters in *Justice*, the weekly socialistic organ, in 1889. It makes little of the military aspect but presents the operations of economic, philosophical and political forces with commendable clearness.

Rousseau was the voice crying in the wilderness; "Back to Nature." His educational theories in *Émile*, his social polity propounded in the *Contrat Social* contain his message to men. Upon the bourgeoisie of France in its political nothingness came this leavening thought and made it everything; not that all else was destroyed, but that whatever survived the ruin was absorbed into the new-made social class—the third estate of the old. In this we have Bax's conception in the rough of the real cause and the visible result of the French Revolution. It was Rousseau and Voltaire who demonstrated to the mind of France the possibility of revolution. But whence the forces to execute it? Not in the nobility, nor the clergy, both of whom by long-continued evasion of responsibility had doomed themselves to an incapacity for bettering the state of things in which they lived. The great heart of the monarchy had ceased to do its work and the nation rallied to save itself from death.

Women and workers—in these two words we touch the nerve of the French Revolution. They are not, it is true, the stage-characters throughout, but he who will read the records again will find that the moral energy of the movement lay in these social classes which did the toiling for the degenerate dynasty. Bax does a creditable service to the general reader in setting

forth this view in so hopeful a light. He writes for seekers after a better order of society and carries the sympathies of the reader with him, if he does not win his conclusions. The book would make a helpful outline for a more extended review of the Revolution by those who wish to read the story again from a new point of view.

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THE ENGLISH CONSTITUTION. By ÉMILE BOUTMY. Translated by ISABEL M. EATON, with an Introduction by SIR FREDERICK POLLOCK. Pp., xvii, 212. London and New York: Macmillan & Co., 1891.

STUDIES IN CONSTITUTIONAL LAW. France—England—United States. By ÉMILE BOUTMY. Translated by E. M. DICEY, with an Introduction by A. V. DICEY. Pp. xiv, 183. London and New York: Macmillan & Co., 1891.

The first of these works treats of the development and growth of the English Constitution since the Norman Conquest, and its scope may best be understood from the titles of some of the representative chapters, such as: The Higher Baronage and the Peerage; The Knights and the Burgesses—The Decay of the Feudal System; Colonization, Commerce and Industry before the Eighteenth Century; The Country Gentlemen; The Agricultural Laborer; and so on. There are chapters, though few in number, devoted to more strictly constitutional and legal subjects, but in the main this is an economic study of the English Constitution and an investigation into the position occupied by the various classes of society during the last eight hundred years. Such a method has its advantage and its weakness. By concentrating our attention upon one or two lines M. Boutmy has, perhaps, brought out these features of the English Constitution more clearly than has any other writer in so few pages. But as a general view of the subject, even though a distant bird's-eye view, there are many defects, prominent among which are the minor attention given to the history of Parliament and the inadequate treatment of the origin and growth of the English judicial system. For this and

other reasons this is not a book to put into the hands of the general reader; a false notion of the perspective of English constitutional development will be obtained, and, what is of more importance, the relative influences of the factors that have contributed to the growth of popular government will be missed altogether. The teacher and the advanced student however, will find much in it that is suggestive, but it needs constantly to be supplemented and corrected by reference to other writers. In spite, therefore, of its short-comings M. Boutmy's essay is of no small value to those who read it critically.

The studies in constitutional law are more satisfactory; in these the author has sought, first, to sketch broadly the sources and present workings of the Constitutions of England and the United States, and in his third essay to discuss the subject of sovereignty and constitution-making in these two countries and in France; in all three chapters the clear, logical, systematic French mind suggests points of view which doubtless had not before occurred to us, and renders us in many places a real service. The chapter on the United States has a special interest for Americans; in this M. Boutmy astonishes us, both by his acute penetration into some of the subtleties of our constitution, and also by occasional misapprehension or misinformation on very simple matters. On the whole it is an excellent chapter. To this volume Professor Dicey has added many valuable short notes, and in each case the translation is so well executed that one is never reminded that these works were written in another language. C.

PRIMI ELEMENTI DI ECONOMIA POLITICA, VOL. I., ECONOMIA SOCIALE, DEL DOTTOR LUIGI COSSA, Professore Nella R. Università di Pavia. Ninth edition. Pp. 226. Milan: Hoepli, 1891.

This is a revised and enlarged edition of a little book, at first hardly more than a primer, on political economy, which has become very popular in Europe, having been translated into French, German, Russian, Polish, Spanish, and Portuguese. Eight editions of the original have come and gone

since 1875. The peculiarity of the ninth edition is, that its text has been carefully revised and in certain chapters enlarged, and that it contains much fuller bibliographical and historical material than the preceding editions. This latest edition is made a vol. I. in what will be a series or system of Cossa's First Elements of Economics. Volume II, now in preparation, will treat of Political Economy in the strict sense. Volume III, is the edition, corrected and enlarged, of Cossa's little Science of Public Finances, which has already been translated into English. The three volumes will form, the author assures us, a strictly co-ordinated and homogeneous whole. The chief characteristics of Cossa's "Elements" are two: its eminent soundness in economic doctrine, and its wonderful clearness coupled with brevity. Cossa stands, in the main, upon the ground of the English school as represented in Mill's "Principles," but he has the insight to observe on the one hand the relativity which attaches to most economic doctrine, and on the other, the fixedness and finality of the main principles of the science. In scientific exposition he is a master. His analysis of each subject is complete, exact and perspicuous, and every topic is placed before the reader's mind in a few clear and telling propositions. Not a sentence is unclear: not a word is lost. The historical sketch of political economy as a science, which begins this volume, the author has brought to date. It, with the bibliography at the end, also brought to date, affords the best brief conspectus extant of the present condition of economics in Europe. The account of Italian authors and works is particularly valuable. American students of economics wishing to master Italian, a very desirable as well as a very easy attainment, would find Cossa's "*Elementi*" a good book with which to begin. The subject matter, being familiar, would aid in the mastery of the the vocabulary and even of the grammar.

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LAWS OF THE UNITED STATES RELATING TO CURRENCY, FINANCE AND BANKING, FROM 1789 TO 1891. Compiled by CHARLES F. DUNBAR, Professor of Political Economy in Harvard University. Pp. 309. Boston : Ginn & Co. 1891.

The intent of this excellent collection which will be welcomed by all teachers and students of political economy and financial history is to bring within easy reach the important parts of our national legislation relating to currency, coinage, loans and banking. It is based not upon the revised Statutes, but upon the statutes at large, thus giving a succinct historical review of the financial legislation from the establishment of our government to the present day. Besides the sections devoted to currency, finance and banking, there is one on coins and coinage from 1789 to 1891. The whole is judiciously supplemented by the texts of certain vetoed bills and of a few other documents of historical importance, which, although not among the statutes, are none the less significant. No one could be more admirably fitted than Prof. Dunbar for the work in question, and the utmost reliance may be placed upon his judgment in the selection of such portions of the legislation as really concern the student. The only regret is that one so well qualified by long experience has refrained from any kind of commentary and given us only the unelucidated text.

J. H. R.

DE LA PROPRIÉTÉ ET DE SES FORMES PRIMITIVES. Par ÉMILE DE LAVELEYE. Quatrième édition. Revue et considérablement augmentée. Pp. xxxi, 562. Paris : Alcan, 1891.

The work of M. Laveleye is so well known and the judgments passed upon it are so clear and definite that it is only necessary for the reviewer to discover how far the new edition differs in arrangement and matter from the English translation familiar to most readers and to what extent there is to be found any alteration of opinion or modification of view.

This may be done the more readily by capitulating the additions and omissions, taking the chapters in their order. In so doing it will be noticed that we have enclosed in parentheses

the chapters of the former work and marked the pages with italicized numerals. I and II remain unchanged. III adds two important notes (pp. 27-34). IV is divided into two parts ; in part first there are a few new references bringing the evidence for Java up to date, and an omission of two pages (47-48), part second (58-77) is new, and discusses in detail collective property in Java (the *desa*) and is based on government reports. V (VII) shows slight additions in text and notes (85-6, 91, 98-9). VI is new and examines later evidences of an ancient agrarian régime in Germany. It is taken from the German translation of Laveleye's work by Bücher. VII (V) is on the Swiss *allmend* and is unchanged except for the omission of page 86 and the addition of eight pages, (144-152) in which is given an account of a visit to the *allmends* of Baden and Switzerland, with a note (142) containing sources for the *allmends* in Alsace. VIII (VI) is unchanged. IX. is new, and discusses the allmend in Upper Germany and compares it with that of Switzerland. X is new, containing an account of the *Allmaenningar* of Scandinavia and Finland. XI (XXI), XII (XXIII), and XIII (XXII) are unchanged, save for a few corrections of figures, a few additions (232, 237-238, 253, 255), and an elaboration of statistics (234). XIV and XV are new and concern property in Scotland, the United States, Spain and Italy. XVI (VIII) is unchanged. XVII and XVIII are new, on property in the Punjaub and Japan based on recent reports. XIX is new and is from Bücher ; it discusses land holding among the Indians of South and Central America in archaic times. (IX) forms two new chapters, XX, XXI; the first on land among the Arabs and others, the second on land among the Danes. This arrangement has resulted in much remodelling and enlargement. XXII (XXIV) on Indian village communities contains slight additions (338), with two pages (352-353) on recent progress of the idea of nationalization of the soil. XXIII (XXV) is unchanged. XXIV (X) has been carefully revised, yet in the main is unchanged ; 139-140 have been enlarged to 363-367. XXV (XI) is unchanged save for a note on the depopulation of Greece. XXVI (XII)

is unchanged. XXVII (XVII) contains a few new paragraphs (415). XXVIII (XVIII), on landed property in England and China, shows a slight revision and a few scanty references to Taylor, Gomme and Seeböhm. XXIX (XIII) adds a few paragraphs descriptive of families among the ancient Americans, (459-462). XXX (XIV) has a few added notes (463, 470, 471), authorities (475) and paragraphs at the end, giving a picturesque account of the *zadrugas* (478-486). XXXI (XVI) adds paragraphs on the family community in North Hungary (489-492). XXXII (XV) contains slight additions (502, 511, 514). XXXIII (XX) on hereditary leases, enlarges page 271. XXXIV (XIX) is unchanged. XXXV (XXVI) omits notes (332, 336) and adds quotations from Roscher (538) and Ihering (540). XXXVI (XXVII) on the theory of property remains wholly unchanged : the few verbal changes and additions are trifling.

This brief outline shows the character of the revision and extensive enlargement mentioned on the title page, but it does not at all justify the claim that the fourth edition of *La propriété primitive* is a new work. Notwithstanding these extensive additions it will be noticed at once, both from the preface and from the work itself, that M. Laveleye has in nowise modified his views ; further than this it may be said that on the subject which forms the title of the book there has not been added a fruitfully new thought. M. Laveleye displays an astonishing disregard for the critical study of mediæval institutions which has gone on since 1878. Some of the most important chapters from this point of view are in the fourth edition as in the first, superficial and wholly without a real understanding of the difficulties of the question involved. He accepts without comment the extra-European origin of the Aryans. For England Nasse is almost the only authority ; for India Campbell and Elphinstone. For Greece the same interpretation of the same passages. There is also to be seen the same unfortunate tendency toward vague statement, as for instance, in this sentence, "The Swiss allmend pictures to us to-day the primitive life of our ancestors upon the plateau of

Iran," and in the discovery that "in American democracy we find all the characteristics of primitive democracy." Such statements are out of place in the present stage of historical research. But M. Laveleye is an economist, not an historian, and his work suffers thereby.

If the chapters which treat historically of primitive forms of land holding were cut out and a careful excision were made of many comments and deductions, then the remainder of the work would have a considerable value. For M. Laveleye has brought together a large amount of information which may or may not represent to us the system employed by Indo-European peoples in the early stages of economic development. Such information not readily accessible regarding land cultivation and ownership, has a value apart from that here given to it, for it is too heterogenous in character, and of too recent a date to be available for the application of the comparative method. Therefore the main thesis of the book remains as it was before unproven.

Bryn Mawr College.

CHARLES M. ANDREWS.

OUR SHEEP AND THE TARIFF. By WILLIAM DRAPER LEWIS, Fellow of the Wharton School of Finance and Economy. Publications of the University of Penna. Vol. II of the Political Economy and Public Law Series. Pp. 158. Philadelphia: University of Penna. Press, 1890.

In view of the importance of the tariff controversy on the one hand, of the extraordinary growth of political and economic studies in our Universities on the other, it is surprising that our institutions of learning should have contributed so little to the sober and unbiassed consideration of the burning question. Within the last year or two, however, there have been signs of greater attention to the topic. The volume before us is an evidence of this change, and a gratifying one. Mr. Lewis's study is a distinct contribution to our knowledge of the subject he treats, and in tone and temper shows a great advance over the usual discussion of it, whether by the advocates or opponents of the duties on wool. He has gathered a wide range of information, largely by inquiry

and correspondence among those actively engaged in raising wool or dealing in it, and has presented his facts in interesting form. Even those who may not accept his conclusions will read his pages with interest and profit. His tone shows the result of scientific training: he is cool and straightforward.

Mr. Lewis's general conclusions are, that the retention of the present duties on clothing and combing wool is desirable; but he intimates that there are no good grounds for retaining those on carpet wool. The reasoning on which the conclusion in favor of retaining the duties on the finer grade of wool is based, is of two sorts: partly general reasoning as to the effects of import duties, and partly specific inquiry as to the condition and prospects of wool-growing in the United States. So far as the general reasoning is concerned, it is not to Mr. Lewis's discredit to say that it shows the influence of teacher on pupil rather than the marks of independent thought. The working of the law of diminishing returns under the influence of international trade, and the adaptation of the habits and wants of a people to their industrial environment—these are topics on which he is clearly under the influence of Professor Patten, and has added little to the reasoning of that scholar. This is not the place for a discussion of Professor Patten's presentation of the case for protection, of which it can certainly be said that it puts the arguments on a new and less narrow basis, and deserves, more than much of the reasoning generally in vogue, a serious and painstaking consideration. The present writer has not found himself convinced by it when presented by its author, and not more so in the form which it takes in Mr. Lewis's paper; but to enter here on a statement of the grounds of his opinion would carry him too far afield.

In Mr. Lewis's examination of the concrete conditions of wool-growing in the United States he has more to say that is new; and indeed this part of the paper seems to hang somewhat loosely on the general reasoning which has just been referred to. The failure of the wool-growers of the United States to supply all the wool the country uses is ascribed to a variety of causes. Partly it is traced to physical causes, such

as difficulties of soil and climate; partly to defective land legislation; partly to ignorance among the farmers as to the advantageous breeds of sheep, and to habits among the farmers that stand in the way of sheep raising, such as the dog nuisance in the South; and partly to general harmful customs, such as the lack of uniformity in grading, the practice of not sorting wool before it comes to market, and so on. Much of the matter here is fresh and helpful, and many of Mr. Lewis's conclusions may be commended without reserve. Mr. Lewis admits that the list of drawbacks is a formidable one and may "lend ammunition to those who assert that we cannot raise wool in this country." Too much stress, in fact, seems to be laid on the miscellaneous difficulties, and on the obstacles of ignorance and custom. The permanent obstacles from climate and general economical conditions, weigh more in the scale than Mr. Lewis would give us to suppose. In the strictly agricultural regions of the United States, where sheep and wool are a by-product of general farming, they will never be raised in great quantities and yet will always be maintained to a certain extent, whether there be a duty or none. In the ranching regions of the West, where alone sheep-raising on a great scale can develop, the greater rigor and greater uncertainty of the climate and the less favorable condition of soil and rainfall, make it probable that Australia, with vast quantities of land which is not fitted for general agriculture and is happily fitted for wool-growing, can supply us for a long time to come with fine wool more cheaply than we can raise the total supply for ourselves.

Useful tables on the production and importation of wool, on the total consumption by the United States, and on the distribution of wool-growing in the world, are incorporated in the volume. There is an excellent account of the mode in which sheep-raising is carried on in Australia, and a brief sketch, not perhaps so satisfactory, of the land legislation of the Australian colonies. An index would have added much to the usefulness of the paper.

F. W. TAUSSIG.

Harvard University.

PRUSSIAN SCHOOLS THROUGH AMERICAN EYES. BY JAMES RUSSELL PARSONS, JR. Pp. 110. Syracuse, N. Y. : C. W. Bardeen, 1891.

This book is a report to the New York State Department of Public Instruction on the organization, classification and work accomplished in Prussian elementary schools. Its author, Mr. Parsons, having served as United States Consul at Aix la Chapelle has been in a position to gather accurate information on the subject. "The reader follows the would-be elementary school teacher through the elementary school, the school preparatory to the normal, the normal school and the final examinations. An attempt is made to state clearly and concisely the minimum of work required of each Prussian child and the provisions by which the accomplishment of this work is secured." The book is just what it claims to be, and for that reason helps to fill a want long felt by American teachers interested in European school systems. Its perusal cannot fail to be suggestive because of the many differences that become apparent between Prussian and American schools. The report itself does not undertake such a comparison, except incidentally, but it necessarily takes place in the mind of anyone thoroughly acquainted with our public school system. That the Prussian schools are superior to our own in many important respects is clear. The fact that the ungraded schools of Prussia compare very favorably with the graded schools is worthy of notice. The effect of the compulsory school law is encouraging to us. The different course of study for the common schools, the more professional character of the normal schools and the longer tenure of office on the part of teachers, are all subjects of interest and practical value to us.

It is to be regretted that the method of instruction is not more fully touched upon. That, however, ought hardly to be attributed to the book as a defect, as it is not a principal aim of the author to discuss the subject of method.

The book on the whole is certainly a valuable contribution to our literature on education.

F. M. McMURRY.

Normal, III.

OXFORD LECTURES AND OTHER DISCOURSES. By SIR FREDERICK POLLOCK, BART. Corpus Professor of Jurisprudence in the University of Oxford, etc. Pp. 303. London: Macmillan & Co., 1890.

The twelve lectures and essays collected in this volume fall into two groups, the first six lectures having a unity of subject and relation lacking in the more miscellaneous contents of the second half of the volume. Of this first series the opening one, on the "Methods of Jurisprudence," is a lecture delivered at University College, London, the others being public lectures given at Oxford. A public lecture, as explained in the preface, while dealing with subject matter of the lecturer's special department is not addressed to specialists and is on that account popular rather than technical in manner. To the layman therefore, as well as to the lawyer, the opening lecture and the one next following on "English Opportunities in Historical and Comparative Jurisprudence" afford an admirable exposition of the scope, the methods and the aims of legal science as they are understood by that school of English jurists, of which Sir Frederick Pollock is a distinguished leader, and of which the late Sir Henry Maine may be considered the founder, while the lectures on the King's Peace and the English Manor are brilliant and valuable examples of the application of sound methods to the elucidation of particular subjects in legal history. The first series closes fittingly with a memorial address on the life and work of Sir Henry Maine, the predecessor in his professorial chair of Sir Frederick himself.

The titles of the remaining articles will indicate their contents. "Religious Equality," a discourse in the "Doctor and Student" manner, is a discussion of the questions of disestablishment and disendowment; "Home Rule and Imperial Sovereignty;" "Examinations and Education;" "Law Libraries;" "The Library of the Alpine Club," and finally, contrasting rather oddly with the legal character of the bulk of the volume, "The Forms and History of the Sword." Of these the one perhaps most worthy of thoughtful attention on this side of the Atlantic is the article on the question of Home Rule. Accustomed

as we are to the local autonomy of our States, Americans are apt to think the constitutional considerations involved in the question but little more complex than those involved in conferring statehood on a territory. If it be shown that in Ireland's case any plan of Home Rule must inevitably bring about profound modification of the constitution of the British Empire, going even to the extent of change of its fundamental character, it will at least appear that the question is not one to be settled off hand nor upon half knowledge, and also that the needs and wishes of the Irish people are not alone to be taken into account.

If the inclusion in this collection of the final discourse on the sword require for its justification Sir Frederick's jesting misapplication of Bracton, his readers will readily accept that or any other excuse for so agreeable an evidence of his versatility. Few men lack even a latent spark of martial ardor and this may easily interest a wider circle of readers than any other lecture in the volume.

EDWARD V. RAYNOLDS.

New Haven, Conn.

A TARIFF PRIMER: The Effects of Protection upon the Farmer and Laborer. By PORTER SHERMAN, A. M. Pp. 54. Questions of the Day Series. New York: G. P. Putnam's Sons, 1891.

MR. Porter Sherman's little book undertakes to refute the protectionist argument, particularly as regards the effect of the tariff on the farmer and laborer. The two main points considered are the doctrine of international trade and the effect of the tariff upon wages. His exposition is vigorous, and his conclusions that international trade, like other trade, must be mutually advantageous to the parties concerned, and that the term "balance of trade," as ordinarily used, is a meaningless phrase, seem sufficiently clear to convince any tariff babes that may have got as far as the primer stage. He points out the source of wages, how they compare in free-trade and protectionist countries across the sea, and the natural causes that go to make wages high in the United States.

If the author could only get the ear of the "eternalists," as

President Andrews styles them, and they in turn would be willing to accept instruction "as little children," doubtless his logic would convince. But from the point of view of rational protection, such as Hamilton and Madison promulgated, and which is after all the bulwark of our tariff system, much remains to be desired. In a single chapter only (IV) does the author recognize this view of the question, and then merely to characterize it as the position of "some German economists." To Mr. Sherman the key to the whole situation is the principle of *laissez-faire*, and the only question, one as to whether protection is a wealth producer—as if the greater matter were not the distribution of wealth! He finds that protectionists themselves accept the statement that "the object and effect of protection is to divert industry into fields of employment into which they would not naturally flow if left to themselves." And this to the *laissez-faire* philosopher is equivalent to saying "into fields less profitable and less desirable." But is not this the real point at issue?

The question which should be asked, at least in a primer, is whether the tariff has at present anything to do with making or keeping our industry sufficiently diversified. And here Mr. Sherman has not very carefully guarded his argument; for instead of making it clear, for instance, that the higher wages in manufacturing industries in the United States are earned, he loosely states (p. 43) that the conditions of farming have made it necessary for the manufacturer to pay higher wages than he otherwise would. This is about all the concession the protectionist desires.

The trouble with the book is that the tariff problem is not quite so simple as Mr. Sherman supposes. Still, if it stimulates inquiry and investigation, it will probably do all that its author hopes for in the solution of this much-vexed problem.

O. L. ELLIOTT.

Leland Stanford Jr. University.

NOTES.

THE members of the Academy will note a change in the editorship of the ANNALS. Prof. F. H. Giddings has, owing to pressure of other work, been obliged to resign his position as associate editor, and has been replaced by Dr. James Harvey Robinson¹.

A NEW quarterly journal of political science (*Zeitschrift für Volkswirtschaft, Socialpolitik, und Verwaltung*) has recently been organized in Austria and a prospectus issued. While the journal will be devoted, first and foremost, to a consideration of concrete problems relating to Austria, theoretical and scientific topics of a general nature, as well as descriptions of the institutions of other countries are by no means excluded, provided that they are handled in an earnest and scientific spirit. The body articles are to be supplemented by the usual current information, notes and book reviews. The periodical is to be the organ of the Austrian Economic Association (*Gesellschaft österreichischer Volkswirthe*) and will contain the proceedings of that body in a condensed form.

The new publication is the only one of the kind in Austria. From the character of its editors, Dr. v. Boehm-Bawerk, Dr. v. Inama-Sternegg, and Ernst v. Plener, there is every reason to infer that it will soon make a worthy place for itself among the journals of a similar class which are relatively so abundant among the German-speaking people and so scarce, it may be observed, elsewhere.

MR. WESTON FLINT, Statistician of the Government Bureau of Education, kindly corrects a misstatement in Mr. Wil-

¹ For biographical notes see p. 79 of the current number of the ANNALS.

loughby's recent article "Statistical Publications of the United States," (ANNALS OF AMERICAN ACADEMY, September, 1891). Mr. Flint informs us that the reports of the Bureau of Education are not as Mr. Willoughby inferred compiled largely from printed reports and catalogues, but on the contrary in later years are chiefly based upon original data received directly from the various educational institutions in response to special inquiries sent out by the Bureau. For instance, in the one division of secondary schools there will be this year nearly seven thousand special reports from as many schools in the United States, giving detailed statements as to students, studies pursued and other items, a large portion of which are not given in any publication except the reports of the Bureau.

THE first part of the classified bibliography of the Italian works on Economics recently announced¹ has appeared in the *Giornale degli Economisti* (October, 1891). The compiler, Prof. Angelo Bertolini, aims to include in the list all the works published in Italy during the period 1870-1890. The detail of the work as shown in the brief portion now ready is quite minute and promises well for the permanent value of the undertaking.

It is proposed to begin on November 1 of this year the publication of a monthly periodical, to be called *The Charities Review*, devoted to the discussion of social and economic questions and to the consideration of subjects of special interest to active workers and students in the field of charities. It will contain, beside papers on the principles and methods of organized charity, accounts of successful experiments in improving social conditions, reviews of works on social and economic subjects, biographical sketches, comments on current events of interest, notes and news.

The editor invites the co-operation of all those interested in any special field of social reform, and would be grateful for any articles, items of interest or suggestions relating to the work.

The *Review* will have among its contributors many prominent writers on social and economic questions and specialists in philanthropic work in this country, and arrangements have been made for contributions from England, France and Germany. It will be edited by John H. Finley, of New York city.

The *Review* will be published monthly during eight months of the year, under the auspices of the Charity Organization Society. The subscription price will be \$1.00 per annum.

ADDITIONS TO THE LIBRARY.*

DONATIONS.

ALL works and periodicals sent to the Academy are acknowledged in this list. Where the name of the publisher appears in any work, and no indication of the source from which it was received, it is understood that the Academy owes the gift to the courtesy of the publisher.

In acknowledging periodicals the principal signed articles of political and social interest are named.

NORTH AMERICA.

Canada.

Report of the Minister of Agriculture for the Dominion of Canada for the year 1890. Pp. xli 176, 113.

Appendix to the Report of the Minister of Agriculture.

Experimental Farms. Pp. 314.

List of Shareholders in the Chartered Banks of the Dominion of Canada as on the 31st December, 1890. Pp. 375.

Report of Registration of Births, Marriages and Deaths in the Province of Ontario, 1889. Pp. 49 and clxxxiii.

Canal Statistics for 1890. Pp. xlv and 119.

Report of the High Commissioner for Canada for 1890. Pp. 86.

Rules, Orders, etc. of the House of Commons of Canada. Pp. 341.

Annual Report of the Dairy Commissioner for the year 1890. Pp. VII. and 184.

Imperial Deck Load Legislation. Pp. 13.

Report of the Minister of Education (Ontario) 1890. Pp. xxxi and 437.

Report on Compulsory Education in Canada, Great Britain, Germany and the United States. 1891. Pp. 100.

Estimates for the fiscal year ending 30th June, 1892. Pp. 94.

* This list does not include books received after August 20th.

- Estimates of the Province of Ontario, 1891. Pp. 53.
- Annual Report of the Department of Fisheries, 1890. Pp. lxiix and 148. Part II., pp. 41.
- Fisheries Statements and Inspectors' Reports for 1890. Pp. xxvi, 212, 88.
- Forestry Report, 1889-90. Pp. 124.
- Report of the Department of Immigration for the Province of Ontario, 1890. Pp. xv and 29.
- Annual Report of the Department of Indian Affairs for 1890. Pp. xxxvi, 313, 230.
- Annual Report of the Bureau of Industries, 1889. Pp. 108.
- Report, Returns and Statistics of the Inland Revenues of the Dominion of Canada for the fiscal year ended 30th June, 1890. Pp. xxxv and 181. Part II., Weights and Measures and Gas Inspection. Pp. 59. Part III., Adulteration of Food. Pp. 67.
- Preliminary Abstract of the Business of Canadian Life Insurance Companies for the year ending 31st December, 1890. Pp. 17.
- Abstract of Statements of Insurance Companies in Canada, 1890. Pp. 56.
- Annual Report of the Department of the Interior for the year 1890. Pp. xxxii and 187.
- Report of the Commissioner of Crown Lands of the Province of Ontario, 1890. Pp. ix and 81.
- Department of Militia and Defence—Annual Report—1890. Pp. xiii and 235.
- First Annual Report of the Inspector of Mines. Pp. 28.
- Report of the Department of Mines, Nova Scotia, 1890. Pp. 48. and xxvi.
- Fifth Annual Report of the Commissioners for the Queen Victoria Niagara Falls Park. Pp. 13.
- Report of the Commissioner of the Northwest Mounted Police Force, 1890. Pp. 203, with maps.
- Report of the Postmaster-General for the year ended 30th June, 1890. Pp. xxvi and 294.
- Twenty-first Annual Report of the Inspector of Prisons and Public Charities upon the Hospitals of the Province of Ontario, 1890. Pp. 72.
- Report of Inspector of Prisons and Public Charities upon the Houses of Refuge and Orphan and Magdalen Asylums, 1890. Pp. 79.
- Annual Report, Department of Public Printing and Stationery, for the year ending 30th June, 1890. Pp. 48.
- Maps to Accompany the Annual Report of Public Works of Canada. 38 maps.

Report of Minister of Railways and Canals, 1889-90. Pp. lxxxvii and 367.

Railway Statistics of Canada, 1890. Pp. 62.

Report of the Board of Civil Service Examiners for the year ended 31st December, 1890. Pp. 56.

Report of the Secretary of State of Canada for the year ended 31st December, 1890. Pp. 53.

Reports of Boards of Steamboat Inspection, 1890. Pp. 247.

Evidence on the Export Cattle Trade of Canada. 1891. Pp. 316.

Sixteenth Annual Report of the Ontario Agricultural College and Experimental Farm, 1890. Pp. 262.

Annual Reports of the Bee-keepers and the Poultry Associations. Pp. 43.

Annual Reports of the Dairymen's and Creameries' Associations. Pp. 184.

Above Reports from J. G. Bourinot, C. M. G.

Fourth Annual Report of the Canadian Institute. Session 1890-91. Pp. 89.

Transactions of the Canadian Institute, March, 1891. Pp. 293.

From the Institute.

Proceedings and Transactions of the Royal Society of Canada for the year 1890. Pp. li.

From J. G. Bourinot, C. M. G.

FLEMING, SANFORD. Time-Reckoning for the Twentieth Century. Pp. 11.

From the Canadian Institute.

HOUSTON, WM. Constitutional Documents of Canada. Pp. xxii and 338. 1891. Carswell & Co. Toronto.

Toronto University Studies in Political Science. First Series, No. II. "Municipal Monopolies and their Management." By A. H. SINCLAIR. Pp. 38.

From Prof. W. J. Ashley, Editor.

SMITH, GOLDWIN. "Canada and the Canadian Question," 325 pp., with map. Macmillan & Co., N. Y., 1891.

From the Author.

Papers relating to the Development of Trade between Canada and the United States. Pp. 85.

Documents Relating to the Fixing of a Standard of Time and the Legalization thereof. Pp. 36.

From J. G. Bourinot, C. M. G.

Dominion Illustrated, The. Current Numbers.

Week, The. Current numbers. From the Editors.

United States.

- American Academy of Arts and Sciences : Report of Council, May 27, 1890. Pp. 42.
From A. E. Dolbear.
- Bureau of the American Republics : Bulletin No. 1. Jan., 1891.
Handbook of the American Republics. Pp. 288.
From the Bureau.
- Sixth Biennial Report of the Bureau of Labor of Illinois. 1890.
Pp. 420.
From the Bureau.
- Sixth Annual Report of the Bureau of Labor, Kansas. Pp. 233.
From Frank H. Betton.
- Kansas State Historical Society.
Kansas Historical Collections. Vol. IV. 1886-1890. Pp. 819. 1890.
From the Society.
- Annual Report Boston Children's Aid Society, 1890. Pp. 31.
From C. W. Birtwell.
- Annual Report of the Board of Gas and Electric Light Commissioners, January 1891. Massachusetts.
From Walter S. Allen, Secy.
- Report of the Special Commission on Taxation, Boston. 1891.
Pp. 29.
From George G. Crocker.
- Report Superintendent of Public Instruction. Year ending June 2d, 1890, Pennsylvania. Pp. xlv and 376.
From the Superintendent.
- Annual Reports of the Board of Directors of City Trusts, of Philadelphia, for the years 1881-82-83-84-86-87-88-89-90.
- Annual Reports of the Board of Regents of Smithsonian Institute, for 1885, Part I, Pp. 996; for 1886, Part I, Pp. 878; for 1887, Pp. 734; for 1888, Pp. 839; for 1889, Pp. 815.
- Report of Smithsonian Institute for 1888. Report of United States National Museum. Pp. xxii and 876.
From the Institute.
- Seventh Biennial Report. Superintendent of Public Instruction, 1889-90, Austin, Texas. Pp. lii and 285.
From H. C. Pritchett.
- Vermont State Agriculture Experiment Station, Nos. 23, 24, 25.
From Wm. D. Lewis.
- Arena, The. Current numbers.
Book Chat. " "
Boston Journal of Commerce, The. " "
Bradstreet's. " "

Bulletin of National Association of Wool Manufacturers, March and June.

Christian Union, The.	Current numbers.
Dawn, The.	" "
Dial, The.	" "
Engineering and Mining Journal, The.	" "
Economist, The.	" "
Evangelist, The New York.	" "

From the Editors.

Forum, The

April, 1891. "What Can We Do for the Poor?" W. S. RAINSFORD, "Trade-Unionism and Utopia," W. H. MALLOCK; "Railway Passenger Rates," ARTHUR T. HADLEY.

May, 1891. "State Rights and Foreign Relations," T. F. BAYARD; "The Commonwealth of Australia," SIR RODERICK W. CAMERON; "The United States Census," FRANCIS A. WALKER; "Reciprocity—Why Southward Only?" ROGER Q. MILLS; "Spain a Democratic Nation," EMILIO CASTELLAR; South-western Commerce and Gulf Harbors," W. P. FRYE; "Free Silver Coinage—Why Not?" EDWARD ATKINSON.

June, 1891. "The Commonwealth of Australia." SIR CHARLES W. DILKE; "Immigration and the Tariff," WM. MCADOO; "The Great Count of 1890," FRANCIS A. WALKER; "Our Chance for Commercial Supremacy," ULYSSES D. EDDY; "Silver and the Need of More Money," W. M. STEWART.

July, 1891. "The Census and the Colored Race," FRANCIS A. WALKER; "The Operation of the Interstate Commerce Law," ALDACE F. WALKER; "Are Our Immigrants to Blame?" OSWALD OTTENDORFER; "The United States and Silver," CHARLES S. FAIRCHILD.

August, 1891. "Immigration and Degradation," FRANCIS A. WALKER; "The Causes of Gold Exports," GEORGE G. WILLIAMS.

From the Editors.

International Journal of Ethics.

April, 1891. "Social Equality," LESLIE STEPHEN; "Another View of the Ethics of Land Tenure," SIMON N. PATTEN.

From the Editors.

Journal of Education, The. Current numbers.

Literary World. Current numbers.

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ANNALS
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OF
POLITICAL AND SOCIAL SCIENCE.

JANUARY, 1892.

THE BASIS OF THE DEMAND FOR PUBLIC
REGULATION OF INDUSTRIES.

In the industrial operations of modern society no tendency is more observable—none, it may be said, has advanced so far—as that towards specialization of function. The result has been that the needs of civilized life have been far more perfectly met and supplied than would otherwise have been possible. This separation of functions is, in fact, a manifestation of a general law of social evolution. It is the imperative requirement, and the necessary condition of advanced human society. Hand in hand, step by step with advancing civilization, the division of labor—differentiation of function—has proceeded, furnishing at once the most striking phenomenon of industrial progress, and the most powerful aid to its further achievements.

And yet, incalculable as have been the benefits to mankind hence resulting, impossible as human advancement would have been under other conditions, and undeniable as has

been the improvement in the conditions of the masses of society as compared with former times, it cannot escape observation that what constitutes the strength and progressive power of society, as a whole, constitutes also, in a sense, the weakness of the individual, and often involves unfortunate disparity between man and man. Different industrial classes have arisen, and the dependence of class upon class has increased almost beyond conception; but the reciprocity of dependence between individuals of different classes has in many cases been well-nigh destroyed.

Under social conditions which would now be called primitive, but which, nevertheless, supply all the necessities and many of the enjoyments of life, the circle of dependencies, if the expression may be used, is often very limited. For illustrations of this fact it is not necessary to revert to a remote past, or to an early and primitive period of civilized life. In many of our older states may be found, to-day, communities remote from contact with the throbbing energies and insatiable aspirations of modern progress, isolated by physical barriers from the great world beyond them, living for the most part in simple independence of the rest of mankind. In such communities specialization has made but little progress. The tastes of the people are simple and their wants are few. The soil, rudely cultivated with antiquated implements, yields a sufficiency of vegetable food for man and beast. The product of the chase and the tribute of the stream supplement the scanty stock of domestic animal food. The neighboring forest, yielding to the blows of the axe—no other implement is needed—furnishes the logs and the rudely riven boards for the construction of the dwelling. A patch of cotton or of flax and half a dozen sheep to each family yield the raw material which hand-cards, spinning-wheels, and ancestral hand-looms convert into ample clothing for the people. Usually, with the occasional aid of a neighbor, each household can perform, within and for itself, most of the simple functions which are necessary for the maintenance of such a life as is here described.

Every man is his own farmer, herdsman, huntsman, clothier, builder. Such food, shelter and raiment as he has are the product of his own, almost unaided, exertions. The functions of such a society are but slightly differentiated. Such interdependencies as exist, exist directly between man and man. Each individual clearly perceives his own equal dependence upon, or independence of, other individuals. The industrial equilibrium is maintained by forces operating directly between individuals, and class distinctions are almost unknown. Among the most striking characteristics of such a community are the social equality of its members and the comparatively equal distribution of its wealth.

And this condition of industrial independence contains within itself elements of contentment, of individual happiness, and of good citizenship, which, in the march of progress and the advance of civilization, have vanished away. Strikes and lock-outs, labor organizations and trusts, those inevitable and unhappy concomitants of progress, have no place in a simple society. The very sense of industrial independence, the knowledge of every man that within himself, or at most within a small circle of known, equal, and mutual dependencies, exists the means of supporting life, and supplying at least its more elementary wants, is the most substantial basis of social contentment and stability.

But however desirable in itself industrial independence may be, it is incompatible with high industrial development. He who attempts the performance of many functions will perform none of them in a complete and satisfactory manner. "Jack at all trades and master of none" is the popular proverb which expresses the general appreciation of this fact. And the smaller the circle of dependencies, the greater the number of functions each member of the circle must perform, and the more unsatisfactory and incomplete will be the performance.

Hence, industrial progress necessarily involves the continued expansion of the circle of dependencies, and from this results the growing relative inequalities in society,

which constitutes one of the most serious of social problems. Without any previous understanding or concert of action, by a movement of which most of the participants in it are quite unconscious, those functions which are more complex in character are gradually relinquished by the masses, and are assumed by distinct classes. As social functions are further differentiated those classes become more numerous and more distinct, and frequently functions of the highest consequence to all come to be performed by a comparatively small class of workers. Gradually the circle of dependencies is divided into distinct industrial segments, the largest of which (if the circle is complete) is found to be occupied with the exercise of those fundamental functions which are essential to the maintenance of individual existence, not only in that particular segment, but in all other parts of the circle. Other segments of greatly diminished size are seen to discharge functions towards the whole, each of which implies an advance in the scale of civilization, with the new wants which civilization creates, and the means of satisfaction which it provides.

Considering, then, industrial society as a whole, and its dependence upon functions which have been thus differentiated and specialized, it will be observed that under complex social conditions the mutuality and equality of dependence which, under simple conditions, exist between individuals are, in respect of many important functions, transferred from individuals to the separate integral segments of the industrial circle.

Similarly, on examining the several industrial segments separately, it is manifest that in none of them does equality exist between the individuals composing it. The least inequality prevails in that segment which performs the primary functions of society, and the inequality of individuals in the different segments generally becomes greater and greater as the functions performed by those segments become more complex and farther removed from the primary functions. In point of fact a process takes place in each segment, of

separation into sub-segments more or less distinct, into which the functions of the main segment are differentiated and specialized.

The general law of supply and demand maintains a proper equilibrium between the several segments and sub-segments considered as entireties. But, as the number of individuals composing the different segments and sub-segments varies immensely—being very great in some and very small in others—it follows that the average individual in the larger segment is far more dependent on the average individual in the smaller than the latter is upon the former.

The principle which underlies and explains individual inequality in industrial society, broadly stated, is that certain functions necessary to all can be best discharged, and are in fact discharged by a few, while other functions necessary to all are in fact discharged by many. Equality of dependence exists between the few collectively on the one side and the many on the other. But consequent disparity exists between the average individual of the few and the average individual of the many. Combination among the few increases the relative dependence of the many, and can only be counteracted by combination among the many, or by something equivalent thereto. But combination among a few is easy, and combination among many is difficult. Moreover, combination of class against class implies antagonism, and itself frequently engenders still further antagonism between the classes. And antagonism between classes whose co-operation is essential to the proper discharge of any function implies a failure of that function; and apart from the merits of the controversy as between the immediate parties to it, other and vastly larger classes may suffer from the failure of the function upon whose proper discharge they have become dependent.

How to harmonize industrial progress, with a reasonable degree of security, in the masses against the arbitrary action of a few, who, in every advanced society, inevitably acquire exclusive control of industrial functions of great conse-

quence to all is, then, a problem well worthy of consideration. Before venturing any suggestion as to the direction in which a solution seems likely to be sought (and without meaning to imply that it is the right direction), it will be well to illustrate the foregoing general observations by reference to a few salient features in the industrial situation of our own country. The great and growing inequality in the distribution of the national wealth is frequently charged to our restrictive commercial policy, and to some extent the charge may be well founded. But the inequality is far more largely due to the necessary and inherent conditions of industrial progress. Indeed, some of the most conspicuous examples of monopoly and power on the one hand, and of dependence on the other, are displayed under conditions which legal restrictions have not only not favored, but have been designed to prevent.

Observe, then, in connection with what has been said, the three great divisions of industrial society in the United States—the Agricultural, the Commercial, and Manufacturing—and a few of their most distinct and conspicuous subdivisions. While agriculture, manufactures and commerce are usually referred to as constituting the principal industrial classes of a nation, including grazing under the general term “agriculture,” and mining under the general head of “manufactures,” yet there is in every civilized country a vast number of persons engaged in various occupations who can not be classed under any of the foregoing heads. In the United States census these are classified under the general head of “persons engaged in professional and personal services.” But while they exercise functions of very great social importance, and while a few of them enjoy very great social and political influence, yet the most conspicuous relations of the agricultural, commercial and manufacturing classes to each other, and the most obvious features in the internal organization of each class, may be treated without considering “persons engaged in professional and personal services.”

Agriculture is, of course, the fundamental and primary function upon the efficacy and adequate discharge of which all classes are ultimately dependent. It is the largest of the industrial segments, and has made the least progress in specialization. The 7,670,493 persons engaged in agriculture in the United States in 1880, are by the census of that year divided into only twelve classes, some of which are very insignificant; the most important being "farmers and planters," numbering 4,225,925, and "agricultural laborers," numbering 3,323,876.

Commerce, or the exchange of products, with all the agencies and instrumentalities of exchanges, is an industrial function of the highest importance, yet less essential than agriculture. It implies an advance in industrial evolution, and is more highly differentiated than agriculture. The persons engaged in commerce in the United States under the head of "trade and transportation," numbering 1,810,256, are, by the census of 1880, subdivided into seventy-one classes.

"Manufacturing, mining and mechanical industries," denoting still further industrial advancement, occupy in the United States (or did, in 1880) 3,137,812 persons, and are by the same authority subdivided into one hundred and thirty-six classes.

The tendency towards specialization, it is thus seen, has grown with industrial progress, and is strongest in the segment of most complex functions. In commerce and manufactures the specialization is often so complete that some distinct branches of industry, under one or the other of those heads, though controlled by a comparatively small number of persons, appear to constitute in themselves separate and essential industrial segments, upon which all, or very many others, are dependent. Illustrations are found in warehouse and storage facilities, under certain circumstances, in telegraphic service, in railroad transportation, in the production of "dressed meats," in the production of illuminating oil, in sugar refining, in the production of iron and steel, and in

many manufactures thereof, and to a considerable extent in the manufacture of other articles essential to the due welfare of advanced industrial society.

Recurring now for a moment to the agricultural segment, this striking fact is noticeable, that the "farmers and planters" in the country at large outnumber the "agricultural laborers;" the employer class is numerically greater than the employe class. Under these circumstances, oppressive conduct of employer towards employe must, as a general rule, be impossible, and a fair share of the average product is assured to the latter for his services. "Agricultural laborers" outnumber "farmers and planters" only in the South Atlantic and Gulf States from Maryland to Louisiana, inclusive, and in Tennessee. This, at least, was the case in 1880. Even at that time the numbers of each class were nearly balanced in several of these states, and as a considerable subdivision of landed property has taken place since then, the census just taken will probably show a reversal of majorities in some of them. In no state does the proportion of laborers to farmers reach three to one, and in the leading agricultural states of the West, the proportion is something like one to two. Hence, except where race constitutes an indestructible basis of social distinction, the farmer and his hired laborers are usually found associating on terms of equality, and the reciprocity of dependence between them is sufficiently manifest. Even where difference of race creates social distinction between the planter and his hiring it is doubtful whether it is at all more pronounced than that existing between the factory owner and the factory operative of his own race.

And whatever the occasion or the degree of social distinction between employer and employe in agricultural communities, the directness and frequency of personal contact, and the evident mutuality and equality of dependence between them, contribute in the highest degree to reciprocal goodwill.

But carrying the comparison between the employer and

employe classes into commercial industries, and selecting at once that sub-division of commerce where the numerical disparity between those classes is most conspicuous—that of railroad transportation—a situation of the utmost gravity is disclosed. Of the railroads of the United States, other than mere street railroads, a mileage of about 160,000 miles is controlled and operated by less than 600 independent companies who give employment to three-fourths of a million, or more, of persons. The employes of some of the principal railroad systems number high into the thousands, all under the same control and direction, and most of them dependent upon the action of a single man, or at most a limited number of individuals for their very daily bread.

The mutuality of dependence between a great railroad corporation and any single one of its hundreds of machinists, engineers, firemen, brakemen, switchmen, trackmen or other employes is absolutely inappreciable. The dependence is altogether one-sided.

The same is true of the relations between the proprietors of large manufacturing establishments and their employes. The average number of employes to each manufacturing establishment in the United States in 1880, was nearly eleven. It is doubtless larger at the present time, as the tendency is plainly noticeable towards concentration of labor and capital into large establishments. This average numerical relation between employers and employes in manufacturing industries is very striking when compared with the same relation in agricultural occupations. In the principal manufacturing states of New England—Massachusetts, Connecticut and Rhode Island—the ratio of employes to establishments is about 25 to 1; in some cities of other states it is nearly as high, and in Pittsburgh, notably, the great centre of iron manufacture, it is more than 33 to 1.

These figures are sufficiently suggestive of the inequality of dependence between the employer and employe classes in manufacturing industries; but they represent averages merely. It is well known that many single establishments

both in manufactures and mining, give occupation to thousands of employes each, and here the disparity between the classes is yet more aggravated and conspicuous. The discontent of a few unorganized factory operatives or miners, or their refusal to accept a reduction of wages, is a matter of supreme indifference to the employer of a thousand men, so long as the vast majority of them remain faithful and fresh applicants for work are always on hand; but a frown of displeasure from the employer may well strike terror into any one of the thousand, to whom dismissal from service means the loss of the means of subsistence for himself and perhaps a dependent family.

It appears to be the sense of this dependence among the laboring classes, rather than the urgency of actual want, or actual exercise of oppressive conduct towards them, that has given rise to labor organizations; for the solicitude of large employers for the welfare of their employes, and the practical manner in which it is manifested, are matters of daily observation.

It can hardly be doubted that a very large majority of the members of these associations receive in their regular occupations wages which enable them to live in a state of comfort to which the great mass of agricultural laborers, and many of the small farmers, of the country are utter strangers. Yet agricultural laborers are rarely connected with labor organizations, and apparently feel but little interest in them. Their comparative independence, however, and the liberal share of the average agricultural product which they receive, seems to more than compensate for their far greater discomforts.

In controversies between labor and capital, public sympathy in the beginning is usually on the side of the former, but the sense of power arising from organization is apt to inspire unreasonable demands; and the coercive and retaliatory methods of labor organizations—the strike and the boycott—apart from the merits of the controversy in which they may be employed, are frequently grossly tyrannical in

their character, result often in serious public inconvenience, and have seldom accomplished the object of their originators. Such antagonisms can not but be fraught with the most dangerous tendencies to social tranquillity and safety.

The loss from them resulting to both sides and often to innocent third parties is usually very great. Due co-operation between the railway companies and their employes, for example, is essential to the commercial interests of the country, which are dependent upon railroad transportation. The idleness of multitudes of laborers and of a vast capital, consequent upon an extensive strike of railroad employes, implies an enormous loss to both the labor and capital directly involved, but the consequent paralysis of the function of transportation entails still further loss upon a multitude of persons who can in no way be held responsible for the controversy and who are entitled to protection against its incidental results.

These brief illustrations suffice to show the serious and general evils that may result from glaring class distinctions *within* the several industrial segments of society. Observe, now, the inequalities existing between members of different industrial segments. The farmer, occupied with the primary functions of civilized society, claims first attention. His, of all the industrial occupations, is the one most nearly capable of maintaining existence without extraneous aid. Yet agriculture, even in its widest forms, is to some extent dependent on other occupations, and for the development of its highest capacities and greatest productive powers its dependence upon other occupations is simply incalculable. Improved farm machinery is an essential factor in the agricultural product of the country, and the adequate distribution of the surplus is no less important. Many, it is true, are engaged in tillage on a small scale, who use but few and simple implements, yet their product is usually no more than sufficient for their own incomplete and stinted subsistence. Those who aspire to a share of the comforts and enjoyments which modern progress has made possible must do

so at the cost of a proportionate part of their natural independence.

But see how unequal are the relative situations of the average farmer, on the one hand, and on the other, of those in commercial and manufacturing industries on whom he is dependent. Railroad facilities for example, are indispensable in the transportation of his surplus product. Usually he has no choice of routes or of markets, and not the slightest voice in fixing the price he must pay for the service. He is but one of many thousand patrons of the carrier, while the latter has practically complete control of the means by which he may market his produce. His indignation and his protests against apparent injustice count for nothing; his ruin even is a matter of indifference, so long as the carriers' revenues are maintained from other sources. Mutuality of dependence between the average farmer and the railroad company is inappreciable, for while the latter performs exclusively the essential function of transportation, the former is but one of many thousands who perform the reciprocal function of supplying commodities for carriage.

Another operation is frequently essential in the distribution of agricultural products; that is their aggregation in large quantities and reassortment according to quality. This requires facilities on a large scale, usually of an exclusive character, and concentrated in a very few hands. The grain elevators of Chicago and other large cities furnish examples. Nothing is more natural or easier, in the absence of legal restrictions, than for the proprietors of these establishments to combine and prescribe prices and regulations for the storage of grain, regardless of the views of those to whom their service is indispensable. There is no reciprocity of dependence between the proprietor on one side and the individual patron on the other.

The manufacture of those implements of husbandry so necessary to the achievement of the best results in agriculture, such, for example, as mowers, reapers, and other harvesting machines, is also usually confined to a few extensive

establishments. This is partly due to the fact that they are generally patented inventions, in the manufacture and sale of which the patentees have a legal monopoly. But there is a more fundamental economic reason which underlies the tendency towards concentration and monopoly in manufacturing industries. This is the diminished cost of production in proportion to capital invested. When the operation of this principle has gradually centered in a few great establishments the control of any important branch of manufacture or commerce, the facility of combination among them, and the danger of injury likely to follow upon independent and competitive action, are very apt to result in a mutually protective alliance between them, more or less complete and effective.

Such alliances, whether or not they necessarily involve (as the popular belief is) the practice of extortion upon a helpless public, do certainly constitute in themselves a real and a serious social danger, because they strikingly manifest the great inequality of dependence, between the few who are thus combined on the one side and the unorganized masses of the common people on the other. The feeling of dependence, when evidently not reciprocated, is a powerful element of social discontent. The organization of the "Farmers' Alliance" is largely based on these considerations.

But jealousy of these combinations and apprehension of danger from them is by no means confined to the agricultural classes. Witness the general indignation aroused by the disclosure of the "Sugar Refiners' Trust" a few years ago. Apparently the sugar trust operated to enhance the price of the product controlled by it, and thus afforded a more tangible basis of denunciation than sometimes exists in these cases. For in some cases, at least, it must be confessed that the monopoly of services and products has been followed by a constant improvement in quality and a steady lowering of prices to the public. This has been the case with illuminating oil in the hands of the Standard Oil Co.,

whose control over that and kindred products is nearly exclusive, and which is generally recognized as one of the most conspicuous examples of commercial monopoly. The progress of this gigantic organization towards its present position of supremacy involved the ruthless slaughter of all competitors. The various independent refining establishments which finally succumbed to the Standard were, however, comparatively few in number, and those engaged in the struggle for their continued existence lacked the numerical strength to impress their grievances very forcibly upon the public mind.

The production of "dressed meats" depends for success upon an immense and concentrated capital, and under these conditions the business is in fact conducted. It is in the hands of a very limited number of individuals, and there is no doubt that, with the processes and facilities at their command, they can supply fresh meat to consumers cheaper than it can be supplied under the usual methods of production. Their establishments are confined to a few central points accessible to the principal cattle-raising districts, and enjoying ample facilities for the speedy and safe transportation of their product to the markets of the country far and near. The manifest tendency of the situation is towards a monopoly of the function of converting the raw material into the finished food product. The original producers and the ultimate consumers can only meet through the medium of this exclusive intermediary, controlling the sole avenue of access between them. The situation of producers and consumers is like the upper and lower bulbs of an hour-glass, and the dressed meat monopoly represents the narrow neck through which the sand must pass in its progress between the bulbs. The slightest obstruction in this narrow passage means excess on one side of it and deficiency on the other. Dropping the simile, it is evident that the dressed meat producers have dangerous powers, on the one hand to depress the price of the live cattle which they buy, and on the other to raise the price of the finished food product which they sell.

Such a state of things, which reduces vast numbers to a condition of dependence on a very few, cannot fail to excite apprehension and discontent.

Popular denunciation of "monopolies" and the vague but irrepressible dread with which the masses regard the enterprises of associated wealth, are often met and sought to be allayed by the assertion, which statistics frequently sustain, that every step towards industrial centralization has resulted in cheapening to the public the product or the service which is the subject of the monopoly.

That this is in some cases true is beyond question; yet it is but half the truth. The other half consists in the fact that the cost of production to the producer, and the cost of service to him who renders it, are by virtue of the monopoly enjoyed by them, cheapened in far greater ratio than are the prices of the products or the services to those who purchase or employ them. Hence, while the actual condition of all classes may be improved, their relative condition becomes far more unequal. And it is a fact never to be lost sight of, that the conception of the terms "good" and "bad" as applied to social conditions, is always relative, never absolute. It may well admit of question, whether the gross inequality of different industrial classes, resulting from highly differentiated industrial conditions, does not often outweigh as a social evil the general benefits conferred by the existence of those conditions.

Competition may be no less essential as a principle of limitation upon private fortunes than as a safeguard against extortion. The actual prices of the product of a monopolized industry may be less than those prevailing where the same industry is carried on under competitive conditions. Yet these conditions tend strongly to prevent the amassment in a few hands of vast proportions of the entire wealth of the community, and the creation of glaring and dangerous inequalities between its component members.

There are, however, certain functions of the highest public consequence, which can be so much better performed

under exclusive than under competitive conditions, that the latter, if they ever prevail at all, are soon eliminated, and monopoly holds full sway. In some instances the government has itself assumed or been intrusted with the discharge of this class of functions, and private parties are strictly excluded from participating in them. The mail service of the country is in point. If left to private enterprise and competition, doubtless the price of the service would be much less in densely populated commercial communities than even it is now, but in sparsely settled regions the price would be practically prohibitory of communication by mail. Under government monopoly all sections are equalized. The principle of the service is to this extent communistic, but its general results are admirable. The building of highways for transportation has always been regarded as a public function, though in the matter of railroad building in the United States, the function is usually delegated by the states to corporations.

It is, however, a well-known fact that the original conception of the railroad was (by analogy to the turnpike) that of a highway open for the use of all carriers upon equal terms. That every railroad company has now become practically the exclusive carrier over its own line is due perhaps more to economic than to physical causes. The bulk of the traffic is unquestionably carried cheaper under exclusive, than it would be under competitive conditions.

Of course, where private monopoly of any industrial function prevails, its object will be to extract from the public the largest possible net gains for its products or services. This does not necessarily mean that the highest possible prices are charged. High prices very often defeat their object and diminish profits by driving off patronage. Still the cost to the public is apt to be more than is necessary to secure to the owners of the monopoly a reasonable net return upon capital invested. Under these circumstances, there is a growing disposition in the public to assume to itself (by delegation to government) some functions which, for their

proper discharge, must necessarily be of an exclusive nature.

This disposition is most often manifested in municipal ownership of water works and gas or electric plants for the supply of the city with water and light. The success of governmental discharge of a few industrial functions has suggested to many the still further extension of the government's sphere of industrial action. A large and increasing number of conservative persons who would indignantly resent the imputation to themselves of a spirit of socialism, are convinced of the necessity—not of absolute public control, perhaps—but of stringent public regulation of many industries. And it is in this direction that the solution of the problem of industrial monopoly seems likely to be attempted. The limits of this article forbid any explanation of the methods of public regulation of industries or any reference to the attempts toward public intervention between employers and employes which have been, or are likely to be, made.

In conclusion, it may be said that the further extension of the principle of governmental regulation of private business in the United States, where practically unlimited manhood suffrage prevails, will in all probability be attended with serious dangers and evils; but that it will be resorted to as an attempted remedy for the existing evils of private monopoly is hardly to be doubted.

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THE STUDY OF THE SCIENCE OF MUNICIPAL GOVERNMENT.

As was well said by Professor Thorpe in a recent article,* "It is one labor to lay down the principles of representative government, it is another labor to administer these principles." The people of the United States may fairly claim to have accomplished the first of these tasks with credit; they are now struggling with the second, and are just beginning to realize its magnitude. In the century of their national existence they have firmly established the scheme or framework of their government, but in the meanwhile social conditions have been undergoing radical changes. The inventions of modern science have broken down local barriers and destroyed to a large extent local independence. The control of accumulated capital by corporations has introduced a dangerous force into the operations of trade and commerce, and the phenomenal increase of large cities has introduced an equally dangerous factor into the domain of politics. The ordinary administrative machinery of the government, constructed for a less complex condition of society, is proving inadequate. A more scientific construction and a more systematic operation is imperative. This is the great problem of the day for the states as distinguished from the federal government. Every constitutional convention that meets (and they are only too frequent) is occupied, not with the discussion of principles of government, but with the attempt to remedy defects of administration. The efforts in this direction have been often crude and unscientific, but they serve to show that the subject is forcing itself upon the public attention.

* "Recent Constitution Making in the United States," *Annals of the Am. Academy of Polit. and Social Science.* September, 1891.

Among these problems of administration, one of the most, if not the most important, is the problem of the economical and successful government of cities. The tendency of the age is toward city life. Already a large and constantly increasing proportion of our population live in cities. Few realize how great an effect this necessarily has upon the administration of the powers of government. The inhabitants of a city need, if I may use the expression, more government than the inhabitants of the rural districts. Both classes alike look to the state for protection in the rights guaranteed to them by the organic law of the Constitution; the undisturbed enjoyment of personal liberty and private property; the free exercise of speech and religion; the impartial administration of justice by the courts, and the right to administer certain local affairs. But with regard to the dense masses of population in large towns, the state is called upon to perform, in addition, other numerous and difficult duties. It must, either directly or through grants of public franchises, supply the citizens with water and light, must provide for the removal of their waste, must secure their safe and rapid transportation, must look after their health and safety by suitable regulations, and must protect them by a disciplined army of police.

The performance of these various functions requires the collection and expenditure of vast sums of money, the construction of enormous engineering works, the training and supervision of an immense number of employes. Scientific knowledge, skilled labor, systematic organization are all necessary for the conduct of the various municipal departments. The scale on which such operations are conducted, increases both the danger and consequences of a mistake. Inefficient sanitary regulations may cause a sudden epidemic, or what is perhaps worse, a gradual but steady increase of the death rate. Unskillful engineering may cause a water famine, or send the germs of disease into every household. Inadequate transportation facilities or unwise building laws may check the growth of the city or crowd its poorer inhabi-

tants into tenements. Improper harbor regulations may drive commerce from its doors. Ignorant or dishonest financing may bankrupt its treasury. In brief, the happiness and prosperity of that large portion of the population which lives in cities are directly dependent upon the administration by the government of functions which require very thorough scientific knowledge and very great scientific skill. I use the word "scientific" advisedly. Municipal government is a science by itself. As has been already pointed out, it involves the construction and maintenance of engineering and manufacturing works and the transaction of financial operations upon an immense scale, and this work is to be done, not under the ordinary conditions of business, but with due regard to various political and economic questions, which complicate the problem and add to its difficulty. The probable growth of the city, the social conditions which may affect its future needs, the probability of constant changes in its administrative force, the necessity for a scientific organization of the work which will enable it to be carried on with some uniformity in spite of such changes, the equitable distribution of expenses among the citizens themselves and between the present and future generations; all these are considerations which enter into the problem of municipal government and render its operation a science, involving, indeed, many branches of scientific knowledge, but possessing an individuality distinct from all of them. To understand and to apply this science requires a thorough knowledge, obtained by a careful study of past and existing facts; an investigation of previous experiments, with their results; a comparison of observations, and the working out of rules of general application. This would seem almost self-evident, yet there has been in the past a general tendency to ignore this truth and to assume that all our difficulties of administration come from dishonesty in our officials. Year after year we spend a large part of our energy, and some of our substance in the vain attempt to elect first-class men by means of second-class political machinery, and when occa-

sionally we succeed we flatter ourselves that we have solved the problem of municipal government, as if all its principles were so simple and so well understood that any man of ordinary business sagacity could administer them if only he were honest. The absurdity of this is apparent, if we consider for a moment the character of the problems which our city officials must solve. Shall the city manufacture its own gas and electricity, or allow the work to be done by private corporations under proper regulations? Shall the water supply be taken from a source near at hand, or remote? Shall the water be filtered? Shall the waste of the city be burned or conveyed away in sewers? If the latter, what sewerage system shall be adopted? Shall the city exercise control over all transportation lines within its limits; if so, what methods of transportation shall be adopted and under what restrictions? How shall the city be paved? How shall the cost of public works be assessed and collected? Shall the public moneys be kept in the city's own care, or shall they be deposited in private banks; and if the latter, what interest shall be paid? Shall the city do its work by contract or day's labor? How can the city's employes be so organized and supervised that careless or dishonest work can be at once detected. These are but a few of the difficult and complicated questions which are forcing themselves at the present time upon all our American municipalities. These are not questions which can be answered by any honest man of ordinary business experience and capacity. For their solution scientific knowledge is quite as requisite as honesty. It is time that we realized that many of the difficulties and mistakes of administration are due as much to ignorance as to corruption; as much to unskilful and unscientific measures as to dishonest ones. That honesty in officials is essential to good government no one will deny; but it is also true that skill and knowledge are quite as essential, and that an ignorant and untrained official at the head of a municipal department may work as much injury as a dishonest one. There is also another consideration which must not be over-

looked in dealing with this subject. A scientific organization of departments will, to a very large extent, increase the morality as well as the efficiency of the employes. Although the analogy is not quite perfect, the civil service of a community is not unlike an army. The average man has a reasonable amount of courage and no more. An army recruited from the general mass of citizens may, by lax discipline and want of organization, be turned into a mob that will run panic-stricken at the first fire, or it may be so carefully disciplined and so thoroughly organized that it will face the enemy without flinching. So with the civil force; lack of discipline, absence of supervision, loose methods of administration, may offer opportunities to and develop whatever latent dishonesty may exist in the individual officeholder, while on the other hand, a thorough and scientific organization will decrease his temptations and strengthen his moral fibre. Whether, therefore, we view the question as one of expediency merely, or whether we hold with those reformers who decline to consider any question of municipal politics except the elevation of the moral tone of the community, the study of the science of municipal government seems to be of the highest importance.

How is this study to be pursued? The question is easy to ask, but very difficult to answer. There are those who hope at some time to see side by side with that great military establishment at which the nation trains its youth in the science of arms, an equally large and efficient institution for the training of students in the science of administrative government, with a prospect of employment in the civil service of the state, as permanent and honorable as that offered to the graduates of the military academy. When that time arrives we may also hope to see the states and municipalities establishing schools and offering scholarships for the purpose of filling their administrative offices with trained and competent men. Since the preference of our people is undoubtedly to fill the offices of state with men who have fought their way upward without

the aid of wealth or social position, it seems only reasonable that the state should endeavor to open to such men avenues of education in that science in which they can best serve the community. This, however, is as yet but a dream, and one that has no prospect of practical realization in this generation. The science of administrative government cannot yet be studied in public institutions or at public expense.

It is equally clear that, except in a very general way, this study cannot be made part of the curriculum of our colleges. The civil service of the state, unfortunately, does not at present hold out such inducements to college graduates as to justify special courses in this branch of knowledge.

There is but one conclusion. The study of municipal administration must be done, if at all, by intelligent citizens working without other inducement than their own patriotism and the desire to discharge that debt which every man owes to the community in which he lives. Fortunately, there is no lack of such citizens, and there is abundant evidence that the work has already been commenced. Articles are being written on the defects of our present municipal systems, and intelligent observers are reporting interesting municipal experiments abroad. Associations are being formed in various cities, having among their objects the instruction of the public in matters of municipal administration. If this work can be properly systematized, if the associations can do it thoroughly and scientifically and in correspondence with each other, there would seem to be no reason why there should not be a steady advance in the improvement of our municipal governments. An association in each city, with small committees, each investigating some particular branch of municipal work and studying the subject in the light of information gathered both at home and abroad, would be of great assistance to the city officials; and a league of such associations holding annual meetings would increase by co-operation the efficiency of all of them.

This is but applying to the science of municipal government the methods which are in practical use in other

departments of knowledge, and it would turn into useful channels energy which is now, often at least, partially wasted.

In the city of Philadelphia, recently, the community was startled by the discovery of the dishonesty of a public official. The same investigation which disclosed his guilt, disclosed also a looseness of administration of state and city finances which gave opportunity to, if it did not suggest, the crime. Yet, while associations of public spirited citizens exerted strenuous efforts and expended money to secure from both political parties the nomination of an honest successor, none of them seemed to have turned their attention to the intelligent study of our financial system, and a comparison of it with other systems, with a view to making permanent improvements. Of the two, however, there can be no question but that the latter work would be of the most permanent benefit to the city. What we need is, not occasional spasms of public morality which will elect an honest candidate, but intelligent reform of our systems which shall secure uniform efficiency in our administrative machinery.

It is not necessary to discuss the methods to be adopted by associations for the study of municipal government. They will differ with each association. The work would, however, necessarily embrace :

First.—The collection and arrangement of literature on the subject, both official and unofficial, from all available sources.

Second.—The study of particular branches of municipal work by small committees making periodical reports.

Third.—The preparation of plans of improvement in municipal administration and efforts to secure the adoption of these plans.

Fourth.—Correspondence with other societies organized for similar purposes.

That this work would be laborious, and that it would involve long, patient and often apparently unproductive

effort, is quite apparent. It cannot be carried on with the enthusiasm and immediate results of a political campaign. But if carried on with reasonable diligence, it would be of lasting benefit to the state.

It is patient study that tells in the long run. In undertaking it, we should remember the truth so well stated by Prof. Fiske, when he says:* "The amelioration of things will doubtless continue to be effected in the future as it has been effected in the past, not by ambitious schemes of sudden and universal reform (which the sagacious man always suspects, just as he suspects all schemes for returning a fabulously large interest upon investments), but by the gradual and cumulative efforts of innumerable individuals, each doing something to help or instruct those to whom his influence extends. He who makes two clear ideas grow where there was only one hazy one before, is the true benefactor of his species."

To substitute clear ideas of municipal government for the hazy ones now existing is a task worthy the attention of every intelligent citizen.

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*Preface to "Civil Government in the United States"

THE POLITICAL ORGANIZATION OF A MODERN MUNICIPALITY, OR LOCAL MUNICIPAL STATE.

If the question were asked, "What is the greatest product of modern civilization?" I should reply, "The National State." This term, which it is necessary one should clearly comprehend in order to realize the significance of the title "The Local Municipal State," has acquired a definite meaning in political science. We may define a nation as an aggregate of persons, the combination of whose physical and mental conditions create a community of interests. This definition is not quite accurate. Its terms would include, besides nations, smaller economic divisions. Those who have a certain definite number of interests which are common are not necessarily a nation. One may have many interests in common with several thousands of his fellow-beings, and other and different interests which he shares with many millions more. In this case the smaller body of persons is not a nation. The nation to which the individual belongs is the widest circle of persons with whom he can be said to have a community of interests. It will be perceived that I use the plural, "interests." I do so advisedly. A single common interest among an indefinite number of people does not make a nation. It is most probably true that each person in existence to-day has one or more interests in common with every other living being. With some, however, he has a greater number of interests in common than with others; while often a large class of persons will hold such relations to each other and to the rest of the world that we cannot look at the advancement of one of the members as a good until we know the effect on the others. When such a close community of interests exists we have a nation.

This renders it almost essential that the territory which they occupy should be contiguous.

A National State results when those in the nation who are sovereign, perceiving this community of interests, recognize laws whose object is the furtherance of national interests. It is at present almost universal for law to have the sanction of some political organization which is known as the government. A government standing for a nation is therefore practically essential to the existence of a National State. But what is more fundamental than government is the recognition of the existence of a community of interests, or of "the nation," on the part of those who are sovereign. By sovereign I do not mean being in official position, but holding such power in the community that what the sovereign recognizes as the law is the law for all. The sovereign power may be in one individual, in a class, or, as in America more than anywhere else in the world, it may reside equally in each citizen. Wherever the sovereignty resides, if we may use the expression, it is necessary, for the creation of a National State, not only that there should exist a community of interests among a large body of people, and that this fact should be perceived by those who hold the sovereign power, but that they should go farther and recognize laws whose object is to advance the common interests of the people as a nation.

Our own ideas of the proper divisions of the civilized world are, comparatively, so clear that we often forget how many generations it took to develop them. For centuries after Rome fell the cosmopolitan idea of the world-state still lingered in men's minds. It was not the advance of a nation, but the subjection of a world under a single ruler which fired the ambition of a Charlemagne and the long line of mediæval emperors. The political and social as well as the religious life of man was to advance under one government. True, it was something more than the memory of the Roman Empire which prevented men from striving for the advancement of nations. Nations themselves, as well as the con-

sciousness of their existence, have been the product of the evolution of civilization. The close community of interests among a large number of persons inhabiting a definite territory, which lies back of the feeling which renders it impossible to look at the progress of one member without considering the effect upon the others, has not always existed. At the downfall of the Roman Empire the northern hordes scattered themselves among the old Latin population. The mental characteristics of each barbaric race was to a certain extent distinct, and all differed radically from the old inhabitants. The individual members of a single tribe or race were often surrounded by different interests. The lines of development common to persons living in a territory, the general physical characteristics of which, having partly produced those traits, are in all probability adapted to their further development, had not yet become distinct. The differentiation of the civilized world into nations is the result of the progress of the civilized world since the Dark Ages.

Now, at the close of the nineteenth century, the existence of nations is a fact; and, furthermore, it is one which may be said, though perhaps not in so many words, to be a fact which is fully appreciated. Except as retained in certain rapidly dying theories of political economy, we have seen the last of cosmopolitan ideas of civilization. We no longer doubt that the civilized world develops by and through the development of its great nations. A German National State, which includes nearly all the German nation, was recognized as an essential means to the further development of civilization in Germany; the unification of Italy was looked upon in the same way. A government, however, which pretended to represent Germans and Italians would be regarded as a political monstrosity. Intuitively we perceive that it would be either German or Italian—it could not represent both. There are no interests which Germans and Italians have in common, in the sense that laws could be passed

which regulated and advanced indifferently the affairs of both as of one people.

Except possibly the French, none so distinctly recognize that they are a nation as ourselves. It took years of the slow development of ideas, and finally the most stubbornly contested war of modern times, but now we can truthfully say that we are one people, not on paper, or because we live under one government, but because we are one in the minds and hearts of our people. Our National State, however, is the result of something more than a sentiment, as our nation is something more than a people under one form of government. Back of all is a distinct realization on the part of the people, who are sovereign, that as individuals they have common interests with all others composing the nation—so much for the National State.

The other great political conception, and the one which we may hope that the twentieth century will see firmly rooted in the minds of the people of our own and other countries, is what we may call, for lack of a better name, "The Local State." The terms, "Home Rule" and "Local Self-government," so popular of late, indicate a growing sentiment on the part of the people that there are common local interests, which one shares with the people of the Locality and with no one else. These interests are not local in the old and bad sense in which the term was once used, to denote the supposed interests of a particular section in national questions; but local in the sense that the questions involved, whether decided one way or the other, affect only a limited number of persons. In other words, not local in the sense that it might be for the advantage of the East to have free raw material, but local in the sense that all the people in a particular city have an interest in its streets being well lighted, but for all that those in other cities care, the inhabitants may use tallow dips. In this sense, local issues and national issues are absolutely distinct, and by no conceivable possibility can they ever conflict.

The fact that, as an individual, each citizen has not only

national interests, but local interests, is one which is beginning to be generally recognized ; but concerning the questions what are strictly local interests, and what is the extent of the Locality, as yet, even among those who have made a study of political science, only the most general and hazy notions are entertained. In this respect, however, our ideas of municipalities or local municipal states, are much further advanced than are those concerning agricultural or mining local states. That a city is a political and economic entity, with definite interests which are purely local to the city, all will admit, though few realize, as I believe all persons will ultimately realize, that one who lives in the mining districts of Pennsylvania, or in the agricultural districts between Philadelphia and Harrisburg, resides in as clearly defined a local state, which has just as definite and purely local interests, as one who lives in a municipality. The local state, like the nation, is the result of a growth and a development. It is only in modern times that cities, as great producing centres, can be said to have existed. The early life of such cities as London and Paris was not distinct from that of the country around them ; while in the country, though different districts favored different industries, transportation was so difficult that each village was almost a complete economic world of its own. These villages, under other conditions, might have been little local states, but down to recent times the wants of the people were so few, that the only local laws which could have been passed were those relative to police. Like the nation, the local state is only developed when the changed conditions of the people result in a large number of common local interests. Perhaps the best general distinction that can be drawn between local and national interests is based upon the fact that the former are seen and felt immediately, while the latter are perceived mediately; and therefore, by logical reasoning, when our light is not good, our streets badly paved, our drainage faulty, our parks and squares insufficient, or when we have a poor police and fire system, we directly perceive the consequent incon-

venience to ourselves. The result of having a government which does not regard local interests stares us in the face. The lack of municipal convenience, and the discomfort to ourselves as individuals, as cause and effect, follow each other in close sequence. National interests, on the other hand, are those which involve the rise of industries, the struggle of class with class, the effect of the desires of the people on their condition. In the case of these, causes and effects can seldom be directly perceived; they can only be ascertained by investigation.

A necessary element in all progress is that those on whom it depends should see, more or less clearly, the general lines along which development should take place. It is this which renders so valuable the general recognition of the fact that the progress of the world must take place through the separate advance of each nation. It gives a zest, a purpose, and a definite character to national undertakings and improvements. In the same way, before our local affairs can progress satisfactorily, it is essential that the people should realize the fact that they belong to a local state, and that that local state has definite possibilities of improvement. And furthermore, if we are to preserve the existence of states in our Federal Constitutional system, we must have states which are composed of persons who have common local, as distinct from national, interests. There is a strong feeling, that, however poorly the state governments have fulfilled many expectations, they still tend to prevent that disregard of local feeling which would result if there was complete centralization of government. Yet each year the ability of the state governments to supply our needs grows less, while the increasing efficiency of our national government renders it probable that the few remaining duties of the state governments will soon be practically transferred to Washington.* Nev-

* On the general subject of our State Government, see the article by Simon N. Patten, Ph.D., entitled "The Decay of State and Local Governments," published in the first number of the *Annals of the American Academy of Political and Social Science*.

ertheless, the feeling that we must have governments to represent local interests of the individual, and that the centralization of all law-making into the hands of one government would be a political catastrophe, is founded on sound principles of political science. There are local interests which need local governments to represent them. A nation which entrusted interests of particular localities to the national government would be as poorly governed as one which left the decision of national questions involving national interests to local governments. It is, therefore, vitally important to us to preserve our states or local governments. We can only do this by practically reconstructing our state lines, though we may not alter a word of our Constitution. Our great cities, and afterwards our agricultural or mining districts, should take the place of the irrationally defined states of to-day. We must realize that a person who lives in Philadelphia and one who lives in Pittsburg have no common interests which are not national, and therefore a government in Harrisburg stands for no community of interests, and is useless. But on the other hand, a government which shall represent all the inhabitants of the city, and have complete control over its local affairs is as essential to the welfare of the citizen as the national government at Washington. It is not that states are unnecessary, for they are essential, but that the geographical lines of our present states make it almost impossible that they should have efficient governments. If any country ever wanted "Home Rule" in the true sense of the term, it is our own. To have it, however, we should have local states to represent local interests, not state governments like our present ones, which are not local, and which certainly cannot be national. It may, indeed, be chimerical to believe that we who are now alive will see the political rise and development of the agricultural and mining local states, even if I am correct in my surmise that a community of local interests in such districts exist, but we certainly have a right to expect that we shall live to see our municipal governments recognizing what in the minds of the people will

have become clear and definite conceptions: namely, the local interests of the city, and the best way to advance those interests.

How then can we aid in the creation of the local municipal state of our own city, and make our municipality a model of progress. States, whether national or local, do not exist on paper, but in the minds of those who hold the sovereign power. It is often said that the conduct of a municipality is a business problem. In an administrative sense this is true, as it is true of all government. But it is also true that the creation of a model municipality is essentially a problem of political education. The people who hold the power must be educated politically. In the city of Philadelphia, for instance, they must know what Philadelphia is, her local interests and her possibilities. The organization of the persons to be educated is essential to all successful and permanent education, and especially to political education. Those who form themselves into committees and attempt to educate politically the rest of their fellow-citizens out of the excess of their own personal merit, show more zeal for good objects than knowledge of how to obtain them. The first thing to recognize in trying to remedy existing evils is the conditions under which we must work. Parties are essential to the success of political movements in the United States. People will not follow a Solomon merely because he advises them to do so, but they can be organized and educated for coöperation in a good cause. Thus, any organization which would make a city a model municipality must be one which will include in it the majority of the citizens. It is the people who must be educated: it is, therefore, the people who must be organized.

Again, since it is essential for the people to be educated politically, the organization must adopt that greatest of all political educators, political action.

The character of this political action will not be difficult to determine. If we suppose that there exists an organization of the people of the municipality, one of its main objects will

be the creation of a city government, which will stand, not for ideas of national policy, but for local interests. It necessarily follows that the political action of our supposed organization will be the election of a city government. To say that its candidates must be its own, and not those who represent ideas of national policy, which, while they do not conflict, have nothing in common with the affairs of the city, would seem unnecessary, had it not heretofore been the practice of those organizations which avowedly stood for the interests of the city, to endeavor by indorsement to obtain the election of some candidate who represented one of our two great national parties. There is a fatal inconsistency in telling a citizen that national and city politics should be distinct, and then asking him to vote for the nominee to a city office of the national party to which he is opposed. As a matter of fact, although defeat in a city of one national party by the other often has little or no effect on the stability of that party in national elections, there may be circumstances in which such a defeat would be peculiarly disastrous. By this I do not wish to be taken as discountenancing independent voting in city politics, but simply to point out the folly of attempting to create a permanent political body whose political action is the indorsement of the nominees of other political bodies, from which the indorsing organization pretends to be distinct. An indorsement by such bodies as the Committee of Fifty of Philadelphia is the effort to elect a particular candidate. With the election their work is done, and they should pass out of existence. Did they do so, it would indicate that their members recognized the self-evident fact that all permanent political organizations must represent ideas and not candidates.

That such organizations as the old Committee of One Hundred, in Philadelphia, accomplished no good, I do not wish for a moment to assert. But too often their good was accomplished, like most Mugwump movements, at a sacrifice on the part of individual members of all earnest conviction on national party questions. As permanent factors in the pro-

gress of our cities such movements have always failed. To-day, as a warning to all those who in the future would seek to take similar municipal political action, we find their traces only in the pessimistic feeling of the ex-members, that parties are a necessary evil. Necessary they are, indeed; but the spirit which regards a mechanism essential for all political action, whether good or bad, as an evil, is not only illogical but exceedingly harmful. By driving all good men out of party and out of politics, it tends to perpetuate the very state of affairs which is deplored.

If we are to have city elections free from national politics, we must get national parties out of city elections. The organization which is to make a municipality progressive, or even hopes to establish itself on a permanent basis, must therefore drive national parties from the sphere of city politics, by electing the men who represent the fundamental ideas of the organization, and not try to perpetuate the existence of such parties in city politics by bribing national party bosses, who owe their existence to the loaves and fishes of city office, to nominate particular candidates.

The first step in the solution of local municipal government in the United States is, therefore, the formation in each city of a city party. Not that those who believe this should come together and call themselves a party. The name is immaterial, but the lines of the organization should be drawn in such a way that it will naturally develop into such a party.

The attitude of the individual towards the possibility of belonging to two political parties, a national and a local party, depends upon the clearness with which he separates, in his own mind, national and local interests; though it is not necessary that every one who would join a municipal party must actually be conscious of this separation. The fact of becoming a member simply indicates that he is willing to try the experiment of working in two parties. Since there are local interests which are distinct from national interests, the very fact of his working in the local party would serve to impress the member with the difference between

the locality and the nation. Once so impressed, all doubts of the feasibility of belonging to two distinct parties would disappear. There is another doubt which will occur to some, and which deserves an answer. It may be asked, Will not the same characteristics of the individual mind which lead one to belong to a particular national party cause him to join the city party which regards local issues from the same point of view? In other words, those who favor an active national government will likewise favor an active city government; while those who prefer a national government which is more or less passive, will also prefer a city government which does as little as possible. If this is so, the uselessness of separate party organizations for city affairs will be admitted. The correct answer to this objection must, I believe, be sought in the consideration of the degree of civilization which has been attained by the people. In the earlier stages of society, when economic conditions were such that man could obtain for himself almost all he desired without the aid of any organization, governmental or otherwise, only two political parties, based on the way in which the individual regarded the functions of government, were possible: namely, those who believed the government should do something, and those who believed that the government should do nothing. But as man's wants increased, all agreed that governments should do something more than maintain order in the country. Parties then begin to divide on the question of what government shall do. It becomes not only a possible, but a common occurrence, that one who believes in a city government maintaining hospitals, libraries, and all sorts of mechanical and industrial schools, may be very violently opposed to the national government seeking to regulate the price of commodities or the wages of labor. In fact, in many instances the very belief in the value of the work of the local government would lead one to doubt the value of an active national government. History affords us many examples of this. The separation of ideas renders it possible for the individual

to view from entirely different standpoints questions which at one time would have been looked at from the same point of view. The nineteenth century in our country has seen the complete separation of religious and political ideas. At one time a man who was conservative in religion was conservative in his politics as a matter of course. In England, to be a Radical was once considered equivalent to caring little for religion. The last few decades have brought with them a complete change. It is now no uncommon occurrence to find one who belongs to the most conservative of churches constantly adopting new ideas in national politics. This is the result of the complete separation of the religious, from the political and economic thought of the individual; and I believe that in the same way, when we have as complete a separation of our feelings towards local and national affairs, the same individual will regard national and local interests from a radically different point of view. It is needless to say that the separation of ideas I am speaking of involves no lack of interest either in religion or politics. In fact, a man who separates national from local questions, like one who separates religion from politics, is apt to take a more earnest and intelligent interest in both.

The problem of the government of our large cities is the most serious feature in our political development. No one of ordinary intelligence needs to be told that the men in city offices often fall far below the average intelligence and honesty of the people, and that the result in paving, in lighting, in education, and all other functions of a city government is so bad, that, as Americans, we should be heartily ashamed of it. The pollution of our city politics unavoidably contaminates the best members of our national parties, because it forces all who enter politics to associate with men who join the national party, not from any deep-seated conviction of the importance of its national policy to the country, but from the desire to participate in the plunder of some city office. And yet, as I have tried to point out,

if we would remedy this state of affairs, so threatening to the welfare of our country, we must strive for something more than a change of candidates: we must have a revolution of ideas.

Let us recognize that the cause of the corruption in our politics, and the poor administration in local affairs, is not the lack of moral sense on the part of the community, or the want of capacity for government, but in what we call our political mechanism. The parties' spoils system makes it possible for one to gather around him "workers," who labor, not for the love of country or honorable ambition, but for the hope of office. In the same way a city official is usually elected and retained in the city office, not because the city has been well governed, but because he pretends to represent in city politics certain national issues. When, however, we make a distinction between the things which are local and those which are national, the main cause of maladministration in our local affairs will disappear, and we shall hear no more of the nonsense which prates of failure of democratic institutions in large cities. It is not our institutions, but the mechanism through which the individual citizen is educated in political ideas, which is at fault. Our states, which constitutionally should represent local interests, are so geographically distributed that it is impossible for them to do so, and our political parties, being only able to divide on national issues, are not held responsible for bad local administration.

Our conclusion is, that those who would benefit their country and the local state in which they live, must strike at the cause which enables men to succeed who enter politics to obtain office, by educating the people of their locality to a realization of the fact that the city has its local interests, which can only be permanently advanced by a government which will stand on its own merits, and not on the prestige of a national policy which it is falsely supposed to represent.

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INTERNATIONAL ARBITRATION.

Apropos of such disturbances of the national equanimity as the New Orleans lynching affair or the Behring Sea difficulty occasioned, the subject of international relations becomes one of sudden and special interest to the general public. Of all the multitudinous problems that confront the present generation the war problem has been, perhaps, the slowest to awaken popular feeling to anything like rebellion against warfare and its consequences.

The speculations of theorists have been confined in their influence to very narrow circles; and the possibility of the abolition of war and of the downfall of the standing army has scarcely dawned upon the world at large.

The experiences of recent years, however, have here and there afforded opportunities for theories of peaceful arbitration to be put to the test of practice; and the time cannot be far distant when public opinion will be called upon to declare the final verdict of success or failure for international arbitration as a working system.

I have spoken of arbitration as if it were a modern institution. By this I do not mean to imply that the custom of referring disputed questions to a disinterested judge—and this may be taken as a loose definition of arbitration—was unheard of before this century. It is not an innovation of recent date, nor is it to be regarded purely as an outgrowth of advanced civilization. But, even granting that the scheme of settling international quarrels by rational means instead of by force may be, to a certain extent, indebted for its conception to precedents in antiquity, international arbitration as a system, as a proposed substitute for war, is an experiment of the present age.

As it is understood to-day, international arbitration is limited in meaning, implying: (1) the participation of

sovereign states of acknowledged independence and autonomy ; (2) a formal agreement on the part of the litigants to submit their difficulties to the decision of an arbitrating body or individual ; (3) the consent of the latter to undertake such decision and to render an award after a thorough and impartial examination of the facts of the case ; (4) an agreement on the part of the contracting parties to accept the decision as final and conclusive.*

Before passing to the application of pacific principles to international relations in the present century, it may be well to review briefly the changes which the last nineteen hundred years have witnessed in the attitude of civilized nations towards war, and which have resulted in the definite formulation of the institution defined above.

The Christian religion, as taught and practiced by its founder and His disciples, placed especial emphasis on the principles of brotherly love, forbearance, forgiveness of enemies, and peace and good-will towards all men—theories of life and of human intercourse quite strange to the civilizations of the pre-Christian era. All the records of the early Church which have come down to us of the first two centuries of its existence would seem to show that the inconsistency of warfare with the tenets of the new religion had made a strong impression upon the sect. There is a saying current among the early Fathers that Jesus, in disarming Peter, disarmed all soldiers ; and it is a remarkable fact that so large a number of Christians refused to serve in the armies of Rome.

It is to be remembered, however, that comparatively few individuals experienced anything like "conversion" in the sense of a readjustment of themselves to a new standard of life and thought. When whole armies were converted *en masse*, as in the days of Clovis, there seems to have been no question of exchanging their arms for the weapons of spiritual warfare. It was the Church as an organization that,

* It is this last feature that distinguishes arbitration from mediation, in which adherence to the decision is optional.

throughout the Middle Ages, uttered the sole remonstrance against the practice of private war. When, in France, the atrocities of feudal warfare became so great as to threaten the very foundations of society, it was the Church that came to the rescue with the "Peace of God;" and five years later, the "Truce of God," by which fighting was forbidden from Thursday morning to Monday morning of every week, on all feast-days and in Lent, leaving, practically, about eighty days in the year when war was allowable. Though often violated, the effect of this regulation was felt throughout Europe and was productive of infinite good in softening the manners of the age. The early Church and the institution of chivalry were the educators of the public conscience in the direction of humane and conciliatory action.

During the eleventh and twelfth centuries numerous associations were formed which were the prototypes, on a small scale, of modern Peace Societies. There was not as yet, however, any conception of international peace—the word international could hardly have had any meaning. By the time that the spirit of nationality had begun to assert itself, *i. e.* when there had begun to be a distinct differentiation of the several small nations of Europe in respect to language, institutions and political interests, schemes of universal peace and of a united Christian state had become dreams of the past. The Church was in despair, though still zealous for peace.

To the Pope, the head of the Church, the world looked for judgment in political quarrels. Although the sacredness of their high position would seem to have peculiarly fitted them for the position of universal arbiters, the Popes lacked one indispensable qualification of an umpire—impartiality. Nor were the temporal heads of Christendom—the theoretical "*imperatores pacifici*"—more successful. Never in any real sense did the Holy Roman Emperors occupy their ideal position as international dictators.

Mediæval methods of grappling with the war-problem ended, then, in practical failure; and the cause of universal

peace was forgotten in the horrors of the Inquisition and the blood-thirsty wars of the Reformation. The conception of Henry IV, of France, of a grand Christian Republic of fifteen states, and his scheme of international arbitration were too far in advance of his time not to have been regarded either as the dreams of a visionary fanatic or as a subtle attempt at the aggrandizement of France. More valuable and far more important was the work of Hugo Grotius, who, while a guest at Henry's Court, received the inspiration to his great work, "*De Jure Belli ac Pacis*," in which he laid the foundation of a system of international law.

Here it will be observed that the character of the peace movement has changed. It is no longer religious, but political, in its aims. Efforts towards reconciliation no longer originate with the Church, but with monarchs and statesmen; they take the form, in general, of alliances of the great powers of Europe for the purpose of preserving peace among themselves, and thus, by the latent strength of unity and numbers, preventing the possibility of attack by ambitious and grasping rivals. Experience showed the delusiveness of such a theory.

The magnificent promises of the "balance-of-power" system failed of accomplishment. Instead, war after war was waged in the name of the general security.

The opening of the nineteenth century brought with it a return to the religious point of view, and to the primitive notion that Christianity is the basis of all international law. Europe entered upon the century worn out with conflict and in desperate need of peace. Russia, Austria and Prussia accordingly, in 1815, formed what is known as the Holy Alliance, agreeing by a sacred compact to respect the great principles of right and justice, and to repress violence—promises which fell far short of fulfillment.

In 1818, at the Conference held at Aix-la-Chapelle, the four nations that had conquered Napoleon, joined later by France, formed themselves into the Great Pentarchy, in the interests of permanent peace. The dangerous principle

of intervention was unanimously recognized, and the outcome was the Congresses of Troppau, Laybach and Verona.

The Holy Alliance forms a link between the peace policy of the past and that of the present. The unsatisfactory results of the Grand Alliance dealt the death-blow to the theory of the balance of power as an efficient and practicable system. Henceforth all efforts toward amicable adjustment of international affairs are to be based upon other principles.

The work of the nineteenth century in view of this end takes on three forms :

1. The organization and work of peace conferences and associations for the promotion of arbitration.
2. Legislation favoring arbitration.
3. The practical application of the principle.

Peace societies began to be established early in the century, the first having been organized in New York in 1815. Six months later the London Peace Society was formed. Similar organizations sprang up all over Europe. Their object was to unite all the advocates of peace for concerted action.

Conferences have been held from time to time at London, Brussels, Geneva, Paris, and elsewhere, for the interchange of sympathy and the discussion of plans.

About 1873, efforts were made to bring the subject of arbitration before the legislative bodies of the different countries. A motion of the late Mr. Henry Richard passed the House of Commons, in 1873, proposing that England should communicate with foreign powers with a view to the improvement of international law and the establishment of a permanent system of arbitration.

Signor Mancini presented a similar resolution to the Italian Parliament in the same year. From time to time petitions and memorials have been presented to the various governments of Europe and the Americas. Work of this character is necessarily slow and cautious, working, like leaven, silently, but effectively.

More attractive to the practical observer is the record of actual cases of settlement by arbitration during the present

century. Their number is surprising. I have carefully examined the records of seventy-five cases and there are a half dozen more of which I have hitherto been unable to find more than a statement of the dates and participants.*

The questions which have proved susceptible of arbitration fall under five main heads :

1. Boundary disputes.
2. Unlawful seizure of vessels or other property.
3. Claims for damage by the destruction of life or property.
4. Disputed possession of territory.
5. The interpretation of treaties.

More than one-third of the cases have related to claims for damages presented, usually, by one government in behalf of certain of its citizens resident in the country of the offending government. Such questions, although occasionally of such a character as to lead to heated controversy and menacing dispatches, have been for the most part, amicably settled to the satisfaction of all parties.

In sixteen cases boundary lines have been the subject of dispute. The instances of misinterpretation of treaty stipulations have usually referred to boundaries. Questions of this nature are particularly adapted to handling by commissions, provided such bodies are properly constituted and authoritative.

Eleven cases of unlawful seizure and five controversies over territorial possession have been successfully arbitrated. One or two minor cases relate to consular rights and disputed sovereignty.

The rate of increase in the application of arbitration may be seen from the following table :

From 1794 to 1820	5 cases.
“ 1820 “ 1830	3 “
“ 1830 “ 1840	5 “
“ 1840 “ 1850	4 “
“ 1850 “ 1860	10 “
“ 1860 “ 1870	15 “
“ 1870 “ 1880	16 “
“ 1880 “ 1890	21 “
Total	79

* For cases of arbitration between the United States and other governments, see Appendix.

This list does not include the Danubian Commission, established in 1856, the Berlin Congress of 1878 (to settle claims of States in the Balkan Peninsula), nor the Joint Commission on the Fisheries question that met at Washington in 1888 and recommended the submission of future disputes on that question to a mixed commission and an umpire.

The most noteworthy cases of arbitration are two or three of special character, which hardly come under the five heads mentioned above.

The first is the Luxembourg question, which was settled in 1867. The jealousy manifested by France towards Prussia during the peace negotiations which terminated the Austro-Prussian war found expression in Napoleon's demands for territorial recompense to reconcile France to the changes in Europe effected by the Peace of Prague. Prussia was now in possession of military strength equal to that of France herself; and her recent exploits and successes were looked upon by France as the precursors of efforts towards self-aggrandizement. Napoleon's eye fell upon the Grand Duchy of Luxembourg, which was under the sovereignty of the King of Holland, but a member of the German Confederation until the dissolution of the latter in 1866. The fortress of Luxembourg was still occupied by Prussian troops. The negotiations begun by Napoleon with the King of Holland for the annexation of the duchy to France failed on account of the objection of Prussia. Whereupon France demanded the evacuation of the fortress by Prussia. A warm dispute ensued, and, as the excitement spread through Europe, the outbreak of a war seemed inevitable. The Queen of England, however, offered her services as arbitrator, in accordance with Article VII of the Treaty of Paris, 1856.

It was finally agreed that the question be settled by a conference of the great powers of Europe. This conference met at London, May, 11, 1867, and decided that the fortress should be dismantled and its neutrality guaranteed by the

signatories of the Treaty of Paris. The duchy became the property of the House of Orange. War was averted for three years only: the jealousy of France found its outlet in the Franco-Prussian war.

A rebellion of the island of Crete (then under the rule of the Turks) occurring in the same year resulted in an uninterrupted struggle of two years. The great Powers of Europe pursued, for the most part, a policy of non-intervention. But Greece manifested a friendly interest in her neighbor's welfare, and some sympathy with the cause of the oppressed Cretans. Incensed at what was deemed the instigation of Turkish subjects to revolt, the Porte launched at Greece an ultimatum charging her with aiding and abetting the rebellion. The Greek Minister replied haughtily, and diplomatic relations were broken off. A threatened engagement between a Turkish and a Greek vessel was prevented by the French Minister in Greece, but the incident brought matters to a crisis, and roused the attention of all Europe.

The Prussian Government proposed to France to call a conference of the Powers at London. After much diplomatic correspondence, the plan was adopted, and the conference met January 9, 1869; but it barely escaped disintegration at the outset. Turkey, as a signatory of the Treaty of Paris, was admitted with deliberative powers. Greece claimed the same privilege, but was refused in spite of indignant remonstrance. After several sessions, a declaration was drawn up in favor of Turkey.

This conference has been variously judged, some blaming its members for assuming the functions of judges when they had merely been invited to deliberate and advise; others praising with much warmth the work of the conference in averting a war which might have involved all the powers of Europe. Both criticisms are just in part. This much may be safely said: although its results were important, the conference can hardly be held up as the type of a well-managed commission of arbitration.

The circumstances which led to the famous "Alabama"

case are too familiar to need rehearsal here. The apathy of Great Britain towards the depredations of the Confederate cruiser gave great offense to the United States Government, which pronounced England responsible for all these acts and guilty of a breach of neutrality. Diplomatic correspondence became more and more bitter, complicating, rather than clearing up the matter. After four years of wearisome, fruitless negotiation, settlement by a Joint Commission was suggested by Mr. Reverdy-Johnson. The proposition was accepted by the British Minister, but failed to pass the United States Senate. The conditions of the protocol were pronounced insufficient to secure just reparation to the United States. It was probably only the strong aversion of both the litigants to war that prevented an outbreak. When, in 1871, it was finally agreed to submit the vexed question to arbitration, owing to the insufficiency and vagueness of international laws, much time was wasted in the discussion of legal points.

That the temper of two nations so high-spirited as Great Britain and the United States stood the test of a long and irritating negotiation until the vexed question was finally settled is worthy of high commendation. These three arbitrations, involving as they do questions of national honor, are instructive precedents.

It is difficult to analyze the present situation of the world with reference to peace and war. The history-making events of to-day will not be perfectly understood until they have been looked at in perspective. In spite of the progress of arbitration during the last half century, in spite of the mitigation of many of the cruelties of war, Europe bristles with the bayonets of enormous standing armies and seems ever on the verge of a horrible conflict. How are such opposite tendencies to be reconciled? What is to become of the peace movement if Europe continues to cling to her military systems, justifying their enormous expense by the old motto, "*Si vis pacem, para bellum?*"

To venture an opinion one must have carefully studied the

general trend of social evolution. The character of warfare and its causes has greatly changed. The brutal struggle for self-preservation is no more. Wars of conquest belong to the days of Cæsar and Alexander. Wars undertaken for the gratification of personal ambition have been hardly possible since the first Napoleon. With the change from unlimited to constitutional monarchy, the people have too strong a voice to allow a war to be undertaken merely for the aggrandizement of an ambitious monarch—the populace of to-day does not clamor for war, unless under strong provocation.

Broadly speaking, we may infer that wars arising from trivial disputes tend to become less and less frequent. On the other hand, the great underlying causes of strife tend to become fewer, but far more deep-seated, reaching to the very vitals of national life.

The great problem of race individuality is closely interwoven with the war problem. Since the death of Charles the Great, the personality of each of the European nations has developed in lines ever diverging, ever more distinct. To-day, the controversy over Alsace-Lorraine is not merely one of disputed territorial ownership, but a race question—a struggle between the national wills of two powerful races. The eastern question is purely one of race. Says M. De Laveleye: "Nationalities supposed to have been annihilated rise like dead men, aspiring to independent and autonomous life." The spark of national vitality is not easily quenched. Should a war break out to-morrow in Europe, it would be without precedent in history for horrible waste and destruction of life.

Whether war will finally vanish from off the face of the earth no man can tell. It seems probable that conflicts will become fewer and more intense; but not until the deep-lying causes of strife are removed will the evil be banished forever. If this comes to pass, it will be when the onward march of civilization and the spread of Christianity shall have adjusted to their proper places the shifting molecules

of the great race unit and shall have brought them into a state of perfect equilibrium. In the meantime, what is to be the fate of arbitration?

The success of arbitration in the past is due to various causes:—improvement in the condition of international law; increased educational facilities for fostering pacific sentiments in the minds of the people; progress in the art of diplomacy, and, most important of all, the growth of democratic ideas leading to the participation of the people in questions of peace and war.

Fifteen years ago much was said about the establishment of an International Tribunal or of a Court of Arbitration. According to recent reports of the Peace Associations, the present aim of the movement is to persuade the nations to sign arbitration treaties. The resolution adopted by the International Parliamentary Conference, at its recent session in London, reads as follows: "*Resolved*, That as a means of promoting peace and good-will between nations, the members urge the conclusion of treaties of arbitration by which, without interference with their independence or autonomy, nations would engage to submit to arbitration the settlement of all differences which might arise between them. But where the conclusion of treaties of arbitration for the present be found difficult of realization, the conference strenuously urges the settlement of disputes by arbitration or mediation."

This proposition apparently meets with more approval than that of an International Tribunal, and would naturally precede the formation of such a body. If arbitration is tried *before* resorting to war, the number of unnecessary and unjustifiable wars will be greatly diminished. Arbitration should be spoken of not as a substitute for war, but as a preventative.

The most serious obstacle to the introduction of international arbitration as a permanent institution has been the indecision of its advocates as to the method of conducting cases. Hitherto, three methods of arbitration have been employed: First, reference to some trustworthy and disinter-

ested individual. This is the least advisable plan of all, for it is usually difficult to find a person who will be satisfactory to the litigants and who will be willing to undertake so delicate a task. Moreover, in the case of disputed boundary lines or claims for indemnity, the labor of investigating records would usually be quite beyond the strength of one man.

The second method, adopted in certain cases, is that of settlement by a conference of diplomats representing the governments concerned. Such a body is unwieldy, and necessitates a large expenditure of time and money for preliminary negotiations.

The most popular and successful plan has been the appointment of a mixed commission, small enough to be easily managed, large enough to work rapidly and systematically, unhampered by diplomatic "red tape." Still, such a commission is temporary—unsuited to a scheme of permanent arbitration. The Halifax Fisheries Commission of 1871 illustrates another objection. The question at issue was to be decided by a commission of arbitration. The clause in the Treaty of Washington admitting the possibility that the choice of umpire of the commission be left to the Austrian Minister at London was very annoying to the United States. The suspicion of unfairness and partiality, whether well founded or not, was the cause of considerable irritation. The final award of the commission was a surprise to the world. By Americans it was considered excessive and exorbitant, and many doubted if it were lawfully and honorably due. The United States promptly paid the money; but as a case of arbitration this was, perhaps, the most unsuccessful on record, and greatly shook the public confidence in the efficacy of that method of adjusting differences.

A permanent mixed tribunal would insure impartiality. Such a scheme would imply the abolition of standing armies or a uniform reduction in their numbers. The question has been raised by doubters, How will such a tribunal be able

to enforce its decisions if the army is banished? Some have suggested that each nation furnish its quota of soldiers to form a kind of international police. Such an institution, however, would seem an inconsistency, if a tribunal aiming to substitute reason and justice for the sword and bayonet be obliged to use force in the execution of its decrees.

There is, apparently, some confusion in the public mind, between an International Court and a permanent Commission of Arbitration. The former should mean a Court of International Law, and, to be effective, should be composed of the most eminent jurists and statesmen of whom the world can boast, men who know the laws of nations as they now exist and who are capable of interpreting and codifying those laws. There is urgent need of a complete and precise code of international law. Much dispute and misunderstanding is the consequence of the imperfection of the present code. "The great end of law is not to decide, but to prevent disputes."

A court of international law would find its authority in the majesty of the law, and the moral support of the nations ought to be a sufficient guarantee for the acceptance of its decrees. Any government which refused to abide by the decisions of so august a body would suffer eternal disgrace in the eyes of the world, to say nothing of the material loss of commercial good-will. The expense of such a court, shared by the participating nations, would be comparatively light.

When a dispute arose the plaintiff would at once carry the case to this great Court of Appeals, which would investigate the said case on a purely legal basis. This would take the place of special arbitration, but should any question not susceptible of legal interpretation arise, a Commission of Arbitration could easily be formed from the panel of the international jury.

There might still remain a few great questions incapable of pacific solution until the moral consciousness of the nations become much more highly developed than they are to-day.

Is there no solution but the standing army? The question is largely economic in character and its discussion would occupy a much larger space than can be spared here.

The peace question is only one of the many tangled problems with which this generation has to deal. It may not be solved by the next generation, nor the next. Whatever is done, the world looks to America for leadership. "Nothing impressed the delegates sent from the United States to the late Peace Congress at Paris more seriously," says the Secretary of the American Peace Society in his annual report, "than the sentiments of various European countries that it is the duty of the Great Republic of the West not only to keep abreast with the world's endeavor to abolish war, but to *lead* the nations in the better way of Universal Peace."

APPENDIX.*

LIST OF TREATIES AND CONVENTIONS BETWEEN THE UNITED STATES AND FOREIGN POWERS, WHICH CONTAIN PROVISIONS FOR THE SETTLEMENT OF INTERNATIONAL QUESTIONS BY ARBITRATION.

1. 1794, November 19.—Great Britain and United States. (1) Question of Northeastern boundary line of United States; (2) Claims growing out of the Revolutionary War. Settled by Commission of Arbitration.
2. 1803, April 30.—France and United States. Claims connected with cession of Louisiana. C. of A.†
3. 1814.—Great Britain and United States. Treaty of Ghent provided for settlement of claims to certain islands; also North-west boundary. C. of A.
4. 1818.—December 21. Spain and United States. Indemnification for damages.
5. 1819.—February 22. Spain and United States. Claims for damages. C. of A.

* The authorities for this list are :

- (1.) "Treaties and Conventions of United States."
- (2.) "Foreign Relations of United States."
- (3.) "British and Foreign State Papers."

† Abbreviation for Commission of Arbitration.

6. 1818 — } Great Britain and United States. Convention signed Oc-
1822. — } tober 20, 1818, to refer dispute about restoration of
territories, private property, archives, etc., to Emperor of Russia.
Award rendered in 1822. New Convention provides for Com-
mission of Arbitration to determine valuation of property (slaves).
7. 1827.—North-east boundary not having been yet settled, Conven-
tion signed to refer question to King of Netherlands.
8. 1830.—June 5. Denmark and United States. Claims of citizens
relating to damages and unlawful seizures. C. of A.
9. 1832.—United States and the Two Sicilies. Claims for indemni-
fication. C. of A.
10. 1834.—United States and Spain. Decision of claims to be left to
Plenipotentiaries of the two governments.
11. 1839.—United States and Mexico. Claims of United States citizens
against government of Mexico. C. of A. In case of disagree-
ment of the Commissioners, the King of Prussia to be invited to
arbitrate in person or provide a substitute.
12. 1841.—United States and Peru. Claims of United States citizens
against Peru. C. of A.
13. 1846.—June 15. United States and Great Britain. Dispute regard-
ing boundary-line west of Rocky Mountains, referred to James
Buchanan and the Rt. Hon. Richard Parkenham, "negotiators,
with full power."
14. 1850.—United States and Brazil. Questions arising from long-
pending claims, to be settled by a commission of two.
15. 1851.—United States and Portugal. Claims of United States
citizens, to be referred to Daniel Webster and J. C. de Figanière
è Morao, Plenipotentiaries. Questions of public law involved
in case of the privateer brig "Gen. Armstrong," to be referred
to arbitration of Louis Napoleon.
16. 1853.—United States and Great Britain. Old claims of citizens of
United States and of Great Britain. C. of A.
17. 1855.—United States and Great Britain. Question relating to
Darien Ship Canal. [Correspondence relating to the arbitration
of this question is to be found in "British and Foreign State
Papers" for 1855-56. I have been unable to ascertain whether
the arbitration actually took place.]
18. 1857.—United States and New Granada. Claims of United States
citizens for damages sustained in Panama riot of 1856.
19. 1858.—United States and Chili. "Macedonian claims," submitted
to decision of King of the Belgians.
20. 1859.—United States and Paraguay. Claims of United States
citizens. C. of A.

21. 1860. United States and Costa Rica. Claims of United States citizens. C. of A.
22. 1861.—United States and Venezuela. Claims of certain firms in the United States, referred to United States Minister at Venezuela and Secretary of State of Venezuela.
23. 1862.—United States and Ecuador. Claims of United States citizens. C. of A.
24. 1862.—Article I of Annex B to Treaty between United States and Great Britain for the suppression of African Slave Trade contains a clause providing for reference of all cases of capture or destruction of vessels to arbitration.
25. 1863.—United States and Peru. Claims relating to ships "Lizzie Thomson" and "Georgiana," to be arbitrated by King of the Belgians.
26. 1863.—United States and Great Britain. Claims of Hudson's Bay and Puget Sound Agricultural Companies, referred to C. of A. Award not rendered till September 10, 1869.
27. 1866.—United States and Venezuela. Pending claims. C. of A.
28. 1868.—United States and Mexico. Claims since 1814. C. of A.
29. 1868.—United States and Peru. Arbitration of claims since 1863.
30. 1869.—United States and Peru. I find doubtful references to some question, apparently other than the above (29), submitted to the arbitration of King of the Belgians.
31. 1870.—United States and Brazil. Case mentioned in a "Memorial" presented to Congress in 1888. Not found in "Treaties and Conventions of United States."
32. 1871.—February 11th. United States and Spain. The "Cuba claims." C. of A.
33. 1871.—United States and Great Britain. "Alabama" claims. Geneva Arbitration.
34. 1871.—May 8. United States and Great Britain. Sundry claims of citizens, corporations, etc., during years 1861-65, submitted to arbitration.
35. 1871.—United States and Great Britain. Nova Scotia Fisheries. C. of A. Dispute about fishing rights and about amount of compensation, if any, due to Great Britain from United States.
36. 1872.—October 21. United States and Great Britain. Boundary question, known as the San Juan dispute; referred to Emperor of Germany.
37. 1879.—United States and Spain. All claims since October 1, 1868, not yet settled, to be presented within sixty days to a Commission of Arbitration.
38. 1880.—United States and France. Claims of citizens for acts

- committed during war of France with Mexico or during the Insurrection of the Commune in 1870-71. C. of A.
39. 1884.—The United States, France, Great Britain, Germany, Spain and Italy made an agreement for the adjustment of claims of citizens of those countries for losses sustained during the riots of 1883, September 22 and 23, at Port au Prince. [Foreign Relations of United States for 1884, page 302.]
 40. 1885.—United States and Spain. Agreement to submit claims of bark "Masonic," illegally seized by authorities at Manilla, 1879, to arbitration, in order to fix amount of indemnity.
 41. 1888.—December 6. United States and Denmark. Claims of Carlos Butterfield & Co. for attack on their vessels by Danish officials, to be settled by the British Ambassador at Athens.
 42. 1889.—June 4. United States and Venezuela. Provision for claims under Treaty of April 25, 1886.
 43. 1889.—United States, Great Britain and Germany. The Samoan difficulty.

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ELEANOR L. LORD.

JURISPRUDENCE IN AMERICAN UNIVERSITIES.

It is a matter of surprise that so little has been done by American universities in the way of affording instruction in jurisprudence. Some of the universities, indeed, that have schools of law, offer brief courses in general and comparative jurisprudence, and all such necessarily have full courses in the technical branches of English and American municipal law. Most universities of the higher rank have a moderate amount of instruction in international and constitutional law, and a few offer very superior advantages in these respects. In most of the best schools of history and political science administrative law receives a fair share of attention. Roman law is also offered in many of the leading universities. But in no institution in the country is there anything corresponding to the complete and systematic teaching of jurisprudence such as one sees at Oxford and Cambridge, and at Berlin, Heidelberg, Leipzig, and in some degree at all of the German universities.

Of the work of our law schools in preparing students for the bar, it is not my purpose to speak. Sir Frederick Pollock has very recently declared that, "For the present the only way of seeing for oneself that English law can be taught in a systematic and efficient manner, as well as other branches of learning, is to go and see it in America." This is high praise, perhaps only too high. Certainly, the recent report of the Committee on Legal Education of the American Bar Association takes a more modest and less flattering view of the condition of law schools in this country, and strongly urges the adoption of some more systematic method of legal instruction. In the first place, it appears that only about one-fifth of those who are admitted to the bar pass through the law schools. In the next place, the committee complain that too much of the teaching in the law schools

is purely empirical, and consists in the conning of rules and the framing of formulas. Into the justice or injustice of these foreign and domestic opinions, it is now unnecessary to enter. The fact cannot be blinked that, for the most part, the law schools are intended to serve only the interests of the legal profession, and therefore form no part of the general university instruction.

On the importance of a study of jurisprudence to all students of political science, history, ethics, religion, and, perhaps I may add, literature, it would seem to be unnecessary to enlarge. The history of law and the history of political institutions are so indissolubly united, that the one cannot be understood without the aid of the other. Sir Henry Maine and Professor Stubbs have sufficiently proved this fact in their respective fields of research. In the early stages of society, religion, ethics and law can with difficulty be separated. The lawyer and the priest are one, and that one is, moreover, a poet. All early literature is the literature of this law-giving poet-priest. Indeed, Teuffel and Sir Henry Maine, approaching the subject from the two opposite sides of the critic and the jurist, agree in the conclusion that the only literature of the Romans which can lay claim to any originality, or which is in any sense characteristically Roman, is their legal literature. So closely, then, does law touch every human interest that we may almost agree with Professor Pomeroy that, "it is, in short, the summing up of almost all knowledge not strictly physical."

Nor has it escaped notice that there is a striking parallel between the historical method of studying institutions and of investigating nature. One eminent writer has said: "The doctrine of evolution is nothing else than the historical method applied to the facts of nature; the historical method is nothing else than the doctrine of evolution applied to human societies and institutions. When Charles Darwin created the philosophy of natural history * * * he was working in the same spirit and towards the same ends as the great publicists who, heeding his field of labor as little as

he heeded theirs, had laid in the patient study of historical fact the bases of a solid and rational philosophy of politics and law." It is, perhaps, more than a coincidence that Charles Darwin and Sir Henry Maine should, within the brief space of two years, have given to the world two such books as the "Origin of Species" and "Ancient Law," both of which mark an epoch in the history of human thought. Any system of education that does not take account of both is outside the full current of intellectual progress.

Now, if any people on earth ought to study jurisprudence, it is the people of the United States. Any self-governing people ought to have among them a large body of students—the larger, the better—who are familiar with the best results of historical and comparative jurisprudence, and the theory of legislation. If they are also familiar with practical and analytical jurisprudence, so much the better. But if, as is too often the case, they are familiar with no one of these subjects, or at least with only disconnected sections of them, then so much the worse for them and for the public. In these days of constitution-mongering and statute-tinkering, it is the part of wisdom to have an educated body of citizens who shall know some fraction of this "summing up of almost all knowledge not strictly physical," and be able to apply it in the solution of our modern problems of government and justice. Perhaps I may be pardoned for saying that it is a pity that these matters must fall so largely into the hands of professional lawyers. But at present there is no other considerable body of citizens fitted to undertake them; and the consequence is that needed reforms are long delayed, or are burdened with the technicalities of law that a little knowledge of historical and comparative jurisprudence would speedily remove. It was a layman who brought about the most important legal and economic reform of the century, the system of registry of land titles—a system which has uniformly been opposed by the great body of lawyers bred in the technicalities growing out of

the feudal system of tenure, and which has thus far found no favor in the United States. It is simply impossible to conceive the economic saving that would result to our people from the adoption of such a system as that invented by Sir Robert Torrens, or that has resulted in Australia and Canada and other English colonies where it has been introduced. If the teaching of the history of English law, to take a single example, would convince the university graduates of the coming generation that the ancient land laws of England, as they were developed under the influence of the feudal system, need not be superstitiously revered as the perfection of human wisdom, and should thereby create a sentiment for such a reform as has been indicated, this alone would save to the people a thousand times over every dollar spent in the giving of such instruction. If the economic results of the teaching of jurisprudence would be thus incalculable, the political results would be even more so. While a Chair of Jurisprudence, any more than a Chair of Political Science, should never become a propaganda, it is inevitable that like causes should produce like effects, and, after all, progress is aided more by intelligence than by ignorance.

American universities would do well to keep in view the results of the experience of the English and continental universities in teaching jurisprudence, and in this they will be greatly aided by the articles which have already appeared in the *ANNALS* on "Instruction in Public Law and Economics in Germany," by Leo S. Rowe and others, July and October, 1890, and "The Teaching of Political Science at Oxford," by D. G. Ritchie, July, 1891. I would also call attention to the provisions for such teaching at the other great English universities, so far as they relate to jurisprudence.

At Cambridge University the course offered in Jurisprudence is as follows :*

* See reprint from the *Jurist* in the *Columbia Law Times*, Vol. ii., No. 3, p. 95.

PART I.

- (1) General Jurisprudence.
- (2) The History and General Principles of Roman Law.
- (3) The Institutes of Gaius and Justinian.
- (4) A selected portion of the Digest.
- (5) English Constitutional Law and History.
- (6) Public International Law.
- (7) Essays and Problems.

PART II.

- (1 and 2) The English Law of Real and Personal Property, with the equitable principles applicable to these subjects.
- (3 and 4) The English Law of Contract and Tort, with the equitable principles applicable to these subjects.
- (5) The English Criminal Law, including procedure and evidence.
- (6) Essays.

This course, it is to be remembered, is not merely a law school course; it is primarily a university course, intended as a part of an educated Englishman's intellectual fitting. Such names as those of Clark, Westlake, Maitland and Courtney Kenny are a sufficient indication of how well the work is done. Students who pass both parts of this course are entitled to the degrees of B. A. and LL. D., and may take either or both of them. The same degrees are granted upon the completion of one of these parts and one part of any other course on "Tripos."

At Oxford greater stress is laid on comparative jurisprudence than at Cambridge, and indeed such could not have failed to be the case under the leadership of the last two incumbents of the Corpus Professorship of Jurisprudence, Sir Henry Maine and Sir Frederick Pollock.

Just what would be a proper and practicable course in an American university is a question that must be settled on the lines of the development theory. As yet no efficient attempt has been made to frame such a course, and all suggestions or experiments must necessarily be tentative. Such a course, however, would need to take account in some form of the following subjects :

JURISPRUDENCE IN AMERICAN UNIVERSITIES.

- (1) The Elements of Jurisprudence.
- (2) Private Municipal Law (English and American).
- (3) Public Municipal Law (English and American).
- (4) Constitutional Law.
- (5) Ancient Law.
- (6) Roman Law.
- (7) Comparative Jurisprudence.
- (8) International Law.
- (9) Final Jurisprudence, or the Theory of Legislation.

In some respects an American university has peculiar advantages for the teaching of jurisprudence in a systematic and thorough manner. It is more homogeneous than an English university, and its students are more permanent than those of a German university. Moreover, our Federal system offers advantages not fully appreciated, perhaps because of their very familiarity, but which a foreigner is quick to perceive. In his inaugural lecture at Oxford, Sir Frederick Pollock said :

“Since the classical period of Roman law there has never been a constitution of affairs more apt to foster the free and intelligent criticism of legal authorities, the untrammelled play of legal speculation and analysis, than now exists in the States of the American Union, where law is developed under many technically independent jurisdictions, but in deference and conformity to a common ideal. We are justified, therefore, in expecting that our American colleagues will not be behindhand in the work to which, in this generation, jurisprudence appears to be specially called.”

Shall our kinsmen across the Atlantic be disappointed in the high conception which they have formed of our readiness to rise to the full stature of our possibilities?

ERNEST WILSON HUFFCUT.

Indiana University, School of Law.

INSTRUCTION IN FRENCH UNIVERSITIES.

WITH SPECIAL REFERENCE TO

INSTRUCTION IN PUBLIC LAW AND ECONOMICS IN
THE LAW FACULTIES.

At no time in its history has the question of public instruction in France offered so much of interest as within recent years ; at no time have the changes been so sweeping, especially as regards higher, or university instruction. We hesitate to use the word "university" instruction, for, strictly speaking, there are no such institutions as "universities" in France. In order to understand the full significance of this fact, it is necessary to examine into the effects of the Revolution and the influence of Napoleon upon public instruction.

Before the Revolution no distinction was made between secondary and higher instruction. It was all given at the university: the preparatory instruction, Latin, Greek, Literature, Philosophy, and the Elements of the Sciences, in the Faculties of Art; the professional or special instruction, Theology, Law, and Medicine, in the Faculties of Theology, Law, and Medicine. By the end of the First Empire, at which period the state had assumed the task of instruction in all its degrees, the higher institutions of learning may be classified as follows:

(1.) Special schools, devoted to a special science, and not including any other, except such as supplemented directly this special subject. The type of this class was what to-day is known as the "*École Polytechnique*." The Faculties of Theology, Law, and Medicine, in spite of their names, were special schools, completely isolated from each other.

(2.) The Faculties of Letters and of Sciences, where the instruction received was general in its character, forming

the continuation of the secondary instruction, and having no other aim than the general culture of the intellect.

(3.) Another category comprised such institutions as had no other end in view than the development of scientific knowledge, and the discovery of scientific truth. The *Collège de France* and the National Museum of Natural History furnish typical examples. As we shall have occasion to show, this classification would no longer be exact after the reforms which the Faculties have undergone.

I.

The old University of France had been abolished, and in its place were established what are still known as the "Faculties." These were simply special schools, without the least inter-relation, either material or intellectual. The inevitable result was a gradual deterioration of all except the Faculties of Paris, where the intellectual vitality was always great. Each faculty, strictly limited in its curriculum to the science which it represented, was jealously guarded from any salutary influence which a sister Faculty, even in the same city, might exert. Every stimulus to progress was wanting. There was a total lack of any community of interests, of mutual exchange of ideas, or of cooperation. Another fact which contributed not a little to hasten the decline was that the Faculties of Letters and of Sciences had no students in our sense of the word. The absolute gratuity and publicity of the courses rendered the task of the professors very difficult in preparing lectures for a constantly changing audience, attracted, as it was, either by curiosity or by the desire for amusement, or even, as happened during the Restoration, by political sympathy or animosity. M. Ernest Renan, in a remarkable article upon "Higher Education in France," has described this state of affairs as follows:—"The doors were thrown wide open (*les portes furent ouvertes à deux battants*). The state, at certain hours, held open house for discourses upon science and literature. For an hour, twice a week, a professor ap-

peared before an audience which chance had formed, and which was very often composed, at two consecutive lessons, of different persons." This, together with the natural bent of the French intellect, caused the lectures at the Faculties of Letters* and of Sciences to assume a certain character which they have preserved until the present day, modified, however, by the radical reforms of recent years, which we shall have occasion to notice hereafter. It is easy to see that the situation above described could not fail to banish from the lectures every idea of true science, of erudition, or of special research. The end which the professor was forced to have in view was to charm his audience, which, for the most part, came to him in search of agreeable emotions; an audience with an insatiable craving for novelty, which demanded for each lecture a subject completely treated, for each year a new course; and woe to him who fell short of these demands! With all its disadvantages, one is forced to admit, however, that this system produced a certain number of men who will always remain the glory and pride of the French Faculties. This was especially the case during the Restoration, when the brilliant examples of Guizot, in History, Villemain, in Literature, and Cousin, in Philosophy, dazzled the intellectual world. For over half a century they were looked upon as the ideals of a university professor. The efforts exerted and the talents wasted in trying to imitate these illustrious professors, to continue their traditions, and to recall their methods, would form one of the most curious chapters in educational history.

II.

Before entering into the details of the reforms accomplished in each of the faculties, especially in the courses and methods of the law schools, it may be well to sketch rapidly the changes which have been brought about in the

* The Faculty of Letters corresponds to the Faculty of Arts of an American University. It comprises the courses of History, Literature, Philosophy, Geography, Pedagogy, etc.

organization of the faculties, considered as an academic corps.

Previous to these reforms, the different faculties were almost completely excluded from the exercise of any control over the courses and the curriculum. The professors, instead of giving a general idea of their intended work for the year, were compelled to send to the Ministry of Public Instruction, and before it existed to the Educational Commission, an exact program, lesson by lesson, of their course. These programs were examined, and, if it was judged necessary, revised and corrected. Such revision was by no means rare, inasmuch as, until the end of the Second Empire, the faculties were regarded as the exponents of the ideas of the Government. The first step necessary in order to infuse some life into the different faculties was to accord them the liberty of instruction, and a certain independence in the choice and, above all, in the method and division of their courses. The decrees of 1885 (July 25 and December 28,) due to M. René Goblet, then Minister of Public Instruction, mark an immense advance in this respect—an advance two-fold in its nature :—

(1.) The decrees accorded to each one of the faculties, taken separately, the civil personality which they had possessed at their origin, but which had fallen into desuetude. This gave them the right to hold property. The main object seems to have been to establish closer relations between the faculties and the cities where they were situated. The municipality of Paris, for instance, gives annually 15,000 francs for the maintenance of paying scholarships and, furthermore, subsidizes a course upon the French Revolution at the Faculty of Letters, and another upon general Biology at the Faculty of Sciences. (2.) They brought about a thorough re-organization of the constitution of the faculties in their relations to each other, giving them a kind of charter. While each faculty was regarded, in a certain sense, as a complete and independent entity, it formed at the same time, a part of an organism, to the welfare of which all were supposed to

contribute. Although the decrees gave no name to this collective body, a special law being necessary to constitute a veritable university, the institutions established approach, nevertheless, very closely in character to real universities. In order to comprehend the full bearing of these reforms, it is necessary to dwell a moment upon the internal organization of the Faculties. The members, as is customary in academic bodies, fall into several categories, three in this instance, viz., (1) the titular professors; (2) those who are charged by the Faculty to deliver a course of lectures, (*chargé de cours*); (3) the *maître de conférences*, analogous, in many respects, to the "instructor" of an American university. In each Faculty we find two distinct groups: (1) the *Assembly of the Faculty*, which includes all those who, in any capacity, take part in the instruction given; (2) the *Council of the Faculty*, which is composed exclusively of the titular and adjunct professors. After establishing these two bodies, the decrees of the 28th of December, 1885, took a step further in creating closer relations between the different faculties of the same academic centre, by uniting them in a "General Council" (*Conseil Général des Facultés*). This is a sort of University Senate, an organ for the common interests of all the faculties. It is composed of the deans and representatives of the faculties and is presided over by the Rector of the Academy, who is the representative of the state. Its functions are: first, the co-ordination of the programs and courses of the different faculties in order to establish a certain harmony between them which will permit students in medicine to follow certain courses at the Faculty of Sciences; students of law to do the same at the Faculty of Letters or of Medicine, so that subjects of the same nature in the different sciences may be grouped together. The General Council has, farther, the administrative and financial oversight of the libraries and scientific collections, and lastly, it apportions amongst the different faculties the appropriations for higher education and superintends the preparation of the annual reports to the Minister of Public Instruction. It is only natural

that the deeply-rooted particularistic sentiment in the faculties, especially those of the smaller towns, should oppose itself to the realization of all the hopes which these reforms inspired. Nevertheless, the results have been very satisfactory and each year has brought with it a closer relationship between the faculties.

III.

Before terminating this general sketch, it may be well to notice a question which has been occupying public attention and the press for the last few years, and which will shortly be brought before the Chamber of Deputies, a commission having framed and submitted a bill. This is the question of founding French universities in the true sense of the word. It must be remembered that the "University of France," as it was founded in 1808, was understood to include *all* the institutions of public instruction, whether primary, secondary, or devoted to higher education. This body had ceased to exist legally in 1850, but the idea of the "university," as personifying the instruction given by the state, as opposed to that of the Church, still remained in the public mind. The establishment of French universities, in the modern sense of the term, would necessarily imply the abandoning by the state of a certain number of its present functions, which would be entrusted to academic bodies possessing a certain autonomy.

In 1885, previous to the above-mentioned reforms, the Minister of Public Instruction, in a circular addressed to the faculties, asked for an answer to the question, "Should the faculties be grouped in universities, analogous to those existing in foreign countries?" Although the majority answered in the affirmative, no law to this effect has yet been enacted. The difficulty attending such a radical reform arises from the fact that the feeling of academic solidarity is absent, and, furthermore, that of the fifteen groups of faculties (exclusive of the group of Algiers) only six possess the four Faculties—Medicine, Law, Letters and Sciences—seven possessing three, and the remainder but two. It would

be necessary, therefore, in order to complete the others, to found twelve new faculties, ten of Medicine and two of Law, which would involve great difficulties, as the cities where they would have to be established do not offer the conditions necessary to their success.

THE FACULTIES OF LAW.

Although the administrative reforms which have been accomplished are, perhaps, greater in the Faculties of Letters and Sciences, the changes relating to the curriculum are undoubtedly greater in the Faculties of Law. These changes, while in appearance less important than those effected in the other faculties, are really more significant, owing to the obstacles which had to be surmounted in making a body of jurists, tenacious of their traditions, consent to include in the program of instruction subjects which are not absolutely indispensable to a legal training. In order to understand the condition of the law schools previous to the reforms to be described, it is necessary to go back to the time of the First Empire, when these, as well as the other faculties, were considered as organs of the government. This is illustrated by one of Napoleon's decrees, which reads :

"All the schools of the Imperial university will take as the basis of their instruction :

"1st. The precepts of the Catholic religion.

"2d. Fidelity to the Emperor, to the Imperial Monarchy, depository of the happiness of the people, and the Napoleonic Dynasty, guardian of the unity of France and of all the liberal ideas proclaimed by the constitution.

"3d. Obedience to the academic statutes whose object is to insure the uniformity of instruction, and which tend to create citizens attached to their religion, to their sovereign, to their country, and to their family."

In connection with this narrow conception of their role, another, and equally powerful, cause was at work tending to limit the field of activity of the law schools, and to suppress any instruction which appeared to deviate from the

prescribed paths of commentary and exegesis. This was the codification of the French law. The almost inevitable consequence of a written and codified law is to transform the law schools into professional instead of scientific schools, devoted solely to preparation for judicial functions. Furthermore, it soon engenders a certain feeling of reverence on the part of the professors, who accustom themselves to regard a code as something sacred and final. In this way arose that narrow and unscientific method of legal education, which, taking the laws as they are written, comments upon the text, without pointing out its underlying principles, which banishes the idea of historical development from that commentary, which sacrifices the theoretical to the practical point of view, and which regards as a heresy the criticism of the economic and moral value of a law or of its philosophical significance. In short, the lecture courses in a French law school, until within recent years, had in view the legal *art* to the exclusion of the *science*. The whole problem is here involved of the position which a law school is destined to occupy in the higher education of a country, and this, in its turn, depends, to a certain extent, upon the method of recruitment in the public administration. Viewed strictly from this point of view, and leaving aside, for the moment, the question of the advantages of a liberal education for all members of the legal profession, the conditions in France differ from those in America. Of the fourteen hundred students in law, graduated each year, hardly a third are admitted to the bar or enter the magistracy. The majority seek public or administrative careers. As a result, the Faculties of Law, while they have for their principal function the preparation for the bar, cannot confine themselves entirely to subjects strictly necessary in order to plead before the courts. It is, therefore, by no means a matter of indifference whether a student arrives at the end of his course with some knowledge of the political and economic sciences. In any case, a law course should be less an apprenticeship to a trade than a scientific training which leads to the liberal

professions, enabling the lawyer to place himself, at times, above the text of the law, and to consider its importance and its effects from a point of view other than the purely interpretative. The different Ministries of Public Instruction, especially since that of M. Duruy, have not failed to recognize this fact, as we shall have occasion to show. The reforms which have tended to counterbalance the exclusively practical tendencies of the law schools have been the introduction of the History of Law, of Political Economy, and of International Law into the program of studies. Nevertheless, we may say that the reforms have only begun in this respect. The next few years will undoubtedly witness a steady continuation of this movement, which will unite with the interpretation of the written law the advantages of a training in political and economic science.

POLITICAL ECONOMY.

The introduction of Political Economy in the curriculum of the law schools was long delayed. In 1863, a delegation headed by MM. Hippolyte Passy and Charles Renouard asked M. Duruy, then Minister of Public Instruction, to found a chair of Political Economy in each of the law schools. In a decree of the following year such a chair was established in the Faculty of Law in Paris, on which occasion the Minister confessed that "Political Economy is not represented in our national education, it has not a single chair in the *Departments*." Strange as it may seem, those words remained true until the decree of March 26, 1877, which prescribed instruction in Political Economy in each of the Law Faculties of France. It must not be thought that this innovation was allowed to pass in silence. On the contrary, it formed for a long time a subject of dispute. A number of the most eminent French economists, headed by M. Courcelle-Seneuil, argued that the legal mind, which was accustomed to attach itself to a text, could never properly treat a science of observation. It must be remembered that the method of selecting the professors from among the

graduates called to these chairs men who had received a purely legal training. Another party of jurists attacked the introduction of Political Economy, on the ground that no such science existed. As one of them expressed it, "There everything is subject to the fancy of the professor. Each one constructs his own system. Political Economy is, at the most, a conjectural art." Notwithstanding these pessimistic predictions, the short time which has elapsed since the introduction of this subject has been sufficient to produce the most satisfactory results. They have been too well described by Professor Gide in the *Political Science Quarterly*,* to require repetition here. The introduction of Political Economy into the Law Faculties has had its effect upon the other portions of the legal instruction. Economic studies, the economic analysis of a law, require the professor to seek another standpoint than the mere text itself. He is required to trace and justify the underlying principles; to unite the idea of public utility with that of legal interpretation. He can no longer treat the ideas of testament and contract, of marriage and succession, of property, of the family, as having for a basis "the formulæ written by an emperor or by a legislative assembly;" in a word, he must develop each topic with the aid of the most recent researches in the science, as opposed to the art of law, "which, like all other sciences meriting the name, must remain living and progressive." The instruction in Political Economy has been placed in the first year of the course, thus forming the logical continuation of the philosophical studies which occupy the student towards the close of his courses in the *Lycées* or *Collèges*, institutions of secondary instruction, occupying the same position as the German *gymnasia*.

HISTORY OF LAW.

It was not until 1880 that this subject was placed in the regular curriculum of the law schools. Up to that time a

* December, 1890.

few privileged faculties offered courses upon this subject, but even these courses were limited to those who wished to take the degree of Doctor of Laws. Thus the large majority of students were entirely ignorant of the history of their national law. Wolowski very well defined the importance of this subject when he said, "The contempt," to which might be added the ignorance, "of the past is closely allied to the passion for sudden reforms, the result of which is to destroy, where it ought to transform."

INTERNATIONAL LAW,

The codification of the French law, and the excessive importance attached to it, which reduced the legal science to the explanation of the texts, proved itself an obstacle to the introduction of instruction in International Law in the French law schools. It was not until 1888 that the Houses of Parliament voted twelve thousand francs for the organization of courses in Public International Law in the Law Faculties. A decree of the 24th of July, 1889, placed this subject on the regular program of studies. At the beginning of that year there were only two courses of International Law, one at the Faculty of Law, in Paris, the other at *École Libre des Sciences Politiques*, but, thanks to the subsidies voted by the municipalities of Lyons, Lille, and Nancy, these faculties were enabled to establish courses of the same nature.

PHILOSOPHY OF LAW.

This subject, which has been very well described as the synthesis of the three preceding sciences, has recently been added to the curriculum of the law schools.

THE REFORM OF THE "LICENCE EN DROIT."

During recent years the Ministers of Public Instruction have been occupied with projects for the reform of the *Licence en Droit*, i. e., the degree given by the Faculties of Law, preparatory to admission to the bar. One of the most

important of these projects was that contained in the ministerial circular of M. Lockroy, submitted to the examination of the rectors of the "Academies" and the Faculties of Law. His object was to reduce the time occupied by the purely legal instruction in the program of studies, in order to accord at least an equally important place to the administrative, economic, financial, and political sciences. This would naturally change the character of the law schools, transforming them, to a certain extent, into schools of political science, preparatory to entrance into the public administration, or to a public career. In view of the great number of law students who choose these professions, it cannot be denied that one of the essential functions of the law schools should be to prepare these for their after career. Although several steps were taken during the college year 1890-91 towards the realization of M. Lockroy's object, a great deal yet remains to be done.

THE REFORM OF THE "AGRÉGATION DE DROIT."

The *agrégation* is the highest degree conferred by the faculty. As it is exclusively from among those who have taken it, the *agrégés*, as they are called, that the faculties choose their professors, the importance of the prescribed studies, for those preparing themselves for this degree, can easily be seen. The 2d of February of this year (1891) the "Higher Council of Public Instruction" voted a project for the reform of the *agrégation*. The characteristic feature of this reform is to introduce into the program of the competitive examinations the following subjects: Criminal, Constitutional, Administrative, and International Law, the History of Law, and Political Economy. The faculties would thus be able to choose their professors in the political sciences from among those who had applied themselves to subjects other than French civil and Roman law.

Although the full effects of these reforms will not be felt until the opening of the college year 1891-92, they are already apparent, not only in the list of the courses them-

selves, but also in the spirit of the instruction given at the law schools, even in the branches which used to be treated from a purely legal standpoint. We can only heartily echo the sentiment of M. Bourgeois, the present Minister of Public Instruction, who, in his ministerial circular of February, 1891, said: "I have the utmost confidence that the new disposition of the legal, historical, social and economic studies, which will henceforth be so intimately united, will have the most salutary effects."

INSTRUCTION IN THE POLITICAL SCIENCES IN INSTITUTIONS OTHER THAN THE LAW SCHOOLS.

The Collège de France.

This was founded by Francis I, who wished to have a higher institution of learning, where the sciences which did not find their place in what was then the Faculty of Arts, would receive sufficient attention. The circumstances which attended its establishment having greatly changed, this institution occupies to-day a position peculiar to itself. Enjoying an almost absolute freedom as to the choice of subjects of instruction and methods of administration, it devotes itself to instruction in the different sciences and to scientific research. As it gives no degrees, and thus presents no very definite aim to those who attend the lectures, the courses draw comparatively few students in the real sense of the word. In winter, quite a large number of auditors are not infrequently attracted through curiosity to see a celebrated professor, or by the comfortable warmth of the lecture room. Thus, at almost every lecture of M. Ernest Renan, one may see a number of persons, generally strangers, enter, remain about a quarter of an hour, during which time they take a good look at the lecturer, and then file out with more or less noise. All this is not conducive to purely scientific instruction, and the professor soon sees himself forced, in order not to speak before empty benches, to resort to every kind of artifice to make his lectures interesting and amusing.

It was at the *Collège de France* that the first courses in political economy were given. The first professor to occupy the chair was Michel Chevalier. In 1848, when the question of transforming the *Collège* into a School of Administration was discussed, it was proposed to suppress this chair, and institute five others in its place, a change which, however, was never accomplished. The names of these five chairs were to be: (1) Economics and Statistics of Population; (2) Economics and Statistics of Agriculture; (3) Economics and Statistics of Public Works; (4) Economics and Statistics of Mines, Arts, and Manufactories; (5) Economics and Statistics of Finance and Commerce.

The reasons given were as follows: "As to Political Economy, the opinion of the Commission is, that while each student might study this subject in text books, it should have no place in an official curriculum." The Commission was furthermore of the opinion that "Political Economy, consisting of disputed systems, without any fixity, would present a certain danger, of attaching young minds to some one of these systems, and that the veritable Political Economy, being nothing other than the science of politics and administration, the proposed course ought to be sufficient." The chair of Political Economy is to-day occupied by M. Paul Leroy-Beaulieu. The professors of the *Collège de France* possess an almost absolute freedom in the choice of their subjects, and at times the relation between the name of the chair and the subjects treated is somewhat difficult to discover.

THE ÉCOLE LIBRE DES SCIENCES POLITIQUES.*

An examination of the courses in political science in the different classes of French schools, shows that the School of Political Science is the only one which offers anything approaching complete instruction in these branches. The

* *École Libre* means a school which, founded by private individuals or corporations, is distinct from the schools which depend upon the State and are under its direct supervision. It is free from direct governmental control.

very fact of the sterility of the state schools and faculties in this respect, favored the success and remarkable growth of this school. It was founded in 1871 by MM. Boutmy and Binet. At that period, as we have already had occasion to show, there existed nowhere in France any regularly organized instruction in political science. This want was all the more keenly felt because of the organization of the French Civil Service, the entrance to which is determined by means of competitive examinations. There existed, it is true, a School of Administration, but it offered only a small portion of the advantages to be found to-day at the School of Political Sciences. Viewed from an exclusively practical standpoint, the school prepares for the different branches of public administration. For this purpose the courses are divided into five sections :

- (1) Administrative Section.
- (2) Diplomatic Section.
- (3) Economic and Financial Section.
- (4) Colonial Section.
- (5) Section of History and Public Law.

The courses are arranged so as to enable those attending the law school to enter one of the sections of the school as well. The courses extend over a period of two years. They are numerous, and cover the whole field of political science. Nevertheless, the small number of hours given to each subject often causes the student to leave with only a very imperfect knowledge of some of the most important branches.

The School of Political Sciences at Paris offers one of the most interesting and important examples of systematic instruction in these branches. The rapid transformations which the Law Faculties are undergoing, the ever-increasing importance given to political science in their curriculums, will, no doubt, materially affect its position and progress. But whatever its future may be, it will always remain one of the monuments to French private initiative.

COURSES GIVEN BY THE SOCIETY OF SOCIAL ECONOMY.

This society, founded by Frédéric Le Play, gives each year a number of courses, inspired by the doctrines of the society. Many of these courses consist in the presentation of family or trade monographs, for the basis of Le Play's method is the observation and study, in the form of monographs, of particular families, taken as types of a social group. The course of M. Du Maroussem, recently given under the auspices of the society, at the Law Faculty, deserves special mention. It was a minute description of the furniture industry of Paris, in which he traced its history, its methods of work, the relation between employer and workmen, the commercial crises to which it has been subjected, the reforms necessary in order to better the condition of the workmen, in short, a complete picture of this Parisian industry. The previous year he had pursued the same method of observation and exposition in the case of the carpentry industry.

COURSES IN THE CATHOLIC FACULTIES.

We merely wish to recall here the fact that courses in political economy are given in the four Catholic Faculties of Law in Paris, Lille, Angers, and Lyons, by MM. Claudio Jannet, Béchaux, Baugas and Rambaud, respectively.

THE CONSERVATORY OF ARTS AND TRADE.

The courses of Political and Social Economy given at this institution deserve special attention because of their popular character. The chair of Political Economy and Industrial Legislation is occupied by M. Émile Levasseur, that of Industrial Economy and Statistics, by M. De Foville. Two courses, of two hours a week each, are given by these gentlemen in the evening. These are largely attended by the working classes, and in general by those who are occupied during the day. The course of M. Levasseur is divided into five parts, which are treated during five consecutive years. Thus, during the college year 1885-86 he began

with the subject, "The Consumption of Wealth," followed in 1886-87 by "Industrial Legislation"; 1887-88, "The Production of Wealth"; 1888-89, "The Distribution of Wealth"; 1889-90, "Exchange of Wealth." In 1890-91, he recommenced the series with "The Consumption of Wealth," which he treated in the following order :

"Productive and unproductive consumption—Economy and the Savings Banks—Capital and its functions—Costs of public instruction—Personal consumption—Luxury—Insurance—Bankruptcy—Consumption of the State, budget, taxes—Population; births, deaths, marriages, emigration, increase—Relation existing between population and wealth."

M. de Foville, whose course extends over the same length of time, chose the following subjects during the five years beginning with 1885-86: "The Equipment of Human Industry," "The Effects of Human Industry," "Labor and Its Laws," "The International Exposition" (chosen because of the Exposition at Paris in 1889), "Ways and Means of Transportation."

These courses are adapted in an admirable manner to the intellectual standard of the audience. They are models of economic instruction for the masses. The economic significance of many of the more obvious elements of social and industrial life are brought home to the listeners; entire lectures being devoted to such topics as the Savings Bank, Failures and Bankruptcy, Drunkenness, Insurance, the Personal Consumption of the Workingman, etc.

UNIVERSITY STATISTICS.

Having given a general idea of the method and scope of instruction in the French "Faculties," it seems advisable to complete these observations with some statistical notes. In this part of our investigation we have made use of the *Statistique de l'Enseignement Supérieur*, published decennially by the Ministry of Public Instruction since 1868. These publications have greatly contributed to the improve-

ment of the condition of the faculties by bringing to the notice of the authorities and the public their needs and defects. The most superficial examination of the statistics of 1868 suffice to show the vices of the organization of the faculties at that time—the limited numbers of chairs, the lack of students in the Faculties of Letters and Sciences, the deplorable condition of the libraries. The first publication of the "Statistics" served to open the eyes of the government to the exigencies of the situation, and, as a result, the statistics of 1878 show a much more satisfactory condition—the effects of reforms were already apparent. Nevertheless, the progress had been exceedingly slow, compared with that accomplished between 1878 and 1889. The difficulties were increased by the fact that between these two dates there had been thirteen different Ministers of Public Instruction who were at the same time Grand Masters of the University. As regards the financial situation of the faculties, we find that the gross expenses have been as follows :

1835	2,004,623 francs.
1877	5,113,880 "
1879	8,625,330 "
1884	11,652,355 "
1887	11,500,000 "

In 1887 the receipts* for immatriculation and examination fees amounted to 4,700,000 francs. The only faculties whose expenses and receipts balance are the Faculty of Letters, of Rennes, and the Faculty of Law, of Paris. In 1887 the receipts of the latter exceeded the expenses by 454,326 francs. It is to be borne in mind that we are only considering the expenses of the faculties, which would be greatly increased if we included all the higher special schools. As to the number of students, we find that in 1875, 9963 students were regularly immatricu-

*It is to be remarked that the lectures (with the exception of the conferences) are free, but if one desires to take a degree, the fees amount to 120 francs a year for registration at the Faculties of Law. The examination fees amount to 180 to 280 francs at the Faculty of Law at Paris.

lated in the faculties of France. In 1888 the number reached 17,503; that is, almost twice as many. The greatest progress in this respect is in the Faculties of Letters and of Sciences. In 1878, the date of the publication of the general statistics, the Faculties of Law and Medicine were the only ones that possessed regular students. The Faculties of Sciences and Letters had to depend upon the general public to

NUMBER OF IMMATRICULATED STUDENTS IN THE
FACULTIES OF

	Law.	Medicine and Pharmacy.	Sciences.	Letters.	Total.
Paris	2,300	5,135	449	1,171	9,055
Toulouse	727	306	101	97	1,231
Bordeaux	268	544	81	136	1,029
Lyons	281	544	46	91	962
Montpellier	256	494	67	73	890
Lille	118	299	139	156	712
Caen	191	52	62	157	462
Nancy	137	175	59	83	454
Aix-Marseilles	181	153	49	50	433
Rennes	215	94	49	68	426
Grenoble	127	48	57	86	318
Poitiers	143	41	35	57	276
Dijon	107	59	36	34	236
Besancon . . . . .	. . .	45	44	41	130
Clermont . . . . .	. . .	41	35	20	96
Algiers	101	58	26	38	223
Schools of Medicine and Pharmacy of Amiens, Angers, Limoges, Nantes, Rheims, Rouen, Tours. }	. . .	57			57
Total	5,152	8,715*	1,335	2,358	17,503*

follow its courses. In 1879 commenced the formation of regular groups of immatriculated students at the Faculties of

*[A discrepancy is observable in the footing of the column of figures relating to the medical students and a corresponding one in the "total." We were not, however, in a position to correct the error, owing to the want of necessary material.—THE EDITORS.]

Sciences and Letters of Paris, Lyons, Bordeaux, and Montpellier. In 1888 the total number of students in all these faculties was 3693, of whom 1620 were at Paris. Of these 2358 belonged to the Faculties of Letters and 1335 to the Faculties of Sciences. The success of this movement, which was stigmatized by many as the Germanization of the faculties, is partly due to the establishment of paying scholarships. Thus, of the 3700 immatriculated students in the Faculties of Sciences and of Letters, 620 enjoyed, in 1888, the use of paying scholarships. As the foregoing table will show, the Faculties of Medicine lead the list with 8715 immatriculated students, of whom over 5000 are at the Faculty of Paris. The Faculties of Law follow with 5152 students, of whom 2300 are at Paris. In this table we have omitted the 127 students at the Protestant theological faculties of Paris and Mantauban, as well as the students of the Catholic faculties.

As to the number of foreign students, they are to be found almost exclusively at Paris, where they form a very considerable proportion: 12 per cent. at the Faculty of Medicine, 8 per cent. at the Faculty of Letters, 7 per cent. at the Faculty of Law, and 1.2 per cent. at the School of Pharmacy. Considering all the faculties of France for the moment, we find that, whereas in 1868 there were only 500 immatriculated foreign students, which number was reduced to almost zero after the war of 1870-71, the year 1891 found 1192 foreign students immatriculated, of which more than one thousand were at Paris. The nations sending the largest contingents are as follows:

Russia	278	Spain	45
United States	169	Switzerland	44
Roumania	154	Bulgaria	34
Turkey	123	Servia	33
England	72	Italy	22
Egypt	56	Portugal	19
Greece	54	Germany	19

They are divided amongst the following faculties :

Theology	4	Sciences	85
Law	204	Letters	37
Medicine	862		

If the statistics we have given tend to show anything, it is the altogether disproportionate position occupied by the faculties of Paris as compared with those of the provinces. The former include about two-thirds of all the students, which explains, to some extent, the intellectual and material stagnation of so many of the latter. From 1825 to 1880 the budget of the four great faculties of Paris (Medicine, Law, Letters, and Sciences) has been increased from 709,381 francs to 2,256,340 francs. The number of chairs has increased as follows: The Faculty of Sciences, which possessed 12 chairs in 1810, has to-day 19, or, including the "Masters of Conference,"* 27; the Faculty of Letters, had 3 chairs in 1809, 11 in 1855, and 16 in 1880, or, including the complementary courses and conferences, 26; the Faculty of Law possessed 5 chairs in 1804, and 21 in 1880, with 5 "Masters of Conference;" the Faculty of Medicine, which had 20 professors in 1794, has to-day 33.

Conclusion.

Three classes of institutions for higher instruction can be distinguished in France to-day: 1st. The faculties, which composed the former university—theology, law, medicine, sciences, letters, and the higher schools of pharmacy. 2d. Independent institutions devoted to the study of special branches of science, or to general intellectual culture, such as the *Collège de France*, the Practical School of Higher Branches of Learning, the Observatories, the National Museum of Natural History. 3d. Special schools, such as the Higher Normal School, the *École des Chartes*, the School

* The conference in a French faculty is a course of lectures reserved for the immatriculated students and in which the instructor sometimes questions the students.

of Oriental Languages, the Schools at Athens, Rome, and Cairo, which prepare for scientific, literary, or artistic careers.

We have endeavored to trace the reforms in the different faculties; to show how the Faculties of Letters and Sciences have completely changed their organization; how the law schools have introduced the political sciences and been gradually transformed from purely professional schools of jurisprudence into institutions which furnish instruction in political economy, as well as commercial, international, administrative, and constitutional law.

Comparisons with the institutions of other nations we have carefully avoided, because of the great difficulty of establishing a satisfactory criterion. A comparison of the French with the German universities, for instance, would be, for several reasons, unfair to France. In the first place, the organization of secondary instruction in Germany is not the same as that in France. In Germany the secondary instruction is considered, for the most part, as preparatory to entrance to the university; while in France the secondary instruction was organized at a time when, with the exception of the professional studies of law and medicine, there existed nothing which corresponds to the higher instruction of the present day. As a result, we find quite a number of branches, such as philosophy, certain portions of physics, and chemistry, entering into the secondary instruction in France which do not find their place in the faculties. Furthermore, the French faculties, especially of Letters and Sciences, must compete with the special schools, which often brings about a dispersion of intellectual forces.

As to the number of students, it must also be remembered that in France the theological students, with the exception of about 125 in Protestant theology, are educated in the Catholic theological seminaries under the supervision and direction of the church and completely separated from the state, and thus from the faculties. Germany, on the con-

trary, possesses in its state universities some six thousand students in theology.

Without attempting in the least to belittle the extraordinary progress made by the German universities, which has placed them at the head of almost all that pertains to intellectual culture, it is not to be denied that the great interest which France has taken during recent years in her higher institutions of learning, the immense sacrifices which she has made for them, and the important reforms accomplished in the organization of the faculties, bid fair to re-establish for her institutions their former reputation. There is no doubt that the passage of the bill reconstructing regional universities will contribute materially to this end by infusing new life into the faculties of the provinces, and thus reducing the preponderating and all-absorbing influence of Paris.

LIST OF INSTRUCTORS IN POLITICAL SCIENCE AND
PUBLIC LAW IN THE VARIOUS INSTITUTIONS
OF HIGHER EDUCATION IN FRANCE.

- PARIS.—MM. Beauregard, Esmein, Larnaude, Renault, Ducrocq, Leveillé, Michel, Jalabert, Cauwès, Chavegrin, Alglave, Boistel, Girard.
- LYONS.—MM. Rougier, Leseur, Énou, Audibert, Sauzet.
- BORDEAUX.—MM. Saint-Marc, Vigneaux, Duguit, Barckhausen, Despagnet, Faure, Durckheim, De la Tour, Jullian, Gebelin.
- MONTPELLIER.—MM. Gide, Meynial, Gérard, Brémont, Barde, Laborde.
- NANCY.—MM. Garnier, Gavet, Liégeois, Blondel, Lombard.
- GRENOBLE.—MM. Jay, Rambaud, Pillet, Michoud, Testoud, Beaudouin, Balleydier.
- LILLE.—MM. Deschamps, Jacquey, Bourguin, Garçon.
- DIJON.—MM. Mongin, Saleilles, Gaudemet, Weiss.
- RENNES.—MM. Worms, Chenon, Marie, Blondel.
- TOULOUSE.—MM. Arnault, Despiaud, Hauriou, Timbal, Brissaud, De Boeck, Deloume.
- POITIERS.—MM. Brissonet, Didier, Biville, Barrilleau, Le Courtois.
- CAEN.—MM. Villey, Colin, Toutain, Jouen.
- AIX.—MM. Al. Jourdain, Gautier, Bouvier-Bangillon, Ed. Jourdain.
- ALGIERS.—MM. Colin, Estoublon.

COLLEGE DE FRANCE.—MM. Paul Leroy-Beaulieu, Flach, Levasseur.

SORBONNE.—M. Pigeonneau.

SCHOOL OF ROADS AND BRIDGES.—MM. Baudrillart, Margnerie.

CONSERVATORY OF ARTS AND TRADES.—MM. De Foville, Levasseur.

NATIONAL INSTITUTE OF AGRICULTURE.—MM. Lecouteaux, Gauvain, Chevallier.

NATIONAL SCHOOL OF MINES.—MM. Cheysson, Aguilon.

NATIONAL SCHOOL OF ARCHIVES.—MM. Géry, Roy.

HIGHER NORMAL SCHOOL.—M. Courcelle-Seneuil.

SCHOOL OF POLITICAL SCIENCE (École libre des sciences politiques).

—MM. Le Vavasseur de Précourt, Alix, Stourm, Cheysson, Lebon, Gaidoz, Sorel, Levy-Bruhl, Funck-Brentano, Renault, Niox, Levasseur, Arnaune, Cordier, Flach, Levy, Monod, Ponsard.

SOCIETY OF SOCIAL ECONOMY.—MM. Maroussem, Béchaux, Guérin.

SCHOOL OF HIGHER COMMERCIAL STUDIES.—MM. Letort, Renault, Lyon-Caen, Passy, Blade.

HIGHER SCHOOL OF COMMERCE.—MM. Ameline de la Briselaine, Dhombres.

SCHOOL OF COMMERCE.—M. Letort.

SCHOOL OF ANTHROPOLOGY.—MM. Letourneau, De Martillet.

LEO S. ROWE.

Berlin.

DISCUSSION.

PARTY GOVERNMENT.

In the ANNALS for November, 1891, Professor Anson D. Morse has stated, with much clearness, some of the advantages of party government in a Republican state.

The study of these advantages might, however, lead to an exaggerated idea of their importance, if we should neglect to consider at the same time such disadvantages as are not merely accidental and curable, but apparently unavoidable and permanent in the operations of such political parties as we now have.

Among the most important functions of these organizations are the selection of candidates and the adoption of a platform or declaration of principles. These responsible duties are intrusted to conventions, composed of delegates chosen for the purpose at the party elections, known as the primaries.

Those who have so far conformed to the rules of a party as to be entitled to vote at its primaries may be divided into two classes, as follows: 1. Citizens who have no special advantages to gain, and whose only motive for participation is their desire for good government.

2. Those who are actuated by personal ambition or hopes of securing office, contracts or pecuniary benefits.

In order to carry the primaries a considerable amount of time and labor must necessarily be expended. The voters must communicate with each other; views must be compared and harmonized; candidates suggested, interviewed and agreed upon; tickets prepared and supplied, and concert of action secured.

This labor is undertaken with eagerness and enthusiasm by the men who are working for the offices or other personal

benefits, and are actuated by purely selfish motives. But the majority of citizens, engrossed as they are with private business and family cares, have neither time nor inclination for such tasks. And when their reluctance is overcome, as it occasionally is by their sense of public duty, they are likely to find that their opponents have no hesitation in resorting to misrepresentation, trickery or fraud, in order to control the result. Under these circumstances a small, but well-disciplined, energetic and unscrupulous minority can generally defeat the honorable and patriotic majority. It is therefore not surprising that honest and industrious citizens are apt to conclude that it is useless for them to take part in such contests.

The growth of this feeling is particularly noticeable in our large cities. Efforts to arrest it are only successful in rare instances, and it seems inevitable that the primaries must continue to be gradually abandoned more and more to the control of the class generally designated as politicians.

These gentlemen may have great abilities and many good qualities, but for the reasons just stated, their positions cannot, except in rare cases, be either won or retained unless their dominant motives are personal and partisan advantage; moral principles and the interests of the public being secondary considerations. Public offices, contracts and patronage are what they work for and what they must have, by fair means if possible, but if not, then by whatever means may be necessary. For this purpose they are obliged to combine among themselves and submit to such leaders as may seem best able to direct their efforts, and to secure and apportion among them the prizes they covet. Having once acquired complete control of a nominating convention, their natural desire, is of course, to nominate such candidates as will best serve their own personal interests, and in the absence of factional fights among themselves, the only real check upon this desire is their fear of losing enough of the more independent voters to turn the scale in the general elections.

This conflict between what they would like to do and what

they dare to do, usually results in their nominating such men as have no more honesty and independence than may seem to be absolutely necessary for ultimate success. And if they can secure candidates who are generally believed to be able and honorable, but who will really obey and assist the spoils-men, the temptation to nominate them, and thus deceive and outwit the people, can hardly be resisted.

In the construction of a party platform the leaders are naturally governed by similar motives, and, instead of publishing a frank statement of their real objects and intentions, they are disposed to adopt whatever may seem most likely to attract the voters. In their effort to do this they seek to treat almost every subject of public interest, but there are necessarily some points in regard to which even the members of their own party are divided, and it is one of the defects of party government that while many voters find sentiments which they disapprove in each platform, they can see no alternative but to cast their ballots for one or the other, and thus seem to endorse and support ideas to which they are really opposed.

It would appear, therefore, that our system of political parties must necessarily tend to place the selection of our candidates and the declaration of our principles in the hands of a small minority of able but comparatively selfish and unscrupulous men. If this tendency was confined to either party, it might be possible to hold it in check by voting for the nominees of the other; but the present system practically confines the choice of the people to the candidates of the two principal parties, all of them having been selected and nominated by similar methods, and therefore characterized by a similar lack of unselfish patriotism and moral principle. However dissatisfied the voters may be with the candidates of their own party, they are naturally disposed to believe that the candidates of the other party, having been chosen in the same way, are at least as bad. They have therefore no means of expressing their preference for better men, and their votes must be determined by the attractions

of a more or less unsatisfactory and untrustworthy political platform, rather than by any considerations of personal honor or fitness.

Under such a system, if a candidate belongs to a party which happens to be on the most popular side of some leading question, like the tariff or silver coinage, his lack of integrity or personal ability must be very glaring to prevent his election. And when he takes his seat in a legislative body, and it becomes his duty to make a careful study of some important question, to sift the evidence and reach a wise and just conclusion, he, who should be like an impartial judge or an unprejudiced jurymen, may find that he is only the bond servant of the leaders of his party, a mere automaton for the registering of their decrees. It is in this way that our legislative assemblies are slowly losing their character as deliberative bodies, and yielding more and more to the dictation of irresponsible partisan chiefs, or the decrees of a secret caucus.

While it is true that there are many exceptional instances, and occasional popular uprisings, it is difficult to avoid the conclusion that our general submission to the rule of political parties tends to lower our moral standards, corrupt our people, and subject our National, State, and Municipal governments to a class of men who care far more for personal and partisan success than for either the honor or material interests of those they profess to serve.

To discuss the possibility of devising better methods would be beyond the scope of the present paper, which is only intended to suggest a few of the reasons why we should not look upon the present system as satisfactory.

CHARLES RICHARDSON.

Philadelphia, Pa.

NOTE ON PROFESSOR GRAZIANI'S ECONOMIC THEORY OF MACHINERY.

The theory of machinery, regarded as a branch of mechanics, has been exhaustively handled by competent writers, while the history of its introduction has been so often repeated that the names of successful inventors, from Watts and Fulton to Bell and Edison, have become as familiar as those of popular statesmen and warriors. The author of the little book * now before us neglects, however, these dramatic aspects of the subject, and directs his inquiries to the question of the place of machinery in economic theory. In turning to this more difficult, but not less useful study, he deserves the thanks of all economists.

The effects of machinery on the constitution of society, and on the distribution of wealth—these are the leading thoughts in Prof. Graziani's mind. He begins by distinguishing between tools and machines.

He believes that tools originated in the adaptation of the instruments of war to the purposes of peace. This is a plausible hypothesis, at least, although it may not be susceptible of proof that at that early day civilization began by a beating of swords into ploughshares and spears into pruning hooks. It is certain, however, that the use of tools was the first step out of barbarism, prior even to the domestication of animals, and that with the help of tools and of animals a very high degree of civilization was possible, long before machinery attained that predominant position which is the distinctive note of modern industrial society. But in spite of the high development of political institutions and the expansion of intellectual activity, society seemed to be irretrievably divided into classes, of which the more numerous were, by no fault of their own, but, as it seemed, by the very

* *Studi sulla Teoria Economica delle Macchine* by A. Graziani, pp. 115. Turin: Fratelli Bocca.

nature of things, hopelessly bound down to the soil or to the bench. There seemed to be no possibility that to them, also, Providence might vouchsafe some better lot than the scant sufficiency required to maintain life and to raise children.

Prof. Graziani is therefore well within the truth when he declares: "Tools were without doubt the chief cause of social progress, but they have not influenced the relative condition of the various classes: machinery, on the other hand, has extended its effects over the distribution of power and of the returns of production between the different classes of producers." (p. 8.)

Prof. Graziani recognizes that it is no easy matter to find a definition which will serve in an entirely satisfactory manner to distinguish between tools and machinery, and he therefore contents himself with commenting on the more striking peculiarities which distinguish them. "A tool," he says, "is a simple instrument which man directs to the transformation of matter; a machine is a combination of mechanical powers which intervenes between man and nature, which receives from him a simple impulse, and, as it were, by its own virtue transforms material into product." (p. 10.)

The efficacy and the extended use of machinery are mainly dependent upon the possession of an abundant source of power, and among all such sources of power, steam, of course, is pre-eminent. Prof. Graziani states that so long ago as 1860, the amount of 1,800,000 horse-power was used to move machinery in England, without counting that engaged in supplying the means of transportation.

This amount is now greatly augmented; and in view of so mighty an auxiliary force co-operating with man, what wonder that his mastery over nature should grow, and that a change amounting to little less than a revolution should ensue in the economic order of society!

The most important portion, however, of Prof. Graziani's book, in its relations to economic theory, is that in which he treats of the economic conditions, upon the existence of which the introduction of machinery depends.

“As manual labor preserves a field to itself in which machinery cannot compete with it, so machinery has a sphere which manual labor cannot invade. Outside of this circle [sic !], in which but a single productive system is possible, there remains a large territory open to either, and there machinery is of advantage when it increases the quantity of the product or improves its quality.” (pp. 30, 31.) Our author tells us, further, how the decision is made. “Since, in the modern system of industry, production is directed by the undertaker, the application of more or of less auxiliary capital depends upon his interest.” * * * “It may happen that the rate of wages is so low as to render it more suitable to conduct the enterprise by the use of manual labor than by the use of machinery; it may happen, on the other hand, that the rate of wages may be so high as to render the use of machinery more advantageous.” (p. 19.)

This thought is most fully developed in the third chapter. Our author there begins by critically examining the teachings of v. Thünen, “the first,” he says, “who, with the insight of genius and with fixity of purpose, treated expressly the relative applicability of auxiliary capital and of remuneratory or wages capital.” (p. 52.)*

“According to v. Thünen, auxiliary capital can be advantageously substituted for wages capital whenever the interest on the auxiliary capital is less in amount than the wages, but not when it is equal or superior; so that, other things being equal, a less rate of interest favors the substitution of auxiliary capital for wages capital.” * * * “But this statement cannot stand, in face of an attentive examination.” * * * “It is not the interest on auxiliary capital which is to be compared with wages, but the loss of value which auxiliary capital incurs in use is to be added to the profit on the whole of the auxiliary capital, and this total is to be compared with the whole amount of the wages capital added

* In what follows, it will be noticed that Prof. Graziani speaks of auxiliary capital as though it were identical with machinery. It, of course, in reality includes not only machinery, but a great many other things as well.

to the profit to which it would be entitled." * * * "If a machine were to be completely worn out in one year, as is the case with wages capital, v. Thünen's error would be so evident as to need no answer. It would, in fact, follow from this supposition that if the rate of interest were ten per cent., there would be an advantage in substituting a machine worth ten thousand *lire* for wages capital of eight thousand *lire*, because the interest of ten thousand *lire* being one thousand *lire*, is less than eight thousand *lire*! But the doctrine is just as false when the auxiliary capital is but slowly consumed. Let us suppose a machine to have the value of twenty thousand *lire*, and that it is substituted for a wages capital of two thousand *lire*; let us suppose the rate of profit to be the same as that of interest, and that it is ten per cent., and, further, that the duration of the machine is such that the annual loss in value is two thousand *lire*."

"According to v. Thünen's theory, when the interest of twenty thousand *lire*, the value of the auxiliary capital, is equal to the two thousand *lire*, the amount of the wages, there will be neither loss nor gain in employing machinery, there being no increase of cost in doing so. But, as a matter of fact, things turn out in the following manner. In order that the enterprise should be profitable, it is necessary, when manual labor is employed, that the product should return to the undertaker the two thousand *lire* of wages which he has paid, and, in addition, a profit of ten per cent., or, in all, twenty-two hundred *lire*. On the other hand, if the labor of the machine is employed, the product must make good to the undertaker the loss of two thousand *lire* on his capital *plus* the profit on his entire capital of twenty thousand *lire*, making in all four thousand *lire*. It is, therefore, clear in this case that the use of machinery would involve a notable increase of cost." (pp. 55, 56, 57.)

Prof. Graziani evidently means to imply that v. Thünen was really ignorant of the existence of wear and tear, and that it was reserved for himself to discover it. If this view is

correct, it is at least difficult to reconcile it with Graziani's own estimate of v. Thünen as a "profound thinker."

After disposing of v. Thünen, Prof. Graziani turns somewhat contemptuously upon me because it so happens that in some essays which I once wrote on the subject of the law of wages, I was led to touch incidentally upon the same topic, which he treats of here. Prof. Graziani, it seems, thinks that the views I there expressed were copied by me from v. Thünen.

"Nevertheless," he says, "in spite of this absurd consequence to which it leads, the doctrine of Thünen, in its most absolute form, has recently been maintained by an American economist, Stuart Wood, who presents it without any too much novelty of reasoning. He says that there are operations in which the superiority of mechanical labor over manual labor is manifest, and that there are others in which the superiority of the latter is equally incontestable, but that in certain other undertakings either machines or manual labor can be substituted the one for the other. Now, according to Stuart Wood, in these latter cases the choice of the capitalist depends upon the relative cost of these different methods of production, and this is measured by the rate of interest on auxiliary capital compared with the wages of the laborers; but the amount which is paid as interest cannot differ greatly from that which is paid as wages, because machinery and labor are able to replace each the other, and, therefore, the law of competition imposes the equality of their compensation.

"The same objections which we have raised against v. Thünen are valid against Stuart Wood, and we shall not stop to repeat them."* (pp. 57-58.)

It seems from the foregoing passages that v. Thünen and myself are charged in one indictment with having overlooked the element of wear and tear in estimating the comparative

* I shall not pause to criticise this statement of my views further than to mention that I have always endeavored to avoid speaking of machinery as commensurate with auxiliary capital, as Graziani frequently does, and in the passage here quoted represents me as also doing.

costs of using capital and of using labor, and I am further accused with having borrowed v. Thünen's doctrine without acknowledging my obligation to him. In short, it is alleged that not only is my doctrine erroneous, but that my very error is not my own, but surreptitiously purloined from another.

Let those who enjoy such discussions compare the language here attributed to me with the language used by Graziani to express his own views and quoted above (see page 92, lines 1 to 16). As I do not pretend to rival the learned professor in erudition, I confess, without a pang, that I had never seen a copy of v. Thünen's work until after reading Graziani's, so that I could have as little borrowed my views from one as from the other. Indeed, v. Thünen's name was little known in America until attention was recently directed to his writings by Prof. Marshall.

I do not know what v. Thünen would have answered to Graziani's objections. It is quite possible that he may have been perfectly conscious of the influence of wear and tear, and that he may have thought it so self-evident as to require no mention for the special purposes of his investigation. It is even possible that he may have thought that no one could fail to perceive it, and so would not have begrudged its discovery to Graziani.

As for myself, although the special subject of my study did not require me to do so, I nevertheless did explicitly refer to the very facts which Prof. Graziani charges me with ignoring, and I do so in the very article from which he quotes.

"The principal element of the cost of using capital is interest: Interest alone is really paid as compensation for its use. But interest is by no means the only element of cost. In order to keep it intact and provide against sudden loss or gradual depreciation, there must be provided, in addition to interest, a fund for insurance and renewals, or wear and tear. These things vary greatly with the nature of the particular business; while interest, strictly speaking, does

not so vary. And besides insurance against loss by sudden destruction or by the dilapidation of gradual wear and tear, there must be an insurance provided against the possible depreciation in value arising out of the instability of business and its changing conditions. Labor is therefore often employed at a price far exceeding the ordinary interest on the amount of the capital which could replace it. The owner of a silver mine for these reasons may sometimes wisely hesitate to erect labor-saving appliances, even at an annual saving of from thirty to fifty per cent. on their cost; while a prudent manufacturer will often pass by opportunities to save ten per cent., or even twenty per cent. on the cost of improvements which it is in his power to make.

“But the charges for insurance and for renewals, or for wear and tear, are not strictly charges for the use of capital, but simply a provision to preserve its amount unimpaired. Excluding these charges from the cost of using capital, its interest remains as the compensation for its use, and is equal in all its employments at the same time and place.”*

In comparing with this passage the objections so far adduced by Graziani, one might suppose his opinion to be identical with my own. But, no; he objects to making the rate of interest the basis of the comparison between the cost of using auxiliary capital and the cost of using labor. He prefers to make the rate of profit rather than the rate of interest fill that rôle, and in this he supposes that he is introducing a notable change. I do not know what may be Prof. Graziani's theory of profit, but I do know that all careful thinkers on this subject are agreed that profit consists of the three elements, interest, insurance and wages of superintendence. Of these, the first only bears any fixed ratio to the amount of capital employed. The wages of superintendence cannot in any way affect the undertaker's choice between the use of auxiliary capital and the use of labor. Insurance, of course, does affect this determination much as wear and tear do, and for that reason I have treated it like them in the

* Stuart Wood in *Quarterly Journal of Economics*, October, 1888, p. 70.

passage quoted above. Insurance and wages of superintendence being thus eliminated, there remains interest only.

As one great error brings other lesser errors in its train, so Professor Graziani imputes to me two other lesser blunders. The first is that I fail to avoid a certain ambiguity alleged to lurk in the word "rate." "By the rate of interest, is meant the relation between the returns of a capital and the capital itself; by the rate of wages, on the other hand, is meant not the relation between a capital and its return, but the actual compensation of each laborer; so that the rate of interest and the rate of wages, apparently analogous phenomena, assume a heterogeneous nature." (p. 58.) This distinction is familiar to me. If I have ever forgotten it with the result of vitiating my reasoning, I would be thankful to have the place pointed out in which I do so.

The second of the minor faults imputed to me, is my alleged failure to observe that the capital used in paying wages must receive interest, just the same as auxiliary capital does, and at the same rate. "The rate of interest on auxiliary capital and the rate of interest on wages capital must be identical, because the competition of capital prevents any divergency, so that the rate of interest will not of itself have any influence on the choice between employing capital in one way or the other. (p. 59.) If this were so, by substituting the word "profit" for the word "interest," the same reasoning would destroy Prof. Graziani's theory that the choice between auxiliary capital and labor is determined by the rate of profit (plus wear and tear), instead of by the rate of interest. His ardor, however, to confute the supposed errors of others has led him into the very palpable error of confusing the amount of interest with the rate of interest. That he knows better is proved by the fact that he elsewhere (p. 57), as already quoted, himself adduces the instance of a machine worth twenty thousand *lire*, supplanting labor which requires a wage capital of two thousand *lire*, and himself draws the inference that if interest or profit be at the rate of ten per cent., it will amount to two thousand *lire* in the case of

the machine, and two hundred *lire* in the case of wages capital.

I have dwelt at length on these passages, not merely because they concern me personally, but also, because I believe that Prof. Graziani's statements tend to introduce fresh confusion into a difficult subject, instead of clearing up that which already prevails.

The opinions expressed in his book, are, for the most part, sound and judicious, and the errors into which the author has fallen are due not so much to any fundamental vice in his system as to the fact that his eagerness for controversy causes him to attempt to refute the statements of others before he has attained a clear insight into their real meaning.

STUART WOOD.

Philadelphia, Pa.

PROCEEDINGS.

TENTH SESSION.

The Tenth Scientific Session of the Academy was held in Philadelphia, on Tuesday, the 24th of November, 1891, at 1520 Chestnut Street, at 8 P. M. The following papers and communications were announced as having been submitted to the Academy since its last meeting:

49. By James Harvey Robinson, of the University of Pennsylvania: The German Bundesrath. This paper was withdrawn, and has appeared among the publications of the University of Pennsylvania. (Political Economy and Public Law Series, Vol. III, No. 1.)

50. By George D. Holt: The Relation of Charity Organization to Social Problems.

51. By D. G. Ritchie, of the University of Oxford, England: The Teaching of Political Science at Oxford. Printed in the ANNALS, July, 1891.

52. By Takekuma Okada: Taxation in Japan.

53. By Leo S. Rowe: The Congress of the Learned Societies at Paris. Printed in the ANNALS, September, 1891; also a note, (54) "Les Magasins du Louvre,"

55. By S. S. Cooper, of Philadelphia: Crimes of the State and Abuses of Police Power.

56. By Professor E. P. Cheyney, of the University of Pennsylvania: Recent Tendencies in the Reform of Land Tenure. Printed in the ANNALS, November, 1891.

57. By J. Müller: Slow Climatic Effects on the Country and Inhabitants of Northern Europe.

58. By Francis B. Lee, New Jersey: Constitution of Belgium. Translation and Introduction.

59. By Leo. S. Rowe: Instruction in French Universities. Printed in the current number of the ANNALS.

60. By Jane M. Slocum: Letter on Instruction in Secondary Schools.

61. By Bernard Moses, of the University of California: Constitution of Colombia, with Antecedents.

62. By A. D. P. Van Buren, of Michigan: James Otis.

63. By T. B. Veblen, Ithaca, N. Y.: Some Neglected Points in the Theory of Socialism. Printed in the ANNALS, November, 1891.

64. By George H. Opdyke: The Nature of Wages, with Especial Reference to the Relations between Wages and Profits.

65. By Wellford Addis, Bureau of Education, Washington, D. C.: The Crisis in Secondary Instruction in France.

66. By A. D. Morse, of Amherst College: The Place of Party in the Political System. Printed in the ANNALS, November, 1891.

67. By Rev. Charles W. Duffield, of Ware, Mass.: Belamy Once More, or the Nationalist Movement.

68. By Lewis W. Wells, of New Jersey: Notes on Piece Work.

69. By Titus Salter Emery, of Philadelphia: Oppressive Taxation and the Remedy.

The subject of the evening's discussion was "How to Improve City Government; The Objects and Methods of the Philadelphia Municipal League."

Papers were read by Mr. F. P. Prichard on "The Study of Municipal Government;"* by Mr. Lincoln L. Eyre on "The Relation of the National Party to Municipal Government;" and by Mr. William Draper Lewis on "The Political Organization of a Modern Municipality."*

After the papers had been read, the president invited a free discussion by those present of the topics which had been treated. The audience showed a remarkable interest in the subject of the evening, and a large number were ready to express their views.

* Printed in full in the current number of the ANNALS.

Prof. H. Willis of the Central High School, was the first to respond. He pointed out that there was a tendency to return to the Greek meaning of the word "Politics," which referred to the management of the affairs of the *Polis*, that is, of the community or city. The increasing interest in the study of political science he deemed a most hopeful sign, as the real root of the matter was education. The problems of finance and administration that the ordinary office-holder is required to solve could, he thought, almost be taught in the grammar school, being no more complicated than parts of arithmetic and grammar.

Prof. Giddings, of Bryn Mawr, declared himself in hearty opposition to what had been urged in favor of a divorce of city from state and federal politics. "We ought to recognize the fact that we, in America, have developed a political life of our own; that we have a definite political basis. We ought to find out what that basis is and adjust ourselves to it.

"That basis in this country is party, and party only. The reason why we have no good municipal government is simply and solely that while we have let parties run our municipal government, we have never made them *responsible*. Instead of doing this we have kept saying, 'It is all very well for the parties to conduct the national government and the state government, but really they ought not to meddle or have anything to do with the city governments, and there is, therefore, no sort of way of holding them responsible for those governments.' If we want good government, we must recognize the fact that parties will govern, and make it a part of the duty of the political party to have a definite municipal policy as well as a definite state policy and a definite national policy, and then vote in accordance with those policies as we choose.

"Now, why have we no responsible party in municipal affairs? Why is it that a party has a national policy and a state policy which we would choose between as voters, but that a party never has a municipal policy? Simply because

the parties, and the citizens who form parties, are never permitted in this country to govern a municipality. There is not a municipality in this country that governs itself. It pretends to govern itself, but how? By making petty by-laws under the provisions of a perfect mountain of state statutes all the time being revised by the state legislature. The politicians come to your state capital, and there they frame all sorts of schemes, get them carefully drawn up in the statute laws and then, forsooth, if you choose, you may play at politics in your municipal affairs ; but you have no real politics, and, of course, no real party.

“If you are ever to have good municipal government in this country, ladies and gentlemen, you must get over being humbugged by all these new devices for a form of municipal government that are not in accordance with American ideas and American ways of doing things. You will make your parties responsible for municipal government, as for all other forms of government, you must then give them power to do what they assume the responsibility for, and hold them to that responsibility.”

Mr. Thomas H. Dudley, ex-United States Consul at Liverpool, said he agreed in the main with the sentiments expressed by Prof. Giddings. He thought that we were destined to have parties as long as the Republic lasted and that these parties would generally control the municipalities. The speaker believed that in one-half of the municipalities the Republican institutions had proved a failure. This was to be attributed in large part to the introduction of large masses of uneducated foreigners. Mr. Dudley dwelt at some length on the present abuses. The remedy he believed to lie in the direction of greater activity on the part of the more intelligent classes. The parties could not be dispensed with, but should be educated, not spasmodically, when things reached a state no longer bearable, but systematically. The organization of leagues and committees was not to be discouraged, but after those committees had done all they could, the government fell back into the hands of the politicians and of the

existing parties. He could see no remedy but that of attending the primaries and electing, or trying to elect, better men. "I would not," he said in closing, "discourage the efforts of the leagues or those of the committees of citizens. Let them do all they can. But we must recognize the fact that municipal government will continue to be in the hands of the politicians, as it always has been."

Mr. Rudolph Blankenburg urged that we were often led astray by a devotion to parties which had lost their significance. He endorsed the plea of Prof. Willis, that the science of government ought to be taught in the schools. "The Constitution is explained, and the science of government in many ways is explained; but, Mr. Chairman, there is something that is not done in our public schools that is needed, because it is the children of to-day who will be the men and women of to-morrow. Let us teach them the *morality* of government, and I see the time when the second father of this country will be called, who shall write a text book on the morality of politics. Let us commence right with our children; let us commence right, and there will be very little difficulty or trouble in the future."

Assistant Postmaster Benjamin J. Hughes said: "I am one of those who have always heretofore seen what I have believed to be my duty in acting with one of the political parties. I trust, however, that I may never be so clouded with prejudice as to reject a proposition merely because it is new."

Prof. Giddings, to be consistent with his ideas, would, he thought, be in a very serious dilemma if the political party to which he belongs should adopt a policy in national affairs in which he believed and a policy in municipal affairs which he could not conscientiously support. If he voted with his national party, he must vote against his convictions. If he voted against his national party in municipal affairs he must vote against his political convictions in national affairs. "The proposition which we have to-night before us is undoubtedly a legitimate proposition, that there may be a

political party confining itself to national issues, that there may be in every city political parties representing the division of sentiment with regard to the political issues of that city. There may be two political parties, or more, if you please, in every city confining their attention absolutely to questions affecting the municipal government. That that is possible, no man who stops to reason for an instant will deny. That it may be good, I do not deny. That it is certain to be good, I am not convinced."

The argument for the expediency of a divorce of local and state politics, Mr. Hughes did not consider conclusive. "I do not believe," he said, "that it is impossible that a party may do well in national affairs, that it may do well in state affairs, and that it may do well in city affairs. I think the question always will be whether the people belonging to it do well when organized and operating for any one of those parties. The theory advocated has been at least partially tried in this country and without success. The city of Washington has a municipal government in which the political organizations were absolutely dissevered from national affairs, where the people of the District of Columbia could vote upon no question except questions pertaining to the government of that district, which was primarily, of course, the city of Washington. They had no vote on any state questions, no vote upon any national question, and it was almost impossible, whatever names they may have organized themselves under, for them to organize a political party for anything except municipal purposes. And yet, despite the theory of our friends, the government of the city of Washington became so corrupt that it had to be taken away from them. Whether a municipal party will give us better government for a city than existing parties do give us, in my judgment, will depend in very large measure upon whether the people of that city are more patriotic than the average of the political organization. That, for instance, the people of Pennsylvania are not of better average morality and patriot-

ism than the average of the people of the city of Philadelphia, I am not quite certain. The necessity of at least paying some decent respect to the morality of the rest of the state may be to some extent a restraint upon bad government in our city. If you can give me a city composed of citizens like those that are gathered here, patriotic men and women who will love their city, and who will vote always for its highest interest, then let us separate municipal politics from national or from state politics. The real evil, in my judgment, is far deeper than the question of political organization. The real thing which we must get over, if we want pure government in our municipalities, is the curse of the spoils system."

Mr. C. Oscar Beasley expressed the wish, as a Councilman of Philadelphia, "to get on the witness stand and testify." No one, he claimed, appeared to realize the magnitude of the subject under discussion. He illustrated his point by the statement that, while the State of Pennsylvania had made appropriations of \$20,000,000 during the past year, the city of Philadelphia had disbursed no less than \$21,000,000. The evils of municipal government in some of our great cities he attributed to the overwhelming preponderance of a single party. To reduce this majority was the first step towards reform. Secondly, an absolute independence in voting on city affairs was necessary. "We must have parties, but not devoted to the same objects. Divide the objects of your parties, but you must keep your organization." Referring to the government of Philadelphia, the speaker pointed out that the corruption had been conspicuous under the administration of respectable mayors and heads of departments. "The mayor must," he said, "go behind the covers and curtains of his office. You must compel your mayor to dig down into the miry depths beneath, and not allow him to say, 'I do not want to make trouble; I do not want to make things unpleasant.' When you have gotten your municipal government in that condition, when you have reduced your majority, and when you vote independently in politics, we shall then have a progressive city government."

PERSONAL NOTES.

AMERICA.

Columbia College.—Worthington Chauncey Ford, who has been appointed reader of Political Economy for the coming year in Columbia College, was born in Brooklyn, N. Y., in 1858. He entered Columbia College with the class of 1879, but was compelled by increasing deafness to leave in the junior year. He then went into business in connection with an insurance company, continuing, however, his literary work. Besides contributions to the *Evening Post* and the *Nation*, Mr. Ford edited Well's "Natural Philosophy" (1879) and compiled "A Citizen's Manual" (1882). Later he became a member of the editorial staff of the *New York Herald*, and for two years he wrote on economic and political questions for the editorial page of that paper, publishing, as well, occasional articles on allied subjects in the monthlies and quarterlies.

In 1885 Mr. Ford was appointed by Mr. Bayard, Chief of the Bureau of Statistics in the Department of State, and held that position until March 5th, 1889, when he resigned.

Mr. Ford has devoted much attention to American History, and has edited many collections on that subject. Among these may be mentioned :

Letters of Joseph Jones (1889).

Report of a Committee of the Lords of the Privy Council on the trade of Great Britain with the United States, 1791.

Washington as an Employer and Importer of Labor.

The Writings of Washington, 14 vols.

The Spurious Letters attributed to Washington.

The Duché-Washington Letters.

Letters of William Lee, 3 vols., etc.

Cornell University.—Prof. Adolph Casper Miller, who

was last spring chosen Assistant Professor of Political Economy and Finance in Cornell University, was graduated at the University of California in 1887. He was awarded the "Harvard Club Scholarship Prize" of San Francisco, and spent the years 1887-8 and 1888-9 as a graduate student at Harvard University. During the year 1889-90 Mr. Miller was Instructor in Political Economy at Harvard. The following year he taught the same subject in the University of California, where he was elected assistant professor.

Prof. Miller has contributed papers to the *Quarterly Journal of Economics* upon "International Protection of Workmen" and "The Conversion of the English Debt."

Harvard University.—Mr. D. E. Spencer, of Madison, Wis., recently appointed Assistant in History at Harvard University, is a graduate student in History and Political Economy at that institution. After taking the degree of B. L. at the University of Wisconsin, in 1887, he studied one year in the Law School of the same institution. In 1889-90 he was Instructor in History at the University of Wisconsin, and entered Harvard the next year, receiving the degree A. M. in 1891. Mr. Spencer has written "Local Government in Wisconsin," (Johns Hopkins University Studies in Historical and Political Science, 8th Series, No. III) and a short historical sketch of the University of Wisconsin, printed in Circular of Information, No. 1, 1889, of the U. S. Bureau of Education.

Leland Stanford Junior University.—Professor George E. Howard, recently of the University of Nebraska, now occupies the chair of American History and History of Institutions at the Leland Stanford Junior University. Professor Howard received the degree of A. B. at the University of Nebraska, 1876, and that of A. M. three years later. From 1876 to 1878 he studied history and Roman law at the Universities of Munich and Paris, and was appointed Professor of History at the University of Nebraska in 1879. Prof. Howard is a contributor to the *Nation*, the *Political*

Science Quarterly, the ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, and other journals. He has published :

“Introduction to the Local Constitutional History of the United States.” Vol. I. (Extra volume Johns Hopkins Series.)

“Development of the King’s Peace and the English Local Magistracy.” 1890. (Nebraska University Studies. Vol. I, No. 3, and also separately.)

“Evolution of the University.” 1890.

“The State University in America.” (*Atlantic Monthly*. 1891.)

University of Michigan.—Herman Vandenburg Ames, who was appointed Instructor in History at the University of Michigan at the beginning of the present academic year, is a graduate of Amherst (1888). He studied in the Columbia School of Political Science in 1888–89, and entered the Graduate School of Harvard University in 1889. He took the degree of A. M. in 1890, and held the Ozias Goodwin Memorial Fellowship in 1890–91. He received the degree of Ph. D. in 1891, his thesis being:—“Proposed Amendments to the Constitution of the United States.” A part of his results have been published in the papers of the American Historical Association, Vol. V, No. 4.

Syracuse University,—W. H. Mace, who was last June appointed Professor of History and Political Science in Syracuse University, Syracuse, N. Y., is a native of Indiana. He was born in 1853. After his graduation from the Indiana State Normal School in 1876, he had charge of the public schools of Winamac and Logansport for three years. In 1883, he graduated from the University of Michigan, receiving the degree of A. M. He was Superintendent of Public Schools in McGregor, Iowa, from 1883–85. In 1885 he became Professor of History in the Normal department of DePauw University, holding that position for five years. The past year he spent at Cornell in post graduate study.

Prof. Mace is now editing the department of History in

the *Inter-State School Review*. In 1886, he published an "Outline and Notes on United States History," and contributed the "Outline of American History to the Indiana Institutes," published by the State Department in 1889.

AUSTRIA.

Prague.—Dr. Ernest Mischler, recently appointed Extraordinary Professor of Statistics at the German University at Prague, was born in that city in 1857, and is the son of Dr. Peter Mischler, at that time Professor of Political Economy. He was educated in his native city, receiving the degree of Doctor of Laws at the University in 1881. He was then chosen a member of the Statistical Commission of Austria (K. K. Statistische Central-Commission), retaining this position for over six years. In 1885 he became Privatdocent for Statistics at the German University of Prague; in 1887 he occupied the same position at Vienna. In 1888 he was made extraordinary professor in the University of Czernowitz, and finally, in 1891, he was called to his present position. Prof. Mischler established, during the present year, in the Austrian province of Bukowina, a provincial statistical bureau, and was himself its first Director. In 1887 he acted as secretary of the fourth International Demographic Congress at Vienna, and edited its proceedings.

Prof. Mischler is an active member of the International Statistical Institute, of the Provincial Statistical Commission of the Duchy of Bukowina, as well as of the American Academy of Political and Social Science. He is, moreover, corresponding member of the Statistical Commission above referred to. In the University, Prof. Mischler lectures not only upon statistics, but upon political economy as well.

Besides his more important works, to be mentioned later, he has contributed articles to the various scientific journals, among which may be noted papers in the *Statistische Monatschrift*. Mayr's *Allgemeines Statistisches Archiv* (Das

Moment der Zeit in der Statistik, etc.), Schanz's *Finanz-Archiv* (Die Subjecte der Finanzwirtschaft, etc.), Conrad's *Jahrbücher*, Braun's *Archiv für Sociale Gesetzgebung und Statistik*, Allgemeine Deutsche Biographie, Holtzendorf-Jagemann's Handbuch des Gefängniswesens (Partie, Kriminalstatistik).

Prof. Mischler's works are the following :

"Alte und neue Universitäts-Statistik," Prag, 1885.

"Der öffentliche Haushalt in Böhmen," Wien, 1886.

"Österreichischer Städtebuch ; Herausgegeben im Verein mit K. Th. von Inama-Sternegg. I Band, 1887 ; II Band, 1888 ; Wien, Gerolds Sohn.

"Die Armenpflege in den öster. Städten und ihre Reform." Wien, 1890.

ENGLAND.

London.—Mr. R. H. Inglis Palgrave, F. R. S., the editor of the "Dictionary of Political Economy,"* now in course of publication, belongs to a family several members of which have distinguished themselves as writers. The Mr. Palgrave in question is the third son of the late Sir Francis Palgrave, the eminent historian and author of the "Rise and Progress of the English Commonwealth." The eldest brother is Mr. Francis Turner Palgrave, Professor of Poetry at Oxford, and well known as a literary critic. The youngest of the brothers is Mr. Reginald Francis Douce Palgrave, who succeeded the late Sir Erskine May as Chief Clerk of the House of Commons.

Mr. Robert Harry Inglis Palgrave was born in London in 1827, and was educated at Charterhouse. At an early age he removed to Great Yarmouth, where he entered a banking house. His interest having been aroused in economics, he devoted much time to research in this science, and received the prize awarded in 1870, by the Statistical Society of London, for an essay upon "Local Taxation of Great Britain and Ireland." In 1873, he submitted to the same society a

* London : Macmillan & Co., 1891.

paper entitled "Notes on Banking in Great Britain and Ireland, Sweden, Denmark and Hamburg." In 1875, Mr. Palgrave was chosen by the English Country Bankers issuing notes, as one of the witnesses on their behalf before the Select Committee of the House of Commons upon the banks of issue. In 1877, Mr. Palgrave became associated with the *Economist* newspaper, and upon the death of Mr. Bagehot, he assumed the post of editor. His contributions to the *Quarterly Review*, and especially his leading articles in the *Bankers' Magazine*, deserve mention. In 1882, he was honored by the election as Fellow of the Royal Society. In 1885, Mr. Palgrave was appointed one of Her Majesty's Commission on the Depression of Trade and Industry, in which capacity he has contributed "Appendix B" to the third report of this commission, a carefully written essay upon index numbers of prices, the currency and standard of value in England, France and India.

FRANCE.

Aix.—The death of M. Alfred Jourdan, Professor of Political Economy of the Law Faculty, occurred late in the summer. He was born in 1823, and studied at Paris under the influences of Blanqui, Rossi and J. Garnier. Three years he spent in the study of Roman law and political economy at Heidelberg and Berlin, under Vangerow, Zoepfl, Mittermaier and Rau. On his return he took the degree of *docteur en droit* at Aix, but it was not until 1864 that he became Professor at the Law Faculty of Aix. A public course in political economy was established at Marseilles, and M. Jourdan applied for the place, but the government considered his liberal ideas dangerous, and refused its consent. In 1873, however, the position was conferred upon him, and when, in 1878, instruction in political economy was introduced in the law faculties of France, M. Jourdan gave up the chair of Roman Law at Aix, to assume that of Political Economy.

M. Jourdan was an adherent of the classical school; none the less he greeted with pleasure the foundation of *La*

Revue d'Économie Politique, and became one of its editorial committee. He did not abandon his scientific views, but lent the prestige of his name and influence to an undertaking, whose result, as he clearly foresaw, must be to dignify and solidify the instruction in political economy in the faculties of law. At the time of his death, he was engaged in the preparation of an ambitious work in four volumes, "L'Histoire des Doctrines Politiques." His important contributions to *La Revue d'Économie Politique*, were :

- "L'Enseignement de l'Économie Politique"
- "L'Économie Politique et le Droit."
- "Essais de Remaniement de la Science Économique."
- "Huitième Centenaire de l'Université de Bologne."

His other works are :

- "Exposée populaire du Droit Français," 1875.
- "L'Hypothèque," 1876.
- "Épargne et Capital," 1879.
- "Du rôle de l'État dans l'Order Économique," 1882.
- "Des Rapports entre le Droit et l'ÉconomiePolitique."

It is certainly a very honorable record that all of these, except the second, were written for the prize contests of the Institute, and that all were successful.

GERMANY.

Berlin.—Dr. Paul Heilborn, who, last January (1891), became Privatdozent in International Law at the University of Berlin, was born in Berlin Febuary 6th, 1861. During the years 1879-82 he studied law at the Universities of Heidelberg and Berlin. From 1882 to 1888 he occupied the position of *Referendar* in the courts of Berlin, and was appointed in 1888 "*Gerichts-assessor*." The following year he left the Prussian state service, and entered the academic career, having already taken the degree of Doctor of Laws in 1887.

Dr. Heilborn has published :

“Rechte und Pflichten der neutralen Staaten in Bezug auf die während des Krieges auf ihr Gebiet übertretenden Angehörigen einer Armee und das dorthin gebrachte kriegsmaterial der Kriegführenden Parteien.” Berlin, 1888. This work was awarded the Bluntschli Prize at Munich.

“Das Völkerrechtliche Protektorat.” Berlin, 1891.

RUSSIA.

Kasan.—Professor A. Brückner, the historian and statistician, formerly of Dorpat, has been appointed Professor at the University of Kasan, with leave of absence to pursue investigations in Germany. Professor Brückner was born at St. Petersburg in 1834, and studied at the Universities of Heidelberg, Berlin, and Jena, 1857–1860. He was Professor of History at the law faculty at St. Petersburg, 1861–67, at the University of Odessa, 1867–72, and at Dorpat, 1872–91. His principal works are :

“Finanzgeschichtliche Studien. Kupfergeldkrisen.” St. Petersburg, 1867.

“Ideen und Zustände im Zeitalter Peters des Grossen.” Leipzig, 1878.

“Peter der Grosse,” Berlin, 1879.

“Katharina II.” Berlin, 1883.

“Europäisirung Russlands.” Gotha, 1889.

An edition of documents for a biography of Count N. P. Panin (1770–1857), 5 vols., St. Petersburg, 1889–91, (two further volumes in preparation.)

Dr. George Staehr has been appointed Extraordinary Professor of Political Economy and Statistics at the University of Kasan. Professor Staehr was born in 1857 at Dorpat, and received his education at the gymnasium and university of that town. After taking, in 1880, the degree of candidate of political economy and statistics, he went to St. Petersburg and took part in the compilation of statistics of landed property in the Polish provinces. In 1882, he was appointed to a post in the administration of schools and institutes in the Baltic provinces, which he held till 1886. Then devoting himself once more to his scientific studies, he

took the master's degree in 1890, and the doctor's degree in 1891, both at Dorpat. He has published :

“Die Russische Kopfsteuer und ihre Reform” (Russische Revue 1880.)

“Ueber Ursprung, Geschichte, Wesen und Bedeutung des Russischen Artels. Ein Beitrag zur Cultur und Wirtschaftsgeschichte des russischen Volkes, I. Dorpat, 1890. · II. Dorpat, 1891.

BOOK REVIEWS.

LE DROIT INDIVIDUEL, ET L'ÉTAT. Introduction à l'Étude du Droit par CH. BEUDANT, Professeur à la Faculté de Droit de Paris. Deuxième Édition. Pp. 290. Paris, A. Rousseau, 1891.

"The eternal question of the principle of right," of "natural right," is the author's theme. Ages ago intuitions of an "absolute and universal justice," superior to laws and states, were felt by the few. At length the revolution of 1789 and the declaration of the rights of man (1791) placed this "principle of right" not in the law nor in the state, but "in man himself;" elevated "the notion of individual right to a principle of universal right." This was the idea of Montesquieu (p. 123), Locke (106), Grotius (94), Bodin (91); it was the idea which Christianity threw upon the world eighteen centuries before (66). The philosophers, a few chosen spirits, had recognized this idea; but neither man nor the state, his master, had followed it. The Greeks had not, the Roman public law had not; the early Church (71) did not. It was the eighteenth century (77) which definitively recognized the notion of individual right.

But the political work of the French Revolution passed away—and the ideas of the times? "The inclination is to make the action of the state predominate anew over the initiative of the individual and even over the rights of the individual." This, then, is the position taken by the author. Standing at the point attained by the declaration of human rights, he projects the "general formulas" of successive systems of philosophy upon a convenient background. Kant and the revolutionists (140); Rousseau, Hobbes, and Bentham (156, 175), and other odd companions touch or overlap one another in their asserting or denying, respectively, individual rights.

Forty pages are occupied with definitions and general

notions : twenty with the ancient idea of right, in Greece and Rome ; nearly one hundred are devoted to the liberal school, its origin, its development and its definitive formula ; finally, a hundred more are given up to the *Contrat Social*, the utilitarian and the historical school and sociology.

Theories of the relation of individual right to the state, selected from systems of philosophy from the time of Socrates to the later sociologists, stated so as to show who leaned toward individual rights, and who sacrificed them, but without much regard paid to whether this feature was important or secondary in the philosopher's system—this is the main content of the book. Whoever wants to get such a synoptic view of philosophical systems as this, will get it in this little volume with only the trouble of reading a well-written book.

FREDERICK W. MOORE.

University of Pennsylvania.

LA LEGGE E LA LIBERTÀ NELLO STATO MODERNO. By ATTILIO BRUNI ALTI. 2 vols. Pp. 310, 238. Turin, 1888-1890.

The author of these volumes is one of the recognized leaders of liberal political thought of Italy. His career has been a varied one ; for he has been librarian, journalist, historian, geographer, jurist, professor, and member of the lower house of the Italian Parliament. He has made a special study of the institutions of Switzerland, and evidently admires to the full the free government of England. One of his earliest works bore the title of "Liberty and Democracy," showing the youthful bent of his mind, which riper years and profounder knowledge have only served to strengthen.

Although Signor Bruni alti's title would lead us to expect no mention of antiquity, he uses very freely his knowledge of Athenian and Roman institutions as illustrative material. He calls attention to the well-known fact of the constantly increasing complexity of the law, and adds that "every law appears in fact as a diminution of liberty" ; but he goes on to show in a masterly manner that where the laws are just,

this diminution is only an appearance, and that such limitations in reality serve to reinvigorate liberty. The savage is more free than the civilized man, but only in a certain narrow sense ; his sphere of action is rendered so petty by his ignorance and his circumstances, that in reality his life is very much more circumscribed than that of the civilized man who has all the forces of civilized life at his command. Although an enthusiast, our author is by no means a dreamer. He has no sympathy for ready-made systems of law, or for liberty given in a lump to a people that have no "sense of liberty," and who have had no training in "conquering" it. "Man may be merry and meek ; but left to himself, to his own impulses, the human beast will out, with his brutality and his ferocity, with his violent and destructive instincts."—[I. p. 81.] "The individual, before he acquires the science of liberty, has the taste of anarchy."—[II. p. 166.] These are thoughts that it would be well to bear in mind in reference to our naturalization laws. How can it be expected that poor ignorant men from the slums of European cities or from the villages of Italian or Bohemian mountain districts, will acquire in five years of residence and hard work among us, and without a knowledge of our language and institutions, "the science of liberty" ?

Our author examines in detail the methods of legislation in several of the leading countries of the world, thus seeking by comparison to find what might be called the best machinery of law-making. He reminds us that "the law is a restraint, a limit, a chain, and that the ideal is not to have the greatest, but the least number of laws, or rather the number which is strictly necessary for each particular condition of men and times." He finds, in general, that the laws are badly prepared ; that legislators in the various countries of Europe and America give too little heed to their work ; that bills are badly drawn and hurriedly passed, without due consideration as to their wording and their connection with laws already in force. Mistakes made by druggists and others are severely punished by law, while

ignorant and careless legislators are permitted to trifle with our welfare with impunity. He thinks that the best practical solution of the legislative problem would be the submission of every proposed law to a "*Consulta legislativa*, composed of few and eminent men, whose authority would be really respected by all." [I. p. 215.] The idea is a good one; and we should be glad to see the experiment tried, of having every bill proposed in Congress and in our State Legislatures submitted to a few jurists of recognized ability, and who were not members of the legislative body, in order that they might put it in words that would express exactly what the originators of the bill wished to enact into law, and compare the project with the law already existing, in order to see what effect the proposed enactment would have on the whole body of the law.

Ideas of what liberty should be are as diverse as the minds in which they originate. Signor Brunialti teaches the healthy doctrine that "liberty and responsibility should proceed with equal step, under the protection of the law." (II. p. 188.) Different peoples and various circumstances require different laws; but, "with the greatest diversity, liberty should develop itself within the limits of the law." (II. p. 106.) The work, as a whole, is the result of a calm and scholarly investigation of what has been done for the advancement of true liberty and for the betterment of law; and, with this as a basis, the author deals with the problem of what may be rationally undertaken for the future. "Law and liberty," he says, "far from exhausting themselves in an eternal conflict, should then, in the modern State, reign supreme and without antagonism, each in its proper domain, both ready for reciprocal concessions and inclined to the most prudent compromises, having for their common end and aim the greatest and most widespread welfare of man, material, intellectual, and moral, and the power and development of the State—in one word, the improvement and progress of mankind." (I. p. 13.)

WALTER B. SCAIFE.

THE CORPORATION PROBLEM.—The Public Phases of Corporations, their Uses, Abuses, Benefits, Dangers, Wealth and Power, with a Discussion of the Social, Industrial, Economic and Political Questions to which they have given rise. By WILLIAM W. COOK, of the New York Bar. Pp. vi, 262. New York: G. P. Putnam's Sons, 1891.

American lawyers have written more voluminously, not to say more diffusely, on corporation law than those of any other country; but they have usually elected to treat the subject from a strictly legal standpoint. Their works have quite frequently been planned merely to serve busy attorneys. Such a convention as that which met in Paris some time ago, made up of eminent lawyers and economists, to consider corporation law in all its bearings has not been known in this country; and the elaborate studies of the social aspects of such law undertaken by German publicists have no counterpart in English. When the editor of the *Handwörterbuch der Staatswissenschaften* asked Dr. Falkner to prepare a paper on the statistics of corporations in the United States, the latter found it necessary, I believe, to begin at the beginning, and to work from very scattered and incomplete sources.

In his earlier work on "Stock and Stockholders" (a "law book"), and in his smaller work on "Trusts," Mr. Cook's foot-notes indicated that he was giving considerable attention to the social and economic bearings of the subjects treated. The character of his present work indicates, and its preface avows, that it is made up of the materials which had accumulated during the preparation of the legal works, but which could not be used in them. It smacks of the scrap-book, and of a scrap-book that has not been filled from all the possible sources. It leaves the impression of having been concocted at odd times by a very busy man. As in the work on "Trusts" also, the haste of the author to occupy a new field seems to have led him to fill up with a good many unassimilated quotations, and a certain amount of rhetoric that approaches spread-eagleism in its indomitable hopeful-

ness as to the ability of the American people to settle all problems that present themselves.

But Mr. Cook might well urge that this particular field had so long needed occupying that it was much better that he should enter, as now, than that the social and economic aspects of modern corporation law should not receive systematic consideration. This is true. The need for an interpreter between the economists and the lawyers was urgent, and Mr. Cook was right in doing that which his time and preparation made possible, to meet the real demand. His present book will be useful in preparing a better book, whether that work be done by himself or another; and for the present it will serve to popularize the candid consideration of the subject with which it deals.

Admitting that the purpose of the work is to break, practically, new ground, so much space should not have been given to railroad problems as such. Of course they are at present of overshadowing importance; but they have been treated more systematically and at greater length than other branches of the subject, and Mr. Cook's nervous review of the opinions of many men does not add much to what the public already knows. Yet of this, as of the chapter on "Corporations as the Owners of Natural Monopolies," it may be said that though the matter seems already old to working economists, it is well that it should be brought sharply and repeatedly to the attention of the legal profession, and of the public generally.

The book gives a more substantial basis for optimism than the author's rhetoric. It shows that some problems that formerly seemed insoluble have been solved. For instance, we have learned that free incorporation under general acts is better than the granting of special charters to private companies by the Legislatures; and Connecticut is almost the only northern State that still adheres to the earlier method. We have also learned that whether the Dartmouth College decision was or was not sound from a strictly legal point of view, the system of irrevocable and unamendable charters

which it established was mischievous; and nearly all the state constitutions now reserve to the Legislature the right to amend or repeal any charter it may grant. Perpetual exemptions from taxation have been in this way prevented. Among the things that we are now learning, and which this volume will help to teach is the distinction, especially for purposes of taxation, between corporations which control natural monopolies and those which do not, and the imperative need of full publicity in all corporation affairs.

A. G. WARNER.

Washington, D. C.

CHAPTERS ON THE THEORY AND HISTORY OF BANKING. By CHARLES F. DUNBAR, Professor of Political Economy in Harvard University. Pp. 199. New York: G. P. Putnam's Sons, 1891.

It is not a little astonishing that in a country where modern banking methods have reached so high a point of development, and where the regulation of banking privileges has occupied so large a share of legislative attention, both state and federal, so little should have been done in the systematic investigation and analysis of banking operations and statistics. This important department of political economy has been too long neglected by the professed cultivators of the science; their theories of currency have in consequence lagged woefully far behind the practice of the community. Doubtless much of the indifference ordinarily shown by practical men to the currency discussions of the books is to be set down to the insufficient account usually taken by the text-book writers on bank currency. And a similar disregard by our Legislators of some of the more important services rendered by the banks in the currency system of a community where, what has not been inaptly termed the "banking habit" is so general a feature of commercial life as in the United States, will alone account for much that is crude and antiquated in our legislation on the national banks. The abuse of their note issues

by too many of the state banks down to the awful collapse of 1857, seems to have fastened public attention then and since that time upon the note-issuing function of the banks to the exclusion of almost every other, and this in face of the fact that since that time the banking business in the United States has entered upon an entirely new stage of development. The disposition to treat the note-issue as the most important of banking privileges is one of the prejudices with which science has to contend at this present moment. The appearance, therefore, of such a book as Professor Dunbar has produced, which sets forth in a clear, concise and convincing manner the essential principles underlying banking operations, must be hailed as a most welcome accession to economic literature. Its appearance is especially seasonable at a time when the public mind needs much clarifying upon the subjects of currency and banking. If Professor Dunbar had done nothing more in this book than to have established on an incontestable scientific foundation—scientific, because based upon carefully collected facts—the effective, though, perhaps, inconspicuous service our banks are performing, through the subtle instrumentality of the deposit and the check, as makers of a currency other and better than the bank notes, his work would have had a sufficient *raison d'être*. But the book does much more than merely to emphasize the essential identity of the deposit liability and the note. It gives in brief compass a most admirable survey of the leading banking institutions of Europe, England and the United States, together with a careful statement of the banking functions of discount, deposit and issue, and chapters on banking operations, the check system, bank notes and combined reserves. Students who have been puzzled, or, at any rate, left unsatisfied by Adam Smith's or James Stewart's account of the old Bank of Amsterdam, will turn with relief to Professor Dunbar's interesting chapter on this, the best type of a now obsolete class of institutions which played an important part in the commercial life of their time.

This is, in every sense of the word, a thoroughly thought-out book, abounding in indications of the rare and accurate scholarship of its learned writer. It is to be heartily commended to teacher, student, and reader. It does for the intelligent appreciation of banking business what Professor Hadley's excellent work on Railroad Transportation has been doing for the better understanding of railway problems. The only regret on closing the book is that there is not more of it.

A. C. MILLER.

Cornell University.

THE ORIGIN OF PROPERTY IN LAND. By FUSTEL DE COULANGES.

Translated by MARGARET ASHLEY, with an introductory chapter on the English Manor by W. J. ASHLEY, M. A. Pp. 153. London: Swan, Sonnenschein & Co. 1891.

Prof. Ashley, in his introductory essay, weighs the merits of M. Fustel's views on primitive property in land, and then proceeds upon this hypothesis of non-communal ownership to explain the development of the earliest productive unit in England—the Manor. There is nothing new in the theory of the manor as here given. It is simply the theory which Seebohm has worked out in the "English Village Community," and which Ashley himself has previously given in his "English Economic History." Fustel's skepticism has left its impress upon Ashley. This is clearly apparent in the doubts the latter raises in regard to the accepted theory of the Indian village community, and is also evinced in the determination Ashley expresses of not allowing the comparative method any considerable weight in determining the course of land-ownership in England. "We see," says he, "that there is no very adequate reason, either in German, Indian, Russian or any other supposed analogies, why we should not suffer ourselves to be guided in our judgment as to England by English evidence." This is hardly consistent with his implicit faith in Seebohm's theory of the English Manor, where it is assumed without any express evidence and merely on the ground of analogy, that the prevalent

“three-field” system was imported by the Romans into Britain. Prof. Ashley was bound in consistency to be skeptical in regard to at least that portion of Seebohm’s theory.

The essay of Fustel de Coulanges, it is generally conceded, is a useful piece of destructive historical criticism. It attempts to refute all supposed proofs of early communism in land. That its positive views are extreme, and that national antipathy accounts for the vivisection of von Maurer and Lamprecht must also be granted. But when all is said, we must allow that von Maurer attempted to build too heavy and too detailed a structure on flimsy historical grounds. Viollet, who attempted to prove communal ownership among the Greeks, was a shallow sciolist. Even de Laveleye, in his comparative method of proving primitive communal ownership of land among all nations, was undoubtedly superficial. The early history of the Jews and the Babylonians as well as the comparatively modern origin of the Russian *mir* show that de Laveleye’s induction was neither thorough nor wide enough in extent. However, when Fustel comes to Mommsen, he finds an antagonist of another calibre; and his strictures on Mommsen’s theory of the communal agrarian system in Rome are by no means convincing.

The chief merit of the essay lies in its clearing away a cumbrous mass of unsubstantiated hypotheses, and in demonstrating that any kind of land tenure other than individual possession, must have prevailed in very much earlier times than was formerly supposed; and second, that the trace of any earlier system in existing legal codes is certainly very faint. The chief defects are, first, its failure to appreciate the fact that the development of systems of land-holding may not have been the same among different peoples. The evidence for communal tenure among the Romans is much clearer than among the Gauls. The second defect is its failure to recognize that rights of common usage, as found in mediæval *Rechtsquellen*, must originally have had some other source than the mere caprice or liking of the individual

owner of the estate. The general verdict must be that the essay is chiefly valuable as an incentive to more critical historical work in this line, and that it demonstrates that the nature of original land tenure is still largely an unsettled historical problem.

WINTHROP MORE DANIELS.

Wesleyan University.

REPORT OF THE SPECIAL COMMITTEE ON OUT-DOOR ALMS OF THE TOWN OF HARTFORD, A. D. 1891. Published for the Town, pp. lxxi.; 27 Tables; 3 Appendices.

This pamphlet is an examination into the entire system of alms administration in a city, in which, according to the evidence given, the management of poor relief has been in nearly every respect the most wasteful, not only in the United States, but in the whole civilized world. It is this somewhat astonishing fact, coupled with the highly scientific character of the work itself, which gives to this pamphlet a unique value. The facts are in the main as follows :

In Hartford every sixteenth man is liable to be a recipient of municipal bounty. This ratio is higher than that of London or Paris, where only one in nineteen is a pauper, and is exceeded only by the cities of Stuttgart and Elberfeld and the country, Norway. The amount expended for general poor relief in 1885 was \$2.07 for each man, woman and child of the population, and for out-door relief 90 cents, as over against an average in Connecticut of \$1.22 and 61 cents; in Massachusetts of \$1.16 and 24 cents; in New York of 63 cents and 43 cents; in the Middle States of 38 cents and 4 cents; in the West and South of 62 cents and 17 cents. In 1890, Hartford, with a population of 53,230 inhabitants, was paying as a gross cost *per capita* for all relief, \$1.96; for out-door relief, 73 cents; with a net cost to the tax-payer of \$1.89. This outstrips the average, not only of American cities, but of Germany, Italy and the countries of Ireland and Scotland, and, though exceeded in one or two individual instances, holds first place when compared with the average of seven-

teen European countries. The significance of these figures is enhanced when the growth of population and the economy in expenditure are taken into account. Compared with Dortmund, the least favorable of the German cities, Hartford, while not increasing so rapidly in either general or pauper population, has advanced in largesses to its poor nearly three times as fast. The testimony is similarly damaging when a comparison is made with Brooklyn, Philadelphia, London and Berlin.

In searching for the causes for this high rate of expenditure, the committee discovered that 51 per cent. of the beneficiaries of the town were not proper persons for support, and that even in the remaining cases the aid has been neither legal—that is, within the terms of the statute—nor economical. For example, aid which the statute says shall be only temporary has become permanent, and recipients who, ten or fifteen years ago, might have been, with young children, in need of help, were now, with grown sons and daughters, still receiving a scarcely diminished bounty. Again, great carelessness existed in the giving out of orders for groceries. Some 132 different articles, many of them simply classified luxuries, were furnished in this way to the Hartford poor, where at most eight or ten, covering the obvious necessities of life, were all that the town was required to furnish. Similar waste was found in the care of the sick, in the work of the officials employed, in the matter of rents, burial of the dead, use of the city hospital, in the care of the insane, of orphans, and in the atrocious misuse of the almshouse, which had practically become a sinecure for tramps. Accompanying this valuable array of figures and statements are recommendations upon nearly every feature of alms administration; recommendations which should be carefully read by all who are interested in any phase of organized or private charity. The town of Hartford, roused by the disclosures of this committee, has already adopted a large number of these recommendations, in consequence of which the tax rate was reduced a short time ago by one mill, and a

majority of citizens have been quickened to a livelier interest in the management of their poor system.

The credit for this valuable addition to the literature of charities is due to the Rev. John J. McCook, of Trinity College, assisted by a committee composed of leading Hartford citizens. That such men could be interested to such an extent in a work of so great magnitude, without one cent of compensation, is evidence that civic virtue is not dead yet. We owe it to the chairman, Professor McCook, that the character of the report is of so high an order as to have all the value of work prepared by professionally trained statisticians. In some respects it is even better, for not only is it statistically complete and thorough, but it is also broad in spirit and sympathetic in treatment. This is attested by the fact that it has been adopted as a text-book on charities in two institutions of learning, as well as by the wide recognition it has received from those whose judgment is weighty. Dr. Böhmert, in *Volkswahl* for September 10, 1891, devotes over a column to a very flattering report. Mr. William Vallance, clerk of the Guardians of the Poor in Whitechapel; Mr. George Rooke, of the Poor Law office in Manchester; Mr. Whightington, of the Massachusetts Board of Lunacy; Mrs. J. R. Lowell, of the New York Board of Charities, and others, have spoken of the report in terms of high approval. The work in every way deserves this approval, and Professor McCook, as a man busy with his college labors, and the other members of the committee, men loaded down with the duties of their respective businesses, should receive the thanks, not only of Hartford citizens, who reap the immediate benefit, but also of all interested in this subject, who will be able to turn to this report as one of the most influential and scholarly which any of our cities has produced.

CHARLES M. ANDREWS.

Bryn Mawr College.

THE EVOLUTION OF PROPERTY FROM SAVAGERY TO CIVILIZATION.
By PAUL LAFARGUE. Pp. 174. London: Swan, Sonnenschein &
Co., 1890.

It is but natural that the prevailing, and undoubtedly the correct, modern conception of political economy which views it from the sociological standpoint should become the cause of books like this. The subject could not fail to prove of interest to any economist who pins his faith to induction in the development of his science, and a fairly well-written work upon it would almost of necessity be attractive. It is most certain, however, that the majority of intelligent readers who may chance to examine this essay will find it altogether unsatisfactory. The writer is evidently not incompetent, and had he come to his work without bias, he might have done well; but, as it is, the verdict must be to the contrary.

Lafargue's theory, which is by no means so original as it is claimed to be, is briefly that a primitive tribal communism was succeeded by a "consanguine" collectivism beginning with the family and causing it to change at length from the "matriarchal" to the patriarchal form; and that this collectivism was superseded by feudal property, with its corresponding social organization, which prepared the way for "Bourgeois individualism." Finally comes a prediction, which seems to be in fact a threat, as follows: "Communism exists in a latent form in bourgeois society; circumstances, not to be foreseen, will cause it to burst forth openly, and will reinstate it as the only possible form of future society."

Some of the conclusions stated in this work can be accounted for only as the result of using facts to bolster a preconceived theory. One such conclusion is to be found in this statement: "The term capital, though of Latin origin, has no equivalent in the Greek and Latin tongues. The non-existence of the word in two such rich languages affords a proof that capitalist property did not exist in ancient times, at least as an economical and social phenomenon."

After all possible weight has been given to the argument from the term itself, it is hard to see how the last proposition can be made to comport with the essential fact that interest is an ancient "social phenomenon," and that, in Rome, at least, the struggle against usury seems to have moved almost *pari passu* with the progress of early agrarianism.

The most useful function of a writer whose radical socialism leads him to attack the family as the social unit, is to disgust sober thinkers with his doctrine. That something in this direction has been done in "The Evolution of Property," will easily be seen from such statements as—"the patriarchal family is likewise disintegrated and superseded by the modern family; a sorry remnant, destined, ere long, to disappear," and "The worn-out phrase 'The family is the pillar of the state,' which modern moralists and politicians reiterate *ad nauseam* since it has ceased to be exact, was at one time an adequate expression of the truth." The mischievous spirit of the book, which breaks out in these remarks, is aggravated by a supreme contempt for recognized authorities, showing itself in such expressions as "the Giffens, Roschers, Leroy-Beaulieus, and other such small fry of political economy."

The style of the English translation is, on the whole, good; blemishes like the use of "*restitute*" as a verb for *restore* seem to have been accidental.

To sum up, the book is worth reading only to those who have discrimination enough to understand what is bad in it, and patience enough to glean out the good.

University of Texas.

GEORGE P. GARRISON.

LECTURES ON THE CONSTITUTION OF THE UNITED STATES. By SAMUEL FREEMAN MILLER, LL.D., late an Associate Justice of the Supreme Court of the United States. Pp. xxi, 765. New York and Albany: Banks & Brothers, 1891.

This posthumous work of the late Justice Miller is in many respects a notable volume. It is, first of all, the

deliberate teachings of a great jurist who has had no superior upon the bench of the Supreme Court since the days of Marshall and Washington and Story. It represents the judicial experience and study of over a quarter of a century, and was originally addressed to a body of young men just entering upon their professional career. It is characterized by vast learning, clear analysis, a masterful touch, a strong and simple style, and a calm and admirable temper. It is firm in its tone, whether of commendation or criticism, and above all it breathes a spirit of hope, and even at times of well-founded exultation. The prophet of unrest or of despair will find no support in these lectures.

The volume has had a careful and discriminating editor in Mr. J. Bancroft Davis, whose supplementary notes, appended to each lecture, will be found hardly less valuable than the lectures themselves. Nor, perhaps ought one to overlook the generous and almost sumptuous style in which the publishers have performed their part of the work. In matter, in editing, and in mechanical execution, the volume is a worthy memorial of the great jurist who has passed away.

The lectures of Mr. Justice Miller are twelve in number, and occupy somewhat more than one-half of the volume. Ten of these lectures were delivered before a class of law students at the National University in Washington. One of them was delivered before the Alumni of the Law School of the University of Michigan, and one is, in substance, the oration delivered at Philadelphia at the one hundredth anniversary of the framing of the Constitution. This statement will make it clear that this volume is in no sense to be regarded as a comprehensive treatise on Constitutional law. The ten lectures delivered before the Law School have, indeed, a certain continuity and completeness, and yet some of these were evidently written at widely different periods and possess among themselves differing degrees of elaboration. The work may justly be regarded as a series of monographic commentaries on selected features of the Con-

stitution. This fact is recognized by the editor, who, in a supplementary chapter, has briefly treated many of the subjects omitted in the author's lectures. The character of the work and the probable purpose of the author have resulted in a very sparing citation of cases, a circumstance which will not be regretted by the general reader or those students who desire to have their attention directed only to the great landmarks of our Constitutional history. In order, however, that the book may prove of equal value to the investigator and the practitioner, the editor has brought together in his supplemental notes and in the annotated constitution, which is included in the appendix, most of the decided cases. It should also be noted in passing that the appendix contains collated and certified copies of the Articles of Confederation, the resolutions offered by Randolph in the Constitutional Convention, and the plan submitted by Pinckney to the same body, or rather the plan which, thirty years later, he thought he had submitted to that body.

Among the topics treated by Justice Miller, those relating to taxation, inter-state commerce, and the impairment of the obligation of contracts, will naturally be the first to attract attention. The clauses governing these subjects, more than any others in the Constitution, have called for the frequent construction of the Supreme Court. More than any others they touch the vast business and industrial interests of the country. In the construction of each, Justice Miller had a large and influential part. The first opinion delivered by him after he took his seat on the bench (*Wabash, etc., Co., vs. Beers*, 2 Black, 448) applied the contract clause for the protection of certain bondholders, whose interests were imperilled by an act of the Legislature of Indiana. From that time until he finally laid aside his judicial robes he was called upon many times to apply some one of these provisions. His views upon the powers of Congress over inter-state commerce were early set forth in the *Clinton Bridge* case (1 *Woolworth*, 150), a decision which has ever since been regarded by the legislative department of the Government as

a cogent argument in favor of its power to regulate interstate railway traffic. In the first legal-tender case (*Hepburn vs. Griswold*, 8 Wall., 603) he delivered the dissenting opinion, and he concurred in the opinion which overruled that case (*Knox vs. Lee*, 12 Wall., 457). In the volume before us a separate lecture is given to each of these three subjects of taxation, commerce, and the impairment of the obligation of contracts, and they also come in for a large share of attention in the lectures on related subjects, especially in those on the Supreme Court and the limitation upon the powers of the states. Altogether fully a third of the space occupied by the lectures is devoted to a discussion of these three important topics. It is to be regretted, however, that the lectures on "The Regulation of Commerce" and "The Impairment of the Obligation of Contracts," which were evidently written as much as eight or ten years ago, did not receive the personal revision of the author before his death. Valuable as are the supplementary notes of the editor, all students would be glad to have the final word of the eminent author on these important subjects of constitutional law.

Upon one point Justice Miller always dissented from the opinion of the majority of the Court, and in his lectures he further emphasizes that dissent. While entertaining the opinion that the protection afforded by the Constitution to contracts with states has been in the main a great bulwark against unjust legislation, he does not hesitate to say that in his judgment all such contracts as have for their purpose the exemption of individuals or corporations from taxation are not within the protection of that clause, for the reason that it is "not within the constitutional power of one legislature to limit the taxing power of a succeeding one." In this dissent, it may be added, he has had the support of such eminent associates and predecessors as Chief Justice Chase, Justices Field, Catron, Daniel and Campbell, and to a great extent, Chief Justice Taney.

Next to these lectures, those upon "The Judicial Power," "The Supreme Court," and "The Principles of Construc-

tion of the Constitution," will be most eagerly read. That upon the Supreme Court is a resumé of some of the most important decisions rendered by that tribunal. It is neither exhaustive nor even fairly complete. So important and fundamental a decision as that in *Texas vs. White* (7 Wall., 700) is not only not included in this lecture, but is not even referred to anywhere in the other lectures or the supplementary notes. Yet, notwithstanding these omissions, the lecture, in its method, its fine temper, and its eupeptic tone, is a noble contribution to the worthy literature on our republican institutions. It closes with a fine tribute to the nation which, in the midst of the most bitter controversies, "always submits to the law as expounded by its judiciary." Such a tribute from one who has sat upon the bench of the most illustrious tribunal in the world for upward of thirty years, and has been associated with four of its eight chief justices, is calculated to give fresh hope to those whose ears have almost been deafened by the dolorous clamor of the latter-day prophets of despair.

Such a volume is a pledge to the future. In these days, when restless and impetuous spirits are abroad in the land, when the ancient veneration for the work of the fathers seems at times to be disappearing, when patriotism expends itself in denunciation and destruction, and sacrilegious hands grasp even at the ermine, it is tonic and restorative to turn to the calm, the solidity, and the luminousness of a work like this. The words of the lamented jurist himself may fittingly sum up the whole spirit and teaching of these noble lectures: "While I * * * feel it impossible to express my admiration and my love for the Constitution of the United States, and my profound belief that the wisdom of man, unaided by inspiration, has produced no writing so valuable to humanity, I should fail of a most important duty if I did not say on this public occasion, that no amount of wisdom in a constitution can produce wise government, unless there is a suitable response in the spirit of the people."

Indiana University Law School.

E. W. HUFFCUT.

THE PURSE AND THE CONSCIENCE.—An attempt to show the connection between Ethics and Economics. By HERBERT M. THOMPSON, B.A. Pp. 167. London: Swan, Sonnenschein & Co., 1891.

The purpose of this book, as stated on the title page and in the introduction, is to show the relation between ethics and economics, or rather, the opportunities for ethical action presented by the economic world of the present day.

This purpose is carried out in four chapters and an introduction, having a close logical connection and sequence. In the first chapter the author sounds the key-note to the whole book in the statement that "the competitive system tends to award benefits in proportion to services rendered to the community." It is his firm conviction that justice in the distribution of wealth, so far as that is attainable in this world, would be secured if the competitive system were permitted to operate perfectly. With this idea as the basis of all his arguments the author proceeds in subsequent chapters to describe the obstacles which prevent the perfect working of competition, and to set forth the duties of society relative to their removal. Briefly stated, these may be summed up as follows: The exercise of more zeal in the suppression of crime; better provision for the health and education of those who would otherwise be crippled for the want of them; the removal, so far as possible, of bad laws and bad customs sanctioned by law, of fluctuations in the value of gold and silver, and of ill-disbursed charity; the reform of poor laws and bankruptcy systems, of monopolies and of customs which interfere with competition; such a change in our ethical standard as would make commercial immorality impossible; and finally, a limitation of the rights of inheritance.

It is frankly admitted that all of these reforms cannot be looked for immediately, and that some of them may never be accomplished. In view of this, the author recommends four courses of action, which he thinks best calculated to relieve present distress, and to lead up to these reforms. These

are: First, self-denial with regard to luxuries; second, discouragement of an undue love of possession; third, recognition of our responsibility towards others in the regulation of our money affairs; and fourth, combating the social power of wealth.

Three chapters are given up to the elaboration of these points. The remaining chapter is devoted to an exposition of the weakness and impracticability of socialism. The book has the merits of clear analysis, logical argument and suggestiveness, but it has one serious defect, and that is a failure to recognize the fact that some of the effects of competition are bad. The argument of the entire book is based upon the assumption that competition is a purely beneficent force.

WILLIAM A. SCOTT.

Johns Hopkins University.

DIE THEORETISCHE NATIONALÖKONOMIE ITALIENS IN NEUESTER ZEIT. By DR. HERMANN SCHULLERN VON SCHRATTENHOFEN. Pp. 214. Leipzig, 1891.

This book is unquestionably the result of earnest and scholarly study, based directly on original sources. In a short introduction the author gives a resumé of the history of economic science in Italy from the seventeenth century to 1875, it being with that year that Schullern's study begins. He sets forth the theories of contemporaneous Italian writers on method, on the production, the distribution and the consumption of wealth, as well as on the history of the principles of economics and on statistics, reserving for further volumes the study of doctrines relative to applied political economy and to finance.

The limitations prescribed by the nature of a bibliographical review do not permit me to follow Schullern in his important investigations, which give evidence of the renewed and vigorous growth of Italian science in the field of social economics; and it is, therefore, with regret that I restrict myself to a few incomplete observations, trusting, however, that they may be sufficient to awaken an earnest desire for a

study of the book. The volume is characterized by an interpretation of theories, which is almost always correct, and by subtle and exact observations, which reflect the author's great objectivity of criticism and his great impartiality of judgment. Though he evidently takes his stand among the adherents of the Austrian school, he knows how to give full recognition to the scientific merits of those who fight in opposing ranks, as well as to those who subject to grave and unjust attack the noteworthy results attained by the historical school.

The few omissions may easily be added in a second edition: for instance, he does not refer to the valuable works of *Maggiorino Ferraris*; nor does he make mention of *Rabbeno*, who, though he directed his brilliant study in the line of applied economics—and they are not within the scope of the present volume—nevertheless has had occasion in his writings to set forth his views on certain problems of pure economics; nor is place given to the conspicuous study of *Mesadaglia* on "Population" ("*Sulla Popolazione*"), nor to that other most excellent book of his on "Average Life" ("*Vita Media*"); and *Carlo F. Ferraris* is mentioned only in his book on "Money and Inconvertible Paper Money" ("*Moneta ed il Corso Forzoso*"), no note having been taken of the various other essays which in many regards are most interesting. But aside from these omissions, unqualified praise must be given to the book.

In truth, Schullern presents the scientific movement in Italy in all its power; nor is it without purpose that he dates his study from 1875, for then a new era began; it was from that time that *Cossa* more vigorously directed those theoretical and historical investigations which reflect the varied tendencies and the varied genius of the writers of his day, while all the writings are characterized by a severe exactness of research, and by an excellence of method which are due to the labor of the illustrious Professor of Pavia.

The author sets forth with much clearness the difference between the schools to which our writers belong, and he

justly states that the historical school has not gained absolute adherence in Italy. For he states with reason, that while Lampertico inclines towards that school, he does not accept entirely its fundamental principles, and that although Loria admits that economic phenomena assume a widely different character in different historical periods, he affirms the existence of natural and necessary laws, that cannot be profoundly modified by human power, and that obtain within certain limits of time and space. Especially deserving of notice are the chapters that deal with value, and those that treat of the distribution of wealth; from them it may be seen how much we are indebted to recent economic science in Italy, which, strengthened at foreign sources, and always recognizing the universal character of all knowledge, is taking to-day a new direction, where it will leave the deep imprint of the nation's genius.

AUGUSTO GRAZIANI.

University of Siena.

(Translated by Cornelia H. B. Rogers.)

NOTES.

It will be a matter of interest to all those familiar with the Universities' Settlement in East London, known as Toynbee Hall, to learn that a similar institution is about to be established in Boston under the auspices of the Andover Theological Seminary. "Andover House" is designed to stand for the idea of *resident* study and work in the neighborhood of social destitution and want where it is to be located. A secondary, though important, object is to create a centre for those within reach for social study and practical discussion, lectures being arranged for this purpose. The institution will be under the direction of Robert Archey Woods, author of "English Social Movements,"* who has carefully prepared himself by an investigation of the social conditions and social work not only in London and other English and Scotch towns, but in Paris as well.

Two circulars have been issued defining the aims of the founders of the new institution.

THE question of decimal coinage, weights and measures has been taken up again in England. An organization, under the name "Decimal Association," has been formed, and is actively engaged in spreading information on the subject. The agitation centres, for the present, about the currency. The association has declared for no specific decimal unit, but simply for the decimalization of the currency. In an interesting address by Mr. Wm. Alex. Smith on Decimal Coinage, Weights and Measures, an instructive account of the movement towards the decimal system in other countries and in England is given. It is shown that "every civilized nation on the earth," except Great Britain, has adopted a

* New York : Charles Scribner's Sons, 1891.

decimal system of currency. The plan which most meets the author's approval is the florin plan, taking the present florin or two-shilling piece as the basis, and dividing it into 100 farthings instead of 96, as heretofore. This would give the simple system 1 £ = 10 florins = 1000 farthing. It will be seen that such a scheme adapts itself to the present system—one of the first requisites of a new plan. The arguments in favor of a decimal system of coinage, weights and measures are well stated. The author calls attention to the economizing of time to be expected not only in actual business life, but especially in the education of children.

“THE Eleventh Census,” by Hon. Robert P. Porter, is a separate edition of the recent address by the Superintendent of the Census before the American Statistical Association. It is a valuable record of the scope of the census work, giving some account of its extent, especially as compared with the census of 1880, and the methods of work adopted under the present organization of the bureau. It shows marked progress in the present census, not only in the field covered, but more especially in the greater detail in which the results are presented. As an appendix, this pamphlet contains a classified list of bulletins already issued.

MR. MELVILLE E. INGALLS, JR., is preparing a monograph on the impeachment trials that have taken place, both under the national government and in the individual states. He desires to include every case, under the colonies, the states and the national government where there has been a distinct attempt at impeachment, whether there has been a trial or not. As the material on this subject is very scanty and extremely difficult to discover, he will be much indebted for any suggestion of a case not included in the following list:

Addison, Pa., 1803; Adelbert Ames, Miss., 1876; G. G. Barnard, N. Y., 1874; W. W. Belknap, U. S., 1876; Wm. Blount, U. S., 1877; Botkin, Kan.; Richard Busteed, U. S., 1874; D. Butler, Neb., 1871;

Cardozo, Miss., 1876; Samuel Chase, U. S., 1804; M. Copeland, Mass., 1807; Davis, Miss., 1876; Mark H. Delahey, U. S., 1873; R. C. Dorn, N. Y., 1853; C. A. Edmonds, Mich., 1872; T. N. Frazier, Tenn., 1867; J. Gillespie, Neb., 1871; Wm. Greenleaf, Mass., 1788; J. H. Hardie, Cal., 1862; W. H. Holden, N. C., 1870; F. Hopkinson, Pa., 1780; L. Hubbell, Wis., 1853; W. H. Humphreys, U. S., 1860; Wm. Hunt, Mass., 1794; Huntington, Ohio, 1808; G. S. Hillyer, Kan., 1862; T. Irwin, U. S., 1859; A. Jackson, Mo., 1850; Thomas Jefferson, U. S.; Andrew Johnson, U. S., 1868; John C. Mather, N. Y., 1853; J. Nicholson, Pa., 1794; Pease, Ohio, 1808; Peters, Pa.; J. H. Peck, U. S., 1826; J. Pickering, U. S., 1803; J. Prescott, Mass., 1821; R. Porter, Pa.; J. W. Robinson, Kan., 1862; C. Robinson, Kan., 1862; Ed. Shippen, Pa.; T. Smith, Pa.; G. W. Smith, N. Y., 1866; George Todd, Ohio, 1808; President Tyler, U. S., 1843; John Vinal, Mass., 1800; John C. Watrous, U. S., 1857; Jasper Yeates, Pa.

Mr. Ingalls' address is 42 Beck Hall, Cambridge, Mass.

M. LOUBAT has made over to the *Académie des inscriptions et belles lettres* an annual income of one thousand francs, which is to be used to establish a prize of three thousand francs, to be awarded tri-annually to the best *printed* work relating to the history, geography, archeology, ethnography, philology, or numismatics of North America. M. Loubat is a member of the New York Historical Society and a life member of the American Academy of Political and Social Science.

THE volume of Essays and Monographs by the late Professor Allen, of the University of Wisconsin, which was reviewed in the November number of the ANNALS can be obtained of Professor D. B. Frankenburger, Madison, Wisconsin. The price is \$2.00.

MISCELLANY.

THE MUNICIPAL LEAGUE OF PHILADELPHIA.

The references in the articles relating to the reform of municipal government, which appear in the current number of the ANNALS, as well as the very general interest in the subject, expressed not only at the meeting of the ACADEMY in November, but in the communications which have been received, suggest the expediency of presenting to the members of the ACADEMY, as a sample of the possible methods of organization for reform, the By-Laws and the Declaration of Principles of the Municipal League of Philadelphia. We should be gratified to receive descriptions of organizations for similar purposes existing in other cities.

THE EDITORS.

BY-LAWS OF THE MUNICIPAL LEAGUE.

RULE I—NAME.

The name of this organization shall be the MUNICIPAL LEAGUE OF PHILADELPHIA.

RULE II—OBJECTS.

The object of the League shall be to eliminate all National and State politics from our municipal politics; to secure the nomination and election of candidates solely on account of their honesty and fitness for the office; to see that our municipal government be conducted upon non-partisan and strict business principles; and to encourage every wise project for adding to the comfort and convenience of our citizens, and to the prosperity and development of our city.

RULE III—METHODS.

The methods to be pursued by the League will be :

1st. *Educational*. By demonstrating to the public the advantages to be derived by the absolute separation of National and State politics

from municipal politics; and by the publication of a series of tracts on municipal affairs.

2d. *Practical.* By nominating candidates, when necessary, who are pledged to carry out the Declaration of Principles of the League.

RULE IV—MEMBERSHIP.

Any citizen of Philadelphia or one whose business is in the city may become a member of this organization by signing and sending to the Secretary of the League, the following application:

“Believing that the affairs of our municipal government will be better and more economically administered by the absolute separation of municipal politics from State and National politics, and being in hearty accord with the Declaration of Principles of the Municipal League of Philadelphia, I hereby make application for membership in same.”

RULE V—MANAGEMENT.

The Municipal League shall be managed by a President, First, Second and Third Vice-Presidents, Secretary, Treasurer and a Board of Managers consisting of twenty-five members and such other persons as may from time to time be elected by the Ward Associations, as hereinafter provided.

Their term of office shall continue until the annual meeting succeeding their election, or until their successors are duly qualified.

The Board of Management shall elect a Chairman and such other officers as may be desired, and all such sub-committees as may be needed in pursuance of Rule VI.

No person shall accept a nomination or appointment to a municipal or other political office and at the same time continue to be an officer or manager of The Municipal League.

RULE VI—SUB-COMMITTEES.

It shall be the duty of the Board of Managers to appoint sub-committees on finance, on ward organizations, and special sub-committees on the investigation of current abuses, on collecting information on the various needs of the city, and upon all matters pertaining to the science of municipal government. These committees shall report upon the matters referred to them, and it shall be the duty of the Board to see that public attention is called to any matters of importance which the sub-committees may report. No committee shall have the right to incur any financial obligation without due authority from the Board.

Any member of the Association is eligible for appointment on a sub-committee.

RULE VII—WARD ASSOCIATION.

A Ward Association can be formed by any twenty members of the League resident in a ward of the city. Each Ward Association, when recognized by the Board of Management, shall be entitled to have one representative upon the Board.

No more than one association can be formed in any one Ward.

RULE VIII—FINANCES.

The annual dues payable to The Municipal League shall be one dollar. This sum shall be paid to the Treasurer of the League not later than the second Monday of September in each year, in advance.

No person who has not paid these dues shall be eligible to vote at any election which the League may hold, and no Ward Association which has not at least twenty members who have paid their dues to the League for the current year shall be entitled to a representative in the Board of Management.

RULE IX—ANNUAL MEETING.

The League shall meet on the first Monday of October of each year, and at that time elect by blanket ballot, after the Australian method, a President ; a First, Second and Third Vice-President ; a Recording Secretary ; a Corresponding Secretary ; a Treasurer, and twenty-five members of the Board of Management, for one year, or until their successors are qualified.

RULE X—MEETINGS OF THE BOARD.

The Board of Managers shall hold their regular meetings on the first Monday of each month. Ten members shall constitute a quorum.

Special meetings may be called by the Chairman upon the application of ten members, provided notice of said meeting shall be mailed, at least three days in advance, to all members of the Board.

RULE XI—AMENDMENTS.

These rules may be altered or amended at any regular or special meeting of the Board by a two-thirds vote of those present, providing a written or printed notice of the proposed amendment shall have been mailed, at least ten days in advance, to every member of the Board.

DECLARATION OF PRINCIPLES.

We, the members of The Municipal League of Philadelphia, inviting the co-operation of all our fellow-citizens, hereby declare, and pledge ourselves to the enforcement of the following principles :

1. We believe that the highest principles of municipal self-government in the United States will be materially promoted by the absolute separation of municipal politics from National and State politics.

2. The material prosperity of all citizens residing or having business interests in the city of Philadelphia depends, in great measure, upon the honest and efficient conduct of its government by enlightened methods and upon business principles. Philadelphia should have the most improved system of taxes, of street paving, of lighting, of water, of drainage, of schools, of transit, and all other public necessities and conveniences. To secure these results will be the earnest and incessant aim of the Municipal League of Philadelphia.

3. We pledge ourselves to nominate or indorse only such candidates as we believe to be honest and capable and in sympathy with the principle of absolute separation of municipal from State and National politics.

4. We advocate the practical extension of the highest principles of Civil Service Reform to all municipal departments, and demand a rigorous observance of all laws and regulations concerning appointments to, and removals from, the municipal civil service.

5. It will be the special object of The Municipal League of Philadelphia to make a thorough and scientific investigation of the correct principles of local self-government, especially as adapted to this municipality, and to collect and publish all appropriate information on the defects and needs of our city government. While the members of the League may be members of widely different National or State organizations, all will be united in the common purpose of obtaining the best city government for the wisest expenditure of money, of advancing the material growth of the municipality, and of stimulating that spirit of progress in her citizens which will secure for them and their descendants the largest measure of domestic comfort and of commercial prosperity.

ANNALS
OF THE
AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

MARCH, 1892.

ETHICAL TRAINING IN THE PUBLIC SCHOOLS.

The moral or ethical training of children is always an important matter from a pedagogical standpoint, but the question of the moral training of children in the public schools of the United States now threatens to pass from the hands of the pedagogue to those of the politician. The situation in brief is as follows: All taxpayers must, by law, contribute to the support of the public school, yet an active and influential element in several religious bodies protests against the present position of the public school in regard to moral and religious instruction to the extent of supporting their own schools at their own expense, though taxed at the same time to support state schools. To sustain the inevitable steady opposition of these large bodies of citizens, as well as to overcome the equally earnest, though less determined, opposition of those who deem essential the public reading of the Scriptures, or the singing of sacred songs, the public school must deserve and win the

confidence of a large working majority of the people. This it can not do solely on the ground of the excellence of its intellectual training. It must show itself to be morally sound and substantially Christian. It must not and will not permit itself to be used as a medium for inculcating catechisms by churchmen or laymen, for this would involve its destruction. But its ethical training must be positive and effective, even though informal. The great public see the necessity of leaving to the church those phases of religious doctrine that pertain to authoritative teachings about God and the future life, but they will not excuse the schools from training children in those phases of religious truth that pertain to the relations that should exist between man and man, or between the individual and the various institutions of society.

It is the chief purpose of this paper to find within the available resources of the public school a basis for the best possible moral training that can be given in a non-sectarian institution. With this general purpose in view, I invite the attention of the reader, first, to a valid and essential distinction in morality.

On one side morality is subjective and individual, while on the other it is objective and universal. Man may, on the one hand, be viewed in his relation to himself. Conscience is then the supreme question, and a man does right in obeying his conscience, no matter how irrational or self-destructive his deed may be when judged by institutional standards. "As a man thinketh in his heart, so is he." Or, on the other hand, one may view man in his relation to his fellows, and the written or unwritten laws lying at the foundation of all forms of social life become the guide to conduct. "As a man sows so shall he reap." In this objective view of morality man is not only held responsible for his intentions, but also for his deeds. The subjective side of morality is peculiarly the province of the church, the objective of the state. Religion may promise release from penalty upon change of disposition merely, but the

state must make evil deeds return upon the doer, whether he repents or not. This is the fundamental reason for the separation of church and state.

It is to the first of these moral phases that we have hitherto devoted most care in the schools. We have sought to bring about that state of inner freedom that always ensues when volition and judgment agree. We have tried to make the conscience tender, and imperative in its demands. In doing this we have done well, but we have not done everything. It is conceivable that even the Spanish Inquisitors may have regarded themselves as the instruments of Divine will, and consequently have enjoyed the rewards of obedience to conscience. In other words, a subjective standard may, in the eyes of other men or other times, become a monstrous one. It is not to be implicitly trusted, for it is a formal principle only, having no necessary content.

Plainly, then, we have a double task. We must not only make obedience to conscience the supreme law of the soul, but we must impart to the child those ethical ideals that form the content of the highest morality. The problem of the teacher, then, is to reveal the ethical duty of man to man, and to find adequate means for inducing the youthful will to live in accordance with this ethical order, and to submit itself freely to the system of laws revealed in our various institutions; or, in other words, to bring about a permanent harmony between the individual, subjective disposition of the heart, and the laws that condition the stability and progress of human society.

Just as there are two phases of morality, so there are two kinds of moral training;—one hard, stern and rigid, having its basis in abstract right, and unwarmed by any glow of sympathetic feeling; the other combining all the authority of conscience with a glowing disposition for the right. The former method reaches the will through the exercise of dogmatic authority backed up by the fear of punishment. The latter seeks first to reach the heart of the child by revealing something of the inherent beauty and loveliness of

the right as contrasted with the equally inherent ugliness of wrong ; and then to secure ultimate stability of character by using all proper means to build up habits of right action. In other words, it tries to interest the child in the actual ethical content of objective morality, hoping in this way to enlist his disposition in favor of right moral action. What the schools appear to need, then, if they are not to have direct religious instruction, is something that has the same essential content in forms capable of arousing the spontaneous attention and permanent interest of the children. Interest of this sort naturally culminates in desire and motive, so that if we can awaken this interest in that which is rich in ethical content, we shall have no difficulty in developing the right sort of disposition in the children. When this is done the problem of securing habitual right action is greatly simplified.

From the foregoing, it would seem that the teacher has a three-fold problem before him : first, to discover what are the fundamental ethical ideas or ideals ; second, to find the available forms in which they are embodied ; and third, to devise the best pedagogical means for utilizing them in moral training.

Turning now to the field where man must utter himself in his ethical relation to others, we come to four great ideas that lie at the basis of all modern social and economic life.

1. It is the natural impulse of each individual to make himself the end and centre of all that he comes in contact with, to make himself the master to which everything else must be subordinate. This is a natural impulse because each self is in reality the centre to which all its own mental experiences must be related. But this same experience soon teaches him that there are other selves, with claims equal to his own, and that if he would have his own self-hood respected, he must respect that of others. There thus arises practically in the world the idea that Christianity calls *good will*. It is that state of mind in which the validity of a foreign *ego* is recognized, or in which the good of another is

willed as if for self. Its opposite is ill-will, a feeling whose impulse is to injure or destroy or subordinate a foreign *ego*. Good-will is the key to a long list of virtues, such as kindness, benevolence, charity, fidelity, goodness, generosity; while its opposite, ill-will, gives rise to an equally extended list of faults.

2. The second idea comes to light when two individuals strive for the possession of that which, in the nature of the case, only one of them can have. It is the idea of *rights*, which lies at the basis of most of our laws regarding property. A large part of the judicial system of every country is devoted to the securing of justice in the acquisition, possession and disposition of wealth.

3. The third idea is that of requital for good or bad actions, and it demands that the requital shall be adequate to the deed. This idea is the basis of the system of rewards, and especially of punishments, that society has gradually evolved. Institutionalism takes the requital of evil deeds out of the hands of the injured person, and places it in those of the state. The effect is to ward off from others the blow of the evil-doer, making it return upon his own head. This conception is expressed in Michael Angelo's *Last Judgment*, where each shows by his looks that he is but facing the results of his own deeds, which carry their own requital with them.

4. The fourth idea arises from the necessary constitution of society, in which each individual is compelled to enter into combination with his fellows in order to realize his greatest possibilities in economic thrift and rational freedom. It is known as the doctrine of service, in which he serves himself best who best serves others. This principle is not only valid as a desirable moral rule, but it has also a certain business and economic validity quite independent of sentiment. The most successful merchant, other things being equal, is the one who best succeeds in making the public believe that he can serve them better than others. The people may, indeed, be deceived, but it is only to the extent

of their folly that he can successfully depart from the principle. As a religious idea, this thought holds a supreme place. "For whosoever will save his life shall lose it: and whosoever will lose his life for my sake shall find it." "But whosoever will be great among you, let him be your minister; and whosoever will be chief among you, let him be your servant."

These four ideas reveal the fundamental ethical relations that must exist among the members of a complicated social organism. They are of the very essence of institutionalism, and any violation of their unswerving imperatives carries in itself the seeds of its own punishment. Modern practical Christianity is the realization of these ideals in the world, and it is because this is the truth that modern religious bodies respond so feebly to efforts to carry religion back into the field of abstract dogmas. In these days, faith can not be separated from works.

Along with these four fundamental ideas, embodying the content of morality, there are two others, which, though formal in character, are of the utmost importance to the individual. They pertain to the subjective, or individual, side of man, already mentioned.

1. The first may be called the Idea of Inner Freedom. It is the peace, or harmony, that dwells in the soul of man when his conscience is at rest, when his volition has conformed to the demands of his intelligence, or when his will and his judgment are in accord. A man who has deliberately acted in accordance with his firm belief as to what is right is subjectively free. His conscience approves, and he is at peace with himself, even though at war with the rest of the world. The teacher rightly tries to cultivate the conscientious spirit, but it is no less his duty to inform the judgment regarding the objective ethical relations that are valid in the world, and to enlist the interests and affections of the mind in their behalf.

2. The second formal moral ideal is that of Efficiency of Will. It implies, first, a certain positive force of determi-

nation and vigor of execution. Everybody knows what a weak will is, and how hopeless is the case of the man who can not be counted upon to reduce his good resolutions to concrete practice. The efficient will is the strong will. But it is more. It must, also, be reasonably concentrated in its action; that is, it must make all its efforts work together for the accomplishment of leading purposes. All this, however, is purely formal, and holds of evil as well as good men. No man can be *positively* bad whose will is not strong and concentrated. A truly efficient will, however, must be consistent in its main lines of action, and to be consistent it must be right, for deeds that are consistently evil are wholly self-destructive in the end, whilst there can be no idea of really efficient volitional life where one action contradicts its fellow, as must be the case where one's deeds are partly right and partly wrong. It appears to follow, therefore, that to be truly efficient one's will must be strong, concentrated, and consistent with the real ethical order of the world. But even granting that a will can not be efficient which is not rightly directed, the fact still remains that this principle is purely formal, since it throws no light on what is right or wrong.

We seem now to have found the basal ideas of an ethical system. Four are concrete and two are formal. The forms must not remain empty, but must be filled with the true ethical content. This content, moreover, must not be presented in abstract or generalized form, but must be capable at all points of reaching the understanding and interest of the child. Rules of conduct, therefore, however excellent in themselves, have but little effect on the young. Here we come upon the pedagogical problem again.

Having learned what the fundamental ethical ideas of the world are, we may discuss briefly the conditions under which they may be made valid to children and the various forms in which they are embodied.

It may, in the first place, be remarked that all progress in civilization is but the progress that men in their collective

capacity have made in discovering and embodying in laws and customs the real meaning and force of the concrete ethical principles that have been described.

As the years have passed, each new insight into freedom and economic welfare has sooner or later become embodied in some institution of family, school, church, state or business world. This process has often gone on but slowly when men have become enslaved in political and economic life, but now that all civilization has become so largely democratic, every new revelation of a practicable advance in the realization of ethical ideals has a good chance of becoming embodied in law. We may, therefore, regard our whole legislative machinery as a means for recording the advancing ethical education of the people. It is also true that life under institutional forms is a practical education in the ethical ideals. Even if good-will is not especially enjoined by law, the manifestation of its opposite, ill-will, is prohibited and punished. If one would learn definitely that his neighbor has rights, let him violate a few of them, and the institution of government will give him the information in such a way that he will not soon forget it. In the same way, the law soon teaches man that evil deeds, at least, meet with an adequate requital; that curses, like chickens, come home to roost. In a dim way, perhaps, all the institutions pertaining to business life teach also that we are best served through our own rendering of service. On account of these facts, therefore, any life under institutional forms is an ethical education. Conformity to the rules of the family, the school, the church, the state, the business world, is a practical education in morality that we can not spare. But, however excellent and indispensable this training may be, it is not entirely adequate to our needs. Men are continually tried by our courts, prisoners are perpetually led to jail, the prisons are always full, the gallows never without a victim. People are eternally suffering and even perishing under the requital of their unethical deeds, men are eternally going to the wall, financially, because they

lack the will or the ability to seek the advancement of themselves through the advancement of others. Real altruism is foreign to their knowledge or their dispositions.

The school must help out the other institutions and prevent the present immense waste of human welfare and happiness, by anticipating it, by enabling the child to master himself in thought, and experience ideally what the headstrong, untutored soul must experience really.

In the impressionable years of childhood and youth, while the heart is tender, the imagination vivid, and the apprehension quick, it is possible so to enlist these faculties that the moral victory may be won before the real battle is fought. We do not hesitate to have the child enter into the inheritance that the past has left us in knowledge. No child is asked to start a thousand years behind his time in any great field of human endeavor. Our children now accept the electric light as freely as our grandfathers did the oil lamp or the tallow candle. The same is true in every realm of science and practical life. We seize the advantage gained, and go on to new conquests. Why should it be otherwise in the moral world? Why may not the bitter lessons of the past in the struggle with ethical principles be turned quite as fully to account as the results in the intellectual world? What a weary round of scourgings the race has gone through to arrive at its present state of material, political and ethical freedom! The child is born now, as ever, with all his experiences before him. Must he, for lack of proper education, tread again the thorny path of his race? We do not ask it with regard to his material or intellectual welfare. Why should we with the moral?

Of all the four great ethical ideas, that of requital for our deeds comes home to us with most force, for it is a consequent of which each of the others may be an antecedent. What is the effect of good-will as practically shown? Does not the requital for ill-will return on our own heads, so that, when we are spiting another, we are biting off our own nose? What is the effect of recognizing or violating the rights of

another? of striving to get by giving, and not by stealing? It is, therefore, through the portrayal of requitals that we shall most easily approach the understanding of the child.

We must not, however, in examining these considerations, allow ourselves to forget that the second part of our problem is to discover the forms most available for educational purposes in which these ethical ideals are embodied. Evidently, we shall have our labor for our pains if we search for the embodiment of ethical truths in nature or in natural science, for, as Kant says, it is only the *will* that can be morally good or bad. Only to the extent that all intellectual truth has a bearing on moral truth does natural science have any bearing on ethics. It is, doubtless, a fact that the scientist's passion for the truths of nature, in themselves morally indifferent, may lead to a like reverence for the truths of morality. To this extent only does natural science help moral education. Since, then, ethical relations arise directly from the human will, we must, for the most part, look for their embodiment in that which records in some way the deeds of men.

In its material manifestations, the will of man records itself in material forms upon the face of the earth, in cultivated fields, magnificent cities, stately ships, thundering trains. It finds an expression in the daily toil of millions. On its spiritual side, human will expresses and embodies itself in institutions, such as family, school, church, business and state. History records their growth, and daily life shows their operation. Literature shows the operation of institutions in ideal form. Our chief duty now lies in examining the various spiritual and material manifestations of human will, and in estimating their worth in the moral education of the young.

It is to history that we most naturally turn, for this is the record of man's will in action. It has taken thousands of years for the world to reach its present state of civilization, or, what is the same thing, to embody in its institutions the modern insight into true ethical principles. The millennium

is not yet reached, so that this process is an unceasing one. At every advancing stage there has been a vast inertia of existing forms and customs to overcome—there has always been a conflict between conscience and constitution. One party stands by the law as it is ; the other struggles for the law as it should be. This gives rise to an unending struggle, which, in the past, has usually taken on the form of wars and revolutions. History, therefore, portrays the eternal strife of man in his progress toward national freedom, or toward that state of institutionalism in which there is the highest possible embodiment of self-consistent ethical principles. We read of this struggle in the history of the church, the school, the nation, and the economic world. We see the sway of tyranny, or nationalized ill-will, and the retribution that sooner or later comes to every tyrant ; we trace the efforts of Spain to enrich herself at the expense of others, the attempts of the church to enchain the conscience of man for her own aggrandizement, and we see in every case that retribution has followed, that a wrong ethical principle works out in the end its own destruction. The highest function of history is, therefore, an ethical one. It portrays the ultimate consequences of man's volition on a large scale. It shows, for instance, that national ill-will toward a class carries in itself a punishment that lasts for many generations. The persecution and banishment of the Huguenots in France and the enslavement of the African in America are illustrations. So far as history can be truly interpreted, it is a potent means of giving the young correct ideas of ethical principles, and of enlisting their dispositions on the side of right.

But the ethics of history may become, through misinterpretation, a two-edged sword. The closer we come to our own times the greater becomes the danger of mistake in ethical judgment. Our late war is a case in hand. Most people at the North believe that the rebellion was wrong,—a monstrous iniquity,—while we have evidence that large numbers at the South believe that their cause, though lost,

was just. To many it is a sphinx's riddle to this day to know which was the ethical hero, Grant or Lee, while some appear to think that both were right. If the judgment of adults is subject to such vacillation and contradiction in the ethical bearing of historical events, what can we expect of the young? Not being able to disengage the tangled skeins of right and wrong, their judgment settles into unthinking partisanship. They are now ready to applaud any cause, however iniquitous, if "our side" but approve it. This kind of an ethical education fits men to become the slaves of party, hence the tools of knaves. It would seem, therefore, that for all except men of trained judgment, the ethical lessons of history cannot be clearly perceived. The mind of youth does not seem capable of deducing clearly the more important lessons of history. Centuries often stand between a deed and its ultimate consequences, or requital. There is too much of misleading pomp and circumstance, the lapse of time is too great, the component factors too numerous and too complex for the youthful mind to disentangle the right from the wrong, and to see the end from the beginning. It is only in the carefully edited song and story, biography and memoir, that the child may be led to apprehend something of the ethical mission of history.

But even if history, as presented in our text-books, is an uncertain quantity as regards its usefulness for ethical teaching, the resources of the school are not yet exhausted, for we have this ethical content embodied in the idealized and purified forms of literature, and in the busy daily life of the economic and political world. The ideal and the real should touch each other constantly in education. The real without the ideal renders life prosy and commonplace, while the ideal without the real makes it a dream. It is to the ideal embodiment of ethical content in literature that we shall first address ourselves.

As before remarked, it is not on the pages of history alone that man has recorded the actions originating in his own spirit. The same record in idealized form is found in im-

aginative and dramatic literature. Mythology is only idealized history, while legends, folklore, fairy tales, and dramas are all freighted with the same ethical lessons that are involved in history—the blessings of good-will and justice, fair requital and honest service, and the curse of ill-will, injustice, failure of requital or service; the inevitable return of the deed upon the doer; the moral destruction of those who will not repent of evil deeds, and the punishment of those who do not make restitution for wrong done; the moral salvation of those who do the good, or who undo their evil deeds by repentance and restitution; the moral grandeur of those who obey the law of conscience with unswerving determination. There is not a phase of virtue or its opposite that is not embodied in a thousand forms in classic literature both for young and old.

Unimaginative thought is inclined to deny that any such content is to be found in literature, or, if there, that it can be of any practical utility in the moral education of the young. People of this manner of thinking see no truth in anything not strictly material fact. The Bible story of the traveller on the Jericho road is to them a baseless fabrication if the incident did not actually happen. They have no patience with the ideal in art, for the ideal is never a concrete individual fact. The sublimest ethical truths are mere moonshine and vain imaginings if they chance to be clothed in the garb of fancy. But it is not to this dry and hard materialism, this insensibility to the truth that is not seen and touched, that this part of the present paper is directed. The argument is meant to reach those who can recognize a truth when not dressed in homespun, who see that the imagination makes man free, in that it enables him to break the bonds of a material servitude, by making it possible for him ideally to pass through the experience of the race, learning the lesson that the original experience taught, but without suffering the pain that it cost.

The criminal world is such, largely because it has not imagination enough to see the inevitable consequences of its

deeds. Even the severest punishments do not deter men from crime who have already passed the imaginative period of youth and have entered into a realm of thought in which crime is possible. The hard lines of the "practical," materialistic education demanded by so many of the present day leave no room for a culture of the humanistic feelings; for a development of those high ideals of life and duty that can originate only in a refined imagination, or of that constructive imagination that enables the youth to see a deed, not only in its sensuous attractiveness, but also in its ultimate consequences.

We may turn with confidence, therefore, to the realm of imaginative and dramatic literature, assured that we shall find there the ruling ethical ideals of the world, embodied in such a form as will guide the imagination and hold the interest of the young. No one who has thoughtfully read the world's masterpieces of dramatic literature can doubt their ethical content or deny their influence upon the mind capable of understanding them. Shakespeare is our great institutional dramatist. What the legislator writes in the book of laws, he embodies in the literary forms of art. Each of his dramas opens with an offense against the ethical order as embodied in some institution. Lear shows the disease of absolute authority reacting on family and state. Gloucester sins against the family in having an illegitimate son. Macbeth's great deed fits him for the wrong against his king and country; in "As You Like It" Duke Frederick and Oliver are both usurpers, one wronging the state and both the family, and so on throughout the list. Every play moves on from the initial wrong to its culmination, when the world begins to purge itself of the unethical condition of things. This is done in the tragedies by the destruction of the offenders, and in the comedies by their repentance and restitution. In the former, the offender becomes tragic, not merely because he is punished for a crime, but because he has not had the wisdom or the strength to choose the higher of two contradictory principles, both of which are

valid within their own proper range of application. Thus to cherish and defend one's own state is right and commendable, but to do so when a higher duty calls one at the same time to cherish and defend the whole nation, even at the expense of the state, furnishes the material for a tragedy. These tragedies also teach us that it is possible so to offend against institutions that it is impossible to escape the consequences of our deeds, even though the most abject contrition should seize the heart. It is quite possible for men to commit the unpardonable sin against law. On the other hand, the comedies show us the possibility of mediation when our deeds have not gone so far that repentance and restitution are useless or impossible. Antonio is a violator of the Christian principle of charity or good-will, and falls consequently under the hatred and into the clutches of the Jew; while Shylock, by education and ill treatment, would vent his ill-will against the Christian, even to the extent of taking his life. Yet both repent and cancel their evil deeds, through the mediatory efforts of Portia.

Similarly, Dante's *Divine Comedy* is but a picture of human life. A man is in the *Inferno* when ruled by his animal nature, when he denies the validity of good-will, justice, fair requital, service. He is in the *Purgatorio* when he is purging himself of his stains and burning them out by resisting temptation. He is in the *Paradiso* when he has come to stand in right ethical relations to his fellows in the institutional life. Faust, too, goes through his struggle with evil in the form of the modern devil, a devil devoid of horns and tail, indeed, but without any diminution of the traditional Satanic virtues. What is Homer but a more boyish exposition of this same eternal struggle in which the race has ever been plunged? The opening is the same:—"I sing the wrath of Peleus' son," says the poet. But the wrath of Peleus' son, like that of other sons, soon passes its proper limits. Homer tells of the wrong done by Agamemnon, king of men; the unreasoning rage of Achilles, which passes from just indignation to irrational hate;

the return of his deed upon himself in the death of his friend Patroclus, and in his own diminished importance. Here is the same lesson coming to us from the boyhood of the race. But the Iliad and Odyssey are themselves based upon legends and myths of gods and men, which still bear the story of the struggle of man in his efforts to be free. They are, as Dr. Harris says, the transfigured history of the race, and in them the experience of the race is embodied.

It is, however, a somewhat serious task to distinguish between the literature that is *childlike* and that which is *childish*. Nothing could be more insipid than the manufactured juvenile literature that crowds the modern press. As Rosenkranz says, the best literature for children from their seventh to their fourteenth year consists of that which is honored by nations and the world at large. This is literature that has grown out of the experience of the race when in its earlier or more childlike stage. It always appeals to childhood, for it is in the *naïve* form that children can always understand. The enduring early literature of every nation has thus a charm and value that never grow old. We have a living example of this in the stories of the Old Testament up to the separation of Judah and Israel. Rosenkranz remarks: "These patriarchs, with their wives and daughters, these judges and prophets, these kings and priests, are by no means ideals of virtue from the standpoint of our modern lifeless morality, which would smooth out of its model-stories for the dear children everything that is hard and uncouth. For the very reason that the shadow side is not wanting here, and that we find envy, vanity, evil desire, ingratitude, craftiness, and deceit among these fathers of the race and leaders of God's chosen people, have these stories so great an educational value."* I quote also Dr. Harris, in the same volume:† "Every child should read as indispensable the stock of stories which furnish general types of character and situation. 'Robinson Crusoe,' 'Gulliver's

* Philosophy of Education, p. 84.

† Ibid., pp. 85-6.

Travels,' 'Don Quixote,' the 'Arabian Nights' (Hale's Edition, published by Ginn & Co.), Plutarch's 'Lives,' Homer's 'Iliad' and 'Odyssey,' and the dramas of Shakespeare should be read sooner or later; earlier than these the old English stories and fairy-tales, and even 'Mother Goose's Melodies.' A scale thus ascending from the earth to the fixed stars of genius furnishes pictures of human life of all degrees of concreteness. The meagre and abstract outline is given in the nursery tale, and the deep, comprehensive grasp is found in Shakespeare. The summation of the events of life in 'Solomon Grundy' has been compared to the epitome furnished by Shakespeare in the 'Seven Ages,' and the disastrous voyage of the 'Three Men of Gotham' is made a universal type of human disaster arising from rash adventure."

These are but hints of literature that is valuable in its ethical content, but with these ideas for a guide one may take Mary E. Burt's "Literary Landmarks," and select from it a full course of literature from the Kindergarten to the High School, both for reading and other use in the school-room.

Besides this ideal presentation of ethical content in imaginative and dramatic literature, we have in the bustling daily life about us a perpetual illustration of ethical or unethicall principles reduced to concrete practice. Benevolence and malevolence, justice and injustice, requital of good and bad deeds, public and private service to others, are illustrated before our very eyes every day, so that the thoughtful teacher needs but to induce his pupils to look about them in order to bring the most powerful reinforcement to what they have learned and felt as they viewed the world in the magic mirror of literature.

The economic world busies itself with getting a living, with the production and use of wealth, and in these activities men reveal very clearly the ethical forces that govern their action. Moralists have not always recognized the function.

of the intellect in our volitional and ethical life, and we must pause a moment to draw a corollary from the ethical principles already evolved. We have seen that, on its objective side, morality has a validity independent of subjective disposition, for men are held responsible for their deeds quite irrespective of any contrition they may feel after the deeds are done. If a man is imprudent or foolish, he must suffer the consequences of his folly, however pure his intentions. This truth is fully recognized in the *Divine Comedy*, for after entering the gate of the *Inferno* the guide speaks as follows :

“ We to the place have come, where I have told thee
Thou shalt behold the people dolorous,
Who have foregone the good of intellect.”

Inspection leads us to conclude that most social evils arise because men have forgone the good of intellect—from improvidence in caring for the means of producing wealth as well as foolish waste in its use. It is no uncommon sight in the country to see the plows rusting in the fence-corners, the harvesters rotting under leaky sheds or in the open air, or used as chicken-roosts ; to see fences falling into ruins, barns tumbling down, exposing stock to the inclemency of the weather ; to find houses with leaky roofs, smoky chimneys, paintless weather-boarding, broken windows and crumbling walls. Within such tenements we find listless men, sad-eyed women and ragged, unkempt children. Town and city life present their counterparts to these scenes. Folly and ignorance also rival each other in the squandering and unwise use of hard-earned means. The material starting-point of a sound ethical life lies in giving the children something of an insight into prudence in gaining and using wealth, in care for tools and clothing, in cultivating cleanliness, neatness, economy ; for slovenliness, filth and general improvidence are utterly incompatible with any considerable development of moral excellence. It would be an easy and natural transition from the reading of *Robinson Crusoe*, which is an ideal picture of the development of man

in his struggle to create and use the means of economic production, to the production, use and proper care of the various implements for gaining wealth.

When we come to the ethical ideas that fall under the general category of good-will, such as benevolence, kindness, charity, we shall find a rich and varied embodiment of them in practical life. Thirty years or more ago, a Pennsylvania man named Jesse W. Fell, came to the spot that is now Normal, Illinois, then a treeless plain. Beneficence with him took the form of tree planting, and he saw to it that every street in the town was abundantly supplied with trees. This was before the days of real estate "booming," so that what Mr. Fell did was not speculation, but missionary work. Long before he died the town had become what it always will remain, an undying monument to his honor. Every neighborhood can match this deed in some form of public service, made at a time when most needed and least attainable through the ordinary channels.

Before the days of lighthouses, men used to keep fires burning on the shore to warn sailors of dangerous points, or to guide them into the harbor; others would build roads or bridges; still others set an example to a whole neighborhood by keeping their fences in repair, by mowing the weeds along the roadside. Near Swarthmore is an old stone bridge bearing an inscription saying that it was erected in 1811, for the benefit of the public. It is over a deep, and otherwise almost impassable gully.

In those days, probably no form of public beneficence was more needed, both for convenience and for establishing an ideal of highway improvement in the minds of the public. Similarly in the west, where mud is plenty and stone is scarce, farmers here and there living near gravel banks have gravelled short stretches of bad road. The public are learning the lesson and now hundreds of miles of gravelled road are being laid at public expense all over the country. These are but humble examples of what timely beneficence

on the part of individuals has been able to accomplish. On every hand we find parks, roads, bridges, monuments, schools, hospitals, and splendid educational institutions that owe their origin to individual bounty. Daily observation and the daily press will record countless examples of gratuitous benefits to society.

In similar way the great virtue of justice between man and man may be exemplified in a thousand ways by the daily experience of any country village or community, while the requital that comes from infractions of the rules of justice may be amply viewed in any police court, and reinforced by the newspapers.

The greatest idea of modern civilization is that of service to self through service to others. Each contributes his mite to the good of all and gets it back vastly multiplied. Coöperation is the method of civilization. It is this fact that saves mankind from becoming a horde of hungry beasts all competing for the same morsel of food. It is also the central thought of the Christian religion. Service is the watchword of the Master. We should have little patience with the idea that a man can serve his fellows only as he gives up voluntarily a part or the whole of what he has accumulated by prudence and self-denial. He serves them truly in every piece of honest work he does. We sometimes complain that our railroad magnates accumulate great wealth, but what are the most magnificent private fortunes ever amassed in comparison with the vast service these road builders have rendered the country by opening it up to settlement everywhere, by developing its boundless resources, by bringing a market to every door, in short by rendering coöperation possible among a great people. We must show our children that service to others is the key to true business success. It is only as the people are befooled that the commercial trickster can thrive, for the most certain way to get is to give, not to steal. To the extent of their knowledge, people buy of those who will give them the most value for their money. The child must have it indelibly

impressed upon his mind that the only way to enduring success in business is to work consistently, persistently, and continuously to serve others, and that sham and shoddy in business dealings is the road to ruin as well to shame.

In addition to the ethical relations that should exist between men as individuals, there is a set of larger and not less important ethical relations that should exist between the individual and bodies of men in their collective capacity, *i. e.*, between the individual and the various institutions of society, particularly the state.

As we have seen, dramatic literature portrays these relations ideally in tragedy and comedy, by showing that men attain real freedom only as they conform to the highest institutional organizations. In practice we enter these larger ethical fields when we begin to become conscious of our life as members of those various political organizations that we collectively call the state. The brother now becomes the citizen. No supporter of public education will question the propriety or need of training pupils of the public school in political ethics. A manifestation of this feeling is seen in the recent rage for the teaching of what is called patriotism, the most prominent instrumentalities for which appear to be a fife and drum and a flag. But however inadequate, not to say irrational, the popular ideals may be, the fact that there is such a movement indicates a general recognition of a real need.

Our main reliance heretofore for teaching political ethics has been the study of United States history, but for reasons already pointed out, this has proved ineffective. Not much insight into political duties, or much permanent disposition to do them, is cultivated by the ordinary school history, which consists of descriptions of conquests, campaigns and battles, together with brief and formal statements of their causes and results. A much more efficient method is to make a detailed study of the nearest and most obvious political forms under which we live. This study should embrace

the present facts and how they came to be. Children should be set to a study of the town, its origin, its methods of work, the rights and duties of citizens and officials. They should be led to investigate the subject of taxation, its purpose, its rightfulness, its methods, justice and injustice, its benefits and necessity; what rôle it has played in wars and revolutions, and what the rights and duties of citizens are concerning it. In similar ways students should make a detailed study of county, city and state; of written constitutions and of the organizations, rights, duties and privileges of political parties. This is the root out of which history must grow, if it is to have any ethical vitality.

Several works on civil government, recently produced in America, are admirably adapted for training pupils in political ethics. The exposition in the text is clear, interesting and genetic, while many of the questions and directions used in connection with the text could hardly be more suitable for a development of true political ethics had they been consciously framed for that purpose. Here, for example, are a few:—

- (1) Are there people who get no benefit from their payment of taxes?
- (2) Are the benefits in proportion to the amounts paid?
- (3) What had taxes to do with the French Revolution?
- (4) What had taxes to do with the American Revolution?
- (5) Is it a misuse of the funds of a city to provide for the Fourth of July celebration? To expend money in entertaining guests? To provide flowers, carriages, cigars, wines, etc., for guests?
- (6) What is meant by subordinating public office to private ends? Cite instances from history.
- (7) Has the state a right to direct the education of its youth? To assist private schools with public funds?
- (8) Are women who do not vote represented in town government? Are boys and girls?
- (9) Is lying a crime or a sin? May it ever be both?
- (10) Are courts of any benefit to the vast number who are never brought before them?
- (11) Is it always one's duty to keep out of court?

- (12) Should a serious disturbance break out in your town, whose duty would it be to quell it? Suppose this duty should prove too difficult to perform, then what?
- (13) Should a lady be insulted in your presence, what would you have a right to do? What would be your duty?

These questions, taken at random from hundreds of similar ones, show that the student is constantly facing his own inevitable ethical judgments concerning what a man ought to be and do in his relations to the public. The whole machinery of government, in its legislative, executive and judicial aspects, is examined under the electric light of ethical principles. The virtues, good-will, justice, requital and service are now applied practically in a larger field, but they are seen to be the same immutable principles, equally binding upon the humblest citizen and the greatest statesmen, not only in their daily walks among friends and neighbors, but also in their relations to the public, whether in the town meeting or in national halls.

Summing up the essential points of this paper in a word, we may say :—To the daily discipline of the school, both in intellectual study and in conduct, we must look for a development of a sensitive conscience and a vigorous volitional power ; while literature and history, economics, and social and political science must, as the bearers of moral ideals, be our main reliance for guiding the disposition, firing the heart, and enlightening the moral understanding.

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THE THEORY OF VALUE.

[A REPLY TO PROFESSOR MACVANE.]

This paper has been prepared with the view of replying to the objections raised by Professor Macvane* to the theory of value advanced by the Austrian school of economists. I regret that his criticisms, although published nearly a year ago, have but recently come to my notice. They are directed chiefly against Böhm-Bawerk, and I shall therefore leave him to answer all such points as immediately concern him and confine myself to the relation between marginal utility and cost. The propositions of the Austrian school in question were first advanced by me, and I think I am therefore justified in taking part in the discussion so far as they are concerned. Although I have heretofore avoided every species of polemic with my critics, it is a pleasure to cross swords with so chivalrous an opponent as Professor Macvane, whose attack is so earnest that it must be parried, and whose bearing is so courteous as to raise great hopes of a calm and fruitful discussion.

Before beginning, however, I owe my readers the explanation that the simple reply, first intended by me, has finally developed into an extensive and independent essay. The roots of the theory of value reach out into the field of economic theory, and I believe that the discussion can be brought to a conclusion only by extending it to these ramifications. Professor Macvane will therefore pardon me for directing my polemic not only against him, but above all, against Ricardo, on whose economic conceptions he has based his arguments.

* Böhm-Bawerk on Value and Wages, *Quarterly Journal of Economics*, Oct. 1890.

I.

THE ECONOMIC THEORY OF RICARDO.

(1)

From the standpoint of Ricardo and his school, general economic conditions can best be presented by describing the economy of a hunter, or fisher, or some similar entirely primitive kind of production. Human labor and nothing more is expended to obtain "Commodities," *i. e.*, means for support and comfort. Economically, labor is measured by the effort involved, the commodities by their value and utility. Value, in the long run, determined by the amount of labor expended, provisionally, by the fluctuations of supply and demand affecting the utility. The products and their value determine the reward of labor (the income) which, like value, has a theory of its own.

Not only the primitive economy of the hunter but also the modern political economy in its full development is reduced to these simple elements. The richest means of production in land and capital, after all, signify nothing else but labor, and have their measure in personal effort, the value of products being ultimately determined by this effort. The theory of value is, however, limited to commodities, while, on the other hand, the theory of distribution is extended so as to include the relations of land and capital. At the same time, in discussing interest and rent (as in discussing the functions of capital, etc.), the simplicity of these economic principles is destroyed by a large number of resulting internal contradictions. Out of the conflict between the necessity of working and the dislike of work on account of the exertion required, arises the economic tendency to reduce as much as possible the necessary effort. This also explains the meaning of the economic balance-sheet. All its figures, however complicated they be, represent, as a rule, quantities of labor, or, more exactly, quantities of effort expended. In the long run the value of commodities is determined by the exertion which is saved owing to their existence. This determines the value cred-

ited to them on the economic balance sheet. Properly, wealth is labor saved.

According to the Austrian school, the economic life results from a different conflict. It is the conflict between the abundance desired by man and the scanty means, continually liable to be reduced, offered for his satisfaction. The struggle against the "too little," the demand for "more" and "much" rears the economic structure. For what other reason should poverty be feared and wealth desired? Wealth is utility or satisfaction secured, poverty the want of it. It is characteristic that Ricardo admits the idea of scarcity in the case of a few commodities only, rarities of all kinds. Of the large number of commodities remaining he says expressly: "They may be multiplied . . . almost without any assignable limit, if we are disposed to bestow the labor necessary to obtain them." We, on the other hand, start with the supposition that only in a few cases abundance is secured, while in all other cases commodities are too scarce and production has its concrete limits. According to our view, utility is the purpose of economic life. Whatever increases utility has value, and as much value as utility is increased. Accordingly, not only commodities have value, but the means of production as well, if they secure products as articles of consumption which otherwise could not have been supplied. For their value is measured by the increase of utility obtained in this way. This is true of land, capital, and also of labor. Labor has value owing to what it produces and the greater value the more it produces.

The definition of value as proposed by our school, is, therefore, comprehensive, since it includes not only commodities but the means of production as well. It is also monistic since it bases itself on utility alone and does not in a dualistic way refer now to utility and now to labor. In our opinion, the same law regulates the temporary fluctuations of value due to supply and demand and its normal level. It is true that cost also exercises an influence on value. There is nothing however in cost which demands a

peculiar explanation. The law of cost is but a special modification of the general law of value based upon "marginal utility."

It is beyond my present purpose to show that we intend to give greater extension and uniformity to the theory of value in another direction, by trying to combine the ideas of value in exchange and value in use.

The opinion which Professor Macvane expresses in regard to our theory is, notwithstanding his complimentary tone, highly unfavorable. He denies that it presents "a fundamental law of value," and thinks it, at best, a new and "less convenient" form of the familiar principle of demand and supply. In his view we only make some contributions to the explanation of the fluctuations of value which follow utility through supply and demand, but nothing to the "broad and permanent features" of value as determined by labor. If this criticism were true we should consider our efforts to be a failure. We tried, above all, to abolish the dualism of labor and utility, that combination of irreconcilable causes, which only proves that the true cause has not yet been recognized. We also wished to bridge over the chasm which yawns between the theory of value and that of distribution, and especially of interest. We hoped that a broad, clear current of theory might reflect the whole economic structure.

If, instead of fulfilling this purpose, we had only rectified a detail in Ricardo's system, and in this way supplemented the latter, we should have, in my opinion, only increased the evil which we intended to cure. If I rightly understand Professor Macvane's criticism, I think that he judges our theory too much from the standpoint of the Ricardian theory of value, in the light of which it is necessarily erroneous. I believe that this is the only reason why he has misunderstood us in essential points. At least every reader of his criticism must misunderstand us. Although I wish my answer to be brief, I must, nevertheless, commence with the discussion of some propositions of economic theory; and

since the most successful way of defence is offensive, I shall begin by attacking my opponent. First I shall endeavor to refute the proposition that all costs may be reduced to labor.

(2)

The critic can only judge what he understands ; nay, he must even understand it better than he whom he criticises. I must frankly confess, however, that in the case under discussion I cannot fulfill this first condition of all criticism. I really do not understand the assertion that all costs may be reduced to labor, or, at least, it is so strange to me that I cannot conceive how anyone can maintain it. With regard to this view I am much in the position of the ordinary man, who absolutely and resolutely believes in the reality of things of the outer world in opposition to that philosophical view which regards all physical objects which surround us as only apparent, the fictitious creations of our imaginations. He cannot rid himself of the idea that he can grasp and hold the things. Whatever the philosopher may say in favor of his view, may inspire him with awe and wonder, and, perhaps, with some kind of admiration, but never with clear insight. I am in entirely the same condition when it is asserted that raw material, coal, and machinery could all be completely expressed in terms of labor. Their shapes are too real to me, too concrete to permit me to put an abstraction in their place. I am well aware that the theory which maintains that everything is created by human labor, really implies human labor in connection with the soil of our earth and the other powers of nature. It does not pretend that man creates goods out of nothing. It is only the capital used in production, the means of production created by human civilization, that is to say, the result of human work in a general sense, which it is sought to reduce to labor. I certainly do not object to the assertion that capital is the result of human labor in a general way, but if it is taken literally and means that capital *is* labor, it must be frankly confessed, I can no longer follow the argument in my thought. I say this with perfect sincerity, and with no

shadow of irony. I wish to call the attention of my opponent to the fact that I am here obliged to ignore that which proves a decisive argument to him and to so many other distinguished thinkers. I must say that nothing has made me so doubtful during my study of value as the consciousness, oppressing me like a fault, that I am not able to follow the thought which, in one form or another, appears in the writings of the majority of those who have dealt with economic theory.

I cannot help suspecting that the theoretical writers so eagerly endeavor to eliminate capital from the cost-account because they are not able to explain the part which it plays. The reasoning by means of which the value of the products of labor is derived from the exertion involved in their production only includes those efforts which are felt, and not the inanimate capital. The theorist can come to no practical conclusion regarding capital as a part of the cost of production (*Kapitalkosten*), and, therefore, it must disappear. Of course those who commit this oversight are not conscious of it; they only forget, quite naturally, what is unpleasant to contemplate. Theorists can more easily yield to this instinct of human nature than practical men who are accustomed to feel the opposition of facts. The former may do so the more easily where there exists among them a silent agreement that none of them shall mention the disturbing fact. Such an agreement, it seems to me, exists in the English-American literature with regard to the part which capital plays in the cost-account.

The attempt has often been made to eliminate the inconvenient item of capital from the cost-account and to substitute labor for it. In my opinion this has been done most ingeniously by some Socialistic writers, whose explanation I cannot discuss in this place. Besides the above, two lines of argument have usually been taken. It is either asserted that capital is historically gained through labor, and, if the co-operation of natural forces is left out of consideration, through labor alone; or it is said that even to-day, with our modern methods of

production, capital is originated by labor, and, subject to the mentioned limitation, by labor alone. In both views the cost of the production of capital reduced to labor is substituted for capital; on the former hypothesis it is the cost which has been involved in accumulating capital from the beginning of economic history, in the latter the outlay which is necessary to reproduce the capital consumed.

I will not discuss here how far it is at all possible to estimate the value of a quantity of goods by its cost. I will only point out that with regard to the extent to which cost should be considered in determining value, a certain limitation must be made in theory and practice, namely, that only the necessary or reasonable expenditure shall be taken into account, but not an excess of cost due to an accident. Careless, wasteful, or unskilled labor, which has been employed in excess of what is demanded in an improved mode of production can never enter into the value of the product. Only that amount can come into account which is absolutely necessary for reproducing a commodity, *i. e.*, that which is reasonable according to our present mode of production.

Accordingly, it is evident that the process of originating and accumulating capital, which has been carried on for thousands of years, cannot enter as a factor in determining value. By far the greater part of the exertion by means of which mankind has, in the course of time, acquired this capital, might have been saved, if, from the beginning, the best processes had been known, the greatest industry had been applied, if nothing had been squandered, and especially nothing had been destroyed through violence and war. Only that part of the cost should be reckoned in, which, according to the present condition of things, would be absolutely necessary for reproducing the productive capital already in existence. If new capital were to be produced, it being claimed that capital should be reduced to labor, it would seem but reasonable to produce it entirely by means of labor, without artificial help and without drawing to our

aid any other capital. But who manufactures machines to-day otherwise than by means of machines? Who can do any work to-day without raw material or tools? Nowhere in our modern economy is capital produced by labor alone. Everywhere the new capital is the descendant of previously existing capital. By no form of computation can the factor "capital" be eliminated from the cost of capital.

To the assertion that the quantity of labor invested in the gradual accumulation of capital in the past determines the value of capital, I reply that this historical process is of no significance for the present valuation, even if it should be true that aside from the free natural forces, nothing but labor had been invested in capital from the first. To the assertion that the quantity of labor necessary for the present reproduction of consumed capital be decisive, I reply that, at present, capital can no longer be reproduced by new labor without the co-operation of already existing capital.

In his "Working Principles," Professor Macvane presents an exact analysis of the costs of producing paper in a large factory. In passing, I will note that one-fifth of the entire cost in cash is paid for wages—for absolute labor, the rest, four-fifths of the whole, is expended for machines, raw material, etc. Professor Macvane then continues: "But a little study of the matter enables us to see that the sums paid for machinery, materials, etc., are, in fact, mainly payments of wages in disguise. These sums replace (with a profit) to other employers the wages paid for the production of the machinery, materials, etc." But is this true? The cost-account of the other employers shows again the same state of affairs; only a part of their money expenditure goes for wages, another part, never insignificant and often very considerable, is spent in the acquisition of materials, etc. Each actual cost-account contains items of capital. What right has a theory to ignore them?

I know it is customary to state the matter as if capital, as an item of cost, only appeared in the cost-account as a result of the division of production among several or many

producers. The paper manufacturer who buys his machines from the machine manufacturer, necessarily believes that he acquires capital, while in reality he only buys the fruit of labor, *i. e.*, labor. If all concerns were united under one management, it would be evident at first glance that there was no original expenditure in production besides that of simple labor.

To a certain length I willingly follow this argument, in so far as it concerns newly manufactured half-products which one employer sells to another for the purpose of further elaboration. On the other hand, I regard it as entirely false so far as it concerns capital produced in earlier economic periods, which have long ago elapsed. If poor fishermen during the winter produce a net out of materials which nature furnishes them gratuitously, they create something which is paid for in summer by the fish which they catch by means of it. Their labor is first transformed into the net and then into the fish. Formerly the scanty tools were, perhaps, nothing more than rapidly-passing, transitional forms of human labor which embodied itself, only finally to resolve itself into the finished product, the creation of which was facilitated by this means. The distinction between such a primitive mode of production and the modern one lies in the fact that the capital-power employed in the latter is incomparably greater than that which, in the way just described, can be gained through direct transformation of labor into capital. It would not only be irrational, awkward, and expensive in any productive process to-day to begin *ab ovo* to create the requisite capital by means of labor alone, but it would even be impossible to attain the national income, or even a noteworthy fraction of it in this way. We owe the goods which we consume not only to our industry, but also to the capital which we have inherited from our ancestors, together with labor and Nature. This inherited capital—by the help of which we begin every process of production, without exception—must be considered as an inde-

pendent and indispensable factor in our production, which can be as little ignored as it can be dispensed with.

The proposition that capital is an indispensable factor in production has nothing novel in it to one versed in economic theory. It is discussed in every text-book of political economy in connection with production and its conditions. Professor Macvane also proves it in its proper place, in his "Working Principles" (chap. vii.), and he calls (chap. viii., p. 69.) "the capital of to-day a legacy." He informs his readers that "to those who already have capital, increase is comparatively easy. With the old tools new ones can be made." But if, in the same text-books and systems, we turn from the chapter on production to that on value—capital has disappeared. With regard to value, Professor Macvane classifies all cost into "labor" and "waiting," as others classify cost into labor and abstinence. In this classification capital, as such, has vanished. Only the following alternative is possible: Either capital has no existence whatever in the eyes of the political economist who reduces it to labor—it exists only in the mind of the layman—and in the discussion of production it should only be mentioned as a transitional stage of labor: Or capital has also to be recognized by science, its value must be discussed, its place assigned in the cost-account, and the influence estimated which it exercises on value, together with labor.

Every practical employer is constantly intent on arriving at a clear statement of his cost-account, including capital. Without it his book-keeping would be regarded as very incomplete. Imagine the manager of a large business who is engaged in drawing up a statement of his earnings and running expenses becoming puzzled in his calculations respecting his investments, discounts, a possible fall in value, etc. Let him try to inform himself about the meaning and significance of his calculations by reading theoretical works on value. What a surprise it would be to him not to find any information about these operations, but discover that everywhere capital is identified with labor. At first he may

perhaps be in doubt whether his calculations are without sense, or the theory without use, but soon he will decide that the latter is the case. It would certainly be no sufficient theoretical explanation of value, if merely the practical valuations, as they are generally made, were repeated. It is necessary that theory should rise above practice, especially above the individual case. But on the other hand, it would be entirely out of place to give a theory of value which should entirely ignore practical views of value and their origin. The physician who studies the diseases of the human body regards the testimony of the patient only as hints and suggestions, which he knows often enough mislead, his real object is the silent body itself. To the political economist, who studies the problem of value, the practical valuations are more than symptoms, they are the thing itself. It is his task to unfold their meaning, to state it in a more comprehensible, clear and complete form than the practical man could do it ; but certainly not in a way which leaves entirely the sphere of economic experience.

(3)

★ Professor Macvane is right in supposing that the Austrian economists would reject the explanation of value based exclusively on exertion, even if it were true that the cost of capital could be reduced in every case to the cost of labor. We have a number of further objections, and we do not stand alone in this respect. They have been raised over and over again. It will suffice to mention one of them, which seems to me to be the most important in the principle underlying it.

According to the labor theory, labor should be estimated and paid in proportion to the effort and danger which it involves. The most painful and dangerous efforts would accordingly have the highest value. It is impossible to draw a different conclusion from the labor theory. And now let every reader ask himself whether experience affirms the supposition that the most painful and dangerous labor really

receives the highest wages. I believe even he who professes the labor theory will be compelled to grant that experience contradicts his theory, and that he would gladly be relieved of the necessity of proving that this contradiction is only apparent, and that experience really supports his view. I, at least, do not envy the theorist, who is forced of necessity to attempt such an explanation. It is certain that from a mere observation of wages nobody could have conceived the idea that the value of labor is determined by the hardship involved.

Confronted by this obstacle, Professor Macvane exhibits a degree of sincerity and sagacity which does him honor. He does not, like many others, simply skip the subject, without having given an explanation, but he discusses it thoroughly. He says (p. 98 of his "Principles") that the opinion of the laborers themselves as to what is painful or dangerous—be his opinion justifiable or not—must be decisive in estimating the effort and danger of labor. "What they think hard or dangerous, or disagreeable, is, for our present purposes, hard or dangerous, or disagreeable; what they think easy and pleasant, is easy and pleasant." This thought would lead to the conclusion that every one who is satisfied with certain wages for a certain effort, while others receive higher wages for less effort, would thereby silently admit that he regarded his effort as the less painful. I do not know whether Professor Macvane intends to go so far. It would not appear difficult to one apt in dialectics to present arguments in favor of Professor Macvane's interpretation; but all artifices of dialectics will prove nothing against the silent sighs which accompany the hard labor of the poor.

How would the manufacturer answer the question; by what standard does he grade the payment of wages? Without doubt he would say, according to the skill of the workmen and the services which they render him in his business. He will confess, that in certain cases, when he requires increased efforts, he will be obliged to increase wages in pro-

portion, but he will not indicate exertion as the absolute standard by which he grades labor. He will be compelled to increase the wages of the laborer who has a secured income, in order to induce him to undertake harder work, while, on the other hand, he only needs to offer starvation wages to the laborer who only has the choice between earning nothing and submitting to the heaviest work for the meagerest wages. It can only be said with exactness that labor can be had for the mere remuneration of its effort in case an abundant supply of it is at hand.

(4)

Ricardo, and those who deduce value from labor, advance what at bottom amounts to the following argument: If a certain expenditure of labor, though relatively very small, must be made for the sake of obtaining useful things, each of these things has value or importance, simply because by the possession of the article labor is saved; the measure of value is not to be found in the utility of the article created, but in the often comparatively small quantity of labor through the sacrifice of which the article in question can always be reproduced. If the articles of utility could really be regularly obtained through a sacrifice of labor, his theory would be tenable. It would be necessary that any supply of commodities could be reproduced by means of the naturally free sources of production through more effort. In other words, we should expect that every one would be justified in consuming as much as would be the equivalent of the sacrifice of labor which he was willing to make. No satisfaction should be denied to him who is willing to work for it. Unfortunately, human labor cannot thus produce commodities indefinitely. In the first place, in order to make labor fruitful, we need capital in addition; and secondly, there is not always a sufficient quantity of labor available to carry on every kind of production which might be desired. The Ricardian theory of value is faulty, because the theory of economics which it presupposes, is faulty. Its premises re-

garding economic facts are wrong, while the reasoning by means of which it deduces conclusions from these false premises is unassailable. Its reasoning as such is absolutely convincing and hence the exceedingly great logical attraction which it has exercised, and continues to exercise, on so many people in spite of its evident opposition to facts. The conception of value at which this theory arrives, although clear and attractive, cannot be applied to our economic conditions. Not less so the law of value, which, it may be remarked in passing, has a very close inner affinity with the law of marginal utility; and in general, however strange it may sound, Ricardo's conception of value is very nearly related to that of value in use. No other anterior theory has shed so much light on the inner working of the economic world.

In my opinion, the part which this theory has played in the historical development of the doctrine of value, can best be characterized by comparing it to the "extensive" or primitive cultivation of land. Under a few striking half truths it buries the absolute truth which lies deeper. In its simplicity and force it satisfies the first primitive demand for explanation. But progressing science will necessarily formulate a more "intensive" theory, which will set forth a higher truth, although with a large expenditure of explanatory effort. Even if we overlook the fact that entirely different economic conditions must be presupposed—a limited, instead of a plentiful supply of commodities—it is, nevertheless, necessary to examine the value of the means of production in connection with the value of the products. Even if it were true, that all means of production could be reduced to labor, it would be necessary to examine the value of labor. Professor Macvane says "that the relation of product to exertion is that of reward, and reward only." He evidently thinks that with regard to labor, only the returns—the income, should be considered, and not the value. But experience seems to prove the contrary. Wherever a return is yielded, the aim appears to be primarily to determine the

value of the sources of this return. Everywhere value is used as a clue to pass from the fruits which have value to the economic means of production which yield the fruits, however numerous or distantly related they may be. Is not this the daily business of the exchange? With the same money, means of production and commodities are paid for in proportion to their value, and are exchanged accordingly. We cannot therefore avoid the conclusion that both are embraced in the same conception of value. If Professor Macvane asks why the Austrian School attributes value to the means of production, to those goods which form a part of the costs, I can only answer: We do it because it is done everywhere, without exception, in economic life.

II.

COST AND MARGINAL UTILITY.

(5)

Ricardo's explanation of value presupposes that the whole process of production would admit of a uniform valuation according to the feeling of personal exertion, and that such a valuation is actually carried on every day. It regards this apparatus as one immense body conscious of its efforts. The Austrian School seeks the uniform measure for estimating the value of the means of production and of the commodities, in the utility which they both create. Men consider as primarily useful the means of subsistence and those other commodities which directly satisfy personal wants; in a secondary sense also, all means of production by which the former are obtained, in proportion as these means aid in the production. Can one imagine a more natural, simple and conclusive conception of the utility of commodities? It is true it is not inherent utility which political economy takes as the standard of valuation. The most useful things are often entirely without value in the economic world. Nobody has recognized this fact more clearly than Ricardo, and I believe that in the

history of the theory of value it will be held as the lasting merit of his school to have revealed the opposition between value and utility. But his school committed a mistake in overestimating this opposition and in making it a complete contradiction, while in reality there exists a close logical relation between the two conceptions.

Articles which have utility have value only on the condition that they cannot at all times be obtained in any desired quantity. Certainly even in the midst of the abundance of Paradise satisfaction may be secured and has value as such, but the value of satisfaction will not be transferred to the thing which satisfies, because another article can always be obtained in its stead which will give the same satisfaction. The idea of value extends to commodities only when they can not be had in an abundance which would satisfy all possible demands. The idea of the importance of property only originates in scarcity.

Even in the case where goods are not obtainable in abundance, they are not estimated by the total utility which they possess, but generally only by a part of it. The law which determines this quantity of utility has been called the *law of marginal utility* by the Austrian School. The content of this law is shortly expressed as follows: A commodity is not valued according to the utility which it actually possesses, but by that degree of utility only which is dependent upon that particular commodity, *i.e.*, that degree of utility which could not be enjoyed without possessing the commodity in question. One who has an annual income of ten thousand gulden and wants to spend it, let us say in a thousand different ways, will not estimate the gulden which he is going to spend for the most necessary article according to its importance, but according to the importance of the least necessary of the thousand articles to be acquired, for only the latter would not be obtained if this one gulden should be lost.

The law of marginal utility, if rightly understood, includes the law of cost. I must therefore beg the reader's

permission to develop somewhat minutely our views on this point.

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The degree of utility possessed by the means of production depends entirely upon the degree of utility of the commodities produced by means of them and is based upon this. Indeed, in principle, these two ^{qualities} are mathematically equal, excepting perhaps that difference which is expressed in the rate of the discount and which may be neglected here. According to the view taken by the Austrian School the estimation of value should begin like the estimation of utility, upon which it is based, with the products, and proceed thence to the means of production. The consequence of this is that the utility and value of the means of production prove to be no more identical than the utility and value of the products. Thus, for example, the value of the harvests is usually estimated much lower than its total utility, and consequently the value of the large productive group represented by land, agricultural capital and labor must be correspondingly less than their total utility. Of course the value of the products only extends to such means of production as are not to be had in indefinite quantities. Labor, likewise, receives its share of value wherever it has helped in producing and cannot be obtained in unlimited quantities.

It is not at all necessary to take into account the arduousness of the labor in order to explain its value. Under the supposed conditions value would be accorded to labor even if it involved no expenditure of effort whatever. In principle, therefore, the value of the commodities and the value of the means of production are identical and the former forms the basis of the latter. But what is cost? And how is it that in observing economic life we receive the distinct impression that the means of production regarded as cost determine the value of the product?

Nobody will doubt that the value of a mineral spring which serves no other purpose than that of furnishing water

for drinking, receives its value from the utility which is attributed to the water, and that it loses its value so soon as this ceases to be esteemed. In the same way iron or coal or common labor derives its value from the utility of the commodities produced with its help. If the contrary appears to be true and the latter appear to derive their value from the expenditure of the former, this can only be due to the fact that the applications of iron or coal or common labor are so exceedingly manifold. Their value is only determined by the totality of what they produce. A single product may, however, contribute nothing observable to this value. If a small mill fails or a household disappears and coal is no longer consumed by them, the effect on the market is practically inappreciable. If the value of the means of production be actually compared with that of their individual products, the former will be considered as the stable, permanent and significant element; the latter as fluctuating and subordinate. The value of the iron reflects that of the commodities produced from it, but owing to the fact that the former concentrates, so to speak, all the rays as in a focus, its illuminating power is greater than that of any single ray.

But this is not all. The practical capitalist only theorizes so far as seems absolutely necessary. He would never make such a comparison of the value of the means of production with that of the products unless compelled by circumstances. Every capitalist must in his own interest adapt his business to the general conditions of the market, if he wants it to maintain itself profitably. So far as he resorts to means of production which have other applications as well, he finds that they have a given value. He must pay for them, and the value of the goods which he produces must replace this expenditure. In this sense he has to adapt the value of the commodities to the value of the means of production. Thus originates the conception of cost. Cost consists in means of production having manifold applications, like iron, coal, and common labor, which even when they are employed in the production of a single commodity, are still estimated accord-

ing to the value which they have in all their applications. The hundreds and thousands of different kinds of materials and tools prepared for production are counted, weighed, and measured according to the utility which they are to create, and in view of their importance most zealously guarded by their possessors. In the same way the different kinds of labor are assorted according to the utility expected from them, and arranged according to a classification which differs essentially from that which would result if the effort involved should be taken into consideration. The unlimited possession of useful productive materials and forces forms the basis of the economic confidence of modern society. Since each productive process diminishes this possession, it reduces utility—it *costs*, and it costs exactly as much as the value which the material and labor required would have produced if rationally applied. It is evident that a consideration of the cost does not, in the view taken above, produce the value of the commodities. The capitalist cannot in any way base upon the expenses he has incurred a successful claim that his customers should pay a price which would cover this outlay. The buyers pay according to their valuation of the commodities. The consideration of the cost has primarily only the effect of influencing the supply continually put on the market by the producers. Based upon the supply on the market (which is determined as above indicated), the value of the commodities continues to depend upon their utility, and the fact remains unshaken that this utility finally determines the value of means of production. At the sale of the products the capitalists continually rectify their calculations, and according to their gains or losses the value of the means of production increases or diminishes in their estimation. They contribute each in his own way and according to the measure of his influence, to maintain or alter the market-value of the means of production, which constantly regulates the wheels of industry.

There are, however, cases where, without influencing the quantity of the production, the cost directly determines the

value of the commodities. It must suffice here to illustrate this by a single example. Suppose the railroad system of a country to be completed, and consequently the annual demand for rails is limited to that quantity which is required to replace the wear and tear. Let us suppose, furthermore, that the value of iron, owing to an immense increase in the production of that metal, considerably decreases—what will be the effect on the value of rails? Their utility does not apparently change, nor the quantity produced, nevertheless their value will decrease for the very reason that the cost has lessened, and exactly so far as the cost has lessened. If the production of rails were monopolized, the former price could be maintained, and the fact that the rails had decreased in value would only come into account in the internal production. Free competition, however, will compel the producer to adapt the price to the rectified valuation and to allow the consumers to participate in the reduction of the value.

Without further analyzing these cases, mentioned as illustrations, I shall only show their general theoretical importance. We have here to do with a new application of the "law of marginal utility." The utility of the rails no longer depends upon their possession nor even upon their marginal utility, but only upon the still lower marginal utility of the material, labor, etc., which are requisite for their production. The value of these materials, labor, etc., is determined by that of commodities having a still lower marginal utility than the rails, for example, ordinary tools. The value of rails is therefore determined: (1) by the quantities of iron, etc., required; and (2) by the utility which these have in their most unimportant application in other productive processes. Although the rails do not owe their value to *their* utility, they owe it to *some kind of utility*—primarily to that of the means of production employed; finally to the marginal utility of certain other commodities. In the cases in question, the value of commodities is not estimated "specifically," but the commodities are regarded as compounds of their productive elements, of

several factors, to each of which a certain value is ascribed. The rails represent a certain amount of iron and labor, and are so estimated. Where large supplies of finished commodities are at hand which are sufficient to satisfy the most urgent demands and which are always supplemented by reproduction, this kind of valuation becomes quite general. It is the prevailing one in every well regulated form of production. Commodities in the manufacture of which different quantities of like elements are employed, are valued in the same ratio as these, that is to say, the quantities of the means of production required determine the relative value. From this arises the natural impression that they determine the value of commodities in general, and one forgets that it is necessary to seek for the absolute value. It is not sufficient to know what quantities of iron are required for certain commodities, but it is necessary as well to know the absolute value of the iron, and this is finally determined by the value of the products manufactured out of it. If, however, supply and demand are too seriously interfered with it is no longer possible to estimate the products by the value of the means of production. They are then estimated as "specific goods," that is, rails as rails. Then the utility, *i. e.*, the marginal utility of the rails determines their value. After the disturbance has ceased and production has again become regular, commodities are once more valued according to their cost, which is in turn, as has been shown, nothing but a complicated form of value in use.

Thus utility is always the decisive element, and, according to the same law, it is the marginal utility which is decisive. Circumstances, however, change in such a way that now a direct, now an indirect, now the specific, now an external utility constitutes the marginal utility. The Austrian School does not in any way destroy the idea of cost or the law of cost, it only endeavors to combine both with the general idea of value and its general law, and to explain them in this way. Our hope is to get beyond the old scho-

lastic controversy, whether value is determined by cost, or, conversely, cost by value.

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Professor Macvane rejects our conception of the influence of cost on value. He says: "It seems to involve a begging of the question." "The principle of cost," he continues, "is too broad to be admitted by a side door, or as an after-thought. If the reason why coats have a higher value than shoes be that coats have a greater final utility, that ought to be the end of the story. To add, as an incidental circumstance, that coats are also more difficult to make and so ought to have a higher value, has the appearance of putting the controlling factor in a curiously subordinate place."

I cannot quite understand this objection made against us. I find that it is not our view which he criticises. We do not admit the principle of cost by a side door, but, on the contrary, it is admitted without secrecy through the main portal of our theory. One principle is that value is derived from utility, and quite in harmony with this principle, we assert that cost is, after all, according to the general law of value, that of marginal utility, measured by utility alone.

But it should not be overlooked as, in my opinion, has been done by Professor Macvane, that, in speaking of utility (and marginal utility), we purposely put "the end of the story" a little further back than Ricardo and the Ricardians. In the case of the coat, as in the case of any other commodity, utility must be considered in two ways: First, in so far as it is useful itself; and, secondly, in so far as utility is attributed to the labor, materials, etc., by means of which it is produced and by means of which, at the same time, other commodities are produced. If, at a given moment, the marginal utility of coats equals one hundred, while the other commodities produced with the same means of production, and consequently the requisite means of production themselves, have a marginal utility of fifty, the result will be an endeavor to produce more coats. Now since the manufac-

ture of these means a profitable utilization of the means of production, this endeavor will continue until, by the increase of quantity, the marginal utility of coats has likewise been reduced to fifty. Then the value of the commodity and of the materials will become identical, and not, indeed, by any accident, but by the intentional realization of the most essential functions of economic life. But it may also happen that so many coats cannot be used, and consequently that an increase of production is not called for. Coats will then maintain the value one hundred as directly estimated by their marginal utility. But even in this case their value will ultimately equal fifty or the cost-value, if, at this value, they can be constantly and uninterruptedly placed upon the market. This result, also, will not be accidental, but the result of the general law of value—the “law of marginal utility.” Goods are not valued according to the utility which they themselves possess when a lower utility is dependent upon them, but according to this lower utility. In the given case a man who loses his coat does not lose the utility of one hundred, but only of fifty, which the requisite means of production would have yielded if applied in other ways. This utility is the marginal one and decisive for value.

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“I am unable to conceive,” Professor Macvane says, “of the attribute of exchange value as belonging to the cost of products. That would be to regard producers as carrying on a kind of exchange with nature, giving productive exertions in return for commodities. . . . But this way of looking at things does not seem to promise very useful results.”

I have already said that the Austrians recognize the value of the means of production because they observe that it is recognized everywhere in economic life. We believe that it is our task to explain value wherever we may find it. The theorist may always be sure that value, wherever it is found, has a meaning. The actual calculation of the economic world constitutes an unsurpassable work of art in which

nothing is isolated or unconnected, and it is not completely grasped by theory so long as anything in it seems to be without connection with the other portions of the system.

It is, in my opinion, not at all impossible to explain the meaning which lies in the customary valuation of the means of production and the cost-account based upon it. It is a fact of highest importance that the value of productive property and of productive powers anticipates the expected value of the commodities. It is in consequence of this fact that if productive materials and forces are employed in production and are thus either converted into fixed capital or consumed, we are continually admonished that the full value of the fruits expected must be derived from them. In this way, in the valuation of the means of production, the future commodities have already been taken into account. Their production is planned with the purpose of attaining the highest possible utility and is carried out with this end in view.

It is especially important to aim at the most advantageous utilization of those means of production which allow a manifold application. In order that the highest possible utility be obtained from them it is necessary to balance all their applications against each other. A condition of equilibrium must be established. Too much must not be manufactured of one product and too little of another, for otherwise the necessary would be sacrificed to the superfluous and the highest attainable utility would not be reached. It seems that without exact statistics of supply and demand production must proceed in the dark and often mistake its way. If, nevertheless, as is shown by experience, the right proportion between the different kinds of production is generally maintained, although the statistics are not exact and are often entirely wanting, it is due to the circumstance that another expedient presents itself, viz., to consult the value of the means of production as determined by the relation of supply and demand in the past. Every producer strives to manufacture that quantity of goods which will cause the value of the commodities to replace at least the

value of the means of production. His own interests demand this, for the means of production are his outlay which must be restored to him in the shape of the commodities produced. At the same time he renders, unconsciously, a great economic service, he helps to regulate production so that a general equilibrium results and the means of production yield the greatest possible utility.

“To count the cost” means in a single case to estimate the value of the means of production, having a manifold application, by that value which results from the totality of their applications. The outcome of the fact that the value is thus estimated in each single case is, that the means of production are distributed in such a way with regard to the commodities that the highest possible utility is attained.

This fact also explains why the endeavor is continually made to re-adjust the disturbances of production above mentioned which cause commodities to be valued for a time according to their “specific utility,” instead of according to their cost. Hence the valuation according to “cost” implies the just and most efficient distribution of the means of production among all the various kinds of productions; the valuation according to “utility,” on the other hand, indicates a disturbance, owing to which one branch of production is isolated from the other branches and consequently the equilibrium is destroyed.

It is primarily the individual capitalist who makes his calculation according to cost in his own interest. Free competition, however, compels him to apply the same calculation in selling to his customers and in this way to give to consumption that extent which corresponds to the production.

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I now come to that part of Professor Macvane’s criticism which, while it deals apparently only with a single detail, involves in reality the most comprehensive conclusions.

The Austrian School explains exchange by the value in use; each party to the exchange endeavors to gain in value

in use. If the commodities parted with have a value in use of ten, the article received in exchange must necessarily have a higher value than ten in order that the exchange may take place. In the case of the other party to the exchange the valuation will be reversed; here a higher value is attached to that which received a lower estimate in the first instance.

Professor Macvane is right in showing that under the supremacy of the division of labor the products very frequently, if not generally, have no value in use at all to the producer who wants to sell them. He thinks that our theory has not taken this fact into account. But in this he is quite mistaken. We have taken it into account, and it is in complete harmony with our theory of exchange.

Although the commodity has no value in use to the seller, yet the price which he receives has an indirect value in use to him, since it enables him to buy goods of direct value in use. On this account he is influenced by those motives which, in our opinion, lead to the exchange. We presuppose a difference between the value in use of the article received and that of the article given in exchange. This difference does not disappear when the article given in exchange has a value in use equal to zero, but rather reaches its maximum in this case.

It is proper to emphasize in this place that the Ricardian theory offers no explanation of exchange. According to Ricardo, articles of equal cost have equal value; what inducement is there to exchange articles of equal value? It is evident that the parties to the exchange are influenced by some consideration of the utility of the goods exchanged. But utility as such does not lead to economic transactions. Nobody pays for the useful air, nobody pays for victuals in proportion to their total utility. In order to explain exchange, it is necessary to determine the real economic measure of utility: that measure the Austrains believe they have found in the idea of marginal utility. In this way the idea of marginal utility may enter the breach which the Ricardian

theory of exchange leaves open. If it succeed in this, the former theory will, I am convinced, suffer a signal and complete defeat.

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The point above discussed, leads Professor Macvane to the final principles of political economy. According to him, the Ricardian theory clearly reveals the fundamental plan of the economic world. It is the endeavor of each individual to obtain the greatest possible result by the least possible effort; and thus he makes the best application of his powers. Division of labor and free competition make it possible that the endeavor of each individual should redound to the advantage of society; so that finally the maximum of general advantage is attained by the minimum expenditure of general effort.

Professor Macvane thinks that on account of its erroneous conception of the motives of exchange our theory does not serve to explain the movements of this economic mechanism. I have just shown that the conditions produced by the division of labor are the same which we presuppose for exchange. Whatever may be said in favor of division of labor and free competition, as an explanation of the fact that the individual is compelled to work in the interest of society, can also be said of our theory of value and exchange.

I even maintain that the explanation of this process from the standpoint of the Ricardian theory is not by far as clear as that reached from our standpoint. Ricardo's theory does not in any way contain an explanation of exchange. In general, a theory can only explain the meaning of the economy of the world at large in so far as it succeeds in explaining the economy of the individual. The Ricardian theory only takes into account the quantities of labor expended, and only in so far as these are concerned does it trace the effects of the division of labor and of free competition and show how the individual is situated in his relation to the welfare of the whole. If this theory aims to show that the greatest possible results may be attained by the least possible effort,

it certainly does not explain how to measure the degree of this success. It is not sufficient to point to utility alone as this measure, for utility as such is nowhere decisive in the economic world. Since Ricardo has no measure for the results, that is, for the economic gain, he is not able to explain the nature of exchange.

Jevons and his school have in this respect progressed far beyond the standpoint of Ricardo. Jevons estimated utility by the standard of the marginal utility. He is able to correlate expenditure and gain in production as well as sacrifice and its reward in exchange. The economic balance-sheet is according to his theory "a calculus of pain and pleasure," and the word "calculus" has its definite sense in this connection because Jevons actually understood how ingeniously to measure "pleasure."

But not even Jevons has, in our opinion, succeeded in giving a satisfactory explanation of the nature of the economic balance-sheet. He has an insufficient measure for the economic expenditure because he measured it according to "pain." The principle of gaining the maximum of pleasure for the minimum of pain may suffice well enough when men gain sensual pleasures by means of physical exertions. If the utilitarians are right the highest rule of moral conduct may even be deduced from this principle. But it cannot without modification be applied in political economy and especially in relation to production, because the latter requires not only *personal* sacrifices, but also the sacrifice of *material objects*. These, however, represent the possessions of the producer, the sacrifice of which does not necessarily imply any feeling of pain. Certainly, no new principle is in this way introduced into political economy, since we estimate the goods which constitute our wealth by no other standard than their utility for us. But it remains for theory to explain according to what laws we connect the idea of utility—of pleasure—with the goods which compose wealth. We estimate them not only according to the minimum of pain, but we consider them at the same time as a condition of pleasure, and it is according

to this pleasure that we estimate their value. The musician whose painless performances delight his hearers, would reckon but poorly if he should estimate his performances by his pain and not by the delight of the public. The calculations of political economy will only be satisfactorily explained when the general and, for this reason, insignificant formula of "the calculus of pleasure and pain" is applied to these complicated conditions and the special rules are formulated which result from such an application. "To gain the maximum of booty with the minimum of effort" may be the simple sense of the economic reckoning of a hunter who has nothing to save but his strength. The economic reckoning in the age of capital is, however, harder to explain. There is more behind the mysteries of commercial bookkeeping than may be dreamt of in the philosophy of the hunter, and a formula explaining the latter would be but ill adapted for the interpretation of the former.

What I have said above in regard to the conception of cost and the meaning of the cost-account shows how we attempt to carry out the "calculus of pleasure" with regard to productive property. However, I cannot enter into further details here, nor can I develop the influence which in our opinion, is to be attributed to the effort expended by labor. Although we deny that this enters as such into the value of the commodities, we do not, of course, mean in any sense to banish it from the sphere of economic speculation.

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THE BASIS OF INTEREST.

A CRITICISM OF THE SOLUTION OFFERED BY MR. HENRY GEORGE.*

My purpose is to examine the theory of interest suggested by Mr. Henry George. I am free to say that I regard Mr. George, in some branches of economic inquiry, as *facile princeps* among all American economists, and that, to my mind, his analysis of the primary notions of rent, wages, labor, capital, production and exchange carries with it, in many important particulars, the persuasion of an absolute demonstration. His work hitherto, although marked by transcendent ability, has been fragmentary from the point of view of the science as a whole: and his leading writing, *Progress and Poverty*, is a performance of very unequal merit. It seems to me that the inquiry into the cause of interest contained in Chapter iii of Book III of *Progress and Poverty*, while it is distinguished by the clearness of statement, which is this writer's greatest charm, and in part by unquestionable ingenuity and success, is, nevertheless, on its positive side, little more than a tissue of fallacies, in which it is not a little remarkable that so acute a mind should suffer itself to become entangled.

It is not my intention to enter into a general discussion of the question of interest. The aim of the present paper is simply to examine the position taken by Mr. George and to point out wherein he seems to have been successful and wherein he has failed or is inconsistent with himself. A man's

*[In justice to the author of this paper it ought to be said that he had no previous acquaintance with Professor Böhm-Bawerk's *Positive Theory of Capital* nor with Professor S. N. Patten's paper upon *The Fundamental Idea of Capital* (*Quarterly Journal of Economics*, Jan., 1889.) The explanation he advances is therefore entirely original, and forms an interesting illustration of the many ways a problem will be approached by independent thinkers when the time is ripe for its discussion.—THE EDITORS.]

views on a special question are often not so much the result of a just analysis of the question itself as of his positions previously taken on other points correlated with the subject under discussion. No one appreciates the effect of this collateral influence on the formation of opinion better than Mr. George, and in the course of his economic writings he has frequently turned his adversary's flank by exposing its occult workings. Yet in his chapter on interest he has given us a most striking instance of this most annoying mental perturbation. It should be remembered that Mr. George is practically a socialist as to land and the natural opportunities of the physical universe, and an individualist as to all production which is the result of labor in any form. He claims for society, as a whole, the benefit which must necessarily accrue to the individual from the pre-emption of any natural physical opportunity, and, while admitting that pre-emption is a pre-requisite to production, he proposes to equalize the resultant inequality by means of the single tax, which shall leave to the occupant the product of his labor, but deprive him of the advantage of his monopoly. Against the transparent equity of this proposition, I may be permitted to say, parenthetically, I have never seen an objection worthy of the consideration of a serious mind. On the other hand, Mr. George will hear nothing of that socialism which proposes to lay hold upon the whole work of production and in the first instance to subject to the general control the special endowment of individual men and to apportion equally their unequal product. He is quite content that the individual should be suffered to retain the full enjoyment of that natural monopoly, his special physical and mental endowment, and he looks with entire complacency upon all inequalities of fortune which arise from such a source.

He has carefully defined rent as the price of monopoly of natural physical opportunities, irrespective of the value added by labor, and hence his condemnation of it. He defines capital as the product of labor devoted to the work of production or exchange; and as capital, by his definition, must

have had its inception in labor, he is not disturbed if the possession of capital shall be found to give to its possessor a further advantage which is not the result of labor. Whether the possession of capital in any form, in the hands of its producer, can give to its owner any advantage which is not the result of labor, is, I think, more than doubtful. But Mr. George is of a different opinion. He maintains that capital is not necessarily dead or inert. Certain forms of capital, like money and spades are inert, he says, but there are other forms like wine, a cow, a swarm of bees, that are not inert, but are endowed with an inherent reproductive force by means of which they multiply in number or increase in value with the lapse of time without the necessity of human intervention. From this circumstance he derives interest. The owner of capital, which in time will of itself produce new wealth, will not part with the possession of that capital during the period required for the consummation of the new and spontaneous product, unless, at the end of that time he receive back his own and the increase. The increase is interest, the surrender of the increase is the payment of interest. Mr. George seems to have been led into this statement of the cause of interest by the attractive analogy which he in this way establishes between rent and interest. According to his view, both these economic phenomena arise from the control in individual hands of certain natural forces. In the first case the landlord can demand rent because he controls the forces to which other men must have access as the condition of successful labor. In the other case the capitalist can demand interest because he possesses capital in a form which will in time yield him a product which is not the result of labor. Interest and rent, therefore, are both paid for something which is not the result of labor, they are neither of them instances of exchange, but are simply tributes to superiority of economic condition under a system of private property. The most natural, though, of course, not conclusive, answer to such a correlation of these two economic phenomena is the *argumentum ad hominem*. How is it that when Mr. George

condemns rent on the ground that by it labor is taxed for the benefit of the non-producer, he can still justify interest, although he says that it is paid by a borrower and producer to secure the lender in the possession of an anticipated product, which, when it arrives, will not be the result of the capitalist's labor.

If Mr. George's conception be the true one, I do not see how he can distinguish between interest and rent. Upon his definition, both these payments in their last analysis represent a tribute paid to the private owner for something which he owns but did not produce. Mr. George's favorite shibboleth is that the laborer is entitled to his product, the whole of his product, and nothing but his product; and as a corollary that no man should own or be entitled to demand payment in exchange for that which he did not produce. I confess that this proposition has, to my mind, much of the force of a self-evident truth. From it he concludes by way of practical application that the landlord has no just claim to toll for the use of natural opportunities. But if, as Mr. George maintains, the basis of interest is the independent and inherent productive power of certain kinds of capital—whereby a product arises to the owner, which either in whole or in part is the result, not of labor, but of the spontaneous efficiency of nature, it seems to me that the private command of that spontaneous efficiency is exactly on a par with the private command of natural opportunities, and interest must fall under the same condemnation as rent. Of course, by such a retort we do not show that Mr. George's conception of interest is inexact, but we do convict him of a failure to appreciate the effect and consequences of his own explanation. Upon his premises, such a conception of certain kinds of capital would be a justification for confiscating the product or that part of it which results from the spontaneous efficiency of nature, but could never be made a sufficient social reason for paying interest. Rent and interest fall together, and the result is pure socialism.

It is difficult to see what other reply Mr. George could

make to this objection, except that as the original capital was the result of the owner's labor, he will be entitled to the increase, which is not the result of his labor.

Now, if we should discriminate, as Mr. George does, between the original capital, calling it a product of labor, and the increase, calling it something which is not the product of labor, such a reply would be a complete *non-sequitur*, because labor cannot justify the ownership of something which is not the product of labor. In addition to this, the reason given, if it be effectual at all, would involve a complete abandonment of the hypothesis, for it justifies the ownership of the increase on the ground that at bottom it is the product of labor.

But the real answer to Mr. George is that the whole notion of the reproductive power of capital is a delusion. There is no form of capital which will yield an increase which is not the result of labor. Let us give Mr. George the benefit of his own statement of the case before we undertake to answer him.

"Capital aids labor in all the different modes of production, but there is a distinction between the relations of the two in such modes of production as consist merely in changing the form or place of matter, as planing boards or mining coals, and such modes of production as avail themselves of the reproductive forces of nature, or of the power of increase arising from differences in the distribution of natural or human powers, such as the raising of grain or the exchange of ice for sugar. In production of the first kind, labor alone is the efficient cause; when labor stops, production stops. When the carpenter drops his plane as the sun sets, the increase of value which his plane is producing ceases until he begins his labor on the following morning. When the factory bell rings for closing, when the mine is shut down, production ends until work is resumed. The intervening time, so far as regards production, might as well be blotted out. The lapse of days, the change of seasons is no element in the production that depends solely upon the amount of labor

expended. But in the other modes of production to which I have referred, and in which the part of labor may be likened to the operations of lumbermen, who throw their logs into the stream, leaving it to the current to carry them to the boom of the saw-mill many miles below, time is an element. The seed in the ground germinates and grows while the farmer sleeps or plows new fields, and the ever-flowing currents of air and ocean bear Whittington's cat toward the rat-tormented ruler in the regions of romance.

"Now, what gives the increase in these cases is something which, *though it generally requires labor to utilize it*,* is yet distinct and separable from labor—the active power of nature, the principle of growth, of reproduction which everywhere characterizes all the forms of that mysterious thing or condition which we call life. And it seems to me that it is this which is the cause of interest, or the increase of capital over and above that due to labor. There are, so to speak, in the movements which make up the everlasting flux of nature, certain vital currents, which will, *if we use them, aid us*,* with a force independent of our own efforts, in turning matter into the forms we desire, that is to say, wealth.

"While many things might be named, which, like money, or planes, or planks, or engines, or clothing, have no innate power of increase, yet other things are included in the terms of wealth and capital, which, like wine, will of themselves increase in quality up to a certain point, or like bees, or cattle, will of themselves increase in quantity, and certain other things such as seeds, *which, though the conditions which enable them to increase may not be maintained without labor*,* yet will, when the conditions are maintained, yield an increase or give a return over and above that which is to be attributed to labor.

"Now the interchangeability of wealth necessarily involves an average between all the species of wealth of any special advantage which accrues from the possession of any particular species. For no one would keep capital in one

* The italics are ours.

form when it could be changed into a more advantageous form. . . . And so in any circle of exchange the power of increase which the reproductive or vital force of nature gives to some species of capital must average with all, and he who lends or uses in exchange money or planes, or bricks, or clothing, is not deprived of the power to obtain an increase, any more than if he had lent or put to a reproductive use so much capital in a form capable of increase.

"This interest springs from the power of increase which the reproductive forces of nature and the, in effect, analogous capacity for exchange give to capital. It is not an arbitrary, but a natural thing; it is not the result of a particular social organization, but of the laws of the universe which underlie society. It is therefore just.

"We must not," he adds, "think only of that which is paid by the user of capital to the owner of capital. Manifestly this is not all interest, but only some interest. Whoever uses capital and obtains an increase it is capable of giving, receives interest. If I plant and care for a tree until it comes to maturity, I receive in its fruit interest upon the capital I have thus accumulated, that is labor I have expended. If I raise a cow, the milk which she yields me morning and evening is not merely the reward of the labor then exerted, but interest upon the capital which my labor expended in raising her has accumulated in the cow. And so, if I use my own capital in directly aiding production as by machinery, or in indirectly aiding production in exchange, I receive a special distinguishable advantage from the reproductive character of capital, which is as real, though perhaps, not as clear, as though I had lent my capital to another and he had paid me interest."

It is difficult to say which one of this series of propositions is the most inaccurate. Let us begin at the beginning. It is true that there are in nature about us active forces in constant operation which we may direct to the production of wealth. The vital forces are of this category, but they, by

no means, constitute the whole of it. These active forces which make for change are properties of matter no less surely than are the passive properties which offer resistance to change. A carpenter is able to put a finish on a board with a plane not merely because he applies his labor to the work, but because the board in the order of nature is so constituted that it may be polished in that way. Some boards take a better finish than others; and if he worked all day his plane would not make any impression on a pail of water or a heap of sand. A lumberman throws logs into a stream and the current carries them down to the boom. He takes advantage of the properties of water, its buoyancy and its disposition to run down hill in order to effect his purpose, which is the transportation of the logs. He puts the logs into the stream, says Mr. George, nature does the rest. Well, what of it? The cabinet maker moves his plane over the face of a rough walnut board, nature does the rest. Human labor gives the original impulse in both instances and the product is the joint result of the human impulse and the properties of matter. Mr. George's imagination is profoundly impressed by the thought that after having thrown his logs into the stream the lumberman may sleep while his timber is floating down to its destination; that the farmer may sleep while his grain is germinating and developing; that the shepherd may sleep while his flocks are multiplying. But the interpretation of this fact, so far as it is a fact, is exactly the converse of the one suggested by Mr. George. The explanation is not that in these instances the laborer receives some exceptional reinforcement from the so-called vital forces of nature, but rather that after he has done all that he can do he is compelled to wait a considerable time before he can enjoy the finished product. Indeed, this circumstance appears to be rather a disadvantage than an advantage. It may be an advantage to the lumberman to be able to float his logs down the stream rather than to drag them to the mill on a sledge; on the other hand it may be more advantageous

to use sledges. It might take longer to float them down than it would to drag them overland; and even though the labor required to drag them to the mill were greater than the labor required to drag them to the water, it might very well be that it would be more advantageous to transport them by land, because the object would be attained sooner. Men work for a definite result always, and the time which elapses between the initiatory labor and the perfection of the product is a loss or an obstruction to enterprise. It is not, as Mr. George supposes, a pension to idleness, but is directly a burden upon labor; not an aid but a discouragement. The length of time required for grain to germinate and ripen, for wine to mature, or for the logs to reach the boom strikes Mr. George's imagination and causes him to think that nature is co-operating with man in those instances in a manner distinct from that in which she lends her aid in the transaction of planing a plank. In truth this is not the case, the only real difference is that her response to the impulse of labor is slower in one case than the other. In one case the product progresses with the labor, and when the carpenter lays down his plane his finished product is complete and ready for use; in the other case when the labor is finished the product is not yet complete, tardy nature accepts the human effort as sufficient, but exacts a further delay before she offers the reward. The effect of these striking instances on the imagination will, however, be greatly diminished if we reflect that the same delay is observable in those very operations which Mr. George would class with the unassisted operations. We witness the same phenomenon when we see the cook sit down with her folded hands while waiting for the kettle to boil, the bread to rise, or the jelly to congeal, or when the cooper throws a heated hoop around his upright staves and waits for the contraction of the metal to bind them firmly into a solid cask. The delay in these cases is much shorter, but the principle is the same. Mr. George, however, would, I fancy, scarcely regard with interest the circumstance that

while the cook is sleeping the batter may be overflowing upon the kitchen hearth. Nevertheless, the difference is not one of definition, but purely one of degree in the emotion of wonder.

The phenomenon of increase in the number of units under the operation of the vital principle kindles Mr. George's imagination. A board which has been polished is still one board; but a handful of grain when planted will become a bushel after a year's time. But the number of equal units is *not at all a material circumstance*. *The aim of production is not the multiplication of units, but the gratification of new desires*. The carpenter planes the board in order that his finished product may gratify a new desire which could not have been satisfied by the plank in the rough. The new product is attained and the new desire gratified by a simple change of form without an increase in the number of similar units. The farmer or herdsman, on the other hand, does not attempt a change of form—he wants more grain or more beasts of the same form.

Some agricultural products are wholly destroyed in the first gratification of final desire. A man cannot eat the same apple twice. The same thing is true of some manufactured products, like fire crackers. In both cases a constantly recurring demand makes the rapid multiplication of similar units desirable. But in a well organized pyrotechnic factory, as in a pin factory, the ratio between the number of men employed and the number of units of product turned out in a year is hardly less striking than it is in an apple orchard or wheat field. Most agricultural products, other than edibles, are not consumed on the first gratification of final desire; the same thing is true of most manufactured products. In no case can a new product be obtained to gratify new desires, except on condition of a change of form in the matter from which it proceeds. The slabs which are worked up into a highly polished board can never again be used to make a rustic bench, and growing crops imply decaying seed. So, too, with animals which reproduce their

kind, their vitality slowly passes to their offspring ; while reproducing they are wasting away. Man's agency in this last case is exactly what it is in cultivating the fruits of the soil ; it is directed to modifying the conditions of reproduction and controlling the natural selection, and his reward is in the more certain increase and the more agreeable product. The farmer and the herdsman are doing exactly what the carpenter and ironworker are doing, namely, directing the change in form of material things with a view to the gratification of new desires ; and in this there is no difference between the production which is aided by the "vital principle" and that which is not.

Mr. George's error, at this point, seems to be a modern echo of the mistake of the Physiocrats, who assumed that because a farmer could raise in a year more grain than he and his family could eat in the same period, his labor yielded a net product beyond the reward of his exertion.

But there appears in Mr. George's exposition another notion not less erroneous than the one we have hitherto discussed. It is the assumption that capital employed in effecting exchange yields an increase which is not the result of labor. This is a misconception for which Mr. George cannot plead by way of excuse the disturbing influence of the imagination. It is simply a defect in analysis and definition ; a defect which is the more remarkable because if there is one faculty which Mr. George possesses in a pre-eminent degree it is the faculty of analysis and definition.

These are his words :

"There is also in the utilization of the variations in the powers of nature and of man, which is effected by exchange, an increase which somewhat resembles that produced by the vital forces of nature. In one place, for instance, a given amount of labor will secure two hundred in vegetable food or one hundred in animal food. In another place these conditions are reversed, and the same amount of labor will produce one hundred in vegetable food or two hundred in animal. In the one place the relative value of the vegetable to

animal food will be as two to one, and in the other as one to two ; and supposing equal amounts to be required, the same amount of labor will in either place secure one hundred and fifty to both. But by devoting labor in the one place to the procurement of vegetable food and in the other to the procurement of animal food and exchanging to the quantity required, the people of each place will be enabled by the given amount of labor to procure two hundred of both, less the losses and expenses of exchange : so that at each place the product which is taken from use and devoted to exchange brings back an increase. Thus Whittington's cat, sent to a far country, where cats are scarce and rats are plenty, returns in bales of goods and bags of gold."

It is true that the variant powers of nature and of man are the basis of the division of employments between individuals and communities, that an advantage arises from this division in the production of more wealth with which to gratify new desires, and that this advantage is distributed among the producers by means of exchange.

But it is not true that this advantage can be made the basis of interest, much less that it involves an increase which results from the employment of capital at any point, nor, indeed, which results from anything except the division of employments. The division of employments is the source from which the advantage arises, the cost of exchange is merely an additional obstacle to be overcome. When the exchange is effected and the cost of production and exchange is paid, the advantage is exhausted or at least it exists only in the possession of wealth fitted for the gratification of new desires. And that wealth, though it be greater in amount, that is to say, capable of gratifying more desires than would have been the case had the division of employment and the exchange not been resorted to, represents nothing after all but the wages of labor wisely directed. It is true that to effect the exchange both labor and capital may have to be employed, but nevertheless they constitute merely an intermediate step between the first application of labor to

the work of production and the final gratification of desire. The necessity for transportation is part of the resistance of nature to man's effort to satisfy his wants. It is difficult, therefore, to see how when a man overcomes that particular form of resistance, either with or without the employment of capital, an increase can arise which is not the reward of labor. Labor alone produces new forms for the gratification of desire. Exchange is merely a method of distributing the product. At bottom it is a reciprocal transfer of benefits, and where this is not the case, the one-sided transfer is not exchange, but spoliation. If I have made two coats and Mr. George has made two hats, and we desire to exchange a hat for a coat, we each experience a loss and gain, there is no increase. The actuating motive is a preference. He prefers a coat to his second hat, I prefer a hat to my second coat, hence the barter, and the sole advantage of that barter is the gratification of our respective preferences. In all this there is certainly no increase in wealth which is not the result of labor. Mr. George, in another portion of his work, has very clearly stated the principle that the gratifications which we purchase with the product of our labor through the medium of exchange are in substance the product of our labor. But this is only so because our product is the means of effecting the exchange on our part; it is the instrumentality through which we secure the gratification of our final desire, and this excludes the notion of increase. So much for Whittington's cat. Before dismissing this branch of the subject, however, let us examine a part of the closing paragraph of our first quotation from Mr. George. He says: "If I plant and care for a tree until it comes to maturity, I receive in its fruit interest on the capital I have thus accumulated—that is the labor I have expended. If I raise a cow, the milk which she yields me, morning and evening, is not merely the reward of the labor then exerted, but interest upon the capital which my labor expended in raising her has accumulated in the cow." That is to say, Mr. George maintains that the fruit and the milk represent

a distinct and spontaneous increase in wealth, which in part, at least, is in excess of the reward of the labor expended in feeding, protecting and milking the cow, while getting the milk, and in pruning and caring for the tree after it begins to bear and in picking the fruit. Now it is perfectly true that the milk and fruit do represent something more than the reward of labor of the current season, but that is the case only because the labor of the current season does not constitute all the labor which was required to bring about the result. When the tree was planted, the object was to obtain fruit, and when the cow was bred the object was to obtain milk. The fruit and milk are the reward of all the labor necessary to attain them, and they are the reward of nothing else. If the fruit tree never bears but one apple and then becomes barren, if the cow gives but one quart of milk, and then never gives any more, the labor previously expended would be rewarded, though insufficiently. If, on the other hand, the branches of the tree are laden with fruit and the cow's udder is heavy with milk with each recurring season through the long series of years the labor will be richly rewarded. But in each case it is the labor alone which is rewarded. In the same way a table is the reward of all the multifarious labor which precedes its completion, but in that case the reward is obtained all at once. Milk and fruit, however, are recurrent rewards which nature pays in installments. That is the only difference.

Furthermore, if it be proper at all to speak of capital as accumulated labor, which, by the way, I cannot admit, it seems quite clear that a return upon accumulated, like the return upon present labor, can be nothing else than wages, and Mr. George's characterization of capital at this point ought to have warned him that he was on the wrong track. Labor cannot be accumulated, it can only be expended. The products of labor can be accumulated, but such accumulation is not the reward of labor, but is, as Mr. George has elsewhere said, the reward of abstinence. The products of labor constitute wealth, and wealth will never reproduce itself to

meet the requirements of civilized man, except under the impulse of human labor directed to some point in the chain of causation. There are numerous recognitions of this truth in the passages which I have quoted from Mr. George. What is astonishing is that he should fail to recognize that this fact necessarily makes all increase the reward of labor. His vague notion that the increase can be in part the reward of necessary labor and in part the gift of nature is a fallacy similar to that into which Mr. Henry Carey fell when he ventured the assertion that the value of the land was the price of the labor expended in improving it and in support of his hypothesis asserted that no land would now sell in the market for more than the value of a part of that labor. Mr. George has frequently expressed his approval of Professor Walker's admirable flagellation of this most flagrant of Mr. Carey's many crimes against the laws of logic. If he will impartially compare Mr. Carey's lucubrations on the value of land with his own remarks on the spontaneous increase of capital, he cannot fail, I think, to be convinced of the similarity of the two mental processes. Up to this point the argument has proceeded upon a tacit admission of Mr. George's assumption that there are instances of production where all the labor is done at once, and then during a considerable period the work of production goes on through the efficient working of the vital forces without the further co-operation of the laborer. We have already shown that if such was the case it could not be an advantage to the laborer. The cost of production would be made up of two elements, the labor expended directly, or indirectly, through the use of accumulated capital, and compensation for the delay. And even if the delay could be considered an advantage it would be lost in exchange. The product could not be exchanged for more than its equivalent in labor cost. There would, therefore, be no increment from which interest could be derived.

In point of fact, however, I think we may safely assert that there is no instance in the whole range of production

where man can give the original impulse and then enjoy absolute rest for any considerable time while nature completes the work of production. And unless such a rest is enjoyed by a favored laborer for a considerable period, he could gain no advantage over his fellows. If, substantially, he has to work all the time during the working hours, the spontaneous efficiency of nature is in his case a delusion. And, actually, this is just what occurs in practice. The farmer does not plant his seed and then fold his hands until harvest. He is constantly at work cultivating and guarding or preparing for the reaping and garnering. It seems little to the purpose that wheat grows by night while the farmer sleeps, if all his days are consumed in its cultivation, or at least in maintaining the complex institution of the farm, which is the condition of a profitable production of wheat. Sheep, cattle and bees will not reproduce their kind to advantage without constant care and attention. Logs thrown into a stream will not all reach the boom unless the lumberman follows in a boat to dislodge those which are cast ashore. Wine will never reach perfection unless it be watched and protected from the elements and from depredation. Continuous labor is therefore the condition of all new wealth, and Mr. George's hypothesis fails upon all grounds.

Let us now consider Mr. George's analysis of Bastiat's justification of interest by the illustration of two carpenters and a plane, in which William borrows a plane from James and agrees to return the plane at the end of the year together with a plank.

Those who dissent from Mr. George's analysis of this illustration usually place the distinction between —

(a) The number of planks which William can make in a year *with* a plane, and

(b) The number of planks which he would make in the same time *without* any plane; and then derive interest from the efficiency which the employment of capital gives to labor.

It is admitted on all hands that William will have more

planks at the end of a year if he uses a plane than he will have if he works without any plane.

That, therefore, is not the question. William, like James, can produce a plane with ten days' labor. The question is (a) shall he borrow of James on the terms of the illustration, or (b) shall he make his own plane in the first instance? If he does borrow, where shall he find his profit in so doing?

I am far from averring that he will not be benefited by borrowing: but I take it that Mr. George has demonstrated beyond the possibility of contest that his profit will not be in the *number of planks* in his possession at the close of the year.

Consider the position of the two parties to the transaction at the beginning of the year. It is the first day of January. James has a plane, William has none. James can go to work at once and produce planks under the most favorable circumstances. William cannot: he must first make a plane or borrow one. If he borrows that plane of James on the day named, the conditions of the parties are reversed, but there is no change in the total productive capacity of the two men expressed in planks. A plane is the product of ten days labor, and is good for the production of two hundred and ninety planks in as many days and no more. At the end of two hundred and ninety days the plane is assumed to be worn out in accordance with a natural law, thus taking account of the physical fact that capital is consumed in the use and must be replaced from time to time. Bastiat overlooked this circumstance in his illustration, a defect which Mr. George corrects, and then proceeds with his analysis. Each of the two men will produce two hundred and ninety planks during the three hundred working days of the year, no more and no less. It is perfectly clear that two planes are necessary to that production, but as far as the total annual product is concerned it is entirely immaterial whether William or James takes the first ten days of the year to make the second plane. It is perfectly clear that if William does not borrow but makes his own plane, he will have at the

close of the year two hundred and ninety planks and no plane ; whereas, if he does borrow, he will have at the close of the year two hundred and eighty-nine planks and no plane, an evident diminution in the amount of the product as the result of the transaction. On the other hand, if William does not borrow, James will commence work on the first of January and produce during two hundred and ninety days, two hundred and ninety planks, and he will employ the last ten days of the year in making a new plane : that is to say, at the end of the year James will have two hundred and ninety planks and a plane. If William does borrow, James will employ the first ten days of the year in making a plane just as William must otherwise have done, then he will produce two hundred and ninety planks during the remaining two hundred and ninety days, at the end of which time the plane will be worn out, and on the result of his own labor he would have two hundred and ninety planks and no plane. But on Sylvester Eve William calls to settle, and then James finds that the result of his labor and the transaction with William is that he has two hundred and ninety-one planks and a plane, an evident gain of one plank on the year's work.

Now there is no escape from the conclusion. Expressed in the terms of the product, the transaction must always show a loss to the borrower and a gain to the lender.

If it be suggested in reply to the foregoing that William finds his profit in borrowing and paying interest, because he has not what is styled sufficient "capital" to sustain life while he makes a plane during the first ten days of the year, the answer is five-fold.

1. The term of labor which we are considering is not ten days but one year of three hundred days. If the necessity to sustain life during production and independently of production is an element during any portion of the year, it must be so for the whole year, or else we get an inconstant factor in the problem. The ability to sustain life independently of production is silently assumed throughout. If this

be not so interest, instead of being derived, as was suggested, from the efficiency of capital, depends on the price of subsistence: and the assumption is then inconsistent with the conclusion.

2. If William cannot subsist ten days while he makes a plane, how can we suppose him able to subsist during the first day while he is making a plank with his borrowed plane, not to speak of making planks without a plane.

3. If William cannot subsist during the first ten days while he makes a plane, neither can James while he makes himself a new plane. Unless the parties are on an equal footing in every respect, except as to the possession of a plane, we cannot raise the precise question of interest paid for the use of the plane. If they are on an equal footing, and neither can produce a plane for want of food, there will be no lending or borrowing, for the effect would be to reduce James to the same position of impotence which William occupies, and his first move would be to borrow back his plane, in case he lent it.

4. The amount consumed by the laborer to satisfy the needs of life during production, is not capital, but it is product which has reached its final destination. Capital is the product of labor which has not reached its final destination—it is product employed for the creation of other product which will be used in its turn, either mediately or immediately to satisfy some final desire of man. Such consumption, therefore, is not a part of production, but is the aim of all production. It is an error, therefore, to style such material, in the hands of the producing agent, capital.

5. But even if we might properly call such material capital, the suggestion opens an endless vista of conditions and involves a *petitio principii*. The question is, under what conditions is it profitable for the laborer to borrow capital and pay interest for the use? The reply is, when he has no capital with which to produce capital. If such an answer is permissible, the discussion is impossible, for we never get a starting point. In this discussion we can only deal with

that capital which is the borrower's primary need. If the element which is thus injected into the question properly belongs there, then, in order to have an investigation at all, we must transpose the problem and shift the discussion to the advisability of William's borrowing and paying interest for ten days' subsistence. The capital which the laborer is required to borrow is the capital which will set his labor in motion under improved conditions, and according to the reply that capital is not the plane but ten days' subsistence. Therefore, we must drop the plane, and take up the question whether William might better borrow the subsistence and pay interest for it, or go out and gather his own subsistence. In other words, the objection knocks the problem into pi, as the printers say. It is this fact which makes it proper to assume throughout the ability of William and James to sustain life during the entire year independently of plane and plank making. We mean, that they can sustain life and make a plane in ten days and a plank a day for two hundred and ninety days. If we do not make this assumption a part of the case, we do not raise the issue of borrowing versus production of capital by the borrower; we practically deny the borrower's ability to produce the capital, which was part of our hypothesis. If we deny the borrower's ability alone, we produce an inequality which makes the question incapable of solution. If we deny the ability of both lender and borrower, we deprive the question of all rational interest, by destroying the point of departure.

The basis of interest seems to me to be truly in the element of time, but in a different sense from Mr. George's conception. The object of all production is enjoyment: present enjoyment is an advantage over future enjoyment. If William borrows the plane he will have completed his two hundred and ninety planks and have entered into the full enjoyment of two hundred and eighty-nine of them ten days before the end of the year; whereas James cannot complete his work until New Year's Eve. He loses and William gains the opportunity for enjoyment of the product during

those last ten days of the year, and this respective loss and gain is equalized by the payment of interest. If we can explain interest in this way, the transaction takes its place in the category of exchange and we get a comprehensible basis for the payment of the transaction itself. Interest, then, is in truth the reward of abstinence, not in the sense that accumulation is the reward of abstinence, but in the sense that every exchange is the reward of abstinence—an enjoyment lost is compensated by an enjoyment gained. James abstained during the ten days in which he produced the original plane; the result was the accumulation,—the plane. The abstention or loss was to himself, and the accumulation or gain was to himself. The transaction is subjective throughout. He is now, however, in the position to enjoy the plane if he chooses to do so. That is consumption. He may not choose to do so: he may prefer to exchange it with William for a spade. If he does so, he abstains from the enjoyment of the plane and transfers that enjoyment to William. This abstention is not purely subjective, it is made for the benefit of William, and James will not so abstain unless he receives a compensating benefit from William, which, however, he does receive when he gets the spade. In the transaction of barter the abstinence is absolute—the plane never comes back. The same thing is true of William and the spade—the spade never comes back to its original owner. But for a thousand reasons the transaction of barter may not suit one or both of the parties, and they agree upon a modified form of exchange. William asks the loan of the plane and *ex vi termini* promises to return it at a future date, in our case the end of the year. James' abstinence is not absolute, but temporary; he cannot, therefore, expect the same reward. As he is to get the plane back he cannot demand the price of the plane. But his abstinence, though temporary, is defined and certain. What shall he then demand? He cannot demand the loss in product which would accrue to him during the year, on the supposition that he goes without a plane during the

entire period, for that loss is exactly the gain which accrues to William, during the same period, from the use of the plane over the product of his unaided labor. If William pays over that gain he has no inducement to use a plane at all, and the loan or modified exchange will not take place. Nevertheless, if the basis of interest is the added efficiency which capital gives to labor, there is no reason why James should demand anything less. The added efficiency is the measure of James' loss and William's gain and the parties are not placed upon an equal footing until William makes good, by the transfer of his gain, the loss which James has sustained. A loan at interest, explained by the added efficiency which the use of capital gives to labor, would then become as fruitless in economic relations as identical propositions are in logic. "The greatest happiness is the greatest happiness"—the gain of the borrower must be surrendered to compensate the loss of the lender.

Bastiat's solution is: No, William will not pay over all his gain, but he and James will agree on a division of it. But upon what basis will they divide? So far as any explanation which Bastiat suggests is concerned, they might as well cast lots. When Bastiat calls to his aid that economic pack-horse, supply and demand, the answer is immediately at hand, to wit, that he has passed beyond the bounds of the discussion. He has called in a foreign element, to wit, other lenders and other borrowers in order to get a basis of division between the typical borrower and the typical lender. That is a confession of defeat. He must show a basis of division between James and William independent of everybody else. If we do not do this, whatever light we may throw on the fluctuations in the rate of interest in actual practice, we contribute nothing to the settlement of the theoretic basis of interest. The influence of supply and demand is always a secondary cause. What we are now trying to discover is the primary cause; that is to say, what interest is paid for in the typical case. If James is entitled to claim as his own the added efficiency which the use of the

plane gives to William's labor, and he gets the whole of the product, which represents that added efficiency, aside from the inherent absurdity that one freeman can be entitled in any way economically to the product of another freeman's labor, James, when he receives that payment and his plane will clearly have been paid for doing nothing for a whole year. William evidently has no reason for paying James to remain idle. If James does not get the whole of this increase of product, but, as Bastiat says, gets some part of it, he is still paid for remaining idle to the extent to which he does receive something.

William has no more reason for making the lesser than he has for making the greater payment. He will never work merely to sustain James in idleness for a time long or short. And the question can never assume any other aspect if we seek the basis of interest in the advantage which accrues to William as a producer independently of any loss which James sustains. Whether James be seller or lender, and William buyer or borrower, James can never get any portion of the benefit accruing to William on the transaction, because, as that benefit is William's motive, unless William gets it, and gets it all, he will not make the bargain. Still less will he undertake to pay James for remaining idle. He will only compensate James for the sacrifice which he asks him to make. What is that sacrifice in the case in hand?

Assuming then, as we must, that James continues a productive agent during the entire year, as he would have done had he retained his plane, (and we are compelled to assume this, because by lending his plane he is not reduced to enforced idleness, which would be the only idleness which William could consider) his only sacrifice is a delay of ten days in the enjoyment of his final product. William, on the other hand, receives a corresponding gain in the advancement of the hour for the enjoyment of his final product. James demands compensation for this sacrifice. William pays the compensation because he gets a corresponding

advantage. How much shall he pay? That must depend upon treaty. There is no normal measure except the relative intensity of the conflicting desires for early enjoyment. There is certainly no room for such a measure as the "cost of production" because there is no exchange of products; and by no possibility, in the case stated, could William secure as the product of his own labor the gain in time which the loan assures to him. A material product is given for something which is not a material product. The transaction, as far as the mere payment of interest is concerned, is analogous to the sum paid to a singer. In a complicated social state, supply and demand regulate the price of opera tickets and the rate of interest; that, however, is not a fundamental, but a secondary consideration.

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PARTY GOVERNMENT.

(*Second Paper.*)

In a short paper, entitled "Party Government," and published in the ANNALS for January, 1892, it was argued that our custom of allowing political parties to declare our principles and select our candidates for public positions by means of delegate elections and nominating conventions, must necessarily make it easy for a selfish and unscrupulous minority to defeat and control an honest and patriotic majority. Among the reasons given for this, it was shown that, with such a system, the time, labor and organization requisite for simultaneous successes at many different primaries are so great, and the opportunities for trickery and fraud are so numerous, that a well disciplined, harmonious and energetic combination of men who have no other business to attend to, and are not burdened with a conscience, have a great and generally decisive advantage over their fellow-citizens who are differently situated.

If there could be any doubt about the correctness of the conclusion arrived at, additional proofs could easily be found; as, for instance, the fact that, since the right to vote at a party election must, of course, be confined to those who have voted, or will promise to vote, the party ticket, the spoilsmen need only indulge their natural preference for making improper nominations, in order to force the best of the voters into cutting the ticket, and thus debarring themselves from all right to participate in future primaries. The worse the nominations, the more limited and select will be the company of those entitled to the doubtful honor of taking part in the next delegate election. Nothing can be more simple and effective than this method for getting rid of honest and intelligent voters, if they ever become sufficiently numer-

ous to be dangerous at the primaries. But there are so few of that class who have not realized the absurdity of attending these periodical farces, that the politicians can generally afford to issue urgent appeals for their presence, and greet them with a pretence of welcome when they do appear. It is true that the leaders sometimes fall out with each other about the division of the spoils, and thus give honest men a chance for their own. But such conditions are as temporary as they are rare; thieves stop quarreling when they hear the policemen coming, and neither faction nor party will keep the spoilsmen from combining when their power is endangered by the spasmodic efforts of their common prey. Good government has been defined as the art of putting the the best men into office and keeping them there; but it is evident that our party system is being gradually converted into a machine for keeping the best men out and letting the bad men in.

It seems superfluous, however, to go on enumerating facts familiar to all thoughtful men, or to present any other reasons than those given in the former paper for the conclusion therein reached, which was, "that our general submission to the rule of political parties tends to lower our moral standards, corrupt our people, and subject our National, State, and Municipal Governments to a class of men who care far more for personal and partisan success than for either the honor or material interests of those they profess to serve."

The deplorable results of this tendency have already been developed to such an extent that the professional politician and office-holder has become an object of almost universal suspicion and distrust. One of the most obvious signs of this may be found in the restrictions imposed by new constitutions or constitutional amendments upon the powers of the Legislatures in the different states. In speaking of only one class of these restrictions, Mr. Bryce, in his "American Commonwealth," says, "One feels, in reading these multi-form provisions, as if the legislature was a rabbit seeking to

issue from its burrow to ravage the crops wherever it could, and the people of the state were obliged to close every exit, because they could not otherwise restrain its inveterate propensity for mischief." Another indication of the general contempt for those in authority may be found in the freedom and vigor with which they are frequently attacked by newspaper editors, who seem to have no doubt as to their readers' approval of such sentiments.

The following extract from the San Francisco *Bulletin* will serve as an illustration of this :—

"It is not possible to speak in measured terms of the rotten thing that goes by the name of legislature in this state (California). It has of late years been the vilest deliberative body in the world. The assemblage has become one of bandits, instead of law-makers. Everything within its grasp for years has been for sale. The commissions to high office which it confers are the outward and visible signs of felony rather than of careful and wise selection."

In private conversation and in the public press there is probably no other class so constantly denounced as the politicians; and when those who happen to be in opposing parties undertake to reveal the character and villainies of each other, the people are apt to think that, like the men who fought a duel with horse-whips, each is getting what he deserves.

But although we must deplore the fact that such men as these are able to select and control our legislators and officials, we may find some reason for encouragement in the disgust and dissatisfaction which they have so generally excited, and which seem to indicate that, if better methods can be properly presented and advocated, the people may be ultimately induced to give them a trial. Such a result, however, can only be hoped for after thorough discussion and careful consideration, followed by the earnest and persistent efforts of intelligent and patriotic citizens. It is in the hope of promoting such discussion and consideration that these pages have been written.

Before going further, it may be well to point out that there can be no question as to the ability of the people to try another system whenever a majority of the voters may desire it. While it is true that the politicians cannot be prevented from controlling their nominating conventions, their nominations would be mere waste paper if the voters should conclude to ignore them, and vote for candidates otherwise nominated. Under such circumstances, the most powerful boss would be as harmless as a king without a subject, and the regular machines, with their miserable and demoralizing "practical politics," would crumble into dust, like the walls of Jericho at the shout of the Israelites.

There are some persons who object to discussions of this kind, as leading to a useless stirring up of strife and discontent, and endangering the influence and success of one or the other of the leading parties. They cannot deny the existence of the evils spoken of, but they assume that such evils are inseparable from party government; that party government is indispensable in a republic; that great social and economic measures can only be carried out by means of parties, and that we should, therefore, submit to their rule; although, as we have seen, they reward dishonesty and corruption with power and office, and offer all the allurements of political success to encourage the belief that the ten commandments are antiquated precepts, which have no application to the public affairs of a modern nation. In reply to such objections, we might argue that even if these assumptions were based upon sound premises, a willingness to permit the moral sense of a community to be debauched and degraded, in the hope of promoting its material interests, could not be easily defended on Christian or ethical grounds, and might be very strongly attacked from the lower standpoint of mere worldly prosperity.

Having found that the consequences of allowing political parties to make our nominations are almost wholly evil, it becomes our duty to inquire whether this power can be taken away from such parties, without seriously interfering with any

useful purpose which they may now serve; and, if so, whether it can be entrusted to other agencies with reasonable hopes of better results.

The practical, as distinguished from the theoretical work now performed by our political parties, may be considered under different heads, as follows :—

1. Educational work, or activity in advocating special ideas or principles, such as Protection, Free Trade, Free Coinage, etc.

2. Selecting Candidates for Office.

3. Making up the platforms, or declaration of principles.

4. Preparing tickets and furnishing them to the voters; a task which, under the new ballot-laws, will hereafter be performed exclusively by public officers.

5. Getting out the vote by eloquent addresses, personal solicitation, etc.

6. Guarding against frauds, and contesting elections.

7. Distributing the subordinate appointments and government patronage, as bribes or rewards for personal or partisan services.

8. Controlling and dictating the conduct of legislators and public officials, so that they may always act as faithful servants of their party, or rather of its leaders, with such secondary consideration for the people who have been coerced or cajoled into electing and paying them, as may appear necessary to prevent a loss of votes at subsequent elections.

In regard to the preparation of platforms it may be asked why the same platform, with all its minor details, should be forcibly applied to every locality at once, and thus made to serve as a bed of Procrustes for the opinions and consciences of both nominees and voters? Every candidate, no matter how he is nominated, should be expected to make a personal declaration of his principles, either in his own words, or in language prepared by others; and if this is done there would seem to be no necessity for any party organization to interfere between him and his constituents, and compel him to divide his allegiance or ignore his pledges. Those whose

legal representative he is, have a right to insist that he shall use his utmost wisdom, and his untrammelled judgment in their service ; and it is not for their interest that any other person or combination of persons should have the power to control his action or command his obedience.

Parties, as well as individuals, should always be free to persuade the voters to favor a particular policy or principle, and elect candidates pledged to support it ; but they should never be permitted to usurp the rightful and necessary control of the people over their own servants.

It is not proposed to enter here upon an extended discussion of any of the remaining functions assumed by political parties, except that of selecting our candidates. It is believed, however, that an unprejudiced consideration of the others will make it clear that so far as any of them are legitimate and useful, they are not in the least dependent upon the power to make nominations, but could and would be much better and more effectively executed by voluntary associations, similar to those which are constantly engaged in educational or social labors, and are free from the suspicion of working for purely selfish purposes.

If this view is correct there can be no reason to fear that the general adoption of better methods for the selection of candidates, could in any way weaken the support of a good cause, or result in injury to the interests of the people. And we need not hesitate to admit that almost any change would be wiser than to allow the spoilsmen to retain a power of which they have made such disastrous and demoralizing use.

It is evident that the improved system of which we are in such urgent need must exclude, or render nugatory, all the elaborate organization, complicated processes and opportunities for secret conspiracy and fraud, which we have been discussing, and which have given the politicians such decisive advantages over their fellow-citizens. What we require is a system for the selection of candidates, which will, as nearly as possible, give the best and busiest voter as potent a

voice as the worst and most useless patron of the grog-shops ; and will enable the most honest and conscientious citizen, to exert as much influence as the most cunning and unscrupulous of the professional politicians.

When the people are about to elect their representatives, the man for whom every corrupt combination and agency has been working for months should not be permitted to have the slightest practical advantage, as a candidate, over one who has been spontaneously nominated by honest and unselfish citizens, who could spare but a few minutes for the task.

To those who have never given particular attention to the provisions relating to nominations, which form what is really the most important part of the genuine Australian Ballot system, it may be a surprise to find to what an extent, and at the same time with what simplicity, the requirements just spoken of have been already provided for. American politicians are not particularly fond of drinking cold poison, and when they find themselves forced to swallow a Reform Ballot Law, it is only natural that they should try to neutralize the most powerful ingredients, and adulterate the rest, so that the dose may weaken them as little as possible. If not deformed by such efforts, the Australian System would entirely ignore all organizations of every kind ; and nominations made at an hour's notice by the most intelligent and patriotic citizens would be treated in the same way, and would be submitted to each voter, in precisely the same manner as if they had come from the chiefs of Tammany Hall, or had been the carefully elaborated product of one of the regular machines, manipulated by an expert leader.

Each nomination would require, not the certificate of a party, but simply the signatures of a specified number of qualified voters, and the names and addresses of these sponsors would be accessible to the public. The proper officers would then have the names of all the nominees printed in alphabetical order on the official ballots, and no

one could cast a vote without using one of these ballots, and selecting and marking on it the names of those he would prefer.

In some of the states the legislation necessary for the adoption of such a system could only be obtained through the most earnest and persistent efforts, while in others, where the machine is not as yet so powerful, it could be, or has already been, procured with comparative ease. Experience moreover, has shown that there would be no danger of too many nominees. Anxiety for the success of their principles, and the fear of making themselves ridiculous or unpopular, would prevent men of standing and influence from coming forward too freely, either as candidates or as sponsors; and the number of endorsers required by the law, could be increased, if necessary, to avoid confusion.

The enactment of such a law would necessitate an immediate improvement in the character of party nominations, because it would make it so much easier for the citizens to defeat unfit nominees by supporting independents. But it would accomplish much more than this whenever the people should decide to rely entirely upon the methods which it would provide, and ignore all partisan candidates. By thus depriving the political parties of their power to control the nominations, the voters would render them incapable of further mischief, and they could no longer be of use to the corrupt leaders who now dominate them. This would cause them to be abandoned by all their worst elements, and they would be converted into patriotic associations for educational work. Their proper function would be to convince the people that certain policies should be adopted, and then the voters would themselves, select for candidates the best men they could find who favored such policies, and were free from all suspicion of being the tools or bondservants of any ring or party.

Instead of relying upon a party nomination obtained by dishonorable means, each aspirant would have to depend upon his own merits and upon the number and influence of

those who might be willing to appear before the whole community as his endorsers.

There is, therefore, every reason to believe that so far as nominations are concerned, if we could introduce the real Australian System, as distinguished from such deformed imitations as we owe to the low cunning of leading politicians in Pennsylvania and New York, we would provide the most admirable means for doing the work, which leads to such endless mischief when entrusted to political parties, and we would make the latter as unnecessary in the capacity of servants, as they are now intolerable in the position of masters.

But, as the finest weapon of Damascus must remain idle if there is no one to wield it, so the most perfect law must be worthless unless the people can be persuaded to make use of it, and no act of a legislature could of itself, be sufficient to banish from the political highways those civil spoken and jovial "gentlemen of the road," who have so long used us as well-broken saddle horses, existing only for their personal profit and convenience. As long as they could cherish the least hope of success they would continue to run their machines, grind out their pre-arranged nominations, and then file them with the required number of signatures in whatever manner the law might make necessary. They would praise their conventions as being representative in their character, but they would neglect to add that no one but themselves could be represented in such assemblies. As each election drew near they would repeat their efforts to hypnotize us into the belief that no independent candidate could have a chance to win, and that a vote for such a candidate at that particular time, might result in the defeat of principles absolutely essential to the welfare, if not to the very existence, of the nation.

Then, as now, they would seek to fasten their nominations to some popular planks of an ingeniously constructed platform, in the hope that the former would thus be floated

safely through the breakers of distrust or indignation which would otherwise overwhelm them.

It is probably true that, although the fatal net of the spoilsmen has been so often spread in sight of the birds, it will not be entirely in vain, until there shall have been a great increase in the number of those who realize that good legislators and officers with bad laws are far better than good laws with bad officers; and that even if good laws were more important than good men, we should still vote as if the latter alone were really essential, since it is only by voting for good men that we can either obtain good laws or secure their subsequent enforcement. But it will not be necessary for anyone to postpone independent action until a majority of the voters are prepared to act upon these principles. A comparatively small number, voting steadily in support of independent candidates at a few consecutive elections, would suffice to satisfy the people that there was really some hope of breaking up the system with which they have become so generally disgusted, and then success would be speedy. It is only the fear of wasting their votes on good men who have no chance of winning, which deters the people from voting against the bad candidates who are forced upon them by the regular machines.

We seem to have reached a crisis, when independent voting has become an imperative duty, even if it does involve temporary successes for the party to which we may be most opposed. Those who cannot yet consent to throw off the party harness in national contests should at least reject it in state and municipal elections.

The arguments for independent voting are both cumulative and conclusive. It is not only the sole possible means by which the final and complete purification of politics can ever be accomplished, but it is also the only effective weapon which we can use either for preventing the further growth of corruption and venality, or for securing even the slightest and most gradual improvement in our present condition.

The gentlemen who make a point of declaring that they

never cut the ticket of their party, are simply advocating the sacrifice of all influence on the conduct of its leaders. No recommendations from other offices, or even his own knowledge and high opinion of an applicant, will ever justify in their mind disloyalty to the agency which furnishes his public servants.

As intelligent citizens, we are forced to choose between a position substantially similar to this, and that of an independent voter. There is no other alternative ; we must obey or disobey the orders handed down through the nominating conventions. If we obey we will be giving the bosses everything they ask, if we disobey we are independents.

In a genuine and fully developed party boss, the only substitute for a conscience appears to be his anxiety about the uncertain or independent voters, who are liable to cut their regular ticket whenever they consider it worse than one of those opposed to it. He feels no concern about the wishes or opinions of the men who are always certain to vote the straight ticket, no matter how bad it may be. But in order to conciliate or hoodwink enough of the independent voters to carry the election, and thus secure the offices for his followers, the hard-pressed chief is compelled to resort to continual misrepresentation and false promises of reform.

In ordinary times these may answer his purpose, but they are insufficient when some unusual development of rascality has excited the popular mind, and there is a prospect of a sudden increase of independent voting for the opposition ticket, or for some irregular candidate. On, these trying occasions the boss is obliged to choose between two bitter alternatives ; he must either allow some good men to be nominated and some good laws to be passed, or he must give up part of the spoils in exchange for assistance from those of his own kind, who are digging their spurs into the sides of the opposite party.

Under such circumstances excellent measures have sometimes been wrung from our unwilling masters. The pas-

sage of the National Civil Service Law is a conspicuous instance of this. But when the squall has passed, the war upon everything that interferes with the spoils system is promptly renewed, and usually with such success that the impotence of good laws administered by their natural enemies is abundantly illustrated.

As the politician knows that most of his difficulties are due to the aggravating perverseness and mutinous threats of those who lack the infinite patience and submission to tyranny and fraud which he describes with enthusiasm as "loyalty to the party," it is not strange that the rapid increase of independent voters should excite him. When he is combating the workers of a rival party or an unsatisfied faction of the one he belongs to, he realizes that his opponents are men whose objects and methods are so similar to his own that they may at any time become his "pals;" and that while they may be active competitors for a share of the plunder, none of them can be serious in their professions of a desire to ruin the business, and protect the public from further outrage. But his anxiety is greatly increased when he recognizes with a true instinct the pioneers of the only class which can ever hope either to hold him in check, or to finally abolish him. The violence of his wrath is an additional proof that the fingers of the people have already touched the only weapon which he has much reason to fear. He endeavors to protect himself by exhortations to party loyalty. He is especially emphatic in declaring that any allusion to the character of his candidates is an offensive personality, as if the truth in regard to such candidates as he prefers could ever fail to be offensive. His strongest plea, however, is the one before referred to, viz.: the danger of electing worse men, or strengthening some unwise theory, by withholding votes from his candidates, or giving them to some independent nominee.

The disastrous effect which this argument produces on the minds of the voters shows how necessary it is, not only to augment the number of those who recognize the paramount

importance of independent voting, but also to persuade them to make use of every opportunity to go to the polls and be counted, so as to encourage others by an exhibition of their increasing strength.

The same purpose might also be served to some extent by obtaining as many signatures as possible to papers, declaring that the subscribers intended to vote (or not to vote) for certain persons, or for anyone known to favor certain measures; each signature being stated to be void unless a specified number of other voters should sign the same declaration. It is difficult to see why any good citizen should object to signing such a purely conditional expression in favor of men or measures which he approves; and every additional signature to a paper of this kind would help to supply the encouragement and promote the concert of action which are so essential. Such papers, numerously signed and published in advance of the dates fixed for the primary elections, might have an excellent effect on the fears of the bosses, when they are "making up the slate."

But whatever methods we employ, and whatever reforms we advocate, we should never forget that no considerable or permanent improvement in the management of our public affairs can possibly be obtained, except as it is the direct result, or is extorted by the fear of, independent voting; and that in order to facilitate such voting, and provide at the same time a better agency for the work now done by nominating conventions, we should use every effort to secure a ballot-law which will contain no reference to any political party or nominating machine, but will require all nominations to be treated exactly alike, and to be made by the same plain, easy method of nominating papers, signed by a specified number of qualified voters.

CHARLES RICHARDSON.

Philadelphia.

PERSONAL NOTES.

AMERICA.

Harvard University.—Edward Cummings, who was appointed, May 27th, 1891, Instructor in Political Economy in Harvard University, was born April 20th, 1861. He was graduated at Harvard with the class of 1883, and returning to the University in the autumn of the same year, he continued his preparation for sociological work, first in the Law School and then in Divinity School, receiving the degree of A. M., Harvard University, 1885.

In the double capacity of instructor in the English department and of graduate student of social science he remained at the University until 1888, when he was appointed to the newly-established Robert Treat Paine Fellowship in Social Science. The three succeeding years he pursued his studies abroad. The first year he was in England and Scotland, making a detailed study of coöperation, of trade and labor organizations, and of the condition of the poor in large cities. This work, especially the study of philanthropic methods, University Extension, and the like, was facilitated by a residence of several months at Toynbee Hall, Whitechapel, London, and by a shorter residence in the more important English and Scotch industrial centres.

In June, 1889, he went to Paris to attend the international congresses of specialists held in connection with the department of *Économie Sociale* at the French Exposition. These congresses and the mass of material collected in the *Exposition d'Économie Sociale*, furnished an excellent basis for comparative study of questions which had occupied the previous year in England. During the winter of 1889-90 he attended lectures at *École Libre des Sciences Politiques*, the *Sorbonne* and the *Collège de France*. He became a member of the Le

Play Society *d'Économie Sociale*, and continued his special investigation of coöperation, philanthropic methods, etc.

The field of work the following spring was Naples, and subsequently other cities in Central and Northern Italy.

In the autumn of 1890 he matriculated at the University of Berlin. After supplementing university work with some minor investigations in other parts of Germany, in Hungary, and in Belgium, he returned to England and concluded his work there in the spring of 1891.

Mr. Cummings has published the following papers in the *Quarterly Journal of Economics*.

Action under Labor Arbitration Acts (July, 1887).

English Trades Unions (July, 1889).

The Exposition of Social Economy at Paris (January, 1890).

Coöperative Production in France and England (July, 1890).

Princeton Theological Seminary.—Rev. Frederick Howard Wines, of Springfield, Illinois, has been appointed to deliver a course of lectures during the winter of 1893-94, on the Stone foundation, the subject of which will be Sociology from the Christian Point of View. Mr. Wines is an alumnus of this seminary, from which he was graduated in 1865, after having served as chaplain in the regular army for more than two years, during the war of the rebellion. Since 1869 he has been the Secretary of the Illinois State Board of Public Charities. He is also the expert special agent of the Census Office on crime, pauperism and benevolence. He held a similar position in the census of 1880. He has been President of the National Conference of Charities and Correction, and Secretary of the National Prison Association. He was also a delegate to the International Prison Congress at Stockholm, in 1878. In addition to a series of biennial official reports, numbering eleven volumes, he is the author of many pamphlets and has made many public addresses on crime, insanity, charity organization, and the like. Mr. Wines is the oldest living son of Rev. E. C. Wines, D. D., and was born in the city of Philadelphia, April 9, 1838. He played an important rôle in the founda-

tion of the Kankakee Hospital for the Insane, the building of which marks an era in the history of the care of lunatics, not only in America, but to some extent throughout the world, on account of the pronounced departure from existing precedents in its construction and organization. From March, 1886, to October, 1888, he edited the *International Record of Charities and Correction*, published by G. P. Putnam's Sons, which was, however, discontinued for want of adequate financial support.

University of Pennsylvania.—Francis Newton Thorpe, who was appointed last April to the newly created chair of American Constitutional History, in the School of American History and Institutions, University of Pennsylvania, was born in 1857, and is a native of Swampscott, Massachusetts. After his graduation from the Lake Shore Seminary, in 1875, he began teaching in the Pleasantville, Pennsylvania High School, and then for six years had charge of the public schools of North-East, Penna. He received the degree of M. A. from Wesleyan University in 1882, and that of Ph.D. from Syracuse, in 1883, the subject of his doctor's thesis being "The Federal Principle." He was admitted to the bar, Erie, Pa., 1885; appointed Fellow in History and Political Science in the University of Pennsylvania, 1885; elected Professor of History and Social Science in the Central Manual Training School, 1886; appointed Lecturer in American History in the University of Pennsylvania, 1888-91; and admitted to practice in the Supreme Court of Pennsylvania, 1889. To Dr. Thorpe the creation of the recently founded School of American History and Institutions is largely due. By his earnest effort, this school, the first of its kind in educational history, has obtained a magnificent library of more than fifteen thousand volumes, consisting mainly of rare and valuable national documents, collections of statute and session laws; the John A. Jameson Library of Constitutional Conventions; Canada sessional papers; and

MSS. Dr. Thorpe has devoted much attention to University Extension work. He has published :

In Justice to the Nation. *Education*. July and August, 1886.

A Few Words About the Books (American History). *Ibid.* May, 1887.

Teaching American History. *Ibid.* June, 1887.

The Origin of the Constitution. *Magazine of American History*. August, 1887.

What is the State? *Education*. March, 1888.

The Chautauqua Country in History. *The Chautauquan*. July, 1888, and July, 1889.

Manual Training as a Factor in Modern Education. *Century*. October, 1889.

Civil Government in the Schools. *Education*. November, 1889.

The Government of the People of the United States. 1889. Sixth Edition, 1892.

John Alexander Jameson, LL.D. A Memoir. Supplement to the ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, January, 1891.

The Story of the Constitution of the United States. 1891.

Recent Constitution-Making in the United States. North Dakota, Montana, South Dakota, Washington. ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE. September, 1891.

University Extension Syllabi of Lectures on American History and Government :—

I. Europe Finds America. 1492-1606.

III. The Constitution of the United States. 1787-1789.

IX. The Civil Development of the United States. 1606-1892.

X. Epochs in American History. 1620-1892.

XII. The Administration of Government in the United States, 1776-1892.

Dr. Thorpe possesses a valuable library, especially rich in the debates, journals and proceedings of Constitutional Conventions. Dr. Thorpe's treatise upon the "Government of the People of the United States," is used in one hundred and thirty cities and towns in the United States and in some three thousand schools.

University of Wisconsin.—With the opening of the Academic year, 1892-93, a school of economics, history and

public law will be formed at the University of Wisconsin. Dr. Richard T. Ely, of Johns Hopkins, has been elected Director of the School, and Professor of Political Economy. He has resigned his present post, to take effect June 1.

Richard T. Ely was born in 1854, at Ripley, Chautauqua County, New York, and he received his early education at the public schools of the county. His college course was begun at Dartmouth, but after completing the freshman year there, he entered Columbia where he graduated in 1876. He then spent three years at German universities, and took, in 1879, his doctor degree at Heidelberg *summa cum laude*. On his return to America he was an active contributor to the periodical press, delivered courses of lectures at Cornell, Johns Hopkins, and other institutions, and was soon called as Associate Professor of Political Economy at Johns Hopkins. His occupancy of this chair has been in many respects a most remarkable one. Gifted with indomitable energy and with intense sympathy for the social movements of the present, he has gathered about him a large number of men who have since become teachers of economics throughout the country. To this fact and to his numberless contributions to periodical literature is due in large measure the increased interest in economic studies in our American academic institutions in the past fifteen years. Professor Ely served as member of the Baltimore City Tax Commission in 1885-6, and of the Maryland Tax Commission from 1886 to 1888. He was one of the founders, in 1885, of the American Economic Association, and has been its efficient secretary since its foundation. He has taken an active part in the Chautauqua movement, and has had charge of the work in economics in that body for a number of years. His best known contributions to economic literature are :

French and German Socialism in Modern Times, 1883.

Past and Present of Political Economy, 1884.

Labor Movements in America, 1886.

Taxation in American States and Cities, 1887.

Problems of To-day, 1888.

Social Aspects of Christianity, 1889.

Introduction to Political Economy, 1889.

The last-named work has recently been published in England, with a special introduction by Dr. J. K. Ingram. It has been translated also into Japanese.

BELGIUM.

Liege.—Émile Louis Victor de Laveleye, whose death took place early in January; was born at Bruges, April 5, 1822. He pursued his early studies first in his native city and then at Paris (*Lycée Stanislas*), graduating in law at Ghent. From 1848 he devoted himself almost exclusively to the study of political science, and was in 1864 appointed to the Chair of Political Economy at the University of Liège, a position which he retained until his death. M. de Laveleye was a prolific writer and a constant contributor to the most noted reviews of France, England and the United States. Many of the books published by him had previously appeared, partially, at least, in the periodicals. He was a director of the *Revue de Belgique*, to which together with the *Revue des deux Mondes*, he contributed many articles.

The following list comprises all his most important writings, and a number of lesser ones which have attracted wide attention :

Histoire de la Langue et de la Litterature provençales. 8vo, 1844.

Histoire des Rois francs. 8vo, 1848.

L'Armée et l'enseignement. 8vo, 1848.

Le Senat belge. 1851.

De l'Enseignement obligatoire. 12mo, 1859.

La question de l'or en Belgique. 18mo, 1860.

Études historiques et critiques sur le principe et sur les conséquences de la liberté du commerce internationale. 8vo.

Études d'économie rurale—La Lombardie. 12mo, 1863.

Les Nibelungen et les Eddas. 2 vols., 18mo.

Essai sur l'économie rurale de la Belgique. 2d edition, 1863.

Questions contemporaines. 18mo, 1863.

- Études d'économie rurale ; la Néerlande. 18mo. 1864.
 Le Marché monétaire et ses crises depuis cinquante ans. 8mo, 1865.
 Rapport sur l'Exposition universelle de Paris. 1868.
 Études et Essais. 1869.
 La Lombardie et le Suisse. 1869.
 La Prusse et l'Autriche depuis Sadowa. 2 vols., 18mo, 1870.
 Essais sur les formes du gouvernement dans les sociétés modernes. 18mo, 1872.
 L'instruction du peuple. 1872.
 Des causes actuelles de guerre en Europe et l'arbitrage. 8vo, 1873.
 De la propriété et de ses formes primitives, 1874. 4th edition. 1891. English edition, 1878.
 De l'avenir des peuples catholiques. 8vo, 1875 (21 editions).
 Le protestantisme et la Catholicisme. 8vo, 1878 (English translation, 1878).
 Du Respect de la propriété privée en temps de guerre. 8vo, 1878.
 L'Afrique centrale et la conférence géographique. 12mo, 1878.
 L'Agriculture belge. 18mo, 1878.
 Lettres, sur l'Italie. 18mo, 1878-79; 1880.
 Le socialisme contemporain. 1881. (6 editions.) English translation, 1885.
 La Propriété collective du sol en différens pays. 8vo.
 Éléments d'économie politique.
 Nouvelles lettres d'Italie. 8vo, 1884 (English translation, 1886).
 La péninsule des Balkans. 2 vols., 12mo, 1886 (English translation, 1887).
 Le Luxe. 1887. (English translation, 1891).
 Le monnaie et le bimétallisme international. 18mo, 1891.
 Le gouvernement dans la démocratie. 2 vols., 8vo, 1891.

ENGLAND.

University of Oxford.—Professor Francis Y. Edgeworth who was chosen last year (1891) to fill the Chair of Political Economy left vacant by the death of Professor Thorold Rogers, was born in 1845, at Edgeworthstown, Ireland. He is a graduate of Oxford, which he entered in 1867, after several terms spent at Trinity College, Dublin. At Dublin he had obtained distinction for proficiency in the classics. At Oxford he took a "First Class" at the final examination in *Literas Humaniores*, 1869.

After leaving Oxford, Prof. Edgeworth studied mathematics for some years and published several papers on mathematical subjects, relating principally to the calculus of probabilities, and the abstract theory of statistics. A work entitled "Mathematical Physics," (published in 1881), in which he endeavored to apply the conceptions of mathematics to political economy, received the hearty commendation of two important original investigators in that branch of science, the late Prof. Jevons and Prof. Alfred Marshall. In the capacity of secretary of the committee appointed by the British Association, "for the purpose of investigating the best methods of ascertaining and measuring variations in the value of the monetary standard," Prof. Edgeworth contributed three papers on this subject to the economic section of the British Association (1887, 1888 and 1889), as well as a report on "the statistical data available for determining the amount of the precious metals in use as money."

Prof. Edgeworth is an experienced teacher. He has lectured on Logic and allied subjects for ten years at King's College, London, and from time to time he has given a course of elementary lectures on Political Economy at the Ladies' Department of King's College. In 1888, he was appointed to a Professorship of Political Economy at King's College, a chair which had remained vacant since the resignation of Senior; and in 1890, on the resignation of the late Professor Thorold Rogers, to the Tooke Professorship of Economic Science and Statistics.

Prof. Edgeworth is a member of Baliol College ; M. A. of the University of Oxford ; D. C. L. of the University of Durham ; Fellow of King's College ; Vice-President of the Royal Statistical Society ; Secretary of the British Economic Association, and Editor of its Journal.

Besides the writings mentioned above, Professor Edgeworth has contributed a number of reviews to the *Academy*, *Nature*, and the *Journal of Education* as well as the following papers to foreign economic journals :—

La théorie mathématique de l'offre et de la demande et le coût de production. *Revue d'Économie Politique*, Jan., 1891.

Osservazioni sulla theoria matematica dell'economie politica con riguardo speciale ai principi di economia di Alfredo Marshall. *Giornale degli Economisti*, March, 1891.

GERMANY.

Freiburg. i. Br.—Dr. Richard Schmidt has been called as ordinary Professor of Civil and Public Law, at the University of Freiburg. Dr. Schmidt was born in 1862; and studied law from 1880–84 at the University of Leipzig, where, in the last-named year he secured the degree of doctor of laws. In October, 1887, he became privat docent at Leipzig, and in the spring of 1890 was elected extraordinary professor.

He has published :

Die Klageordnung. Leipzig, 1888.

Aktenstücke zur Einführung in das Prozessrecht (Civil und Strafprozess). Leipzig. 1890. (Published jointly with Dr. Frederick Stein).

Staatsanwalt und Privatklagen. Leipzig, 1891.

BOOK REVIEWS.

THE HISTORY OF MUNICIPAL OWNERSHIP OF LAND ON MANHATTAN ISLAND. To the beginning of sales by the Commissioners of the Sinking Fund in 1844. By GEORGE ASHTON BLACK, PH. D. 82 pp. and xvi maps. New York, 1891.

This monograph is the third number of the Studies in History, Economics and Public Law, edited by the University Faculty of Political Science of Columbia College. This series has made a very promising beginning, and is another sign of the surprising activity in the field of political science, developed in the United States.

Dr. Black's treatise deserves credit in many respects. So far as I know, it is the first study of the municipal land question, from an historical point of view. After a thorough examination of the development of actual conditions in New York City, Dr. Black arrives at the important conclusion that private ownership leads to the highest practical utilization of city land, carrying with it the greatest general benefit. "The contention that municipal ownership, and the leasehold system made necessary by it, are relatively unprofitable and unfavorable to improvements, is sustained. Improvements would hardly be undertaken on a shorter lease than twenty-one years, and on its twenty-one year leases, as sold at auction, the city got no fair return on the average selling value of its property for that time. Neither were the structures put up, creditable. Nearly all were but two story and attic brick buildings, the minimum required by the leases."

"In new communities, at least, private ownership, in fee, seems to be required to encourage improvement, and so far as it does encourage it, benefits the community generally." It is certainly noteworthy that the first investigation of the facts in question concludes with an argument against public ownership of city land, favored by many distinguished

economists on theoretical grounds. As it is, the unsettled condition of our city populations, with their fluctuating foreign element, tends to retard improvements and to give our cities the wretched aspect of a half-finished civilization. Beauty in architecture, buildings which indicate the progress of civilization and fill the citizens with a sense of pride in the locality, can only be the outcome of long settled conditions. How would our cities look if these conditions were still more unsettled than they are now, under a system of public ownership of land, leasing it at public auction? Short leases would destroy all interest in improvements and long leases will never bring a fair return for the rapidly increasing value of the land to the city.

There is, however, another reason why special attention ought to be called to this treatise. It is the first scientific contribution towards an economic history of an American Municipality. It not only contains the history of city property, but also the history of the municipal finances and their administration, and of public works. The material for this study was collected under great difficulties from the public documents. The records of the Common Council up to 1830 have never been printed; they form a series of 75 large quarto volumes in manuscript, locked up in iron safes in the City Hall. Years ago two of these volumes disappeared, and only one of them was recovered in a second-hand book store. Another volume was defaced by a person to whose interest it was that certain minutes should be destroyed. It seems due to disgraceful negligence, that these documents, which are the chief source of the administrative history of New York City up to 1830, are left unprinted, thus precluding the possibility of reproducing them in case of destruction. Dr. Black, who carefully examined these 75 manuscript volumes, was obliged for a whole year to work at the library of the City Hall, a by no means agreeable study. For, owing to the fact that the City Hall is much too small for its present purposes, the library is used as a resort and conversation-

room for casual loafers, and a waiting-room for couples to be married. It is also a remarkable fact, that no public library of New York City has a complete collection of the printed public documents. This case is typical, regarding the care taken of public records in our cities, and it is a state of affairs much to be regretted. Without them the administrative and economic history of our municipalities cannot be written and yet such a history is urgently desired by all those who are interested in municipal reform. We need such a history as the basis for a science of municipal government; we need it in order to get an appreciation of the continuity in municipal affairs, without which the same mistakes will be committed over and over again; we need it to sound the depth of our municipal corruption, the cause of which is mainly of an economic nature. It is certainly high time that energetic efforts should be made to make a complete collection of this material and insure its careful preservation.

L. K. STEIN.

University of Pennsylvania.

THE POSITIVE THEORY OF CAPITAL. By EUGEN BÖHM-BAWERK.
Translated, with a preface and analysis, by WILLIAM SMART, M. A.
Pp. 428, London: Macmillan & Co. 1891.

It will be remembered that, in his "Capital and Interest" (reviewed in the ANNALS for October, 1890), Prof. Böhm-Bawerk constantly emphasizes the fact that the problem of interest is a problem of surplus value, as distinct from a mere surplus of products resulting from the use of capital. It is, consequently, not to be solved by a consideration of production alone, but is rather a problem of distribution, or, more strictly speaking, a part of the general problem of value—value, according to the Austrian view, depending upon utility and not being conferred by production. From this standpoint he passes in review and finds wanting the various explanations as to the cause of interest which have hitherto been given, most important among them being the

“productivity” theory, the “use” theory, the “abstinence” theory, and the “exploitation” theory. The increased productive power resulting from the use of capital can explain only the production of a surplus of commodities, not the production of surplus value, because, since the value of an instrument is determined by the value of that which it yields (by its utility), why should not the purchase price of capital rise to the value of the products obtainable by its use? To this question, says Böhm-Bawerk, the productivity theory can offer no answer. The use theory is untenable, because the economic content of a commodity is nothing else than the sum of its uses. It is the sum of all these uses which we purchase when we purchase the commodity; if any use, present or future, is reserved by the seller, the purchase price is diminished. There cannot be, then, another separate and additional use which could serve as the basis of interest, which is an additional payment over and above the purchase price. The abstinence theory, although it contains a core of truth, is inadequate as a piece of accurate scientific analysis. It conceives of abstinence as a continuous sacrifice, additional to the sacrifice incurred at the time of the production of the capital commodity, extending through the whole period until recompense is received, whereas, in fact, there is no such continuous sacrifice. The exploitation theory is chargeable with two fundamental errors, in regarding products, economically considered, as the result of labor alone, and in translating the claim that the laborer should receive the full value of the commodity which he produces, into the claim that he should, immediately on the application of his labor, receive, not the present value of the unfinished product, but the full future value of the finished product.

In the *Positive Theory of Capital*, Böhm-Bawerk sets before us his own explanation in great detail. The volume is divided into seven books, treating respectively of the nature and conception of capital; capital as an instrument of production; value; price, present and future; the source of inter-

est ; and the rate of interest. It will be seen that the discussion covers much more than the problem of interest. As, however, the solution of this problem is the purpose of the work, we must, from lack of space, confine ourselves to a consideration of his argument on this point. At the start he points out two conceptions of capital—as a source of income, and as a tool of production or social capital, the latter comprising all those intermediate products which are of use, not for present gratification but for further production. The important point to notice is that the production of capital involves a sacrifice of the present to the future, and that its use implies a roundabout method of production, necessitating a lengthening of the productive process. In his theory of value, our author, as a member of the Austrian School, regards marginal utility as the determining element in value. Bearing in mind these conceptions of capital and value, we come to the consideration of the question immediately in hand. The essence of a loan, according to Böhm-Bawerk, is an exchange of present against future goods, consequently the problem of interest is nothing else than the problem of the relative value (utility) of present and future goods. On examination we find that there are many reasons why present goods have, and probably always must have a higher value or utility than future goods, to the great majority of mankind. One cause for this is difference in provision for the present and future wants, as in cases of present distress, or, as in the case of those who are starting in life and look forward to a more abundant income in the future. True a person may be better provided for in the present than he expects to be in the future, but present goods can be preserved for future use and are in the meantime available to meet any emergency ; hence, even in this case they have a slight superiority. A second cause of this superiority of present goods is underestimation of the future, due to lack of power in the imagination and the will, and the uncertainty of life. The third, and most permanent and effective cause of this superiority, is the technical advantage of present goods, re-

sulting from the fact that the possession of present goods enables us to adopt longer and more productive processes, *i. e.*, capitalistic processes of production. Present goods, therefore, place us in a position to obtain a more than equal quantity of future goods, and are, consequently, equivalent to a more than equal quantity of such goods. This technical advantage must endure and be a cause of the superiority of present goods so long as capitalistic processes of production remain profitable and there are those who wish to employ such processes. Interest is nothing else than the *agio* in favor of present goods as against future goods, a result of the higher value (utility) of the former, due to the causes just mentioned. That the difference in value of present and future goods is the cause of interest, is clearly seen in the case of loans. Though less clear, it is none the less true, in the case of interest which forms a part of the profit of the capitalist undertaker, since what he does is to purchase intermediate and unfinished goods, *i. e.*, future goods, and to pay for them in present, and consequently more valuable, goods. The interest which he receives is nothing else than the difference in the value of the future goods which he purchases and the value of these same goods when they have become present goods.

Two questions naturally suggest themselves. First: Is Prof. Böhm-Bawerk's analysis correct? It would seem that in the main the answer must certainly be in the affirmative; but to the second question—in what relation does this new analysis stand to previous theories? the answer is not so clear. Our author, it seems to me, has emphasized the difference between his predecessors and himself more than the facts justify him in doing. He has made a more accurate and thorough analysis, but it is difficult to see how the new theory is, in principle, anything else than a re-statement of the abstinence and productivity theories, with the substitution of the preference for present over future goods for abstinence and the technical superiority of present goods for the productivity of capital.

In so far as the re-statement does differ from the older theories in their best form, it is at least doubtful whether, notwithstanding his clear and careful analysis, Prof. Böhm-Bawerk, by making the problem of interest simply a problem of value and maintaining that the productivity of capital (technical superiority of present goods) can be a cause or condition of interest only as it determines our preference for present goods, has not contributed to confusion rather than to clearness of thought. Certainly, in dealing with interest we are dealing with a surplus of products rather than with a mere surplus of value, and the fundamental condition of natural interest is this surplus of products due to the increased efficiency conferred by capital. The problem of natural interest is, therefore, primarily a problem of production. The reason why the owners, as distinct from the users of capital, are enabled to secure a portion of this surplus for themselves is a question of distribution, and is explained by the preference for present over future goods. To absorb the problem of production in the problem of distribution or value, as Prof. Böhm-Bawerk has done, seems to me an error, an error which springs from the theory of value which the author holds in common with the Austrian school, and from the unguarded use of abstraction to which the school is sometimes liable.

A full review of the work would require an account of the many valuable discussions which it contains on points not bearing directly on the causes of interest but on the problems of distribution, or of general economic theory, as well as on the rate of interest, and the relation of the doctrine here set forth to the socialistic attacks on interest. The discussion of the conception and function of capital is remarkably clear and logical, and perhaps it is not too much to say, not second in importance even to the discussion of interest. As a whole, the work is a splendid piece of economic analysis which not only makes an important positive contribution to the theory of capital interest, but, by its clearness of reasoning and statement, helps us to recast in more accurate form that por-

tion of the truth contributed by earlier thinkers. As in the case of the preceding volume, the translation is excellent, and the value of the work is greatly increased by the full analytical table which precedes it.

HENRY B. GARDNER.

Brown University.

THE GENESIS OF THE UNITED STATES.—A narrative of the movement in England, 1605-1616, which resulted in the plantation of North America by Englishmen, disclosing the contest between England and Spain for the possession of the soil now occupied by the United States of America; set forth through a series of historical manuscripts, now first printed, together with a re-issue of rare contemporaneous Tracts, accompanied by bibliographical memoranda, notes, and brief biographies, collected, arranged, and edited by ALEXANDER BROWN, with 100 portraits, maps, and plans. 2 vols. Pp. xxxviii, 1157. Boston: Houghton, Mifflin & Co., 1890.

The above formidable title makes a claim and arouses an expectation which at once attract the interest of every careful student of American history. When we learn further that the work is the result of fourteen years' research, and when we see the minute pains spent upon all the details, when we open the two massive volumes and observe the variety of valuable material, a natural sense of gratitude arises toward the scholar who has completed so vast an undertaking, and placed his results at the service of his countrymen. The expectation is heightened by the author's own summary of his task (p. xiii):

"To make the work as complete a history as is now possible of the movement in England. . . . To give the narrative with the evidence, and the actors therein, with their lives and portraits."

How far does the result sustain the presumption in the author's favor?

In execution the work leaves almost nothing to be desired. More sumptuous volumes have seldom issued from any American press. The beautiful plates and maps make them works of art, albeit their connection with the text is no-

where indicated. The perfection of the letter-press and illustrations is rivalled by the elaborateness of the apparatus. Mr. Brown has known how to furnish those conveniences of table of contents, introduction, and index, which make a work accessible to other scholars. He has throughout given full and generous credit to such work of others as he has used, and will find his reward in the acknowledgments of those who follow in the path he has hewn out. One who has done so much for his readers will pardon the suggestion that he might do a little more. There is nowhere any indication of the originals from which the portraits are drawn; the Roman numerals at the head of the pieces are obtrusive and a little annoying. The numbers of the sections might conveniently be inserted in the running headings. Double dates (O. S. and N. S.) are seldom given, nor is it easy to distinguish between the title of the pieces, the text, and the author's comments. In a few instances, as on pp. 111, 440, 697, he has entirely neglected to state where the original is to be found.

The documents themselves are, of course, much more important than their typographical form. They include seven different sets of matter, besides the author's comments. First are the heretofore unpublished manuscripts, of which the most valuable is the remarkable series of extracts from Spanish official documents. There are about eighty of these pieces, most of them very brief, but all of much interest. Some English contemporary letters and extracts, and some records of the Virginia Company belong in this class. For all of these the thanks of American scholars are due. The second class of documents is made up of reprints of rare contemporary tracts and sermons, many of which have been almost inaccessible. Mr. Brown has also given various papers in full which had been known only through extracts in the works of Neill and others. The other classes of documents are of decidedly less value. They are reprints of papers already to be found in English books of no startling rarity, of similar pieces perfectly accessible in American

publications, and of extracts from biographies, histories, and common narratives. It is evident that this material is of unequal freshness. The author claims (p. xi) to have added three hundred documents to the seventy-one previously known. An analysis of three different parts of the work, each of about one hundred and ten pages, beginning with Documents I, CI, CCCI respectively, makes it possible to compare the mass of these new authorities with the reprinted. Out of about 335 pages, 64, or less than one-fifth, are made up of previously unprinted matter ; 59 pages, or another fifth, are composed of reprints of rare tracts ; of the remaining three-fifths, two parts are made up of reprints of very common documents, and about one part is comment. The work is, therefore, not rich in "historical manuscripts, now first printed." The new documents are most of them short, and not to be compared in importance with those previously known.

This disproportion suggests a doubt whether the historical preparation of the author is equal to his indefatigable spirit of research. His work has been pursued in the midst of difficulties which would have stopped a less determined writer. He was not able to consult the Spanish Archives. Mr. Curry did that work for him (p. 37), and to Mr. Curry is therefore due much of the credit for the discovery. Mr. Brown does not read old Spanish, and, therefore, Professor De Vere made his translations (p. 43). Mr. Brown could not visit Providence, and Mr. Bartlett made extracts for him (p. 142.) For all this Mr. Brown is not responsible ; but how can a man who does not know Spanish, and must trust to others to make selections in archives and libraries of all countries, be sure that he has reached the bottom of his own material ?

This uncertainty is increased by the frequent want of order and proportion in the author's comments. After the charter of 1609 comes a quotation from Hume in 1754 (p. 64). A memorandum of the beginning of the translation of the Bible finds its way between a letter of Gorges and one of

Zuñiga (p. 97). One of the "original manuscripts" has, in relation to Virginia, only the information that King James wanted a "Virginia Squirrill, which they say will fly." In the midst of great learning, the comments are often trivial, and fail to establish a connection between the pieces printed.

The difficulty in using the book arises less out of minor defects than out of the author's deliberately chosen plan. He believes that history can be written by arranging together chronologically a series of comments, of varying importance, each furnished with an explanatory note; and by throwing other information into a biographical dictionary of men connected with the period. His whole book has much the character of the illustrative extracts at the end of Bancroft's History of the Constitution. Does Mr. Brown not see that he has painstakingly gathered materials which he, of all men, ought to be able to expound? He does not fulfil his promise to "enable the reader to see the events, and those engaged pass before his mind's eye." The correlation of events, the passing from one place to another, the influence of persons—Mr. Brown is saturated with all this; but he has so dispersed his energies that no clear notion is given. Compare Mr. Gardiner's picture of the same period in England, and see how he makes home and foreign policy play together. Even in Mr. Brown's favorite thesis, that Spain was with great difficulty held back from crushing the infant colony, his documents make one think of the conspirators in the *Pirates of Penzance*. "We go, we go," they sang; and so Zuñiga was always urging, and the King of Spain was always directing "the necessary measures." "But you don't go," said the General; and Mr. Brown produces no evidence that the Spaniards ever really meant to destroy the colony.

To sum up our estimate of the Genesis of the United States: it is a work of patience and learning, but not of discrimination; it is indispensable to the scholar, but not of great use to the ordinary student; there is much that is new

in it, and more that is old; upon it a history might be based, a history which ought to be written by Mr. Alexander Brown.

ALBERT BUSHNELL HART.

Harvard University.

P. J. PROUDHON, SEINE LEHRE UND SEIN LEBEN. VON DR. KARL DIEHL. Zweite Abtheilung. Pp. 328. Jena, 1890. (Conrad's Sammlung nationalökonomischer und statistischer Abhandlungen.)

Having given, in a previous division of his work, an exposition of Proudhon's theories of property and of value, Dr. Diehl proceeds, in a second part, to expound the other chief economic ideas and social reforms which are connected with the name of this once eminent Frenchman. Were there no other reasons for its existence this study would deserve the gratitude of scholars for a reasonably brief statement of the theories of Proudhon. Very few of this day will care to search for themselves the thirty-seven volumes of his collected works, the fourteen volumes of correspondence, and the numerous files of newspapers which contain the results of his enormous literary activity. It must be admitted that only a small part of this flood of letters, articles, and essays is of permanent value, hence a judicious selection and condensation puts the student of the history of political economy under obligation.

The first part of this second edition of Dr. Diehl's work exhibits the manner in which Proudhon, upon the basis of his ideas of property and value, built up and rounded out his social system. This includes both his theoretical and practical development, which the author divides into three chronological periods, in which the February Revolution stands as a centre. The period previous to 1848 is, for Proudhon, a season of preparation. Having, in 1840, answered the question "What is property?" by asserting that it was theft, he lays down, in 1846, a theory of value, full of contradictions, to be sure, but which in the end makes labor the chief factor. But, notwithstanding the inflammable nature of the two theories thus put in juxtaposi-

tion, the practical plans which Proudhon brings forward for the reform of society and the establishment of order, are by no means drastic. Simply a new system of banking is to be the solution of the whole question.

The period in which he comes forward as a practical experimenter in social affairs is comparatively brief. During the "storm and stress" era Proudhon considered it to be the duty of every citizen to utter his opinions on industrial reform, and thus brought out his plans for a people's bank sooner than he had intended. For about one year one of the most prominent topics of economic and political discussion was this new institution in which credit should take the place of money, the exchange of goods be facilitated, and labor obtain its full reward. Credit, by means of bonds, should be given to all shareholders, the list of whom it was hoped would gradually include all producers. In the end all payments of interest on money would be abolished, because all laborers and capitalists would be members of the company, upholding each other by mutual credit. Once destroy interest and the burden would be rolled off the shoulders of the laboring class, and society would move on in harmony. But we are prevented from seeing the practical results of this plan, because just as it was about to be set in operation the author was sentenced to a term of three years imprisonment for political offences. Fully 12,000 people had subscribed to the shares of the bank when Proudhon was obliged to announce that it would not be opened. The experiment would doubtless have had a similar outcome to that of Owen's bank in England, but Proudhon's plan is removed from the sphere of actual economics. From this time on he is only a theorist of gradually waning influence. One would study his plans and opinions only with an antiquarian interest, were it not for the fact that in the defense of them he conducted a sharp, often bitter, polemic with previous and contemporary socialism, and thereby injected into French thought certain ideas respecting credit and civil equality, which have scarcely yet been shaken off. Dr. Diehl

devotes the larger part of this volume to the explanation, comparison, and criticism of this credit bank, and is in so far justified that others have treated chiefly his theories of property and value, yet the space is considerably out of proportion to the influence which the scheme actually exerted.

Proudhon was himself a system of contradictions, and could not be compared with himself from time to time. He was an anarchist endeavoring to establish a mutualistic society upon the basis of individual freedom. His anarchy, however, unlike that of the modern advanced school, was to be the scientific result, rather than the chaotic beginning, of a revolution. He fought communism bitterly, but his combination of individualism and socialism contained an irreconcilable contradiction. Dr. Diehl devotes a chapter to defining the relations of Proudhon to his predecessors and contemporaries in economic thought. More superficial than many others, he should, however, have the credit of establishing the first socialistic theory in the modern scientific manner, but stands in no sense as a forerunner of Marx and Rodbertus. Their ideas of the functions of the state were widely different. As a sharp critic of the systems of others he served a useful purpose. Dr. Diehl's exposition of these facts will not be read solely for entertainment, as the book shows the marks of condensation and compilation, owing to the vast amount of literature from which he had to draw. By devoting separate chapters to exposition and to criticism he has run the risk of repetition, but the reader in search of facts will be rewarded for his pains.

J. M. VINCENT.

Geneva.

PRINCIPLES OF POLITICAL ECONOMY. By CHARLES GIDE, Professor of Political Economy in the University of Montpellier, France. Translated by EDWARD PERCY JACOBSEN [formerly of University College, London]. With an Introduction and Notes by JAMES BONAR, M. A., LL.D. Pp. xv and 581. Boston: D. C. Heath & Co. 1891.

This work has reached its third edition in France, and is now made accessible to English readers. It will be welcome

to all who are weary of the involved vagaries of much recent economic literature. It will be a disappointment to those who look therein for new light on the vexed problems of industrial society. The chief characteristic is the method of treatment. The doctrines are not new.

The style is admirably clear. We expect this from Frenchmen, but Professor Gide is exceptional even among his own countrymen. It should be added that the translation has preserved this admirable feature.

The broad scope that includes in the same connection both principles and application will receive the approval of the general reader. He will find the statement of the principles of monetary circulation applied to monometalism and bimetalism; the theory of trade followed by the question of free trade and protection; and the laws of distribution accompanied by the discussion of socialism, strikes and co-operation.

The author has not felt the necessity of departing widely from the usual analysis, as have so many contemporary economists, notably Professor Marshall. True, Exchange is considered as a part of Production, but even here the departure is in name only. In so far as Exchange is circulation of commodities, it is generally regarded as a purely productive process. The essence of Exchange that sets it off as a separate division is the theory of value, and the distinct character of this subject is recognized by assigning it separate treatment under "Wealth and Value." In distribution there is a more important change. In place of the common classification of sharers as landlords, capitalists, entrepreneurs, and laborers, corresponding to the shares, rent, interest, profits and wages, we have the autonomous producer, the master, the wages-earner, the man who lives on his income, and the indigent. There are objections to this change. It adds difficulty to the comparison with other theories, and it is illogical.

An important feature of the book is the prevalence of the comparative method. The author's views are subordinated

to the exposition of the theories of others. Often the reader will be unable to determine what opinion the writer holds. This speaks well for the fairness with which the various views are presented—a fairness as commendable as it is unusual—but the uncertainty resulting from such treatment has been considered by critics the most vulnerable feature of the work. In justification it is claimed that the truth of many economic questions is not beyond controversy, and, more important still, that the method leads to independent thought. Most readers will agree that the method needs no further justification than the admirable skill with which it is employed.

The attitude towards economic doctrine is marked by a progressive conservatism. Although wealth is considered to be the subject of Political Economy, the conception is not limited to "material wealth," but includes whatever has want-satisfying power. The views on "method" are those of the modern classical school, which, while rejecting the dogmatic attitude of its predecessors, has not so far surrendered to the demand for facts as to forget that after all principles are the ultimate end.

In taking up a new treatise on economics one instinctively turns to "value," "capital" and "distribution." These are to-day the vital questions of economic theory. The conception of value is in keeping with that of wealth. "Value," we are told, "is desirability." The definition is excellent. It well serves the purpose of a brief and not misleading statement of the nature of value. The difficulty encountered by those who accept this theory—and the present author is no exception—is a matter of logic. What, according to this conception, is the cause of value? The power that anything has to satisfy desires. But, do not water, air and similar objects satisfy desires? Professor Gide says, "however useful they may be, they are not desired." The general reader will find it difficult to accept this statement. The student usually finds it unsatisfactory. The proposition that because of abundance, objects that are desirable have no value, offends

the sense of logical consistency. Clearly the theory confuses "what is," with "how much." Let it be affirmed, in testing the definition, that water has value. When it comes to applying the principles determining the amount of value, it will be found, not that water has no value, but that its value is too small to be estimated. For practical purposes, these two statements amount to the same thing; for scientific purposes they are widely different. The recognition of this fact will disarm the opponents of economics of one of their chief arguments against the scientific character of the subject.

Concerning capital, the reader is assured that the idea of "capital is clear enough to us all." There follows an analysis in which distinction is first made between wealth employed for immediate satisfaction and that used to obtain an income. The latter is capital. The criterion, then, of capital is the use that is made of wealth. "An egg is capital when given to a hen to hatch for the production of chickens; it is not so when put into a frying pan to make an omelet." But suppose the omelet increases the effectiveness of a carpenter; what then? Again, capital is "lucrative" or "productive," the former merely brings in an income to its possessor, the latter really serves to produce new wealth. Apply this to a rented dwelling-house. It both is and is not capital. It is not capital, because it is not used to produce more wealth, for example, as a factory. It is capital, because it brings in an income. In the end, we are less convinced of the clearness of our conception of capital than at first.

Under Distribution, an attempt is first made to determine the principle upon which division of product should be based. Four formulæ are examined: (1), an equal share for each man; (2), each man according to his wants; (3), each man according to his capacities; and (4), each man according to his labor. The discussion of these is brief, but comprehensive and logical. The conclusion is reached that, "Measured by the standard of absolute justice," the proposition to give to each man according to his labor "appears to have firm foundations, and to be superior to any of those

previously examined," but it is impracticable. "We can not find any system of distribution which completely satisfies our idea of justice, or those that we can find are not applicable." "There is only one principle which regulates the distribution of wealth in present society; this is private property."

The institution of private property is justified on principles rather legal than philosophical. The nationalization of land is opposed more because of its impracticability than because of its theoretical unsoundness in principle. The evils of private ownership of land, the author holds, may be overcome by proper organization. Among the provisions suggested are the assignment of a maximum and minimum amount that can be owned by any one man; compulsory exchange of small portions under certain conditions, and homestead laws.

The criticism of existing theories of wages is especially satisfactory. Neither standard of living, nor number of laborers, nor productivity of labor alone determines wages in actual society. "The price of manual labor must depend both on its utility and on its rarity."

The treatise reflects the French industrial system. Of the book, Professor J. B. Clark says: "Its progressive spirit will make it everywhere welcome, and its appreciative attitude toward the older schools of thought will, at the same time, make it everywhere useful. . . . Its conspicuous quality is a wisdom that is not often combined with so much of brilliancy." Not the least of its merits is the fact that its very clearness of expression and analysis emphasize the weakness of the logic of certain economic theories.

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FREDERICK C. HICKS.

STUDIES IN STATISTICS, SOCIAL, POLITICAL, AND MEDICAL. By GEORGE BLUNDELL LONGSTAFF. With maps and diagrams. Pp. xvi, 455. London: Edward Stanford. 1891.

This volume deserves a more prompt recognition than I have been able to give in the ANNALS, and yet excellent

works of the character of the one under consideration are not so numerous that any particular contribution is likely to pass out of notice on account of the appearance of a fresher and more valuable treatise. During the past ten years Dr. Longstaff has been a frequent contributor to the proceedings of the London Statistical Society, and several of the papers presented to that society are included in this volume. This is practically made up of two parts. The first portion treats of the most important changes which have taken place in the population of England, the British colonies, and the United States; while the second is concerned with medical statistics, as indicated by titles of chapters such as: "Geographical distribution of diphtheria;" "Calculation of the probability of the accidental and fatal incidence of phthisis upon husband and wife;" "Hydrophobia statistics."

The first three chapters are of an introductory character, explaining the proper significance of the terms birth, death, and marriage rate. Special reference is made at this point to the common fallacy that a high death-rate is proof of sanitary defects. This elementary introduction is followed by chapters treating, with considerable statistical detail and keen analysis, the growth of population in the countries referred to above. The author is skilful in the manipulation of official returns, so as to get fresh and novel results. Of this nature, for example, is the table, on page 24, showing the daily increase of the people of England and Wales and their ultimate destination, and also the table, on page 41, illustrating the migrations between the several portions of the United Kingdom in decades. The course of migration in particular attracts the author to ingenious combinations, and, by a diagram, the correspondence between the curve of emigration to the United States and the curve of imports and exports of that country is disclosed. "A slight improvement in trade appears to immediately stimulate emigration from this country [Great Britain] to a disproportionate degree."

Dr. Longstaff takes an altogether too gloomy view of the negro question in the United States. He is misled by the percentage increase of the colored population between 1870 and 1880, which appears by the census to be about 35 per cent. At the time, however, the census office questioned the validity of this percentage as a true measure, as it was thought that the census of 1870 under-estimated the colored population. The census of 1890 confirms this conclusion. There is no reason to fear that the colored population is growing at a more rapid rate than the white population.

One of the most interesting and original analyses in the book is that given on page 111, where the author estimates the ultimate elements of the American population. He concludes that about 62 per cent. of the inhabitants of the United States are of Anglo-American stock, about 10 per cent. Irish, 10 per cent. German, 13 per cent. African, and 5 per cent. a mixture of nearly every European race. Furthermore, a large portion of the persons of German, Dutch, or Irish descent have been as completely Americanized as the Huguenots in England have been Anglicized.

Two chapters are devoted to the growth of cities, and of London in particular, and a following one to the food supply of European countries. Among the medical contributions published in this volume, perhaps the one which would attract the most general interest in this country is the essay on statistics of hydrophobia. In the United States it is difficult to get statistics on this subject. A large portion of the community is constantly taught that there is no such disease as hydrophobia, and would, doubtless, be astonished to know of an elaborate study based upon more than a thousand cases. For this study, the figures of forty years, 1849-1888, are available. Of the total number of deaths, about one-fifth were females; and the greatest relative, as well as absolute, mortality occurs between the ages of five and ten years. During the latter half of the period under observation, this disease has been five times as fatal, relatively to the numbers living, as it was during the first half.

The volume is well illustrated and fortified by maps and diagrams—some thirty in number. The paper and type are so attractive that every inducement is offered to give one's self up to the enjoyment of statistical data; and rarely are vital statistics handled so deftly that even the registration report becomes transformed into a living book of interest. This work certainly ought to stimulate Americans to secure a better registration of vital statistics than now exists in a large part of their country. With the exception of four or five New England States, there is no commonwealth which can furnish reliable material for studies such as Dr. Longstaff has based upon the Reports of the Registrar-General. The fact that even four of our states are fairly successful is proof that more can be done.

DAVIS R. DEWEY.

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AN INTRODUCTION TO THE THEORY OF VALUE ON THE LINES OF MËNGER, WIESER AND BÖHM-BAWERK. By WILLIAM SMART, Lecturer on Political Economy in Queen Margaret College, Glasgow. Pp. 83. London: Macmillan & Co., 1891.

Scarcely has the historical school fought its way to prominence and even to dominance, when rumors thicken of a new analytic deductive, or psychological school that threatens to carry everything before it. The way in which, from another direction, the thought that Jevons threw out several years ago has been reached and developed by a brilliant group of Austrian economists, has hitherto been veiled from the ordinary student by the difficulties of a foreign and highly technical language. The little book Prof. Smart has given us is an effort to lift the veil and to communicate to English readers the chief results the new school has reached in their analysis of the value concept.

The veriest fault-finder could find nothing but praise for this work. To most, the matter will prove new, true and important. For the first time, the fundamental doctrines of the new school are placed before us in book form. Though

brief, the exposition is adequate, because of its conciseness. The style has the simplicity and directness we should expect from the author of the "Translator's Preface" in Böhm-Bawerk's *Capital and Interest*. The language reminds one of Ruskin's finished and forcible English.

The book abounds in felicitous phrases and words, well fitted to bring upon the reader at once the full weight of the new ideas. Value is "that which avails" and expresses "the relation of Means to End." Value "emerges," "at some particular limiting point of Utility." The shifting of economic analysis from the objective to the subjective sphere is strikingly revealed when the author says: "The centre of value is within us." Into a chance sentence he puts the essence of Böhm-Bawerk's theory of interest. "The annual outputs (of a mine), are seen in a *perspective of value* diminishing according to remoteness in time." The way in which value is reflected *back* along the series of productive instruments to the initial means could not be more vividly realized than by the phrase "conduction of value." In this work, as in previous works, the author makes free use of the word "good," corresponding to the German *Gut*, as a substitute for "commodity."

Starting with an analysis of value into subjective and objective, the author takes up subjective value, and in three chapters distinguishes it from utility, as species from genus. After identifying value with marginal utility, and applying the principle to the problem of complementary goods, he finds in subjective, exchange value an easy transition to the form of objective value presented in price. Here is given the substance of Böhm-Bawerk's analysis of market price. At this point the Austrian theory meets the opposition of the prevailing "cost-of-production" theory. Accordingly, Menger's doctrine of "production-goods" is introduced, and the transmission of value *backward* along the *anticipated* and *ideal* series, instead of *forward* along the *real* series of production-goods is shown with great clearness. Menger's rigid "ranks" of goods are made fluid and practicable, by

representing them as the "consumption-goods" "*in the making.*" The author's conclusion admits that the Law of Cost of Production is a good, working, secondary law, but insists that the Law of Marginal Utility is the universal and fundamental law of value. With the application of this principle to price, the book closes. No attempt is made to apply it to the theory of distribution. That will be done in the forthcoming translation of Professor Wieser's *Natürlicher Werth*.

The book may be heartily commended to all who would acquaint themselves with the nature of the revolution that has taken place in pure economics.

EDWARD A. ROSS.

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NOTES.

AN Association for the Promotion of Profit Sharing has recently been formed in New York city. The U. S. Labor Commissioner, Carroll D. Wright, is president, the two vice-presidents being F. A. Walker, President of the Massachusetts Institute of Technology, and Mr. N. O. Nelson, a prominent manufacturer in St. Louis. The secretary and treasurer is Nicholas P. Gilman, West Newton, Mass., author of the well-known work on *Profit Sharing*. The association brings together men of science and men of business, who desire the extension of profit sharing and kindred systems of uniting the interests of employers and employes. It is their intention to establish a bureau of information for the benefit of firms interested in profit sharing, and by various publications and addresses before commercial and other clubs to promote the discussion and extension of this industrial reform.

DR. A. G. WARNER'S first report as Superintendent of Charities for the District of Columbia contains an instructive discussion of the principle of public subsidies to private charities. In the District, as in many states, large sums have been voted to the aid of charities under private control. As elsewhere, the amount has grown from year to year; and while about three fourths of the income of the institutions is derived from public funds, the state has no voice in their management. While Dr. Warner does not oppose the principle of subsidies, he protests vigorously against its general application. It would appear from his arguments that there are very few cases in which the subsidies in their present form may safely be applied. If the principle is not to be abandoned, public officials should have control of the ad-

missions to subsidized institutions, and provision should be made for thorough and constant supervision.

A new society for the study of social science and existing social problems, has been established at Ghent, under the name *Société Liberale pour l'Étude des Sciences et des Oeuvres Sociales*. The aim of the association, as officially defined, is to draw up a statement of the economic condition of the city of Ghent, to determine impartially what is simply transitory in the existing conditions and to study the possible reforms. The methods pursued in the attainment of this end are to be personal investigations, the publication of treatises on social questions, the organization of courses of lectures, etc. A number of prominent men, not only from Belgium, but also from France, Holland and Germany, have consented to deliver lectures before the society during the present year.

The first number of a new periodical devoted to Political and Social Science called the *Socialpolitisches Centralblatt* has been published at Berlin. The publication appears weekly in quarto and is edited by Dr. Heinrich Braun. Its aim differs from that of the scientific periodical upon the one hand, which appeals to a limited class of specialists only, and from the more popular forms of periodical literature upon the other, where the discussion of social questions is biased by party predilections. Recognizing the existence of parties as necessary and advantageous the editor aims to bring to expression the views of the sincere and capable leaders of all parties. When an economic problem presents itself for solution the material of every kind necessary for the formation of an independent opinion will be submitted to the reader. Among other matter, the neglected but often worthy work embodied in the debates of the legislative bodies will be utilized. It is proposed to maintain in the weekly publication the high standard of the well known *Archiv für soziale Gesetzgebung und Statistik* which is under the same management.

MISCELLANY.

PROPORTIONAL REPRESENTATION.

An earnest effort to abolish the "gerrymander" will probably lead to the conclusion that the district system must be abandoned. To do this in Congressional elections, it will not be necessary to return to the system of a general state ticket elected by the majority party of each state, which was the custom in the first quarter of the century, and which is still employed in the case of the presidential electors. A modification of that discarded system could be adopted by introducing some simple device of proportional representation.

Proportional representation is not a new thing in politics, although it has heretofore received but limited application. Twenty years ago there was abundant discussion of plans for minority and proportional representation, and out of the discussion in our own country a crude plan of cumulative voting was adopted by some of the municipalities of Pennsylvania, and for the election of members of the lower house of the Illinois legislature. This plan is still in force. It has been recently applied to all private corporations by the new constitutions of Kentucky, North and South Dakota and Montana. The Illinois system for the election of state representatives was submitted to the people by the Constitutional Convention of South Dakota, but was defeated at the polls. In Denmark, another plan of minority representation has been in force since 1856. But the most important application of proportional representation has been made by the Canton of Neuchatel, in Switzerland, and more recently by the Canton of Ticino. Something like the Swiss plan could be profitably adopted in the election of all our representative assemblies and boards.

For Congressional elections, let each state elect its entire quota of representatives on a general ticket. Let each party in the state convention nominate the entire list, or as many candidates as it could probably elect, adding a few names for favorable contingencies. Then, in canvassing the returns, let the representatives be assigned to each party in proportion to the popular vote of the party, giving preference to the candidates according to their standing on the vote.

For example, Ohio, in the elections of 1890, cast 713,152 votes for Congressmen. The number of Congressmen to be elected was twenty-one. This gives a quota of 33,959 votes to each Congressman. The Republicans cast 362,624 votes, which gives them ten representatives and a remainder of 23,034 votes. The Democrats cast 350,528 votes, giving them ten representatives and a remainder of 10,928 votes. The Prohibition vote was 21,891, and the Union Labor vote 3,223. There being twenty-one representatives to elect, and the Republicans having a remainder above their ten quotas larger than the Democratic remainder, and larger than the total Prohibition or Union Labor vote, they get the additional representative. Thus, the Ohio delegation would stand eleven Republicans and ten Democrats. At present, under the gerrymander of 1890, it is seven Republicans and fourteen Democrats.

In the election of state legislatures, the state could be divided into districts, each electing five, seven, or some odd number of representatives, and the electors of each district would vote for the entire list of names on their party ticket, the quotas and proportions being obtained as above. For example, the county of Cuyahoga (including the city of Cleveland) sends repeatedly a solid delegation of six Republicans to the Ohio State Legislature, elected on a general county ticket, and not one Democrat. By the proportional system, there would be three Democrats and three Republicans. The county of Hamilton (including the city of Cincinnati) sends to the Sixty-ninth General Assembly a solid delegation of nine Democrats. The Republicans of that

county are unrepresented. With proportional voting, the delegation would stand five Democrats, four Republicans. Other counties in the state send one representative each. They could be grouped into districts of five, and could then vote on the proportional plan.

In cities, election districts for councils and boards of aldermen could be constructed on a similar basis. Where there are two branches of the city legislature, the smaller branch could be chosen on a general ticket for the city at large by the proportional system, and the more numerous branch by districts of five.

In all elections upon this plan, the different party tickets could be printed on a single ballot, according to the form of the Australian ballot. The order of names on each ticket would be determined by the state convention of each party, and this would indicate the order of preference of the party. Voters would not vote for individuals, but for the ticket. If individual voters took the liberty of changing the order of names, they would lose their vote altogether. This provision is necessary in order to simplify the counting of the ballots. But "bolters" could nominate a new ticket, and at the same time assist in electing the party ticket, simply by placing their first choice at the head of their ticket and following it by names taken from the regular ticket. If they were sufficiently numerous to comply with the law, the privilege could be obtained of having this new ticket printed separately on the Australian ballot. If, now, the voters of this ticket could command a quota of the entire vote, they would elect their first choice, and any remainder above the quota would go to the next name, thus helping to elect one of the regular party nominees. The new system would thus involve no waste of votes.

The plan here outlined is a modification of one devised by Dr. L. B. Tuckerman, of Cleveland, Ohio, who has developed it with special reference to the election of committees by conventions or mass-meetings. In such assemblies the one-man power of the chairman is done away with, and each

party can be fairly represented on committees by its own first choice.

To set forth all the advantages of proportional representation would require an extended study of politics and parties, and a careful weighing of remote causes. For the present, it is possible to point out only a few of the patent benefits it would confer. In the first place, the gerrymander would be absolutely abolished. No other feasible plan can be thought of that will do this. The gerrymander inheres in the district system. So long as it is possible to redistrict a state, it is hopeless to expect that a party in power will refrain from doing so to its own advantage. The changes of population necessitate redistricting at least once in ten years. If legislatures be prohibited from passing such an act within a period less than ten years, the party which happens to be in control of the legislature at the legal time will fasten its own gerrymander on the people for a decade, with no possible chance for redress. It is better to let the two parties play against each other.

Public opinion cannot stop the gerrymander, because public opinion rejoices in this kind of tit-for-tat. The fact that one party has infamously cut up the state is good reason for the other party to retrieve itself when it gets the power. If Congress should take the matter out of the hands of the State Legislature, it would be simply to do its own gerrymandering, while state and municipal gerrymandering would still go on as before. Constitutional restrictions, requiring equal population and contiguous territory, are easily evaded. Notwithstanding such restrictions, the populations of Congressional districts in New York vary from 107,844 to 312,404. In no state is the Constitution on this point observed. And as for contiguity, a glance at the diagram of the Eighth district of North Carolina or the First and Third districts of South Carolina will show on what a slender thread this fiction may be made to hang.

It seems plain that with proportional representation abler men would be attracted into legislative careers. The area

of choice would be enlarged, and the leaders of a party could not be driven from legislative halls where their ability is needed, as was done at the last Congressional election. The feeling of responsibility to the whole people would be increased in the leaders of parties, because they could stand on their record before the state at large, and not be compelled to dicker with petty local magnates. A man is at present elected to Congress, not on account of public service, but according to his ability in turning spoils and appropriations into his district. He does not represent before the country any great policy on which to stand or fall. He must depend on local wire-pulling and the exchange of favors. If he has done some distinguished service for his party, or has reached eminence in politics, the whole strength of the National party of the opposition is thrown into his district, and if possible, he is gerrymandered out of office.

Right here, however, will arise the principal popular objection to this plan, namely, that districts would not be represented. But a slight thought will show that this objection has no force. The gerrymander has taken nearly all the virtue out of a district that it may ever have possessed. There are few Congressional districts that have a unity of any kind, either economical, political, topographical, geographical or historical. The county of Huron, in Ohio, has been in five different combinations during the past twelve years, and now it is in the western part of a district one hundred and twenty miles long and twenty wide; its Congressional representative lives sixty miles away, and had, previous to the last gerrymander, very little knowledge of or interest in the county. In this, and hundreds of other cases, the candidates in some districts at the other end of the state are better known to the voters of the district than are the candidates in their own district. On the other hand, the state is a historical and political unit. Its great men belong to no one district. At present only two of them can go to the United States Senate, and others are shelved as govern-

ors, or are compelled to seek some Presidential appointment. Under proportional representation those who are unavailable for Senators would lead their party delegations in the House.

Arguments for proportional representation have usually been advanced in behalf of minorities. But they are equally valid as a defence of the majority. Under the system of districts and primaries less than ten per cent. of the voters of a party often dictate the policy of the party. Machines and ward bosses are the party rulers, and the majority does not dare to "bolt" at the polls, because the opposite party would then come into power. Proportional representation would permit independent movements within the party without risking the defeat of the entire ticket, simply by allowing the nomination of a new ticket composed partly of independents and partly of the regular ticket. If the independent candidates are elected and there is a surplus of voters above the quota, the surplus goes to the regular ticket. The majority of the party would be benefited as often as the minority. The present system on the face of it means the rule of the minority. The gerrymander overthrows majority rule.

The fact that voters could not vote for individuals, but must cast their ballots for the straight ticket, may seem at first sight a serious objection. But the objection is not valid as against the present system, because even now the voter has no choice except between party tickets, while under the proposed plan independent movements are made possible without risking the complete defeat of the party.

Other objections might be noted. A small third party would be likely often to hold the balance of power. The probability is, however, that there would be no occasion for third parties, because reforms inside the old parties would promptly gain a hearing, and compromises would head off radical "bolts."

The strongest objections are those which come from inertia and the dread of change. Constitutional amendments will be necessary in some cases, though Congress has complete

power in the matter of National representatives. Nevertheless, representative government is not something absolute and fixed in the nature of things. It is the result of circumstances and experiments without any great amount of political analysis or design. It grew out of the primitive mass-meeting, or folk-moot, simply because distant electors could not conveniently come up to the annual meetings. In the folk-moot the minority was, of course, fully represented. How they should be represented in the delegate assembly was at first a problem, but its solution was abandoned. The history of Colonial Maryland* shows, in an interesting way, how this came about. The original deliberative and legislative body was a primary assembly, where any freeman might speak and vote. In the second assembly—1638—voting by proxy was allowed to those freemen who could not be present in person. Abuses of this device led to the issuing of writs to the local divisions, instructing them to return representatives. But realizing that those who did not vote for the successful candidates would be unrepresented, individuals who were in the minority were allowed to appear in their own right. The third assembly was therefore an anomalous body, comprising the governor and his nominees, the duly elected representatives of localities, those individuals who had not consented to the election of representatives, and the proxies of other unrepresented individuals. Such a heterogeneous mass was neither representative nor primary, and was so threatening to the representative element that the hope of minority representation was given up in despair and the assembly defined its own constitution by limiting popular representation to the elected deputies, and ruling out proxies. Doubtless other colonies went through similar experiences.

The system finally adopted is rigid in the extreme. It has endured because there has been no special strain. But the growing intensity of class divisions and the immensity of the interests involved call for a more elastic system. Proportional

* Doyle, *English Colonies in America*.

representation seems to meet this requirement in every essential particular.

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THE STATE AND THE LIGHTING CORPORATIONS.

The business of furnishing illuminating gas is, of necessity, a monopoly. This fact is generally recognized in Europe, but has, as yet, been only partially accepted in this country.

If a person will look at the history of the various attempts to reduce the price of gas by the admission of competing companies, he will be compelled to admit that the effect of these on the price lasts but a short time, while the streets receive new lines of mains, to increase the already great underground confusion, and the capital put into these mains is wasted.

After two or more companies have engaged in a war of rates, with its consequent frequent changes of consumers from one company to the other, one of three things happens: the companies raise the price to a remunerative rate, and agree to make the rate of all the same; or they apportion the territory to be supplied among themselves, agreeing each to remain in its own district; or one buys out the others.

In other words, competition ceases, and we find prices higher, and probably higher than the state of the business should warrant; for the companies, when they agree to cease competition, usually succeed in re-arranging their capital in such a way as to convert into share capital the losses they may have suffered during the rate war.

The price of gas depends, however, quite as much on the amount of capital invested per unit of product as on the cost of production; or, to state it differently, a large part of the cost to the consumer is the interest on the cost of plant.

This being the result of competition, let us see what has been done in other directions toward protecting both consumers and companies. Municipal ownership is the cure

suggested by many, but many also object to so far increasing the power of the municipality as to make it a producer, the grant of that power being a long step towards state socialism. Facts are cited freely for and against municipal ownership from the experience of municipalities in this or other countries, and the deductions from the figures given are largely influenced by the desire of the writer to prove his side of the question.

England has provided for municipal ownership, but has distinctly recognized the principle of non-competition between a municipality and a private company, by providing that, in each case, the local authorities must buy out the existing company, and most of the acts provide that the purchase price shall be fixed by the earning capacity of the plant.

Besides this solution, we find in actual practice two other forms of control—one in England and the other in Massachusetts; and it is the intention of this paper to discuss fully the method employed in the latter State.

Until 1860, England, and especially London, had competition, and London was supplied with gas by thirteen companies. By the Metropolis Gas Act of that year, the principle of non-competition was recognized, and London was divided into nine districts, since reduced by consolidations to three, in each of which one company was to supply gas. The next step was taken in the Gas Works Clauses Act of 1871, and was intended to offer an inducement to the stockholders to reduce the price of gas as speedily as possible. This was arranged for by the "sliding scale," which was based on the assumption that it was possible to establish a standard price for gas and a standard rate of dividend. These once fixed, the act provides that, for every penny of reduction or increase in the price of gas, the rate of dividend should be increased or decreased by one-quarter of one per cent., the effect of this being to share between the stockholders and the consumers any changes in the cost of production.

It was found in practice, however, that there was a flaw in this act, inasmuch as no provision was made in regard to capital, with the result that capital was continually issued, and the standard price and the standard rate of dividend were maintained, or in other words, the whole saving by new economies went to the shareholders. This evil was corrected in 1877, by the introduction into the act of the "auction clauses," which provided that new share capital should be sold at public auction, and the whole proceeds, including any premium received, should be applied to the purposes of the company, but none of such proceeds were to be used for the payment of dividends. With this complement, the sliding scale has accomplished its object, and the reduction in the price of gas in England has been very marked.

Massachusetts has had, since 1860, a statute fixing a standard quality of gas, and providing for a State Inspector, who was also to test meters for their correctness, but in 1885, a distinct step forward was made in the direction of the recognition of the monopolistic nature of the gas supply and the propriety of the regulation of that monopoly by the state.

This the legislature of that year provided for in an act, bearing the title, "An act to establish a Board of Gas Commissioners," the principal provisions of which are as follows:

Three commissioners are to be appointed by the Governor, for a term of three years each, who shall have the supervision of all companies engaged in the manufacture and sale of gas, and who shall, whenever they find any company violating the provisions of any law, report the same to the attorney general for such action as he may deem best. Local authorities are forbidden to grant a second franchise to a gas company, without a public hearing and notice, and from the decision of such authorities an appeal may be taken, by any person aggrieved, to the Board, whose decision, after public hearing, shall be final.

In order to protect the consumers against the monopolies

thus created, it is provided that the mayor of a city, or the selectmen of a town, or twenty consumers, may petition the board regarding the quality or price of gas, and, after hearing, the board may order the quality improved or the price reduced. The salaries of the members of the board and its expenses are to be assessed on the several companies in proportion to their gross earnings.

Here, then, was a law designed to protect the companies in their territories, and also to protect the consumers from exorbitant charges on the part of the monopoly thus created. These monopolies were not absolute, for it lay in the power of the commissioners to admit a second company into any city or town, if they should deem it wise.

The law also requires the companies to make a return to the board, annually, in such form as it may prescribe, setting forth the expenses and income, and in general the financial affairs of the company, together with such other information as may be called for.

As soon as the commissioners were appointed they began an inspection of the companies, and soon found that the variations in the forms of book-keeping were such that it would be impossible to make an intelligent comparison of the results obtained by the different companies, unless a uniform system of book-keeping was established, and, accordingly, the legislature of 1886, granted authority to the board to require the companies to keep their books in a form to be prescribed by it. At the same time two new features were introduced into the law: the companies were forbidden to issue bonds to an amount greater than their capital stock, and the board was given authority to compel a company to furnish a supply of gas on such terms as might be reasonable.

At about this time the rapid growth of electric lighting began, and many gas companies petitioned the legislature for such amendments to their charters as would enable them to furnish that kind of light also. The legislature of 1887, instead of granting these various petitions, passed a general

law, granting to the Board of Gas Commissioners authority to allow gas companies to engage in such business.

The introduction of this bill into the legislature was the signal for great activity on the part of the electric light companies, and an attempt was made to defeat it, but, eventually, these companies came to the conclusion that they desired also to be placed under the jurisdiction of the board, and, consequently, a law was passed extending the provisions of the laws of 1885 and 1886 to electric light companies, granting them the same protection extended to gas companies and imposing on them the same duties.

In 1888, the powers of the board were further extended, by allowing it to fix the price of gas, on the petition of the company, and by requiring a report from the companies of all accidents due to gas or electricity furnished by them.

The same year a law was passed, which allowed the board to license gas companies to make and sell water gas. The reason for this was to be found in an amendment of the law relating to the inspection of gas, made in 1880, which fixed the legal limit for carbonic oxide at 10 per cent., a restriction which would allow the manufacture of coal gas, but not of water gas. Beginning with 1883, there had been an attempt made each year in the legislature to repeal this restrictive limit, and, finally, in 1888, an act was passed allowing the commissioners to change that limit, if, in their opinion, the gas could be used with safety.

No legislation concerning the board was enacted in 1889, but when, in 1890, it reported its reluctance to certify that any gas could be used with safety and asked for such a modification of the law as would allow it to grant a certificate, the legislature decided to strike out of the inspection law the provision relating to carbonic oxide, and thus leave the manufacture of water gas open to all without restriction.

In 1891, after much agitation, the legislature passed an elaborate act allowing municipal corporations to engage in the lighting business. This act recognizes the principle of non-competition, by requiring the purchase of existing

plants at an appraised valuation, and goes one step further, by requiring a municipality to purchase both the gas and electric plants wherever both kinds of light are supplied by one private corporation, thus cutting off competition between a municipality and a private company, even when the kind of light supplied is not the same.

The Board of Gas Commissioners, or, as its name now reads, the Board of Gas and Electric Light Commissioners, is recognized by this act, and the municipalities engaged in this business are placed under the same regulations regarding methods of book-keeping and returns to the board as are private corporations, and the same power is given to the board to require the supply of light. The statistics which are obtained from these returns, being collected on exactly the same lines for both private and public works, ought to go far towards settling the vexed question of the comparative economy of the two methods of management.

What use will be made of the powers given to municipalities by this act it is yet too early to predict; several towns, wherein at present no plant exists, have taken steps looking towards the erection of a municipal electric station, but in no town has there been any suggestion of the establishment or purchase of a gas plant. Electric lighting has greater fascination for the average citizen than gas, and the fact that an electric plant can be started at less cost than a gas plant has much to do with this, although it is generally conceded that profits from gas have been greater than from electricity.

This, then, being the history of the legislation of the last six years in relation to lighting corporations, the question arises, In what way has the board exercised its powers? A study of its annual reports to the legislature will show that a careful collection has been made of the statistics of the business under its control, and that a considerable degree of publicity has been given to its details.

Coming now to the different features of the law which required the action of the board, we find that, as yet, it has not passed on the question of granting a second franchise in

any place for an illuminating gas company, but that it has, in several instances, refused to allow a second electric light company to enter a field already occupied, and it has laid down the rule that, where one electric light company can hold the field the consumers can be better supplied, and at a permanently lower price than if two were allowed to sink capital in duplicating the plant, and that if prices are too high it is comparatively easy to have them revised.

Upon this last point the board has twice passed—one petition having been received in 1887 from one of the largest cities in the state, and another from a somewhat smaller city was acted on in 1890. Both were heard at great length, and in both cases it was found advisable to recommend a reduction in the price charged—in the first case from \$1.80 to \$1.50 a thousand feet; and in the other, from \$2.00 to \$1.80 for small consumers, and from \$1.90 to \$1.75 for large consumers. The recommendations of the board having been accepted by the companies, it was not necessary for it to use the power to order given it by statute.

No formal orders compelling supply have been issued in the case of gas, but in several cases the board has been able to obtain for the applicant the desired service without formal action. Two cases have been formally acted on where the board was asked to require the supply of electricity to buildings having isolated electric plants, but where the owner did not desire to run the plants in the evening; and in both these cases the supply was ordered. The company has taken the matter into the courts, which have, as yet, taken no action.

The authorization of gas companies to supply electric light has furnished many cases, and has led to the establishment of various precedents. In general, it may be said that such authority has never been granted to a gas company in a locality in which an electric light company existed without the board first being satisfied that a valid contract had been made between the two companies by which the gas company agreed to purchase the electric plant.

In one case, decided in 1890, in a city of considerable size, where the gas company desired to buy out the electric light company, the latter being willing to sell, the board found, on investigation, that both companies were earning a fair rate of interest on the capital invested, and were, therefore, not being injured, and that the people were benefited by the competition between the two kinds of light; it therefore refused to grant the authority desired.

The cases cited show the kind of work the board has done, and the principles on which they were decided.

Since jurisdiction over the electric light companies was given the board, it stands in the relationship of guardian to three distinct interests, namely: the consumers, the gas companies, and the electric light companies; and has for its object the protection of the interests of each.

The capital of the companies is entitled to a fair rate of interest, if that capital is actual and not fictitious; and at the same time the people, who granted the use of the streets for the purpose of carrying on the business, are entitled to the best possible service at the lowest possible price consistent with a fair return on the actual capital employed.

To sum up the Massachusetts method of regulating these lighting companies, we may say that the legislature has delegated its powers in these respects to a permanent body, which can go more thoroughly into the details of these matters than a legislative committee, and can also exercise a quasi-judicial function in determining the law and right of many of the matters brought before it.

Between unrestricted competition, with its waste of capital, and municipal ownership, with its socialistic aspects, there seem to be two methods of state regulation; one, the English, which attempts to make the self-interest of the stockholders act to protect the consumer, and the other, that of Massachusetts, which creates a permanent body to adjudicate such differences as may arise between shareholders and consumers. Both recognize the principle of non-competition.

England is now trying to work out the problem of electric

lighting regulation, and finds it difficult of solution. Massachusetts found her law in relation to gas companies such that, when this need arose, nothing more was necessary than to extend the jurisdiction of an existing board over the new field.

That the regulation of these corporations can be more easily and effectually done by a body outside of the local issues, which do not strictly concern the question in hand, is undoubtedly true; and since the corporations are primarily the creatures of the state, not of the local governing bodies, is it not better that the state, rather than the municipality, should undertake the control? If the principle of non-competition obtains, then regulation in the interest of the consumer must follow.

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ELECTRIC STREET LIGHTING IN CHICAGO.

In the discussion concerning the comparative merits of public and private systems of street lighting, the employment of the comparative statistical method of investigation is rendered difficult by the fact that many cities are, under unequal conditions, lighted partly by public, partly by private systems, as well as by the fact that most cities use several kinds of light, such as gas, electric, vapor and oil. It will therefore be expedient to examine, instead, some individual representative experiment. The experiment fixed on for this purpose is the municipal electric street lighting of Chicago. This experiment is preferred, first, because, while gas lamps still comprise 60 per cent. of all classes of lamps employed for street lighting, electricity is already the favorite means of illumination in cities of less than 100,000 inhabitants, and is rapidly supplanting other kinds of light in cities whose population exceeds that number; secondly, because the administration of municipal affairs in Chicago, perhaps more than in any other city of

the first class, is conducted on business principles, being comparatively free from the influence of federal politics.

The first attempt to establish a municipal electric lighting plant in Chicago was made about twelve years ago, when Mr. John P. Barrett, superintendent of the city telegraph, procured a small dynamo and connected it with an engine in the North Side Water Works, two arc lights being placed on the cupola of the tower. The enterprise met with opposition, however, and the city council directed the dynamo to be sold and the lights to be taken down, which was accordingly done.

The next attempt was made in 1887. In this year a small appropriation was granted for the purpose of lighting up the river front. A small outfit was purchased and operations begun in an abandoned fire engine house. A limited number of lamps was erected, commanding not only the river, but also bridges and viaducts. The effect upon the dark narrow stream, dangerous alike to passing vessels and belated pedestrians along the wharves, was so marked that a larger appropriation was voted, with which to illuminate some of the principal down-town streets. The superiority of electric lights was quickly appreciated by the people, and the councilmen from outlying wards, importuned by the popular demand, asked for the extension of the system. The result was that a resolution was passed to extend it to the whole city.

The plan of the system is as follows: The old city, comprising about 44 square miles, is divided into 12 electric light districts. Each district is to have a power station located as near the centre as possible. From each power station a main subway is built extending across the district from boundary to boundary, and decreasing in duct space from the power station toward the boundaries. Main feeders are run out at right angles to the line of the subway; from the feeders, connections are made with the lamps. On all streets where fire or police boxes, engine houses, or police stations are located, enough duct space is provided to accommodate the under-

ground wires of these departments. Main subways are built of multibular blocks of bituminous concrete laid in the street, and imbedded in three inches of concrete, or simply placed on a foundation of the same material, composed of Portland cement, sand, and lime-stone screenings, and are reached by large octagonal or round manholes; or they are built of cement-lined wrought iron pipes, laid in the streets and imbedded in concrete, composed of Portland cement, sand, and granite screenings. The feeders throughout are two-inch iron and steel pipe laid under the sidewalks, inside the curb wall, or in the street. Where laid in the street, small manholes and hand-holes are used.

The manholes are built of brick, and placed from 235 to 450 feet apart. They average about forty-six inches in length by forty in width, and range from four and a half to nine feet in depth. They are furnished with double iron covers, one of which is set below the grade and made watertight by packing; the other, on a level with the street. All the iron pipe is plugged to remove surrs, and reamed at the ends. The conduits and pipes are laid with a pitch of from six inches to one foot, draining into the manholes, thus disposing of all drip from condensed moisture. The conduits are practically gas and watertight. The insulation resistance of the electric light cables is 500 megohms per mile. The electric light circuit has a voltage of from 2500 to 3000 volts and a current of from nine to eighteen amperes, or a voltage of from 900 to 1200 volts and a current of from eighteen to twenty amperes.

The electric light post has been designed by Mr. Barrett, and possesses some peculiar advantages. It consists of a hollow iron base extending from the sidewalk to a height of seven feet; through this hollow iron base a hollow wooden pole extends to a height of nine feet above the iron base, being securely fastened to the top and bottom of the same. There are two doors on opposite sides of the iron base, at a height of five feet from the sidewalk. Near the bottom of the base is a removable panel. A frame and hood extending

from the top of the pole have but one standard or support. Inside one of the doors is placed a wooden box containing a double pole arc-light switch ; inside the other is a receptacle for a fire alarm box. The panel can be removed to facilitate the handling of cables.

This electric light post offers increased safety to human life, as, in case of accident to the lamp, the workman can disconnect it from the rest of the circuit by "throwing" the switch, without a possibility of contact with the conductor. The wooden pole is also a semi-insulator, and is safer to work from than an iron pole, should it be necessary to regulate the lamp while burning. Furthermore the hollow space between the iron and wooden poles not only affords a receptacle for the electric light switch and fire alarm box, but, if it should be desired to furnish incandescent light, there will also be room for a converter by which a high tension current can be changed to a low tension current. The single standard or support throws off only one shadow, and that can be directed against the part of the nearest building where it will be least objectionable.

The whole system, when completed, will contain 7350 lights. According to the latest published report of the Commissioner of Public Works, namely, that for 1890, 930 arc lights of 2000 candle power have been placed in position, leaving a balance to be provided of 6420. Of these 930 electric arc lights, 900 displace 3621 gas lights. According to the same report, the system has been partly perfected in four districts. The work is being rapidly pushed, \$556,000.00 having already been expended in the organization and maintenance of the electric light service ; and the whole system will probably be completed in time for the World's Fair. No district has, as yet, received its full quota of lamps.

In lighting only a portion of a district, the proportionate cost per lamp will, of course, be much greater than if the whole district could be lighted at once, as the land, buildings, and subways must be provided for the entire district,

while only a portion of them is used. However, the present average annual cost of one 2000 C. P. arc light is \$83.00—according to later statistics, in Census Bulletin No. 100, \$68.00. The estimated average annual cost of the same light when the system shall be completed is about \$50.00.

While, under the present unfavorable conditions, the cost of the electric lights is a trifle greater than the cost of the gas lights displaced by them, nevertheless, when the comparison is made in candle power, an enormous difference in favor of the electric lights becomes apparent, as the following table shows:—

Cost of 900 2000-C.P. arc lights, \$83.00,	\$74,700 00
“ “ 3621 20-C.P. gas lights, \$20.00,	\$72,400 00
Total candle power of 900 2000 C.P. arc lights,	1,800,000
“ “ “ “ of 3621 gas lights, 20-C.P.,	72,420
Cost per candle power for arc lights,	\$0 04
“ “ “ “ “ gas lights,	\$1 00

An interesting comparison might be instituted between the cost per lamp of electric light in Chicago and that of other cities, but this would, in all fairness, involve a detailed technical description of the several systems. Besides, an interesting statistical comparison, by Victor Rosewater, between public and private electric lighting systems may be found in the *Independent* for March 20, 1890. It may not be out of place, however, to state the bare fact that, according to the eleventh census, Denver is lighted at an average annual cost per electric light of \$58.46, while San Francisco pays \$440.67 and Boston \$237.25 per light.

From the figures given above, it is evident that a saving will accrue to Chicago by the adoption of her electric lighting system. She will be better lighted and her actual expenses lessened. While she has been paying \$600,000 annually to private gas companies for lighting her streets, she will in the future be able to light the same territory for a third of that sum.

Taking it for granted that public lighting is cheaper than private, for no private corporation will be found to undertake

the enterprise without profit, two points remain to be considered. It has been objected that municipal ownership of electric lighting systems breeds corruption and encourages inefficiency. Both of these objections may, in view of the results of the experiment in Chicago, be dismissed with a single sentence. The electric lighting service of Chicago, so far as established, is claimed by experts to be perhaps the best in existence, while not the slightest suspicion has ever attached to the honesty of its administration.

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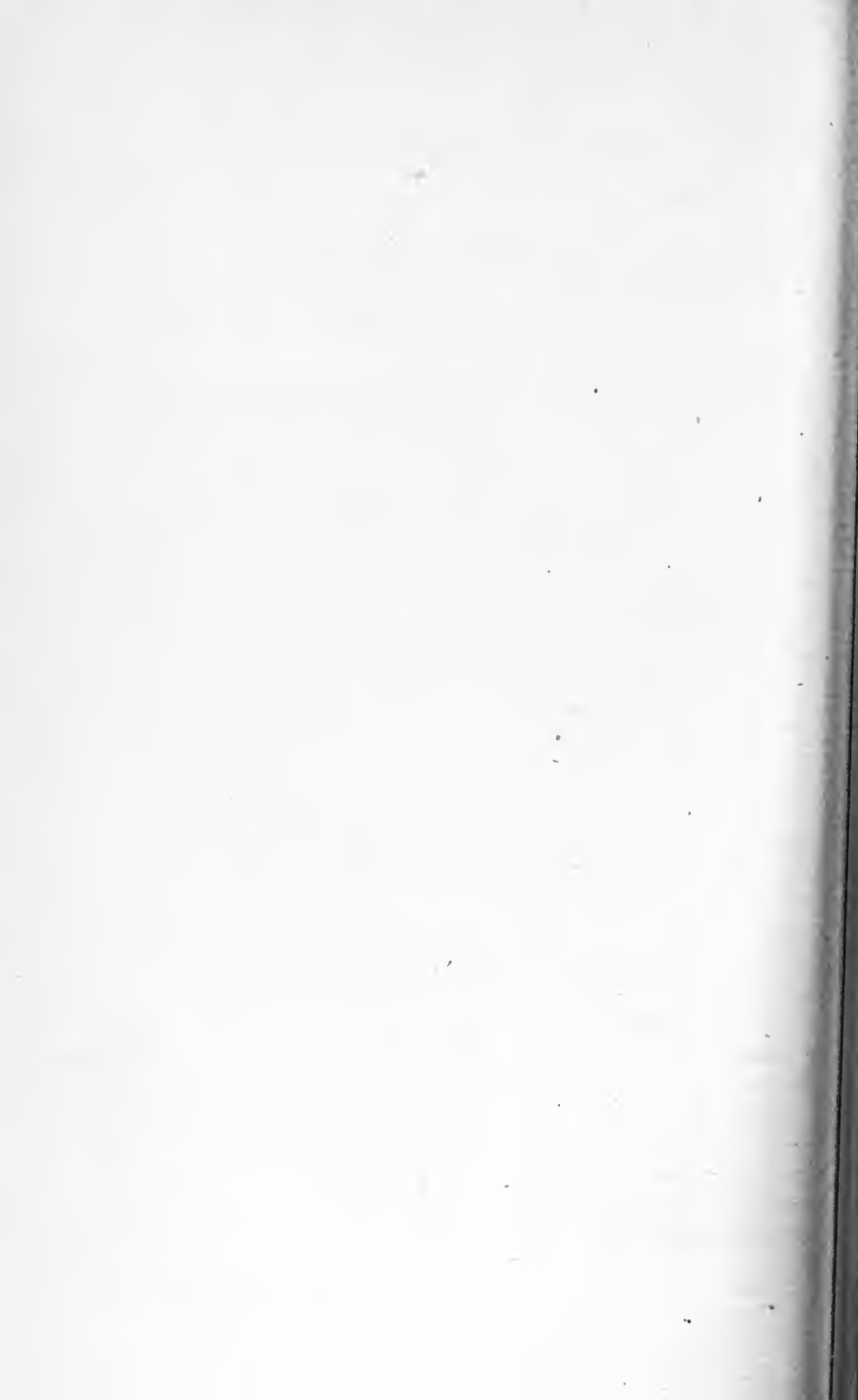
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ANNALS
OF THE
AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

MAY, 1892.

THE PRACTICAL WORKING OF THE
AUSTRALIAN SYSTEM OF VOTING
IN MASSACHUSETTS.

Is a Republic a permanent form of government? This may seem a strange question to ask in these days, but is it so strange after all? What Republics have not fallen, and fallen by their own corruption? Switzerland, the only exception, is peculiarly situated. She is singularly without concentrated wealth, with a rural population, with an area of about one-third that of Pennsylvania and a population but two-thirds as large. Greece fell through corruption, while Rome, more really a true Republic, became an empire because its inhabitants were tired of having its elections bought for money. In the year B. C. 62, Cæsar owed net over a million of dollars; Mark Antony at twenty-four owed \$250,000, and at thirty-nine he owed \$1,500,000; and Milo, in the year B. C. 52, owed nearly \$3,500,000, all for bribery and campaign expenses. Three years after the latter date

Rome ceased to be a Republic. Attempts were made to prevent bribery; the *lex Maria*, or law by which narrow *pontes* or bridges were established by which voters had to approach the polls so as to be protected from the political "workers," was passed B. C. 119, but it was only a partial measure, like some of our bad ballot laws. Very strenuous punishments were imposed for bribery, but these latter laws came too late. The people had become fond of being bribed; they were bought like swine, but they loved to have it so.

The United States as a Republic is now on its trial. What will be the end?

Eternal vigilance is the price of liberty, but there will be no effective vigilance without political morality. Political morality is the very foundation of a Republic, without which it must surely fall. Those who sneer at morality in politics are enemies of the Republic. He who makes light of the Decalogue as applied to public affairs is a traitor to our form of government.

This is no doubt clear to all. What is not so clear is the powerful effect that mere mechanism exercises on morality. A method that lets cheating be easy, successful and undetected tends to bad morals. Banks without book-keeping, checks, safe and counter, with nothing to make stealing difficult and hazardous, would generate thieving. So a method of voting which makes intimidation and bribery easy to perform, and hard to detect and punish, offers prizes for the best bribers, while it drives good men to resort to the bad methods to counteract the evil deeds of the bad men, and the bad men in their turn, encouraged by the bad example of the good, redouble their efforts.

Men, too conscientious to resort to bad methods even for the sake of party success, soon drop out of party management. They may do well for figure-heads, but not for a trick at the wheel or for trimming the yards. The result is demoralizing in the extreme. Young men are taught that dishonesty is the best policy in politics; such dishonesty is

approved of, at least about election time, while integrity in campaigns is publicly sneered at.

A mechanism, on the other hand, that will put serious obstacles in the way of fraud and will give honesty a fair chance not only helps political morality, but in so doing will save our great experiment in government of the people, by and for themselves.

Yet there are many good men living under a system that allows all the public patronage to be freely used to influence nominations and elections, and under a system that encourages dishonesty, fraud, intimidation and bribery in voting, and yet they wonder why it is that things go wrong. They put the good influences at the short arm of the lever and then are surprised at the power of the bad influences. And again these same good people not only do nothing to change the mechanism of the lever, but often stand aloof from, if not positively ridicule, the attempts of those who are trying to shift the fulcrum.

Such a mechanism for good is the Australian Ballot system. It was introduced into Australia in 1856, sixteen years later into England, and sixteen years after that into the United States.

As a citizen of Massachusetts, let me say a word as to the introduction of the system there. It has been frequently assumed by the *New York Nation*, by Mr. Joseph B. Bishop in a recent article in the *Forum* and by others that the Massachusetts law was a mere copy of the New York law. That is not the case. I belong to a small club of about fifteen members called the "Dutch Treat" which meets in Boston to dine and discuss public reforms. A year and a half before the agitation in New York, and having no notion that there was to be any in that State, we had discussed the idea of an officially printed and secretly marked ballot. I had been appointed a committee of one to report to the club. In the report I outlined a bill and prepared a form of ballot that would fit our registering ballot boxes. About a year later there was an agitation for ballot reform in the Boston

City Council and among the labor organizations of our State. One of our number, Mr. H. H. Sprague, was elected to the State Senate and was made Chairman of the Committee on Election Laws. Encouraged by these signs, our club revised the outline of a bill and two or three of us went before the committee of the legislature. We found there to our surprise several other plans submitted, notably a complete bill presented by Mr. E. B. Hayes, of Lynn, a member of the lower house. The Committee on Election Laws seemed to prefer our plan on the whole and requested that we should draft a bill in full. This bill Mr. Hayes supported as cordially as if it had been his own. Mr. Hayes tells me that he never heard of the New York movement till he was asked by the men in New York for a copy of his own bill, which he sent on to Mr. Saxton. Our club decided that for the sake of uniformity we should adopt some of the features and phraseology of the New York bill in our final draft submitted to the Legislature. The truth is the movement was wholly independent and yet simultaneous in both States. The New York bill was passed early in the session and vetoed by Governor Hill. Ours was delayed till the end of the session and securing the Governor's approval, became law first.

Since the successful operation in Massachusetts the system has spread till now it is the law in thirty-three States; in a good form in twenty-six, in poor form in three, in bad form in two and in fair form in one, according to the authority of Mr. Bishop. Pennsylvania, I am sorry to say, is classed as one of the two "bad."

The idea of the system is simple. The government furnishes each voter with a marking list, and this list or official ballot is marked in secret, and is the only ballot allowed to be cast. These are the essentials:—a single official ballot and secrecy.

The list of candidates may be arranged alphabetically under the names of the respective offices to be filled, or in party groups. In Massachusetts we have the alphabetical order, and this we think is the best method. Eleven States

allow a single cross to be marked for a party group, and nineteen follow substantially the Massachusetts plan. The greatest objection to the party group system with the right to mark the whole group with a single cross is not that it favors party as against independent candidates, important as that objection is. The chief objection is that it does not always secure secrecy. Sometimes, and indeed not infrequently, the only doubt is as to *one* objectionable candidate. The only question is as to whether the regular party men will vote for him or not. If the men of his party stay at the marking shelf long enough only to make one cross, they must have voted the "straight" party ticket including the objectionable candidate. To vote the party ticket with the exception of voting against that one candidate, separate crosses must be made against each name of the party group except the objectionable one, and in some other party group or among the independents must be found and marked another candidate for the same office. The difference in time is enough to show any skilful watcher, who has "bolted" and who has not. I know this plan of noting the time taken by voters to have been carried out in Connecticut with great success, for in order to "bolt" a single candidate under the new law there it took longer to prepare the ballot than to vote the regular ticket. Any system which allows it to be ascertained how voters vote does not secure secrecy, and is, so far, an inferior law.

The chief evils under the old system which it was hoped to cure were the following: it was nobody's business to furnish correct ballots to the voter. Furnishing ballots was usually left to irresponsible party sub-committees, with the result that fraudulent ballots were distributed with, for example, the heading "Regular Democratic," while having a Republican candidate in place of the Democratic one and *vice versa*, or names were spelt wrongly so as to make the vote ineffective. Nominations of bad men for minor offices were made late, committees often "reporting nominations at the polls," giving no time for a public exposure of the candidate.

Ballot holders had to be furnished by the parties, and the expense of this, together with the cost of printing ballots, was made a pretext for raising large sums of money. Influence was bought by paying handsomely for popular men to hold the ballots and persuade their friends to vote the special ticket, while voters were bribed under the guise of being hired as ballot holders, sometimes fully one-eighth of the voters being hired by both parties together to peddle ballots in a precinct.

There was pushing and crowding to prevent voters from voting. Noise and confusion almost always prevailed in a large number of city voting places, while all the time it was perfectly possible to know how each voter was voting and so to use bribery and intimidation.

What have been the results of the recent legislation? As far as Massachusetts goes, at least, all fraudulent and misleading ballots and misspelled names have ceased. Ballot holders are no longer needed. Some few candidates have circulars distributed at the polls, but the voters, as a rule, do not take these circulars or read them, and delivering by mail the evening before election is far the best way of reaching the voters. There is ample time to examine into the character of all candidates, as eighteen days before election is the latest when nominations can be made at the State election. So far, less money is needed by the parties at the elections.

Quiet, order and cleanliness reign in and about the polling places. I have visited precincts where, under the old system, coats were torn off the backs of voters, where ballots of one kind have been snatched from voter's hands and others put in their place, with threats against using any but the substituted ballots; and under the new system all was orderly and peaceable. Indeed, the self-respect in voting under the new system is alone worth all the extra cost to the State.

Bribery is very greatly diminished, almost altogether ceasing; but it is too much to say it is wholly and perma-

nently stopped. It probably exists now to a small extent, and will undoubtedly grow. Some corrupt voters are true to their corrupt bargains. There is also a tendency to vote for the "barrel" candidates, in order to encourage the free use of money. One way to bribe is said to be to bet on the result, or on the size of the vote, the voter to be bribed taking the side for which the money is spent.

Sometimes it is possible to buy in bulk and pay according to the result. For example, in a precinct of 450 voters 200 may be of one party and 200 of another, all of whom are above being bribed, and 50 "floaters." It is very easy to pay according as these fifty have gone as shown by the returns.

A still more certain way is to pay voters of the opposite party to stay away from the polls, or not to be registered for voting at all.

We need something more than the ballot law even in its most perfect form. We need civil service reform to prevent bribery by government patronage and a law both to limit and make public the election expenses. In England the ballot act was passed in 1872, while in 1883 it was found necessary to pass the corrupt practices act, which is said to be far and away a surer prevention of bribery than the ballot act alone. Still though we hear these rumors of bribery, there is no doubt the new voting system has placed great obstacles in its way and will be of still greater service when supplemented by corrupt practices acts.

As to intimidation, that seems to have been stopped altogether.

In considering how the new system has worked in Massachusetts it is well to review some of the current objections made to the law before it was put in operation.

It was said it would be a great expense to the State and cities; that it would take a long time to mark the ballot; that in the big towns, where large numbers voted at the same place, there would be delay; that the less educated would be kept from the polls; that if they came to the polls

they would not know how to mark their ballots and that the system would favor independents and tend to break up parties. But what have been the practical results?

As to cost, fewer ballots are printed by the State than were printed by the parties. The cost the first year, 1889, for printing and distributing to nearly one thousand voting places in the State was \$17,130, and in the next two years it was less than half the cost of the first year, being only \$8,175.26* in 1891 for 1,010,500 ballots.

The fittings in Boston cost \$35 for each precinct, but as the fixtures were made so as to fold up and be taken away and used from year to year, it is safe to say they do not cost over \$5 a year for each precinct besides the cost of moving back and forth. In towns from 300 to 1500 inhabitants the extra original outlay has been from \$4 to \$30 a town by actual report.

The time taken is less than before. To be sure a voter who took a ballot under the old system without inquiry and happened to hit upon a time when the crowd was not great would save half a minute or so, but with the necessity of careful examination for fear of being misled by a fraudulent ballot and all the crowding and pushing under the old system, it is generally agreed that it takes actually less time under the new.

As to the big towns with large numbers voting at one place there has been no delay or inconvenience. At North Adams 1786 ballots were cast at one polling place. During no part of the day were the forty compartments all occupied at one time. Before the names of forty voters in succession could be found and checked and the voters admitted, those who had first entered had marked their ballots, voted and passed out. At Pittsfield 2589 votes were cast in four precincts, at Brookline 1249 votes, at Hyde Park 1236, at Dedham 998 and at Everett 979 votes were cast, all at one precinct each and with the utmost facility and comfort to the voters. We hear of no trouble from delay in any town.

* Abstract of Report of Auditor of Accts. of Mass. Dec., 31, 1891, p. 11.

The average time taken to mark about 18 out of 55 names seems to be under two minutes and often less than one minute is required.

As to the less educated being kept from the polls the statistics are conclusive. The average number voting in the State in the last three years under the new system is greater than in any of the past seven years, excepting the presidential year, and the same is true for the city of Boston, both in the State and city elections.

Old System.	VOTE FOR GOVERNOR		Vote for Mayor of Boston.
	In the State (Mass.)	In the City of Boston.	
1885,	209,688	41,683	44,682
1886,	243,769	45,467	45,667
1887,	266,032	49,423	51,820
1888, (Presidential year)	343,114	64,923	63,548
New System.			
1889,	263,111	} Av. 296,331	52,578 56 877
1890,	295,430		54,088 54,254*
1891,	330,451		62,496 55,019*

But though that may be so how about the more illiterate districts? Let me explain here that though we have a reading and writing qualification in Massachusetts it does not form a barrier to a certain amount of voting by the illiterate. No one who was a voter in 1857 is excluded whether he can read and write or not, and all the law requires of voters becoming such since 1857 is that each be able to write his own name and read from the State Constitution. It is held that printing letters, misspelled names and indeed anything that can be deciphered as a signature is all that is required for writing; while the most clumsy spelling-out kind of reading passes muster, and there is reason to believe that the first few words of the Constitution are sometimes learned by heart by persons who pass, though really unable to read at all. Our experience therefore has some bearing on the illiterate voter. The cities in our State are supposed

*In these years the election of Mayor was nearly a foregone conclusion, and so the vote was light.

to contain a larger proportion of illiterate voters than the towns and yet in each of the three years a considerably larger percentage of the registered voters have voted in the cities than in the towns. Again out of the 25 cities, Holyoke,

	Average Per Cent. of Voters voting in the Cities.	Average Per Cent. voting in the Towns.
1889,	75.3	64.7
1890,	83.16	72.63
1891,	86.71	80.06

one of the chief manufacturing cities, had the highest per cent.; Lowell, a large manufacturing city, came next; Cambridge, which has a larger factory population than is usually supposed, came third, and Lawrence, another city chiefly noted for its factories, came fourth in 1889. In 1890 Lowell was first, Lawrence second and Fall River third at the State elections, and at the city elections the order was Fall River, Lowell and Lawrence. The three highest were thus the three leading manufacturing cities of the State.

THE HIGHEST IN ORDER OF THE CITIES IN MASSACHUSETTS ARRANGED BY PERCENTAGE OF REGISTERED VOTERS VOTING.

STATE ELECTIONS.		
1889. Per Cent.	1890. Per Cent.	1891. Per Cent.
Holyoke, . . . 85	Lowell, . . . 89.62	Lowell, . . . 90.69
Lowell, . . . 83.1	Lawrence, . 88.45	Cambridge, . 90.26
Cambridge, . . 79.6	Fall River, . 87.29	Salem, . . . 89.83
Lawrence, . . 78.8		
Av. for State, . 70.7	Av. for State, 78.21	Av. for State, 83.82
CITY ELECTIONS.		
No Statistics.	Fall River, . 92.66	Fall River, . 92.62
	Lowell, . . . 90.54	Lowell, . . . 91.06
	Lawrence, . 90.31	Holyoke, . . 90.12

Again, in the city of Boston, whether we compare the one best and the one least educated ward or whether we compare the six best and the six least educated wards, we find that the percentage who voted at the State election was very nearly the same in each, and actually larger in the city election in those wards containing the largest proportion of poorly educated voters.

PERCENTAGE OF REGISTERED VOTERS VOTING 1889.

	State Election. Per Cent.	Municipal Election. Per Cent.
Ward 13 (least average education),	76.7	87.0
Ward 21 (best average education),	77.7	80.0
Six wards with least average education,	76.74	83.30
Six wards with the most average education,	76.79	79.61

But though the illiterate wards may have made so good a showing in proportion to the registered voters, may it not be that men were kept from registering? What do the facts show us as to that? The results here are again most instructive. Whether we take the one most illiterate ward by itself or the six most illiterate together, we find that in 1889 the first year of the new system, though an off year of off years, the number of registered voters was greater than in any of the years previous excepting the presidential year, and the proportion of registered voters to the assessed polls was also greater than any but the presidential year and only a very little less than in that year.

NUMBER OF REGISTERED VOTERS IN THE WARDS WITH THE LEAST AVERAGE EDUCATION IN BOSTON, FROM 1885 TO 1891, INCLUSIVE.

Old System.	Ward 13.	Wards 6, 7, 8, 12, 13, 19.
1885,	2,513	12,033
1886,	2,577	11,665
1887,	2,744	12,777
1888,	3,285 (Presidential year),	15,010
New System.		
1889,	2,955	13,463
1890,	2,685	12,881
1891,	2,869	13,054

NUMBER OF REGISTERED VOTERS IN PROPORTION TO ASSESSED POLLS IN 1889

was in Ward 13			
10.3 per cent.	larger than in	1885	
8.5	“	“	1886
4.3	“	“	1887
1.4 less	“	“	1888 (Presidential year.)
was in Wards 6, 7, 8, 12, 13 and 19			
4.4 per cent.	larger than in	1885	
5.0	“	“	1886
1.0	“	“	1887
3.6 less	“	“	1888 (Presidential year.)

Ballot for same Ward and Precinct as it would have been but for the changes in 1855-57. (See below, p. 15.)

To Vote for a Person, mark a Cross (x) in the Square at the right of the name.	
GOVERNOR	Vote for ONE.
JOHN BLACKMER—of Springfield.....	Prohibition
JOHN Q. A. BRACKETT—of Arlington.....	Republican
WILLIAM E. RUSSELL—of Cambridge.....	Democratic
LIEUTENANT-GOVERNOR	Vote for ONE.
JOHN W. CORCORAN—of Clinton.....	Democratic
WILLIAM H. HAILE—of Springfield.....	Republican
BENJAMIN F. STURTEVANT—of Boston.....	Prohibition
COUNCILLOR—Third District	Vote for ONE.
ROBERT O. FULLER—of Cambridge.....	Republican
ISAAC W. GAMMONS—of Somerville.....	Prohibition
WILLIAM E. PLUMMER—of Newton.....	Democratic
COUNTY COMMISSIONER	Vote for ONE.
WILLIAM S. FROST—of Marlborough.....	Republican
ELMER D. HOWE—of Marlborough.....	Prohibition
JOHN L. HUNT—of Lowell.....	Democratic
SENATOR—Third Middlesex District	Vote for ONE.
FREEMAN HUNT—of Cambridge.....	Democratic
EDWAKD KENDALL—of Cambridge.....	Prohibition
JOHN READ—of Cambridge.....	Republican
REPRESENTATIVES IN GENERAL COURT	Vote for Two.
Fourth Middlesex District.	
JOSEPH G. BALL—of Cambridge.....	Prohibition
EDWARD F. BURNS—of Cambridge.....	Democratic
FRANK W. DALLINGER—of Cambridge.....	Republican
CHARLES W. HENDERSON—of Cambridge.....	Republican
WILLIAM F. MORRILL—of Cambridge.....	Democratic
HUGH STEWART—of Cambridge.....	Prohibition



As to whether the voters in the illiterate wards were able to mark their ballots, let me say that the above statements of voting are based not on the number attempting to vote, but on the number of ballots actually cast, properly marked and counted, after deducting all blanks or improperly marked ballots.

The city clerk of Boston, who was present at some of the recounts in 1889, told me that the ballots from the illiterate wards were more carefully and plainly marked by the voters than in the wards where the better educated lived.

As to favoring independents and breaking up the party organizations, the result has shown that no candidates receive any considerable support unless backed up by a strong public sentiment. The only independents who prevail against the regular party nominees are those who are nominated as a protest against some bad candidate or some unfair proceeding at the caucus or convention. The restraining influence of the new system on the caucuses and conventions is already very great, and no doubt these good results will grow. Yet the parties in State and national affairs retain their power whenever it is properly used, while a candidate, defeated at a fairly held caucus, who rushes to the "nomination papers" gets very little support indeed. Many of the cities in Massachusetts, other than Boston, have conducted their municipal elections on non-partisan lines, and since the new system of voting this custom has rather increased. Caucuses of citizens are usually held, but in Somerville this year all the candidates for city offices were nominated by the petition of their fellow-citizens or by "nomination papers" as they are called. The truth is that the people have a fair chance to show their good common sense under the new system, and the people have always had that good sense in abundance. Under the bad mechanism of the old system they were put at a disadvantage in trying to express their wishes at the polls.

Since the new system has been at work there have been some criticisms. There has been observed a general falling

off of the vote from the head of the ticket. It has been argued from this that there was a difficulty found in marking the ballots; that voters got tired and actually stopped marking from sheer fatigue.

If, under the old system of voting, there had been no falling off the argument might have weight, otherwise not. In New York, under the old system, there were separate ballots for different classes of officers at the same election which had to be cast in separate urns or boxes. For example, in the last Presidential election (1888), the voters had to vote for governor on a different ballot from the one containing Presidential electors and congressmen, and the vote for assemblymen was on still another. At that election the falling off from Presidential electors to assemblymen was very nearly as much in proportion as the falling off from governor to State senator in 1889 under the new system in Massachusetts. It is noticeable that in Massachusetts in 1889, while the falling off was continuous from the governor, through lieutenant governor, secretary, treasurer, auditor and attorney-general, it increased again when it came to senator, although senators were next to the last on the ballot.

But a still more careful analysis shows that this phenomenon had nothing to do with the difficulty of reading or marking the ballot.

In the one most illiterate ward (13) in Boston the vote for senator was actually 33 more than that for governor, while in the best educated ward (21) the vote fell off by 88 or 3 per cent. But the whole is easily explained by noticing that in the senatorial districts where there was a close and exciting contest for senator, there was but very little, if any, falling off from the vote of governor to that of senator, while in many senatorial districts the result was a foregone conclusion, and the vote for senator was accordingly light. Many of the other offices which we fill by election represent no political principles. The secretary of the commonwealth has no executive discretion. He is a chief clerk.

The treasurer, auditor, attorney-general, the clerks of court, registers of deeds and registers of probate, commissioners of insolvency, sheriffs, special commissioners and district attorneys which cumber our ballots and in which the people at large take so little interest, were not made elective by the wise founders of our State, but were brought into politics in the Know-Nothing movement in 1855.

The amount of the vote cast for special offices is an indication of the interest taken, as a careful study of the situation of the returns amply proves. The falling off in the vote for the less interesting offices is thus clearly shown to arise from no difficulty in marking the ballot, but is a frank expression of the feeling of the voters.

It has been asserted that during the counting or recounting the marks on the ballots have been changed. The counting is all done in public view and by some six or more persons of different parties, and it is not so easy as one might think to change the marks without being detected. In one instance this autumn a man tried to alter a ballot and was caught in the act, and has already been prosecuted and convicted. The assertions of instances in the city of Boston where ballots had been altered seem to have been made without good foundation or inquiry on the part of those who made them. During a recount of the ballots members of the Ballot Act League got permission to represent some of the contesting candidates, and examined the ballots with care. There seems to be no evidence of alterations of the ballots.*

There is, however, some danger in the counting. There

*BOSTON, March 18th, 1892.

RICHARD H. DANA, ESQ.

MY DEAR SIR :—* * * At the time of the recent recount of votes for school committee by a sub-committee of the Boston School Board, of which I was a member, I was happily surprised by the general intelligence displayed by the voters and the accuracy with which they indicated their preference for candidates. I was prepared to discover evidence that the votes had in many instances been tampered with, but am glad to say that it would be quite an assumption to declare that any vote had been changed after leaving the voter's hand. * * *

Yours very truly,

B. B. WHITLEMORE.

is, however, *no greater danger than under the old system*. The trouble seems to be that the counting is left to persons unused to clerical work, and who are tired out with a long day's duties as election officers at the polls. The legislature is now considering plans for a better system of counting.

The system of challenging voters has been taken advantage of in some few cases to avoid the secrecy of the ballot of the challenged voters, the present law requiring the name of a challenged voter to be written on his ballot. The legislature is considering, and will doubtless adopt, a measure for obviating this danger, small as it is.

On the whole the new system has worked with more success and has met with more immediate and enthusiastic approval than its most ardent supporters expected. It is so popular in Massachusetts that no one can be found who in any way objects to the system. On the contrary there is the greatest jealousy for the perfection of the law in all its details, and the present committee on election laws have no attacks on the law to consider, but only well-intended amendments. Persons who, up to the first day of voting under the new method, had staked their reputation on its failure were immediately convinced, and the next day frankly applauded what they had derided but two days before.

So pleased are the voters that the percentage of those who come to vote has steadily increased, until last year it reached 84.73 per cent. for the whole State, the largest proportion since the defeat of General Butler, in 1883, excepting presidential years, while in some of the cities we have had the unprecedented figures of 90, 91 and nearly 93 per cent. of the male voters casting their ballots. Voting is made dignified, as indeed the exercise of our great franchise should be. The voter feels that the election is more nearly an expression of the thoughtful wish of the community than ever before, and it makes it worth his while to attend the polls.

The last three years have been replete with illustrations

of the beneficial working of the law, in the defeat of bad candidates and in the election of good ones for the smaller and non-political offices regardless of party. The cause of no license has gained under the new system, even in those districts where the influence of the saloon had been most potent, but perhaps the best single illustration can be found in the city of Boston. In the State election in November, 1889, the city had gone Democratic by 5,600 plurality, about the average in a non-presidential year. The very next month came the municipal election. The Democrats had nominated a man by no means bad, but one having nothing like the public confidence that was placed in the Republican candidate. The city immediately changed its vote to a nearly equal plurality for the Republican candidate. The next year, 1890, the Republicans put up a weak and discredited candidate and the Democrats a strong and influential one, and the Democratic candidate, Matthews, was elected by 12,253 plurality. Matthews made a most excellent mayor and won the public confidence, and the next year, 1891, he was elected by 15,174, a gain of nearly 2,000 over Governor Russell's large plurality in the city a month before, and all this without the expense or trouble of printing independent ballots and manning the polls with an army of ballot-holders. All that was necessary was to appeal to the intelligent consciences of our citizens.

In conclusion, let me add, we must not be satisfied until we have thorough reform in all that pertains to the free and unbought expression of the public will at election. Let us not be satisfied with some half-way measure, which, like the *lex Maria* at Rome, will deceive the people into thinking they are protected in their franchise when they are not. Let us not be content until we do away with the bribery through the patronage of public offices, by means of a thorough civil service reform in nation, State and city,—until we have adequate ballot laws, strenuous laws against bribery of the voter by money, and radical measures to secure the limitation and publication of election expenses.

No true lover of his country, no one with faith in a Republican form of government, and no believer in the ultimate triumph of good principles, can have seen the rapid spread of ballot reform throughout the country as a response to the bad election methods of the last Presidential election without being uplifted, and amid all our discouragements and defeats in the cause of good government, during all the long and fierce warfare, this voice of the public conscience

“Steals on the ear like a distant trumpet song,
And hearts are brave again and arms are strong.”

RICHARD H. DANA.

Boston.

THE MERITS AND DEFECTS
OF THE
PENNSYLVANIA BALLOT LAW OF 1891.

The Pennsylvania ballot law of 1891 is essentially a compromise measure, and will operate as the resultant of two very different forces. That it exists at all is due to the popular demand for ballot reform which has recently made itself felt throughout the whole country, spreading from State to State with wonderful rapidity. Up to four years ago the people of Pennsylvania knew but little of any other voting system than their own. Although the freedom and purity of elections was one of the great objects sought to be attained by the Constitutional Convention of 1873, the reported debates do not indicate that any of the delegates were aware that the problems confronting them had been satisfactorily solved in Australia fifteen years before; and this ignorance is hardly surprising, as even in England the Australian system had only just been adopted, and experimentally at that.

In 1882 the advantages of this system, as used in England, were made public in a brief pamphlet by Mr. Thomas Leaming, but it was not till 1888 that, following the example of Massachusetts and New York, a movement was started in Pennsylvania to secure practical ballot reform legislation. A bill on the Massachusetts model prepared by a joint committee of the Civil Service Reform Association and the Citizens' Municipal Association, was introduced in the Legislature by Mr. Baker, of Delaware county, in 1889, and though its opponents kept it from reaching a second reading in either the Senate or House, the persistent agitation in its support began to tell with the people. Confidence was shaken in a voting system which made known the contents of every man's ballot either absolutely or with practi-

cal certainty to those about the polls, and under which thousands of voters never even looked at their ballots, often because they did not dare to. Attention was drawn to the utter failure of our laws to prevent bribery or direct intimidation or what is worse, because far more common than either, the influence of the known wishes of a man's employer or associates or of the public officials under whom he serves. It was demonstrated that a secret ballot was the only remedy; not bribery laws, nor the oaths of secrecy taken by election officers, oaths but too little regarded when secrecy was never looked for.

During 1890 the Pennsylvania Ballot Reform Association was organized, and the movement gained ground rapidly throughout the State. The Baker bill of 1891 was prepared, differing from that of 1889 only in a more minutely careful adaptation of the new system to the needs of Pennsylvania and to existing laws which it was not desired to change. By the time the Legislature of 1891 met, the press of the State was practically unanimous in support of the bill, and its passage appeared to be desired by the great majority of the people.

Though the progress of the bill through the House of Representatives was slow, no serious opposition was manifested, and it went to the Senate on April 14th by a vote of 171 to 16, with scarcely any but formal changes, which had been either suggested or approved by the framers of the bill. In fact the Senate's delay was the only cause of anxiety till May 7th, when the Committee on Elections, which had previously listened to the arguments in support of the bill without any signs of hostility, reported the bill with such vital changes as to render its operation dangerous to the freedom and purity of elections, if not flatly unconstitutional. When this became known a storm of indignation swept over the whole State such as had probably never before been caused by any action of the Legislature. The Senate bent to the storm, re-referred the bill, and it was re-reported on May 20th in better shape, though with

many objectionable features. Further rehabilitation was steadily voted down by the Republican majority in the Senate in spite of the fact that the bill had been championed by a Republican in the House, and it was only in the last moments of the session that the persistence of Mr. Baker and a few others in the Conference Committee succeeded in effecting some changes which they hoped would render the bill a beginning of ballot reform, to last until something better could be had. In this shape it became a law, regulating all elections held after March 1, 1892.

For those who realize what the Pennsylvania ballot-law would have been but for the action of certain Senators it is hard to weigh and discuss calmly the effects of their treacherous work, but it is essential to further progress that laying aside all indignation and resentment, however just, against those who have for a time blocked the path, we ascertain precisely how far we have succeeded in advancing. The ballot-reform movement aims to secure a law which shall guarantee to all voters equal right to nominate officially the candidates of their choice, equal facilities for voting for any candidates nominated, equal freedom from coercion in every shape, and equal security against the unlawful use of money; and which shall further guarantee that every vote lawfully cast, and no others, shall be counted. The new law will, it is hoped, carry us a part of the way to the desired end, but much more is required, and a widespread familiarity with it, its merits and its defects, is needed in order that the next Legislature may be told with no uncertain voice just what features of this law should be changed and what form these changes should take. Besides, while the law is in force, very important consequences will turn on the manner in which it is carried out. Good or bad, it is the tool with which Pennsylvania will have to work for at least a year to come, and the quality of the work will depend in no small measure on the knowledge of the tool and how to use it. How far, then, let us ask, does the Act of 1891 establish the Australian voting system, and to what ex-

tent will the usual results of that system be obtained in Pennsylvania ?

The object of a secret ballot, to describe it very briefly, is to prevent the bribery and coercion of voters by making it impossible for anyone who attempts to secure votes by these means to know with any certainty whether the corrupt bargain has been carried out or the command obeyed. The Australian system (the only really secret ballot system ever yet put in practice) attains secrecy by requiring that all the ballots used in any one voting room shall be precisely alike, containing the names of all candidates nominated, and that the names of those for whom a voter wishes to cast his ballot shall be secretly marked upon it by him immediately before he casts it. Besides the secrecy which directly results from this system there are other valuable incidental consequences which exist to a greater or less extent as the system is more or less perfectly carried out. Among these are the prevention of "trading," the reduction of necessary election expenses, the curtailment of the influence of money at elections, and the securing to the supporters of all candidates, without discrimination, equally complete facilities for voting.

Now, the Pennsylvania law does provide that the names of all candidates shall be officially published before the election and printed at public expense on official ballots, which alone can be used ; that the voting shall be done in a room of adequate size, where the voter shall receive his ballot and mark it secretly at a screened desk ; that the number on each ballot be concealed by pasting down the corner (so as to prevent any unauthorized use of the number to find out who has cast any given ballot) ; that for further security the lists to which these numbers refer shall be sealed up before the box is opened ; that any serious defect in the printing of ballots shall be ground for holding a new election, and that any tampering with nomination certificates or papers or with the ballots, or any interference with voters or violation of the secrecy of the ballot shall be severely punished. All these provisions are good as far as they go but their actual

value can only be properly estimated after considering in detail those defects in the law which most seriously hamper its beneficial operation.

The first defect concerns nominations. In providing for official ballots containing the names of all candidates nominated, the first thing to be settled is what shall constitute such a nomination as to entitle the name of the candidate to be printed on the ballot.

Outside of the United States the usual provision is that a paper signed by a certain number of voters in support of a candidate, and properly filed, constitutes a legal nomination, and whatever the regulations as to time, number of signers, deposit of money, etc., may be (for these are not everywhere the same), no law as to this matter provides more than one way of making nominations for any given office. This is clearly the right principle and should prevail in America. The right to vote, guaranteed by the constitution of every State to all its citizens who possess certain simple qualifications, is not merely the right to ratify a choice already made by others, nor even to choose between two or more candidates selected by others, though in its practical exercise it is usually confined to the latter, and sometimes even to the former, as when one candidate only is nominated. It is the right to vote for any one who is legally qualified to hold the office to be filled, whom the voter may choose, and to do so on substantially equal terms with every other voter, our constitutions putting all qualified voters on an equality. Practically, however, all elections involve a previous nomination of candidates, and under the Australian system this is a very important preliminary, as only the names of those candidates who have been legally nominated are printed on the ballots. The right to vote on equal terms with every other voter for any one legally qualified to hold the office includes, therefore, under this system, the right to designate the candidate of one's choice, so that his name may be printed on the ballots, or, strictly speaking, the right to join with other voters in so doing, as for obvious reasons of

necessity this right can only be exercised by a number of voters acting together. As, however, all voters have the same right to join with others in making nominations all laws regulating the exercise of this right must be uniform for all voters. To make any distinctions among them, as to allow members of certain political parties to nominate by one method while requiring other voters to employ another method, is as wrong in principle as it would be to discriminate between party-men and others as to the method by which they shall cast their votes, or even, it would seem, as to how they shall pay taxes, execute deeds or wills, or perform any other personal act which the law undertakes to regulate.

Clear as this principle would seem to be, it has been very generally overlooked in the United States, and the fact that political parties have long been regarded as the only possible nominating bodies except in unusual cases, has influenced even legislation. Under nearly all American ballot reform laws the officers of conventions or other constituted authorities of parties (in most laws, those of a certain numerical strength only) may execute and file what are usually distinctively known as "certificates of nomination," while for nominations made by parties less fully developed or by voters acting outside of recognized party organizations a much larger number of persons must sign "nomination papers," as they are usually called.*

So long as no class of voters is prevented from making nominations with sufficient ease and so long as all nominations, however made, have precisely the same legal effect,

* In three American ballot reform laws this distinction does not exist. By the Louisville (Ky.) act nominations for the whole city are made by papers signed by fifty voters; those for a ward by ten. By the Delaware act all nominations are made by political parties, but a party is defined as "an organization of *bona fide* citizens and voters which shall by means of a convention, primary election or otherwise nominate candidates for public offices to be filled by the people at any general or special election within the State. No organization shall be regarded as a political party that does not represent at least one hundred *bona fide* citizens and voters in the county where it exists." Del. Laws of 1891, p. 85.

By the Michigan act the nominations recognized are those made at "any regularly called convention" of "any political party." Pub. Acts, Mich., 1891, p. 256.

this discrimination does little practical harm, but it should never be forgotten that it is wrong in principle and at best a temporary expedient, to be laid aside whenever public opinion shall so demand. To require all legal nominations to be made by papers, signed by a reasonable number of voters, would in no way interfere with the action of political parties. Their selection of candidates would go on just as at present, while the subsequent legal nomination would be made by a committee of the party, in the same manner as any other body of citizens.

The question of whether more than one method of nomination should be allowed is not merely a theoretical one. The very practical trouble with any distinction between the rights of political parties and of other bodies of citizens as to this, is that if once permitted it is very hard to keep it within proper bounds. The originators of the Pennsylvania law attempted this by providing that in the case of political parties who had at the preceding election polled at least three per cent* of the largest entire vote cast in the State, or in that portion of it for which the nomination was made, the certificates were to be signed and sworn to by the presiding officer and secretaries of the convention or other nominating body; while in other cases a nomination paper for the whole State should be signed by 1000 adult male citizens; for a city, county, judicial, legislative, or congressional office by 200, and for lesser offices by 25; the signatures to be vouched for by two of the signers to the best of their knowledge and belief. This did not suit the Senate committee at all, so that now, even after their figures have been cut down, a nomination paper must, if for an office to be

* Certificates of nomination can be filed in behalf of any political party in Arkansas, Ohio, and Tennessee; any political party or principle, in Idaho, Montana, North Dakota, South Dakota, and Washington; any political party which has at the election last preceding polled at least one per cent. of the vote cast in the State or that portion for which the nomination is made in Arizona (Ty.), Indiana, Maine, Maryland, Minnesota, Nebraska, New York, and Vermont; two per cent. in Illinois, Rhode Island, and Wisconsin; three per cent. in California, Massachusetts, Missouri, Nevada, New Hampshire, Oregon, Pennsylvania, and West Virginia; five per cent in New Jersey; and ten per cent. in Colorado.

filled by the voters of the State at large, be signed by qualified electors to the number of at least one-half of one per cent. of the largest entire vote cast for any officer elected in the State at the last election, while if the nomination is for a part of the State, signatures are required to the number of at least three per cent. of the largest entire vote cast at the last election for any officer elected in that portion of the State for which the nomination is made. This means that for next autumn's election about 2080 qualified electors must sign a nomination paper for the whole State, while for Philadelphia county about 3100 would be required.* A statement of the signer's residence and occupation must accompany each signature. The requirement of more signatures for a Philadelphia nomination than for one for the whole State is only less remarkable than the large number of the signatures required, all of which, as well as the qualifications of the signers, must be vouched for by the affidavit of five of the number.

In regard to these independent nominations there are two other regulations which demand attention. One is the proviso in Section 3, "That nomination papers which are not signed and made out in strict compliance with all the requirements of this Act shall be invalid," and the other in Section 33, that "Any person who shall willfully sign a nomination paper, as a qualified elector, such person not being a qualified elector, shall be guilty of a misdemeanor," punishable by a fine of \$1000 or imprisonment for one year or both. If the first of these provisions means that independent nominations will be invalidated for the slightest irregularity, even though no objection be made to them within the time set by Section 6 (the Section in regard to objections to defective nominations), it is probably at variance with the purpose of the Act as expressed in that Section, no distinc-

* The number of signatures required for nomination papers appears to be reasonable in Arkansas, Colorado, Idaho, Indiana, Maryland, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Tennessee, and Washington; high in Arizona Territory, Illinois, Maine, Massachusetts, Missouri, Vermont, West Virginia, and Wisconsin; and excessive in California, Minnesota, Nevada, New York, and Pennsylvania.

tion being there made between party and independent nominations, so that this most unreasonable discrimination is likely to be void. The use of the word "willfully" will probably make the other provision equally nugatory, but the ferocity which would punish as a crime the joining in an independent nomination without being technically qualified would be ludicrous, if it were not shocking. One would suppose that the Dracos of the Senate of Pennsylvania had never heard of any contests for seats in party nominating conventions, still less of any irregularities in the seating of delegates.

The intention of the Senate Committee in the bill as first reported was clear—to prevent all nominations but those of the two leading parties now existing, and even with the changes since made any other nominations are very difficult.

It is no argument to say that the number of signatures here required is but a small part of the number of votes needed to win an election. The full strength of the candidate of a political "machine" may perhaps be available at any time, but in other cases an active canvass is needed to call out the requisite support. To require an independent candidate at his nomination to have a support at all proportionate to what he can reasonably hope to receive on election day is far too hard a condition, and to require his nomination paper to be actually signed by any considerable number of his supporters, who shall be so well known that their signatures and qualifications as voters can be vouched for by five of their number, is in effect to require that every independent candidate shall be backed by an organization little less complete than that of a political party of long standing.

Voters have, moreover, a right to nominate, whether they hope to achieve success or only seek the moral effect of demonstrating their attachment to a particular candidate or principle. For this certain reason members of the Prohibition party, who find that their body, though well organized, is too small to nominate by filing certificates, and, believing apparently that they will be equally unable to nominate as independents,

claim that the law unconstitutionally prevents them from nominating and voting as citizens belonging to other parties may ; and they have filed a bill in equity to prevent the law from being carried into effect in Philadelphia. As a matter of abstract principle they are right, the new law treating them unfairly, but it does not actually disfranchise them, since every voter can place on his ballot the name of any candidate not legally nominated. A return to the old law would hardly benefit them, as the practical working of that law was equally in the interest of the two leading parties. It is, therefore, hardly to be supposed that they will succeed in overthrowing the new law.*

Were the provisions of this law generally adopted elsewhere, it might seriously hamper the rise of a new party, such as occurred less than forty years ago, has been looked for ever since the issues raised by the war died out, and is sure to occur again whenever a political idea takes hold of the people without finding favor with any existing party. Fortunately the laws of other States (except New York) are more enlightened, so that no new political movement need have to wait till Pennsylvania changes her law. Possibly the other States might not in any event expect Pennsylvania to take the lead in such a movement.

Another serious fault in the law concerns the treatment of nominations defectively made. Provision is made for the filing of objections and for the hearing of all questions raised by them, but not for the correction of such errors as may be decided to exist. As Section 6 states that these certificates and papers "Shall be deemed to be valid unless objections thereto are duly made," the necessary inference follows that if any objection is sustained the certificate or paper objected to will be invalid and cannot be corrected. As this applies equally to party and independent nominations, it was most probably due to an oversight on the part of the Senate Committee who, for reasons best known to themselves, re-

* After argument, the injunction was refused by the Court of Common Pleas, No. 2, of Philadelphia County, March 17th, 1892. An appeal has been taken to the Supreme Court.

drafted the entire section. At all events the rectification of errors ought to be allowed under proper restrictions, as it was in the original draft of the law.

The third great defect in the law is in regard to the arrangement of names on the ballots and the marking of these names in voting.

It has already been stated that all qualified voters have a right to vote on equal terms with all other voters. This means that the law ought to do nothing to help or hinder the cause of any candidate voted for by any voter, and also that in so far as the law regulates the method of voting at all, it should require every one to vote by the same method, and should not make it speedier or easier for one man to vote than another. Superior intelligence or education may give some men advantages over others in this respect, just as the ability or popularity of some candidates may give them advantages not possessed by others, but the law should treat all alike.

Under the true Australian system, as adopted in several of the States, the names of all candidates are printed in alphabetical order under the titles of their respective offices, with the name of the party or policy represented by each. To vote for any candidate a mark has to be made against his name, except in the case of Presidential electors, where one mark suffices for the whole number. By this system a voter makes as many marks as there are candidates for whom he votes (except electors), whatever choice he may make among them. The most narrow partisan and the most thorough free-lance must each do precisely the same amount of work. There is no inducement to vote for one man rather than another to save trouble, nor any risk of voting for any man without being aware of it.

The original draft of the Pennsylvania law adopted this system, but the Senate Committee would none of it. The names of all candidates nominated by the majority party are first to be printed in one column, then those of other parties in other columns, and they may be voted for either individ-

ually or by a single mark against the party name, which operates as a vote for every candidate of that party.* The names of all candidates not nominated by party certificates (if any such there be) are to be arranged and voted for in the regular Australian way, this being apparently thought appropriate for such abnormal creatures.

The unfairness of this is manifest. A whole party ticket is voted by a single mark, while to vary it as to one candidate necessitates the marking of every name voted for, including Presidential electors. This will mean next November that the voter who is in the least degree independent must make forty-three marks, while straight voting requires but one. Human nature being what it is, the temptation to vote straight will be almost irresistible, and the party whose electoral ticket wins in this city will almost inevitably see all its candidates victorious down to clerk of the Quarter Sessions and Coroner, though the question of who shall be Coroner does not appear to be connected with the Presidency, nor even a "live issue" at all.

This form of ballot will not only literally thrust into a corner any independent candidates who may have successfully run the gauntlet of the nomination regulations, but it will work against the minority party, as "straight voting" means the drawing of party lines as to every candidate.

* The "office-group" arrangement prevails in Great Britain and her colonies, Arizona Territory, Arkansas, California, Kentucky, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Oregon, Rhode Island, South Dakota, Tennessee and Vermont; the "party-group" arrangement in Belgium, Colorado, Delaware, Idaho, Illinois, Indiana, Maine, Maryland, Michigan, Missouri, New York (where there are separate party ballots), Ohio, Pennsylvania, Washington, West Virginia and Wisconsin.

One cross-mark for a whole party ticket is allowed in California and North Dakota, and in all the "party-group" States except Idaho, Missouri and West Virginia. In the two last named States marks are not used, and all names not intended to be voted for must be crossed out. In Illinois, Michigan, North Dakota, Washington and Wisconsin, a cross-mark against the party name operates as a vote for all names on the party ticket except such as have been erased, or (in Illinois) except where other names have been marked. In Michigan and Wisconsin, other names may be inserted in a party-group in place of those erased.

A cross-mark must be made against the name of every candidate voted for in Idaho and in all the "office-group" States except California, North Dakota, Arkansas, and Oregon; in the last two States erasure taking the place of marking.

Our old system, with all its faults, gave certain opportunities for independent voting if the requisite ballots could be printed, as was seen in the election of Governor Pattison in 1890, his more remarkable election as Controller in 1880, and on other occasions. The election of Governor Russell in Massachusetts in 1890 and 1891 shows how the true Australian system may similarly be employed. With the straight voting induced by a partisan form of official ballot, the result would probably have been different in all these cases, even admitting the impossibility of "trading." The fact that the legislators of the minority party at Harrisburg never cried out against this change in the bill can only be explained by their not realizing how seriously it would injure their party.

Clearly no prolonged argument is needed to show that these provisions of the law favor certain candidates as against others, and also require one class of voters to vote by one method while another class can use another method, precisely the things which, as already stated, no law ought to do. But these are not the only bad results. The secrecy of the ballot is materially impaired by this party-group system. A voter is not wholly screened from view while marking his ballot, so that it can be easily seen whether he makes one mark or several, and in any case the length of time employed would be some indication of what was done.

The voter's practical realization of what he is doing and for whom he is voting is even more impaired than the secrecy. It rarely happens that all the candidates on a given party ticket are better than their opponents. Usually some deserve to be elected, others not. The issues also, represented by the national and State candidates of the same party, may often be wholly distinct, while those represented by candidates for county offices are independent of either of the former. At a local election a like distinction must often be made between city and ward candidates. A thinking man who realizes what he is doing would rarely vote for every candidate of a particular party, from presi-

dential elector to registrar of wills, or from mayor to election inspector, and to encourage this by making it easier to do so heightens the effect of blind party spirit and puts a premium on recklessness and lack of thought in the performance of one of the highest duties of the citizen. It may now be regarded as an axiom that one great cause of the municipal misgovernment which disgraces almost every American city is the fact that municipal nominations are made by national parties and for reasons of national party policy ; but how are national, state, and local issues ever to be properly separated in the mind of the voter if the law actually encourages him to vote for presidential electors, congressmen, state, judiciary, county, and practically city officers all by a single cross mark ?

The fourth great defect is in section 27, which relates to persons who are unable to mark their ballots without help. All voting requires both physical and mental action, and voting by secret ballot requires that the voter should be able to read and mark his ballot without letting any one else see it. If for any cause, mental or physical, he is unable to do this, either he must lose his vote or an exception as to the rule of strict secrecy must be made in his case.

In Pennsylvania the latter course must be pursued, for it is clear that the constitution does not authorize any regulation of the suffrage which would disfranchise* voters on account of illiteracy or physical infirmity. Under this constitution, however, public policy does undoubtedly require, in the interest of free and equal elections, that every voter should mark his own ballot unless absolutely unable to do so, and that the help then allowed should only be given under such regulations as would guard against all abuse. A voter who claims to need help in marking his ballot should

* In *Cook v. State* (Tenn.), 16 S. W. Rep. 471, it was held that illiterates were not disfranchised by being required to mark their ballots alone, and unaided except by previous instruction ; but the contrary was held in *Rogers v. Jacob*, 88 Ky. 502.

be required to declare * explicitly in what his disability consists and should be subject to indictment in case the statement be false. The person deputed to help a voter in marking his ballot clearly ought not to be in the employ of any party or candidate, nor to have any personal interest whatever in the result of the election, and should be required to make a declaration that he will give the help required without attempting to influence the vote of the person helped. A record should be made of all such cases, so that punishment would surely follow any failure to mark as desired, or other violation of the law.

The Pennsylvania law, however, merely provides that "If any voter declares to the judge of election that, by reason of disability, he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment."

Taken literally and without reference to other parts of the act, this section would seem to make the secrecy of the ballot purely a voluntary matter, and there is little doubt but that the Senate committee desired this result if it were possible. As no bill which openly defeated the generally desired object of securing a really secret ballot could have passed, it was apparently hoped that this little section should conceal enough legislative poison to destroy the vitality of the whole law and yet pass unnoticed until too late. Fortunately there seems to be enough healthy life in the rest of the act to overcome the lethal influence of section 27.

In the first place every part of a law must be construed

* In California, Colorado, Illinois, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire and New York such declaration must be sworn to; while in Maine, Massachusetts, Montana, North Dakota, Ohio, Oregon, South Dakota, Washington and Wisconsin the presiding election officer has discretion whether to require an oath or not. No oath is required in Arkansas, Maryland, Pennsylvania, Tennessee (where no help on the ground of illiteracy is allowed) and West Virginia; nor in Arizona, Delaware, Indiana and Vermont, but in these four a penalty is expressly provided in case the declaration be untrue.

with reference to the whole, and the clear intent of this act, taken as a whole, is that the ballot shall be secret, except where this would result in the practical disfranchisement of a voter. The entire system of nominations, printing and distribution of ballots, arrangement of voting rooms, covering up the numbers, sealing up the lists, etc., has manifestly been elaborated for this special purpose, which alone would justify the expenditure of public money that is called for. If, therefore, the words of section 27 admit of any construction which does not make the secret ballot merely permissive, that construction must be adopted. Such a construction is, however, required not only by the general intent of the act, but also by the express language of other sections as regards the three classes of persons referred to in section 27, viz., voters who ask help in marking, judges of election, and voters selected to give the help asked for.

As to the first, section 31 provides that "A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote . . . shall be guilty of a misdemeanor" and punished as therein stated. The exception obviously refers to voters who, under section 27, are helped to mark their ballots, but if section 27 be construed as providing that any voter who declares, truly or falsely, that he is unable to mark his ballot without help, shall be allowed to let another person see it without being guilty of a misdemeanor, the whole value of this part of section 31 is destroyed. It is inconceivable that a penal section should be construed as intended to be of no effect in case a person simply declares that it ought not to apply to him, without his showing any reason for this, and whether his declaration be true or false. Clearly then in the light of section 31, section 27 must be understood not merely to mean that a voter shall declare that he desires help by reason of disability, in order to be allowed to receive such help, but that the disability must actually exist. Unless, therefore, a voter be actually unable to mark his ballot, either because he cannot read or on

account of physical infirmity, he will receive help under section 27 at his peril. Then, as to judges of election, section 34 provides that "Any public officer upon whom a duty is imposed by this act who shall negligently or willfully perform it in such a way as to hinder the objects of this act" shall also be guilty of a misdemeanor and punished. If a judge of election either willfully or negligently permits a voter to be helped in the preparation of his ballot, when such help cannot lawfully be given, he clearly brings himself within this section; and he therefore ought, for his own protection, to require of each voter asking such help a specific declaration as to his disability, and refuse to allow the help when it would clearly be unlawful.

Voters selected to help other voters are themselves subject to sections 24 and 31. By the former "No person, when within the voting room, shall electioneer or solicit votes for any party or candidate," and by the latter "Any voter . . . who shall willfully violate any provision of this act, or any person who shall interfere with any voter when inside said enclosed space, or when marking his ballot, or who shall endeavor to induce any voter, before depositing his ballot, to show how he marks or has marked his ballot . . . shall be guilty of a misdemeanor," and punished. These provisions are sufficient to cover the case of any one who gives help in marking when he knows it is not required, or who, even in a proper case for help, seeks to influence in any way the vote of the person whom he is helping.

Construed with reference to these other sections, section 27 is, perhaps, comparatively harmless, especially if it be generally understood that every attempt to violate this section, as so construed, will be strenuously opposed, and every known violation lead to a criminal prosecution; and it will be the duty of those who wish to see this law properly carried out to take all needful steps to guard against misuse of this section. Still, this whole matter, the most difficult to regulate of anything in the act, should be the subject

of stringent provisions, so clearly expressed as to be understood without argument.

The fifth defect in the act concerns the counting, a matter of the highest importance. The most complete provisions for the casting of ballots are valueless if fraud in the count be not guarded against. In view of the complaints of false counting which are made after every election the bill as drafted, following the example of the election laws, in most of our States, provided for a public count, the public being admitted within the voting room as soon as the voting ceases, but not within six feet of the ballot-box, and a peace-officer being always present to maintain order. The experience of other States indicates that this exercises a check on fraud and does not lead to disorder. The Senate committee, however, changed this so as to allow only the authorized watchers of the respective parties to remain during the count. If these men are honest and intelligent, their presence may do good, but if they are not, the risks of the old system of secret counting may be even increased. The method by which the votes are to be counted is not made absolutely clear. By the old law the inspectors were required to read off, in the presence of the judge, all the names on each ballot and the bill as drafted applied the same system to the names marked on the ballots. The act as passed provides that the judge himself shall count the number of ballots cast and that "the counting of the number of votes received by each person voted for shall then proceed," but it does not state who is to count these votes. There being no express repeal of the old law, it follows that this ought to be done under that law, i. e., by the inspectors, though of course it can no longer be their duty to read off all the names on the ballots. As, however, it is well known that the method of counting prescribed by the old law was habitually disregarded and the counting done in a way that was irregular, to say the least, it is most unfortunate that the new law does not start with provisions so clear as to be unmistakable.

Another serious defect in the law is its failure to provide for the proper identification of voters. The law of July 2, 1839, still in force, requires the inspectors to be sworn that they will not receive any ticket or vote from any person other than such as they shall firmly believe to be entitled to cast it, and also forbids inspectors to receive tickets from any person other than an elector residing within the township, ward, or other election district. In view of the extent to which personation is carried on in some districts and of the thousands of names improperly on the assessors' lists, the above provisions are clearly ineffectual and some regular system of identification ought to be provided. Every voter should be personally known to some election officer, or else vouched for by some other voter who is known, and a record should be made of every case where such vouching is required. This might be unnecessary if a thorough system of registration were possible under our constitution, but as it is no one should be allowed to vote without proper identification, which is at least as important in such a case as in that of the payment of a cheque. The bill as drafted did not, indeed, provide for identification, but an amendment to that effect was afterwards prepared and presented to the Senate committee, but rejected by them.

The Senate committee made various minor changes which injure the law more or less and the errors of transcription are numerous, but these matters are of little account compared with the six serious defects that have been dwelt upon.

In view of these defects the question of the extent to which this law will bring about the usual results of the Australian system cannot be answered off-hand, and as to some points time alone can show what answer must be given. Freedom of nomination we shall not have, nor a proper form of ballot, nor an open count, but as under the old law the theoretical freedom of nomination was practically taken away by the expense and virtual uselessness of independent campaigns, the form of ballot about as bad as could be

imagined, and the count thoroughly secret, we shall apparently be at least no worse off than before as to any of these matters.

In other respects the new system will be a decided improvement. The use of official ballots will lessen the excuse for large campaign funds, always a menace to the purity of elections, and will relieve non-partisan organizations of a heavy tax on their resources. In a non-partisan movement like those for Governor Pattison in 1890 and Mr. Wright in 1891 circulars and posters can be used, stating how the ballot should be marked. The official ballot will also put an end to such "trading" as disgraced a recent election in Philadelphia, when the largest majorities were received by the two Republican candidates whose nomination had been opposed by every good citizen and every reputable newspaper. Their strength lay in the fact that their names were covertly printed on Democratic ballots, and were voted for by thousands unconsciously, as well as by other thousands whose party slavery bound them to obey their local leaders. Voting will certainly be done more comfortably, with more of the dignity befitting this great prerogative of the citizen. The voter will no longer be compelled to stand out in the cold and wet of November and February, with numb fingers pressing down minute "stickers," that either refuse to adhere, or else do so in the wrong place and obliterate the most important names. He will vote in a room like a civilized human being, free from interference. The window-book-man and ticket peddler, those terrors to the nervous voter, will be transmuted into officially certificated watchers, but one of whom can represent his party in the voting-room at a time, and who must show their certificates when requested. With the names of all the candidates before him, made known previously, even to those wholly outside of "politics," by official advertisement, if a voter do not vote intelligently, it will be more his own fault than that of the partisan form of ballot. In the vast majority of cases the ballot will be really secret, and there will be little violation

of secrecy under pretense of inability to mark a ballot, if the law be properly enforced.

All questions to be voted on, including those as to the adoption of Constitutional Amendments, will be printed on the ballots, to receive a definite answer. Heretofore such questions have rarely had due consideration. Thus when the question of a Constitutional Convention was voted on last autumn, in the greater part of the State the leaders of both parties were opposed to a convention, and ballots against it were given out with both party tickets, those for it being only supplied on special request. The result of the vote may have been desirable, but the enormous majority against a convention was far from indicating a deliberate expression of opinion.

Last but not least, we shall have definitely abandoned the old open ballot, which was in some respects worse than *viva voce* voting, because it had the appearance of secrecy, but not the reality. We shall have entered on a new path, on which we are certain to move forward. What has been gained has been won by the force of public opinion. That the gain has been less than was expected is due to defiance of that opinion. The people of Pennsylvania have been thwarted, but not deceived. They know perfectly well that the new law but partially fulfils their wishes, and that their money, which will be spent in carrying out this law, ought to have secured an absolutely free and fair ballot at no greater cost. There can be no doubt but that last year's demand for ballot reform will be heard again next year, intensified, requiring the enactment of the most perfect law that can be devised.

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A THIRD REVOLUTION.

In looking backward now over the history of the century immediately preceding the Reformation, it is evident that a great revolution, a movement of intellectual emancipation and reorganization was approaching. Similarly, a study of the social and political conditions of Europe during the eighteenth century, from the vantage ground we now possess, makes it abundantly clear that some such political readjustment was imminent as came in the French Revolution and the series of similar political changes since occurring in Europe. Is there any reason to suppose that we are now on the verge of an analogous movement?

About four hundred years ago European society entered upon an intellectual revolution; one hundred years ago it was drawn into the current of political revolution. Have we in these latter days entered upon a third,—an economic revolution? As the intellectual conceptions and general mental attitude of a large portion of mankind were readjusted in the fifteenth and sixteenth centuries; as political conceptions and actual political relations have been reformed in the eighteenth and nineteenth centuries, so it is possible to believe that we may be now undergoing a similar change of conceptions and a readjustment of the economic relations of classes and individuals. It may, therefore, be worth while to find, if possible, from an examination of the two earlier analogies, some of the marks of a period of revolutionary change, and comparing these marks with the phenomena of our own time, obtain some basis for judging whether this will rank in history as another such epoch.

In the complex life of any period of human history there is much that is almost insignificant for the general current of historical development, there is much that is mere reaction, obstacles in the course of the current. But we are

now perhaps far enough from both the period of the Reformation and that of the political revolution to recognize what was truly significant and characteristic in them. A careful analysis may be made to disclose several points in which they were closely analogous to one another, and which may have significance for our own time also.

In the first place, there had been in each period a great change of environment especially affecting the field in which the revolution subsequently occurred. In the fifteenth century this was the invention of printing; in the eighteenth the removal of the social and economic debris of feudalism. Such unlimited possibilities of intellectual influence and extension as printing introduced, made a change of environment in which thought might fairly be expected to take on itself new forms. Similarly, three hundred years later the destruction of feudal abuses in France, on the night of August 4th, 1789, the Stein legislation of 1807 in Prussia, the abolition of serfdom, the liberation of land ownership, the abrogation of the privileges of the nobility and the clergy, the breaking down of the exclusive privileges of trade corporations, made a change of surroundings that might well put the mass of the population in a position where political freedom was an attainable ideal. Secondly, there was in each period a marked and a growing dissatisfaction with the existing system. In the time of the Reformation this was a dissatisfaction not only with ecclesiastical abuses, but with the very existence of the intellectual domination of the Roman church. In the eighteenth century in France, somewhat later in other countries of the Continent, there was similar dissatisfaction with arbitrary, monarchical government. Severe criticism was directed against the results of such government, political aspiration became impatient of its existence.

A third accompaniment of each of the two movements was a revival and intensification of the principle of nationality. The Reformation was, to a great extent, a revolt of the Teutonic nations against foreign ecclesiastical domina-

tion. Conversely ultramontaniam and patriotism have always been, as they still are, irreconcilable. The analogy of the movement of political revolution in this respect is not so apparent. The French Revolution, in its inception at least, was certainly not a national but rather a cosmopolitan movement. Yet its development was in the midst of a great national contest of France with allied Europe, and little as many of the participants in it recognized the principle of nationality, it was those men and those elements in the Revolution which took this principle into account that succeeded, and precisely those elements and those men that disregarded it that failed. In the later political movements the principle of nationality was unquestionably prominent. In Italy and Germany especially, nationalism and liberalism through half a century were practically identical. A fourth characteristic of both periods was the accompaniment of a series of extreme radical movements, exaggerating certain points of the new ideal. Of this kind were the Anabaptist and other fanatical excesses of the Reformation period and the outrages of the Reign of Terror in France. Such extremes always belong with active constructive movements, though both their failure to find general acceptance and their want of permanency distinguish them from the main current of the movement.

Still another point to be noticed is that the first of the two movements had a much closer relation to the second than that of analogy merely, namely that of causality. The Reformation was not complete in itself, but has been and is still developing. It was moreover of such a nature as to contribute directly to the occurrence of a political revolution. Freedom of thought, the right to the exercise of individual judgment were not only effects springing from the Reformation, but also causes helping to bring about the subsequent movement toward political liberty.

We have, then, at least five points in which the period of the intellectual revolution was closely analogous to that of the political revolution. If these marks are sought for in

the phenomena of our own times and found with any degree of clearness, it would seem to indicate that this also is a period of permanent change, and initiation of new principles, an epoch coördinate with those just discussed.

Taking the first point, that of a change of environment in the field in which the revolution was imminent, it is not difficult to find the characteristic change of our period. The combination of steam and other artificial power with more productive machinery has been a factor in the development of society of the first order of importance. It has modified profoundly the position of the lower classes of the community, and not improbably bears in itself the possibility of an equally great modification of the relations of all classes of society to one another. The introduction of machinery and the factory system has increased production almost indefinitely, has created capital in almost unlimited quantities, has re-organized the system of industrial classes, has made material comfort and comparative leisure a possibility for the whole mass of society. Certainly no other such change of economic environment has occurred in the history of the race.

In respect to the second point, a general and a growing dissatisfaction with the present economic order undoubtedly exists. This is prevalent to an even greater degree than intellectual revolt was in the fifteenth and sixteenth centuries, or political criticism and dissatisfaction in the eighteenth and nineteenth. The faith of the political reformers of the first part of this century that their reforms would bring about the happiness of society, and the faith of the economists that individualism and freedom of contract would attain universal dominion and give general satisfaction have alike faded away. Those who believe that society is to be materially improved without the introduction of any other factors than individual interest and individual action are a small and a decreasing number. Proofs of the unprecedented general interest in questions of social condition are innumerable. Not only has one socialistic school after another arisen in the

last one hundred years, strong in criticism however weak in constructiveness ; but it is the living interest in questions of distribution and production as they affect the different classes of society that has given life to the otherwise dry bones of political economy, itself a nineteenth century science. Our National Government and twenty-four of our States have formed within the last few years bureaus of statistics especially devoted to the observation of economic and social conditions. European governments are wrestling with factory laws and workingmen's insurance. Business experiments in coöperation and profit sharing are being made by the hundreds. Questions of the relations of social and economic classes have invaded the fields of poetry and fiction from the time of "Alton Locke" and the "Song of the Shirt," to "Looking Backward." The churches even are busied with such questions, and societies and journals are devoted to the dissemination of certain opinions on them. More than ever before in the history of the world are the thought and feeling of the time turned upon the subject of the possible amelioration of the condition of those classes of society which have been hitherto less fortunate. As far as dissatisfaction with one system and desire for another go the world is certainly ripe for change.

The third mark, the existence of an especially strong feeling of nationality or patriotism is scarcely less characteristic of our time. Germany humbling herself to sacrifice her highest aspirations for political liberty because her despotic imperial government represents her one experience of German nationality, Italian "Irredentism," Irish Home Rule, the proud isolation of France, and as many other instances as there are nations, show this to be a period of intense national feeling. Indeed, without going to Europe for examples, our own national policy in the tariff and the currency and even the choice of location for the Columbian Exposition, make up another of our repeated declarations of independence from the rest of the world. We venture to place the site of our international exposition a thousand

miles inland, expecting foreign nations to come far within our borders instead of only to our coast, and we base our tariff policy and our silver coinage on the supposition that we are economically as well as politically independent of other nations. A more or less clearly recognized acceptance, then, of the idea that each nation can best work out its destiny for itself is part of the great spirit of our time, as it was of the two earlier periods. The fourth characteristic of a period of revolution was suggested to be a tendency toward radical and extreme developments of the ideals of the time. Of such a character are anarchism and certain of the extreme phases of socialism. Extravagant and violent proposals suggest to a student of history, not the probability of their ultimate adoption and prevalence, but the probable occurrence of a series of readjustments of which the extreme propositions were a travesty. Indeed, the idea of a great historic movement taking place on lines previously laid down for it is almost self-contradictory. Such movements develop by a life and principle of their own. Their originality is a part of their very nature.

Lastly, it has been remarked that the effects of the Reformation were important factors in causing the political revolution. The results of the political movement as they develop themselves are more and more evidently destined to lead to changes in the economic order. The essence of the French Revolution and its congeners in Germany, Italy, England and other countries, was the participation of all the members of the community in the law making for the country. But the vast majority in the community is made up of persons whose interests seem at least to lie in the direction of economic change. Does it not seem to be the clear interest of the mass of the people to legislate so that the present monopoly of the ownership of land by a few shall cease? Is it not, to all appearances at least, possible by legislation to put more of the burdens of the community on the property owning class, and fewer on the wage receiving classes? When the possibility of these changes is realized, and when

the political revolution is so far completed as really to allow the body of the population to speak, is there any reason to doubt the occurrence of a great series of social and economic changes? In a less direct way also, the political revolution, the growth of democracy, has tended to introduce a period of social change. The granting of political justice creates a presumption in favor of the granting of economic justice—political equality naturally leads on to a greater measure of social and economic equality. The analogy of the three periods is therefore approximately complete. Each of the more obvious marks of such a period of permanent re-organization, as we can justly call a revolution, has been seen to apply with a considerable degree of exactitude to our own times. As a mere matter of induction from historical experience it is possible to maintain that we are now in a formative, synthetic period, not in one either merely acquiescent or merely negative.

If this is true, if these latter years of the nineteenth century are a revolutionary period, many of the movements of the time involving new relations of individuals or classes are probably not merely attempts to interfere with the established order, or disconnected efforts to resist the natural progress of society, but in some way elements in the preparation of the new order. For instance, the employer who declares that he will treat with his employes as individuals but will not treat with them when combined in a union may be fighting in a hopeless battle with an inevitable movement toward the action of laborers as a group, not as units. The employer who plants himself firmly on the ground of carrying on his business without interference from his employes is, in the economic field, in a not dissimilar position to that of an old-time despotic sovereign who declared that "having share in the government is nothing pertaining to the people." It may be that the position taken by the employer is to be rejected as completely as that of the king has been:—economic despotism may go the same way that political despotism has.

Again, the increasing part which government is taking in economic production and distribution may be not a mere temporary return to a discredited policy, but a portion of the new synthesis of society. The performance of certain duties by the community as a whole, for the members of the community, instead of leaving them to be done by some individuals for other individuals, is done now under vastly different conditions from before the political revolution, and cannot, therefore, be proved to be disadvantageous by the experience of that time. The participation of government in the economic interests of society is practically an untried system and may be one of the constant features in the "beneficent order of the future."

For the last two or three decades there has been a noticeable change in the general character of measures of reform in land holding. Up to the middle of the century they all tended toward individualism and mere freedom of contract in land relations. Since about 1870, however, the preservation of commons in England and Germany, the recognition of tenant-right and public advantage in the Irish and Scotch Crofters' Land Acts, the laws recently introduced into the French Chamber indemnifying the outgoing tenant for the increased value he has given to the holding, the projects for appropriation of the unearned increment, all show traces of an associative conception of the control of the soil that may well be permanent. The steady increase of attention in legislation, agitation, and general thought to the possibility of a more just or beneficial method of distributing the possession and occupancy of the land of each nation seems to indicate not a mere acceptance of things as they are, but an ultimate re-organization in this respect also.*

The wonderful vitality of trusts, may be accounted for by their being in some degree conformable to the state of things that is coming into existence, if not to the purely competitive system which is going out of existence. The State

*For a more detailed account of this movement see an article by the present writer on "Recent Tendencies in Reform of Land Tenure." ANNALS, Nov., 1891.

legislatures have declared for the abolition of trusts, the courts have decreed their dissolution, the newspapers and the professors have fulminated against them; and yet they live, increase and multiply in undiminished vigor. The natural inference is that they must be more perfectly suited to their environment than are the ideas on which opposition to them is based. Our activity might perhaps be better employed in perfecting the correlation of the interests of the trusts to those of the community than in opposing an irresistible movement.

Still another phenomenon of our times deserves consideration in connection with this suggestion of a new era. This is the increasing pressure for a more abundant currency, and the source from which that pressure arises. So far, the guidance of governments in their monetary policy has generally been taken from financial institutions, from dealers in money. The claims of the Farmers' Alliance, of the Knights of Labor, of much of the population of our West and South, and an undercurrent of strong feeling through the whole country look forward to a guidance of monetary policy by the mass of the people—by money users, not by money dealers. Ignorant this policy may be, indeed an instinct rather than a policy, but popular instincts are not to be despised, even in the economic world. Whether for good or ill the money agitations give good evidence of belonging to the new re-organization.

These five contemporary movements at least bid fair to be in some form and degree permanent, not temporary, elements of advance, not reaction. Returning for a moment to the study of analogies, we may get a glimpse of some of the probable results for human happiness of the changes of our time. In the first place, it is to be noticed that little of what was valuable in the older systems passed away with them. Religious faith was none the less real after it had been disassociated from a traditional ecclesiastical organization. The search for truth by study and thought was more logical and more successful after it had given up the hope

of inspiration and disowned the rule of authority. Similarly in the series of political revolutions, government did not come to an end because absolutism did. And statesmanship under the new political régime is just as much needed and used as either statesmanship or statecraft under the old. So a new economic order will certainly preserve all that is most valuable in the older system. Room will certainly be found for individuality even after individualism has been reduced in its influence. During both the intellectual and the political revolutions, moreover, there were numerous reforms of existing abuses of many kinds. The greater earnestness of such periods has awakened men's minds to wrongs and injustice that remained not only unredressed but unrecognized amidst the prevailing superficiality of periods of unquestioning acceptance of existing conditions. Indeed, if our time is to be one of revolutionary change, if some of the elements in the newer order can already be discerned, neither these indications nor the analogies of the past give any occasion to doubt that the change will be an advance toward more substantial justice, wider opportunities for more men, and greater possibilities in life for all mankind.

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RIVER AND HARBOR BILLS.

I. INTRODUCTION—THE OPPOSITION TO RIVER AND HARBOR BILLS ; ITS NATURE AND SIGNIFICANCE.

The appropriation of money by Congress to improve rivers and harbors is a subject the importance of which is attested by the amount of discussion the question is constantly receiving. No appropriation bill, with the exception of the pensions bill, is more discussed or more adversely criticised. While the principle involved in governmental aid to river and harbor improvements and the wisdom of Congressional action for that end are easily defensible, the mistakes of practical legislation render adverse criticism both easy and justifiable. The work most needed is an historical study of the subject to show what Congress has done, to analyze critically what Congress is now doing and to compare our methods of improving rivers and harbors with the methods other nations employ. This study having been made, the action of Congress can be intelligently, justly, and, perchance, beneficially criticised. The question having both economic and social bearings justly lays claim to careful and scientific treatment, and most of all to a treatment that takes into account the actual conditions that have shaped the development of our present policy.

The attack on river and harbor bills has been made from two standpoints,—that of the practical politician and that of the economist. Dr. Ely, in an article* defending the use of public funds in the improvement of rivers and harbors, assigns three reasons for the wide-spread popular opposition to such action : (1) The railroads, which, in order the better to control commerce, desire to prevent the improvement of inland waterways ; (2) the desire of news-

*In "The National Revenues," by Shaw.

papers and politicians to influence voters ; and (3) the false economy of the past which has led to a waste of public money. Other reasons beside these can be assigned. There is no denying many instances of waste, resulting both from a false economy and from injudicious and unwise expenditure. The opponents of river and harbor bills, however, have made most unfair use of this fact. Special and isolated cases have been held to be the general rule and this with the deliberate purpose of misleading. This exaggeration of the amount of waste has given rise to much opposition ; but the spirit that has prompted much legislation and the methods by which Congressional action has been secured have done even more to incite criticism. Representatives of the people have, of a truth, secured appropriations for works in their districts more to further their personal ambition than to promote the general welfare. "Log-rolling" has been and is now employed to secure such legislation. These last criticisms are weighty and their worst feature is that they lie against our political methods. "Log-rolling" obtains in other than river and harbor bills ; and it is unfair, as some have done, to hold these bills alone responsible for the sins of our practical politics. Moreover, a saving fact, which this paper will subsequently reveal, is not to be lost sight of ; the bad results that might naturally be expected to follow our present methods of legislating on the subjects of rivers and harbors are not so important as, at first glance, might be anticipated.

Dr. Ely has been spoken of as an economist who favors liberal appropriations for rivers and harbors—more liberal than are now made. Professor Bolles, however, in his "Financial History of the United States" takes a quite different view. He says : "How singular * * * that with * * * a wise regard for economy in the ordinary expenditures of the government Congress should too often join an utter disregard for economy in much larger ones ! An annual illustration of this kind is the river and harbor bill. By a careful distribution of appropriations, enough votes are obtained,

save on rare occasions, to pass a bill for appropriating a large sum, from which accrues no corresponding public benefit." * In another connection he affirms that: "The return to the public for the millions spent, euphemistically in improving the navigation, is so small that the inquiry, though long delayed, whether it ought not to stop is likely to receive a correct answer. Of course many appropriations for this purpose have been fully justified, the navigation of many rivers and harbors has been improved; but too often such appropriations have simply improved the fortunes of the contractors without a corresponding benefit to the public." †

Dr. Albert Bushnell Hart of Harvard University has also criticised Congress very severely. ‡ He regards the river and harbor bill to be to such an extent the result of "log-rolling" that "The number of members (of the House) who believe in a river and harbor bill as in itself meritorious is hardly sufficient to pass it." * * * "Furthermore," he declares "the committee (on Rivers and Harbors) does not scruple to insert items never before considered;" and for political purposes we interpret him to mean. These charges of Professor Bolles and Dr. Hart will be considered later in this paper.

President Arthur in returning without his signature the river and harbor bill passed by the first session of the forty-seventh Congress gave four reasons for his veto. § They set forth so well the real and fancied objections that they may profitably be summarized here. They were: (1) The bill contains appropriations for purposes neither of common defence nor of general welfare. Such appropriations he held to be unconstitutional. (2) The tendency to appropriate money for improvements of merely local benefit is increasing. (3) The amount of this (1882) appropriation (\$18,743,875,) is so large that it cannot be economically spent in a

* Vol. II, p. 543.

† Vol. II, p. 553.

‡ See papers of American Historical Association, Vol. III.

§ See American Cyclopædia, Annual, 1882, p. 148.

year. (4) The bill is extravagant, and extravagance debases the public morals.

The study of the history of river and harbor bills, which constitutes the second part of this paper, will show this opposition to be more loud than deep. Even the bill above referred to was passed over President Arthur's veto.

The reasons in support of wise river and harbor appropriations are so patent that they require nothing more than a brief summary here. 1. The constitutionality of the river and harbor bill is now seldom questioned. When its public utility has been recognized, a measure will not long be regarded as unconstitutional. The declaration that the ultimate basis of legislative action is public utility would have seemed, even to a loose constructionist, a broad statement fifty years ago, but I think it correctly expresses the present attitude of the American people toward the Constitution. Because we have conceived ours to be a "law-state," the road to this conclusion has been long and arduous. As early as the twenties Clay, Calhoun and others had brought Congress to regard internal improvements by the general government, including river and harbor bills, as constitutional; but the people at large had yet to be convinced. With the accession of the Democrats to power in the person of Andrew Jackson strict construction views again prevailed; and until the Republicans came into power, in 1861, the constitutionality of all kinds of internal improvements was denied. 2. A second reason for the improvement of rivers and harbors by the general government is that such work, when inter-state commerce is aided thereby, is of general benefit. 3. Water routes for freight and passengers serve as a check on railroad tariffs. 4. The best argument for the aid to river and harbor improvement at the expense of the United States government is that all great nations pursue such a policy.

Theoretical defence is hardly called for in the case of an institution so old and the legitimacy of which is constantly more widely recognized. The burden of proof rests with

the negative. Reforms in practical legislation and in the methods of applying money to works of improvement may be demanded—will be demanded in this paper; but the time has passed for defending the institution against demolition.

II.—THE HISTORY OF RIVER AND HARBOR BILLS.

The first river and harbor bill was passed May 7, 1822. The first Congress had provided by law that all expenses which should "necessarily accrue in the support and maintenance and repairs of all lighthouses, beacons, buoys and public piers, erected, placed, or sunk in any bay, inlet, harbor or port of the United States for rendering the navigation thereof easy and safe" should be defrayed out of the treasury of the United States. This law applied as well to the shores of inland lakes as to the sea coast; and all contracts for work were made by the Secretary of the Treasury with the approval of the President. This law, however, did not apply to other harbor improvements, nor to the improvement of water-ways. The total amount appropriated by Congress for these purposes, from 1790 to 1882, was \$78,777,831.76, of which sum \$73,523,869.20 constituted the net expenditure.*

Prior to 1822 the States carried on the improvement of rivers and harbors, raising money therefor by tonnage duties, the permission to levy which was granted them by enabling acts of Congress.† The following table shows the amounts appropriated annually and the total amount since 1822.

This table will have more significance and can be more intelligently discussed if at this point a hasty review be taken of the system of internal improvements, of which river and harbor bills constitute a part. At the beginning Congress expended nothing for internal improvements except for

* For an itemized account of appropriations for lighthouses, beacons, buoys, etc, see Sen. Doc., 1st Sess. 47 Congress, 1881-2, Vol. VII.

† Congress made one appropriation previous to 1822. It was in 1802, for the Delaware River and Public Piers, \$34,961.71.

Year.	Annual Appropriation.	Year.	Annual Appropriation.
1822	\$22,700 00	1857	\$850,833 00
1823	—	1858	57,502 11
1824	115,000 00	1859	85,000 00
1825	59,084 56	1860	87,372 06
1826	152,504 90	1861	180,000 00
1827	161,888 04	1862	20,000 00
1828	640,495 29	1863	238,073 53
1829	339,378 00	1864	100,000 00
1830	305,240 59	1865	647,808 00
1831	703,551 84	1866	163,000 00
1832	702,138 75	1867	8,777,329 61
1833	544,773 68	1868	—
1834	770,188 00	1869	3,676,530 00
1835	508,917 03	1870	300,500 00
1836	1,147,419 95	1871	9,376,400 00
1837	1,386,722 41	1872	188,713 97
1838	1,512,194 53	1873	11,554,506 52
1839	58,374 00	1874	1,648,132 96
1840	150 29	1875	12,382,517 50
1841	157,269 00	1876	156,500 00
1842	165,000 00	1877	6,310,000 00
1843	87,680 01	1878	1,046,000 00
1844	485,471 57	1879	10,321,034 40
1845	431,406 99	1880	8,139,100 00
1846	64,216 99	1881	11,824,984 58
1847	44,876 47	1882	9,741,852 51
1848	—	1883	18,988,875 00
1849	65,000 00	1884	—
1850	16,500 00	1885	14,948,300 00
1851	75,000 00	1886	—
1852	30,000 00	1887	14,464,900 00
1853	2,055,167 42	1888	—
1854	53,627 12	1889	22,397,616 90
1855	511,570 13	1890*	25,307,124 00
1856	52,166 48		

Total appropriation, \$207,415,380.69.

“lighthouses, beacons, buoys, etc.,” to which expenditure reference has been made above. Through the influence of Washington, Hamilton, Jefferson, Gallatin, Clay, Calhoun, John Quincy Adams and others, the United States began the construction of works of internal improvements. The

*This appropriation was made Sept. 1890. The other items are given for fiscal years; not necessarily in the year when enacted by Congress.

building of turnpikes by the general government began with the Cumberland Road, 1807; canal building was begun after the war of 1812. As said above, it was in 1822 that Congress began to improve rivers and harbors, a work that had previously been done exclusively by the States. In 1822, then, internal improvements by the general government meant appropriations for turnpikes, canals, rivers and harbors. Clay now linked internal improvements and the tariff together and named the union "The American System." The internal improvement part of the American System went by the board during the decade, 1830-1840. The causes of this were mostly economic, though partly the political one of Democratic strict constructionism.

President Jackson was not a very strict constructionist. He thought Congress had the power to appropriate money for the construction of a *national system* of improvements. He thought however, an amendment to the constitution ought to be passed, carefully defining the powers of Congress in the matter. Local improvements he considered Congress had no power to make; and he vetoed several bills that seemed to him passed to aid local enterprises. He and Congress could seldom agree as touching the local or national character of a proposed improvement. Van Buren was much more thoroughly a strict constructionist than Jackson, and found the constitutional limitations to Congressional action a more serious obstacle than did Jackson.

The real causes of the abandonment of Congressional aid to road and canal building lay neither with President Jackson nor with strict construction. The building of turnpikes practically ceased with the advent of the railroad in 1830. The causes that led to the cessation of canal building were, first, the opposition to the tariff. The bitter struggle against the tariff of 1828 naturally included opposition to internal improvements—the other half of the American System. The second cause—a somewhat complex one—is found in the land policy of the United States. The large revenues

from the tariff and more especially from the land sales caused a treasury surplus to exist during the years from 1830 to 1836; this surplus led to distribution, and distribution did much to put an end to internal improvements by the federal government. This large surplus could not be lessened by altering the tariff because of the compromise of 1833; and the opposition to cheap lands was so strong that no measure decreasing the price of lands could be passed. In view of the existence of this surplus and in view of Jackson's opposition to Congressional aid to local works of improvement, the Whigs changed front in the midst of the battle. They began advocating the distribution of the surplus arising from land sales among the states, and the surrender to the states of the prosecution of works of internal improvement. President Jackson had favored this plan in 1829 and afterwards also; but in 1836 he abandoned distribution. The Whigs then very naturally clung to the idea all the more tenaciously. Distribution came in 1836 and with results so disastrous that there was soon no money to distribute. The odium attaching to distribution did much to bring into disrepute internal improvements, to foster which works the national funds had left the treasury. The third cause for the overthrow of the canal, and the strongest one, was the railroad. The extension of railroads during the decade from 1830 to 1840 was rapid, and the superiority which they possess over canals as agents of most kinds of traffic was quickly recognized.

During President Van Buren's administration—as the preceding table shows—internal improvements practically ceased. When the Whigs passed the tariff of 1842 they tried to provide for the distribution of any surplus that might exist among the states for the purpose, among others, of promoting internal improvements. Had they succeeded the promotion of such works would probably have entirely ceased to be a national enterprise. President Tyler defeated their plan by his vetoes of distribution. His message of 1843 recommended that appropriations for harbors should be

limited to the western harbors. Congress passed eastern and western harbor bills. President Tyler vetoed the eastern bill. The following year he vetoed both. President Polk's war on the river and harbor bill was more bitter than President Tyler's had been. He vetoed the bill of 1845 and that of 1846. He favored and advocated at length a return to the policy pursued previous to 1822. This ended river and harbor legislation till 1854, when a bill passed by Congress received the veto of President Pierce. The next river and harbor bill was passed in 1870, though the opposition to appropriations for isolated improvements ceased in 1867. During the period from 1830 to 1870 it was seldom possible to appropriate money, by direct means, for the improvement of rivers and harbors. Riders were resorted to, and to them is due most of the appropriations indicated by the table. From 1854 to 1870 most of the appropriations for rivers and harbors were made under the head of "fortifications, etc." The smallness of the appropriations from 1835 to 1867 is, therefore, due in a large degree to the Democratic opposition to river and harbor bills; but the influence of the Mexican war and the war of the Rebellion was plainly in the same direction of decreased appropriations. President Polk's veto of 1845 was in part due to his desire to use all the revenues of the United States in carrying on the war. There was no money spent on rivers and harbors in 1848. The existence of a surplus on the other hand increased appropriations, as is shown by the sums given in the years of 1836-8, and at the present time.

III.—THE RIVER AND HARBOR BILL OF SEPTEMBER, 1890.

To complete the foregoing brief historical outline it is necessary to give an analysis of the river and harbor bill of September, 1890. River and harbor bills of this form date from 1870; since then appropriations have been made directly instead of by the indirect means of riders. The bill of 1890 originated, as all such bills do, with the House

Committee on rivers and harbors. The bill appropriates money for the construction of new works and for the continuation of many already begun. Appropriations are, in the main, based on reports of surveys directed by the previous bill to be made by United States Engineers. The bill of 1890 directs 203 surveys to be made; besides placing \$225,000 at the disposal of the Secretary of War, which he may use at his discretion for "examinations, surveys, and contingencies, and for incidental repairs for which there is no special appropriation." These reports and estimates of the engineers for works that can be entered on with profit are invariably and necessarily cut down by the House Committee in framing the bill.

Notice that it is the estimates of the engineers, not their recommendations, that are cut down—a fact often disregarded. Each river and harbor bill directs the making of a large number of surveys. The engineers are required by law to report on these surveys under the two heads of works "worthy of improvement" and "unworthy of improvement." The reports made in pursuance of the bill of August 11, 1888, declared that the works "worthy" of prosecution (*i. e.*, worthy in the sense that money could be profitably spent on them) would require \$140,000,000 for their completion. This does not mean that the engineers recommended Congress to appropriate any such amount, or to authorize the beginning of all the worthy works. Such a recommendation is the last one Brigadier-general Casey, the Chief of Engineers, would make; he has more than once urged Congress to begin fewer works than it does.

The House Committee that framed the bill of 1890 had, as the framers of former bills have had, a hard problem to solve. There were "worthy" new works whose completion would require \$140,000,000; and there were numerous works previously begun for which money must be appropriated. Each of the new works had one or more ardent champions. To complicate the matter still more word came from the Executive that the treasury could not spare more than

\$25,000,000 for rivers and harbors. The committee proceeded in this way. The works already begun were first provided for; then the list of proposed new works was gone through, and those least important or least strongly championed were struck out; this having been done, appropriations were made for the remaining works by scaling down the estimates so that the total amount granted should not exceed the limit of \$25,000,000. The scale used was made slightly elastic, however; so that the more important works received more proportionally than the lesser ones. Thus, the committee framed the bill. It passed the House with slight changes, and went to the Senate. There the appropriation was slightly increased. A compromise committee followed, and its adjustment of differences was accepted by both House and Senate practically without debate.

The bill of 1890 provides for the largest appropriation ever made by a similar bill, the total amount being \$25,307,124.* The number of items of appropriation is 435, including works in thirty-three States. For continuing works already begun there is given, for harbors, \$6,791,450; for rivers, \$15,541,279. For beginning new works there is given, for harbors, \$872,895; and for rivers, \$1,876,500.

The following tabular analysis of the bill of 1890 gives an itemized account, by States, of appropriations under the four heads just mentioned. The table shows what each State receives, and what share of the total appropriation is applied to the larger works.

The statement that the appropriations are based on surveys and estimates made by United States Engineers is, in most cases, true. There are some items in each river and harbor bill not based on estimates or recommendations of any engineer. So much more has been made of this fact than its gravity justifies that it may justly be considered here at some length. Members of Congress have secured, and doubtless for political and personal reasons, small ap-

* \$24,903,295 is the amount of money actually appropriated by the bill. The total I have reached includes some appropriations made conditionally, and some former grants yet unapplied.

RIVER AND HARBOR BILL OF 1890.

	HARBORS.		RIVERS.	
	New Works.	Works Begun.	New Works.	Works Begun.
Maine,	\$10,000	\$188,500	\$65,000	\$155,000
New Hampshire, . .	—	53,000	25,000	10,000
Vermont,	—	26,000	—	5,000
Massachusetts, . . .	22,000	452,500	10,000	22,000
Rhode Island,	75,000	35,000	—	121,600
Connecticut,	55,000	192,500	10,000	67,500
New York,	145,000	980,000	255,000	483,000
New Jersey,	3,500	47,500	20,500	118,100
Pennsylvania,	200,000	45,000	—	100,000
Delaware,	—	118,100	5,000	5,000
Maryland,	—	350,000	39,000	18,500
West Virginia,	—	—	—	361,500
Virginia,	31,000	150,000	20,000	357,000
North Carolina, . . .	—	30,000	303,000	10,000
South Carolina,	—	478,000	12,500	105,000
Georgia,	25,000	385,000	—	97,500
Florida,	95,000	72,500	15,000	193,500
Florida and Alabama,	—	—	—	20,000
Alabama,	—	350,000	—	299,000
Mississippi,	—	9,000	15,000	92,500
Louisiana,	75,000	—	62,000	124,000
Texas,	40,000	800,000	10,000	53,000
Arkansas,	—	—	—	61,500
Missouri,	—	—	55,000	24,500
Tennessee,	—	—	—	25,000
Kentucky,	—	—	30,000	183,000
Ohio,	5,000	453,000	1,500	—
Indiana,	—	57,500	—	5,000
Illinois,	—	155,000	506,000	102,000
Minnesota,	—	147,350	—	25,000
Michigan,	21,000	407,000	45,000	1,476,000
Wisconsin,	4,895	314,500	—	110,000
California,	65,000	404,000	—	127,000
Oregon,	10,000	90,500	50,000	475,600
Washington,	—	—	10,000	23,000
<i>Miscellaneous.</i>				
Ohio River,	—	—	—	660,000
Purchase of Monongahela Lock, . . .	—	—	162,000	—
Potomac River,	—	—	—	280,000
Big Sandy River, . . .	—	—	—	31,000
Chattahoochee River,	—	—	—	20,000
Coosa River,	—	—	150,000	150,000
Savannah River, . . .	—	—	—	25,000

RIVER AND HARBOR BILL OF 1890. (Continued.)

	HARBORS.		RIVERS.	
	New Works.	Works Begun.	New Works.	Works Begun.
Red River,	—	—	—	\$130,000
Arkansas River, . . .	—	—	—	200,000
Cumberland River, .	—	—	—	295,000
Tennessee River, . .	—	—	—	505,000
Menomonee River, . .	—	—	—	54,000
St. Croix River, . . .	—	—	—	8,000
Wabash River; . . .	—	—	—	655,000
Calumet River, . . .	—	—	—	50,000
Mississippi River, . .	—	—	—	4,567,000
Missouri River, . . .	—	—	—	1,100,000
Columbia and Wil- lamette Rivers, . .	—	—	—	676,000
Purchase of Canals, .	—	—	—	355,129
Cumberland Sound, .	—	—	—	112,500
Delaware River, . . .	—	—	—	250,000
	\$872,895	\$6,791,450	\$1,876,500	\$15,541,279

Total, including \$225,000 for extra surveys, \$25,307,124.

propriations for works not recommended by the engineers. One instance—and the only one—of this is found in the following clause of the last bill: "Improving James River, Virginia; continuing improvement, two hundred thousand dollars: Provided, That three thousand five hundred dollars of this amount, or so much thereof as may be necessary, may be expended, in the discretion of the Secretary of War, in removing the bar at the mouth of Turkey Island Creek or Bayou." The engineer in charge of the James River improvements made no recommendation that the bar at the mouth of Turkey Island Creek or Bayou be removed; in fact, he knew nothing of such a bar until the bill was passed. The expenditure of this \$3500, however, was made discretionary with the Secretary of War; he, of course, acted on the judgment of the engineer in charge. This engineer did not recommend the removal of the bar, and the \$3500 were not thus spent. Still, it is not impossible that such an

insertion as this to remove the bar at the mouth of Turkey Island Creek or Bayou should be just and wise. It is hardly probable that Congress is able to direct the making of all needful surveys, or that no surveys needful and proper to be made will be omitted by the engineers. An individual, deeming it to be the duty of the United States to make a particular survey and improvement, tries first to enlist the interest of a local engineer, and through him that of the chief engineer. If he fails, he may go to the Secretary of War with an appeal. If he can secure from none of them what he wishes, his resort is his representative in Congress, through whose influence he may still secure the desired appropriation. This power of the individual to appeal directly to the government is a fundamental principle of our popular institutions; and the exercise of this right in the case of river and harbor legislation is not to be condemned off-hand. The discretionary power vested in the Secretary of War and his engineers regarding the expenditure of appropriations is a check quite sufficient to prevent waste in most cases.

I am informed by Col. Craighill, of Baltimore, who is the Division Engineer in charge of the Baltimore Harbor and James River, and Consulting Engineer for the Atlantic and Gulf seaboard, that not one per cent. of the money appropriated by Congress is wasted on works of no national importance. Even this estimate of one per cent. is too large. The following classification is one made in the office of the Chief Engineer. Though this was made while the bill was before the Senate, six weeks before its passage, the bill was not much changed afterwards. The classification is based on the tonnage, and is carefully and accurately made. The bill was found to contain appropriations for works:—

Of purely national benefit,	\$14,176,000
Of large national benefit,	5,270,850
Of comparatively small national benefit,	4,361,845
Of only local benefit,	72,500
Total,	<u>\$23,881,195</u>

That "log-rolling" was employed in the passage of the bill under discussion is neither to be denied nor defended. "Log-rolling" is opposed to wise and honorable legislation, and is to be condemned; yet, in denouncing it, are we also to inveigh against river and harbor legislation? Is this bill to bear all the sins of "log-rolling," and the pensions bill and the tariff bill go free? Do not the evils of "log-rolling" manifest themselves in a more acute form in tariff legislation than elsewhere? Indeed, there are two sides to the question of "log-rolling." I condemn it; but do so mindful that no practice so much in vogue can exist without a reason, and do so mindful of the difficulty of suggesting a cure. Another way is yet to be suggested whereby the scattered localities may be represented in legislation and their opposing interests receive just recognition. The small waste of the money appropriated to improve rivers and harbors is strong evidence that many of the evils of "log-rolling," as regards this bill, are obviated. There is, it is true, a large waste of money in the appropriations for rivers, because of the fact (as will be shown in a later chapter) that a different method of applying funds to works would result in a great saving. This, however, indicates a waste only in a negative sense, and is entirely dissociated from "log-rolling."

These two charges of "log-rolling" and waste just referred to have been made by Dr. Albert Bushnell Hart of Harvard University, and by others. Dr. Hart, as has been observed, gives "log-rolling" such influence in river and harbor legislation that he declares "the number of Congressmen who think river and harbor bills in themselves meritorious is insufficient to pass them." The statement may be correct; but it is hardly to be accepted without some evidence. On the surface, at least, it seems improbable that these bills should regularly pass, and provide each time for a larger distribution of public money, when a majority of Congress considered them without sufficient merit intrinsically to warrant their passage.

IV.—THE RIVER AND HARBOR LEGISLATION OF THE UNITED STATES COMPARED WITH THAT OF ENGLAND AND FRANCE.

The relation of the English Government to river and harbor improvement is very different from the relation of the United States to such works—a fact easily accounted for by geographical and historical considerations. England has no long rivers, and but few rivers capable of navigation above tide water; thus, the improvement of national waterways has been of small economic moment. Again, private ownership of inland waters has been more zealously maintained in England than in the United States. Till recently individuals and municipalities have retained the rights of conservancy quite without interference. These reasons explain why the improvement of English rivers and harbors has so largely been the work of corporations, private or municipal. These considerations apply with less force to the English dependencies. Many of their rivers, as for instance the St. Lawrence, are large; but the colonies have pursued, very naturally, the same policy as England in making improvements.

The Harbor Department of the Board of Trade has the general supervision of harbors. That its powers are those of general supervision only, is shown by the budget estimates for 1890–91. £15,022 is all that is asked for to be expended on the harbors under the Board of Trade. London Harbor until 1858 was under purely municipal control. It is now controlled by two boards whose character is partly municipal and partly national.

We are, however, most concerned with the manner in which the money taken from the tax payers is applied to improvements, whether it be by the local units or by the general government. The construction of works is regularly carried on in one of two ways, either by municipalities, or by so-called trusts, i. e., private corporations chartered by the government. These trusts sometimes receive aid from the imperial government and oftener from a municipal-

ity ; but they look for the major part of their remuneration to tolls and other river and harbor dues. The largest improvement on foot in England to-day is the Manchester Ship Canal. The enterprise is being carried on by a trust, aided somewhat by the city of Manchester. The improvement of Montreal Harbor well illustrates English methods. The work has been carried on by a trust, called "The Harbor Commissioners of Montreal," and chartered by the Dominion Government. The trust has been remunerated by tonnage dues and wharfage fees. The Dominion government aided the trust in dredging out the ship channel, and in 1888 paid up the trust's debt that it had acquired in maintaining the ship channel. The ship channel then became one of the public works of the Dominion and tolls were abolished. The trust and City Council of Montreal are now coöperating in the improvement of the harbor ; thus the enterprise has become private, municipal and national. The more obvious advantages of the English plan are, that only those improvements are begun which give promise of resulting in a large traffic on which the corporation may levy tolls ; this means that important works only will be begun ; and that when begun they will be pushed to a speedy completion. The chief disadvantages are such as arise from governmental subscription to private corporations ; and from the subjection of commerce to the taxes levied by corporations. In the case of large harbors a third argument against the trust system appears. The following quotations from a work on "The Industrial Rivers of the United Kingdom" is a good statement of the argument : "The honor of making the first dock of London is due to Mr. Perry, a ship builder, who in 1790 opened the Brunswick dock for East Indiamen. * * * Because of the immediate popularity of this dock * * * the West India merchants subscribed £800,000 for a dock in the Isle of Dogs ; Parliament was petitioned, inquiries were held and schemes innumerable were proposed by engineers and others. Many of the last are extremely interesting and show a grandeur of conception

which causes many now-a-days to regret that some such *comprehensive* and *uniform scheme* was not carried out once for all by the government or the corporation of London. *But prejudice, vested interests, and all the other forces that fight against progress were too strong and the docks of London had to grow up a system of patchwork, due solely to the enterprise of private individuals.* It was not until July 12, 1799, that the Act authorizing the construction of the West India Dock was passed, and then Parliament did all it has ever done for the port by paying out of the consolidated fund £1,600,000 as compensation to owners of legal quays and sufferance wharves, lightermen and watermen."*

French river and harbor improvements are government enterprises. The Department of Public Works and its engineers decide what rivers and harbors need improving, determine on proper plans, and exercise supervisory control of all work, whatever be the method of prosecution. There are two general methods employed by the French government in getting its work done: First, by the direct employment of laborers, to supervise whom government engineers are delegated. Second, and chiefly, by contracts whereby contractors prosecute works according to plans and under the supervision of the government engineers.

The Department of Public Works has charge of many improvements beside those of rivers and harbors. The government constructs the national highways and bridges and builds many of the railroads. The public works of minor importance, though prosecuted by the departments and communes, are, nevertheless, under the supervision of the administration, and in many cases receive aid from the government. The following table, taken from the *Almanach de Gotha*, will show what France includes in "public works" and will indicate the amount expended.

It is not within the province of this paper to discuss the policy pursued by the French government in building the important roads and bridges, nor to criticise the aid given by

* See "Industrial Rivers of the United Kingdom," p. 8.

FRENCH EXPENSES, 1890, FOR PUBLIC WORKS (*in francs.*)

A. Service ordinaire,			
Administration,	22,724,500	Ports et phares,	7,678,000
Routes et Ponts,	34,256,000	Chemins de fer,	31,191,760
Navigation Interieure,	10,814,000	Travaux en Algérie	6,504,124
B. Travaux extraordinaire.			
Routes et Ponts,	3,398,096	Ports,	11,313,600
Navigation Inter.	23,148,626	Ports en Algérie,	2,086,612
Chemins de fer,	16,121,000	Autres travaux,	875,000
Total for Public Works,			170,761,318

it to the departments and communes in the construction of minor works*. Nor is this the place to treat of the French railroad policy. That subject might be considered with profit in connection with a study of the relation of the United States to railroads, but the only public works included in this discussion and comparison are the improvements of rivers and harbors. That these should be governmental enterprises is little questioned; the subject for present discussion is one of ways and means.

The distinguishing features of the French method of improving rivers and harbors, and those that most interest us in this comparison are the wide discretionary powers given the executive branch of the government in the expenditure of money; and, second, the plan of considering a work of improvement *in toto*. By this second feature is meant that the government, if it decides to improve a particular river or harbor, considers plans for the entire, the completed work; and not plans for merely entering upon an enterprise. The appropriations, consequently, are made sufficient to complete the work; and not in small amounts large enough only for a beginning. The advantages of these features of the French plan will be given in another connection.

*M. Blaise in the "Dictionnaire de l'Économie Politique," II, 768-9, makes the following charges against governmental aid to local works: 1. Works have been too numerous; 2. Works have suffered because of smallness of annual appropriations; 3. The public funds have been too much divided up; 4. The enterprise of local communities has been paralyzed; 5. The execution of public works has been lax; 6. "Log-rolling" has been resorted to in order to secure appropriations. These statements, made nearly forty years ago, are doubtless to be taken with liberal discount.

In the foregoing chapter reference was made to the way in which the United States carries on her improvements. Her plan thus far, has in the main, been to begin simultaneously a large number of widely-scattered works. Congress appropriates at first only enough to begin them, leaving to the other Congresses to continue, or discontinue if they choose, the works thus begun. The labor on these improvements is usually done by contractors in accordance with the plans and under the supervision of United States engineers. Contracts can be let for only such parts of the work as the money appropriated will pay for. The methods pursued by the United States, have lately received slight changes. These with a consideration of the advantages and disadvantages of the system will form the subject of the following chapter.

V.—REMARKS ON THE PRESENT POLICY OF THE UNITED STATES REGARDING RIVERS AND HARBORS.

This brief survey is sufficient to reveal the policy of the United States in regard to river and harbor improvement. The need and the demand for national aid to such works increase with the growth of our economic and commercial importance as a nation. Despite a wide-spread opposition, the appropriations for rivers and harbors have increased, and will continue to do so. The action of Congress in the past is not above criticism ; neither can it be hoped that future action will be faultless ; nor can it be expected that the restraining influence of able and conservative engineers will entirely obviate the evils that follow in the wake of "log-rolling" legislation. However slight the evil consequences of bad methods of legislation have been in the past, they have, none the less, been too great ; and ought to be lessened in the future, by putting an end, if it be possible, to "log-rolling" in legislation, and by adopting a wiser method of expending the national treasure. To this end criticism should be directed ; as it is in this direction that improvement is to be looked for.

An economic institution, such as the one under consideration, may be criticised from three standpoints:* First, from that of its history; second, with regard to the plans employed in applying the public money; and third, with respect to the gains of the commonwealth. The criticism of river and harbor bills from the standpoint of their history has been but casual in this paper. An exhaustive criticism would involve a statistical study of a large number of typical improvements, with a careful comparison of expenditures and receipts. Should such study, when made, show results favorable to the commonwealth, the inevitable conclusions would be that the principle involved in such expenditures was a good one, and that these expenditures should be continued and increased; of course, in a wise and conservative way. The statistics given in the following paragraphs are intended to be typical rather than exhaustive, yet they are quite full enough to draw conclusions from. The increasing support given the system by the most enlightened nations of the earth not only throws the burden of proof on the negative, but warrants the affirmative in asserting without arguments the correctness of the principle. Again, it is equally true that the historical study does not need to be exhaustive to show mistakes of method in the past. An analysis of present legislation in the light of what other nations are doing shows clearly that the benefits now accruing to the commonwealth are not so great as they might be made.

It is, nevertheless, well to be on our guard against underestimating the benefits that have followed governmental improvements. This has been done so frequently, and by those whose statements are usually made carefully, that it seems necessary to emphasize, at least briefly, the positive good that has resulted. A good stream for study is the Ohio River, the improvement of which, beginning in 1827, has led to about forty appropriations involving a total outlay of more than nine million dollars.† The annual tonnage of

* See preface to Senate Ex. Docs. No. 196, 47 Cong., 1st. Sess.

† \$9,141,572.16.

the Ohio reached in 1890 the enormous amount of 6,000,000 tons.* In addition to its commercial importance, the river has played something of a military rôle in our history. The returns, in a military and industrial way, to the commonwealth for the money expended on the Ohio River can fairly weigh much in our judgments regarding the advisability of putting money into the improvement of important natural waterways.

The Mississippi River shows similar results. Probably no stream can exhibit better returns on capital invested than this river of greatest commercial importance. A large outlay of money has been made (the total amount being about \$35,000,000; the appropriation of the last bill being \$4,567,000); but the improvements have, as a general thing, been scientifically conducted. The tonnage that has resulted is exceedingly large; being 13,173,391 tons in 1890. †

Commerce on Lake Superior is, perhaps, the best example of what river and harbor improvement can do. But a few years since the traffic on the lake was insignificant; St. Mary's river was impassable for lake boats; but now the annual tonnage of the river has reached 8,288,530 tons.

Examples of large returns for the improvement of rivers and harbors might be multiplied, but it is unnecessary. The consideration of a more humble stream, one of less commercial importance, will be of value, e. g., the Black River, of South Carolina. ‡ This is one of the streams

* This, and other tonnage statistics are taken from an "Outline map of the United States and Territories, prepared in the office of the Chief of Engineers, U. S. A., under the direction of Major H. M. Adams, Corps of Engineers, U. S. A., showing the tonnage of the navigable rivers of the United States, compiled from annual reports, 1890."

† Between Illinois River and St. Anthony Falls.....	3,000,000
" The Ohio and Illinois Rivers.....	4,131,354
" New Orleans and the Ohio River.....	3,179,776
" New Orleans and the mouth.....	2,862,261
Total.....	13,173,391

‡ Black River, South Carolina, is a stream about 200 miles total length, and 1,200 square miles of drainage area; it rises in Kershaw County, S. C., and empties into the Great Pee Dee River at a place called Kinloch Bay, about 4½ miles above Georgetown, S. C. The portion examined, from Kingstree to its mouth, has a length of about 120 miles (35 miles in an air line). The following report refers entirely to this last mentioned portion of the river.

that the bill of 1890 directed to be surveyed. The survey has been made. The following quotation from the report of the Engineer in charge, Capt. W. H. Bixby, made February, 21, 1891, needs no comment :

“On the upper 80 miles of the river the present commerce is only about \$100,000 per year, but it is estimated that this might readily be increased to \$500,000 per year if the river were properly cleared out by the mere removal of snags and fallen trees from its channel and leaning and overhanging trees from its banks, at a cost of not over \$25,000, *thus developing sixteen dollars of annual commerce for each dollar once spent in the improvement.* Greater development than this has already in the past 10 years been obtained from the clearing out of similar neighboring streams.”

A glance at two rivers where the results have been very unfavorable may be taken at this point with interest and profit. This will indeed be the fairest way possible of emphasizing the good results of river and harbor improvements. The Missouri River and the Fox River of Wisconsin, have often been cited ; their improvements are pointed to as illustrious examples of Congressional folly and waste. The testimony here given of men qualified to speak, is valuable, not only for the information regarding the work done on these rivers and the present amount of their traffic, but is also important because of the criticism it contains. Concerning the Fox River Prof. George S. Albee, of Oshkosh, Wisconsin, (President of the State Normal School in that city) says : “There are three lines of steamboats upon the upper Fox and tributary to the Wolf ; one line between Green Bay and Oshkosh and some half dozen special traffic boats doing more or less line business, but also running in the interest of some private firm. This comprises almost the entire traffic upon the Fox River. The government has been a very great assistance to the individual owners of water power. This obligation of government to maintain dams relieves private owners almost entirely of the preservation of dams and storage. There is no doubt of the great advan-

tage of improvement to the cities on the line; though whether it should originally have been done by the government is a much disputed question. Still when the improvement is once completed, the expense of keeping in repair will be very slight. The trouble is that the government has been rather too niggardly in its annual appropriations and the work has been carried on at a great disadvantage and extra expense." Surely the much-ridiculed improvements of the Fox River have not been without some benefit to the public!

Of the Missouri River Senator Vest speaks as follows:

"While there are only three steamboats plying upon the Missouri River at this time between Kansas City and the mouth, it is of the greatest importance for the government to make liberal appropriations for the improvement of that stream. So long as the river is kept in navigable condition, that fact constitutes a check upon overcharges by the railroads.

The difficulty heretofore about appropriations for the Missouri has arisen principally from a conflict of opinion between Congress and the engineers in charge of the river. The Missouri River Commission, which was created at my instance in 1883, is composed of five members, three of whom are engineer officers and two are taken from civil life. The Commission has persistently recommended to Congress that the river should be improved by reaches of ten miles each, commencing at the mouth and going up the river, so as to insure systematic work.

This plan has not been received with much favor by Congress, and principally for the reason that it prevented the objectionable system of appropriations for local improvements which has furnished a convenient means to members of Congress for manifesting their zeal in behalf of their respective Districts. I have myself always favored the plan recommended by the Commission. In the last River and Harbor Bill it was partially adopted.

I am not able to give any detailed information as to the

amount of passenger and freight traffic on the Missouri river now. It has fallen off very greatly for the simple reason that the river has been somewhat neglected as to improvements, but principally because in our hurried American life speed and time are required both as to passengers and freight, and of course the railroads have a great advantage in both these respects."*

The first paragraph of the letter gives one of the arguments for river improvements which were stated at the beginning of this paper ; the last paragraph shows the false economy involved in neglecting or discontinuing works begun. The following quotation from the bill of 1890 will show to what extent the plan recommended by the Missouri River Commission, and favored by Senator Vest, has been adopted : "Improving the Missouri River from its mouth to Sioux City, Iowa, inclusive, * * * eight hundred thousand dollars, to be expended by the Secretary of War *in the systematic improvement of the river from its mouth up* according to the plans and specifications of the Missouri River Commission, to be approved by him *in reaches* to be designated by them."

This study of the gains flowing from river and harbor improvements has included works that yield large profits on capital invested, those that make but moderate returns, and has not omitted to consider the streams where money has been declared to have been wasted. The preceding discussion suggested, however, the following adverse criticisms.

The French system of treating works of improvement, *in toto*, is superior to the English and to the American ; its superiority over ours is shown in several ways. If the United States in entering upon an improvement of a harbor or river followed the plan it pursues in erecting a public building, i. e., if Congress from the beginning had clearly in mind the ultimate result desired, considered plans and estimates to secure a completed product, had contracts let for the entire work and made appropriations accordingly (instead of considering, as at present, whether a proposed

* The tonnage of the Mo. River in 1890 was 865,493 tons.

improvement is desirable or not, and if found desirable, making a small appropriation, only large enough to begin the work), then the number of works begun would be greatly lessened, those entered upon would be more thoroughly national in character and the present "log-rolling" method of legislation would find less scope for exercise. Were there no doubt as to the national importance of a proposed appropriation there could be no object in "log-rolling."

The problem involved in discussing "log-rolling" is how shall the people be led to subordinate local improvements to national ones of greater commercial importance? How shall the representative in Congress be freed from the pressure to work for improvements in his own district first of all, regardless of their relative importance? I see no ultimate remedy but in an educated public sentiment that will cause the people to appreciate more fully the importance of scientific methods; and in a stronger sentiment of nationality that will make it easier for us to regard first the interests of the nation as a whole and second the interests of its parts. The greatest evil that results from substituting this zeal for the district for a zeal for the nation is the large number of works. Think of carrying on 435 works with an appropriation of \$25,000,000! Every effort of the corps of engineers is to keep the number of works down. I have already spoken of the attitude of the Chief of Engineers. The bill of 1890 directed 203 surveys to be made. April 3, 1891, 193 of them had been made and over half of the 203 proposed works had been reported as "unworthy of improvement." The engineers thus do what they can to prevent ill-advised undertakings.

The methods at present employed by the United States lead to a great deal of needless waste. This waste does not primarily mean the expenditure of money on works of no importance (a kind of waste which has been shown to be comparatively insignificant); but one resulting from the destruction of works, due to their standing in an unfinished

condition. This manifests itself especially in a river improvement which if begun and left uncompleted can hardly escape great damage. Captain W. H. Bixby, of Wilmington, N. C., has pointed out a waste allied to this in his report on Black River, made February 21, 1891. After having stated that \$25,000 were needed to make the improvement of the river he says: "For advantageous and economical work, this amount should be voted at the rate of about \$10,000 or more per year. Smaller or irregularly voted appropriations will involve the alternate disorganization and re-organization of working parties, extra superintendence, deterioration of plant, and extra cost of moving plant over long distance to and from the place of work and may considerably increase the final cost of the work."

A third advantage of the French way of pushing improvements to a speedy completion is the saving to the public resulting from the earlier receipt of the interest on the investment. The sooner an investment becomes profitable, the better is the outlay. The improvements of the Great Kanawha River are an instance in point. The plans submitted for rendering the river navigable called, among other things, for the construction of some twelve or fourteen locks. The proper construction of a lock requires three years. Now, had the plans for the improvement of the Great Kanawha been accepted as a whole, the work as estimated been authorized, and the engineers instructed to complete the work as soon as possible, the work might have been begun at once all along the river, and the stream have been rendered navigable in three years. By following the plan that was adopted it is taking several times three years; the public meanwhile sustaining the double loss due to destruction of property and to the failure to receive as soon as it might the interest on its investment. A fourth advantage of the French plan is the possibility of large contracts. This needs only to be stated to be understood; the economy of a few large contracts over many small ones

is patent.* Fifth, our policy of making small appropriations, sufficient only to begin the work, often compels the engineer to resort to makeshift, temporary plans, instead of allowing him to adopt more scientific ones looking to the continuous prosecution of a project through a series of years. Congress has often, as Professor Albee indicates in regard to the Fox River, Wisconsin, pursued a penny-wise and pound-foolish policy of economy.

There is evidence that these truths are being accepted in the United States. President Arthur, in his veto of the bill of 1882, recommended that Congress authorize the Secretary of War and President to spend such of the money appropriated by the bill as they (the President and Secretary) might determine, and on such objects only as were named in the bill, with the restriction that no more be spent on any object than the bill appropriated for such particular work. This proposition to give the Secretary of War greater discretionary power was a good one. The Secretary, being quite free from political pressure and relying on the counsel of the engineers, is better able than Congress to make a really economic and scientific application. The bill of 1890 gives a good deal of discretionary power to the Secretary of War, and it is to be hoped that future bills will go further in this direction. Our zeal for Democratic rule has led us, in the matter of river and harbor improvement, to subordinate the executive too much to the legislative. The French government gives the executive branch greater power in this matter than we give our executive, and with what results has been shown. Reform here, as in certain other matters, will follow the extension of executive functions.

The plan of the Missouri River Commission, mentioned in Senator Vest's letter, to improve rivers in reaches beginning at the mouth, must commend itself as wise. The plan is

* Congress has recognized this fact, and by the last bill has made it possible to partially secure the advantages of large contracts by allowing "the cumulation of two or more works of river and harbor improvement in the same proposal and contract, where such works are situated in the same region and are of the same kind or character."

not a new one, nor did it originate with the Missouri River Commission. Other engineers have used it before; Col. Craighill employed that plan in improving the harbor of Baltimore. The bill of last year, however, is the first one to compel the abandonment of sporadic works of improvement on any river that extends through several Congressional districts, and to require the money to be spent in the improvement of the river by short reaches beginning at the mouth. There may be objections to making the reaches as short as ten miles, the length advocated by the Missouri River Commission. The engineers having the improvement of the Missouri river in charge have divided the course between St. Louis and Sioux City into four reaches; and will systematically improve each reach in turn, beginning with the lowest. A still wiser plan would be to begin work along the entire navigable course of the river and complete the improvement as soon as possible; but the plan of the Missouri River Commission leads to a more economic use of funds than the plan of constructing scattered works, and fits well into the present policy of making small, partial appropriations.

The bill of 1890 contains one other new feature, and it is the most promising of all. The appropriations for the harbors of Philadelphia, Baltimore and Galveston, and for the St. Mary's river and Hay Lake Channel, Michigan, have been granted in the form the engineers have long advocated. For the improvement of the harbor of Baltimore \$340,000 is given, with the provision "That such contracts as may be desirable may be entered into by the Secretary of War for the *completion* of the existing project, or any part of same, to be paid for as appropriations may from time to time be made by law." The provisions accompanying the appropriations to Philadelphia and Galveston are similar; and the same power is given regarding the contracts for the work of improving St. Mary's river and Hay Lake Channel. This differs little from the French plan previously referred to. It enables the engineers to prosecute the work according to

scientific plans, to finish it sooner and with less waste of capital. The adoption of this policy regarding the five works named was considered, so I am informed by a member of the last House Committee, as an important move. The Committee regard this as but the inauguration of a policy that they hope to see extended to all the important works of improvement. Every intelligent man must certainly desire the realization of this hope.

Briefly to restate: It is believed the opponents of the river and harbor bill are not without some reason on their side; but that those who oppose the principle of improving rivers and harbors at the expense of the federal government have taken a wrong stand. Again, much of the criticism of Congress arises from an over-estimation of the evils of "log-rolling," and from an exaggerated notion of the amount of money spent on works which cannot result advantageously to commerce. Much of the criticism is misdirected; *the change demanded by the facts lies in the direction neither of no expenditure nor of less expenditure, but in the direction of more expenditure in a wiser manner, a manner in which the public money shall be more scientifically expended on works fewer in number and more strictly national in character.* To adopt the French plan of constructing works *in toto* would best secure these results. If the present policy continues, as it doubtless will for some time yet, many of the present evils can be avoided by giving the Secretary of War greater discretionary power in the expenditure of appropriations; by the improvement of rivers by reaches, beginning at the mouth, instead of by making improvements scattered along the river, and lastly and chiefly by making all appropriations for rivers and harbors in the form of those provided for in the bill of 1890 for the harbors of Philadelphia, Baltimore and Galveston, and for the St. Mary's River and Hay Lake Channel.

A BRIEF LIST OF THE MORE ACCESSIBLE WORKS UPON
THE SUBJECT.

Criticising Congressional Action :

1. Ely : "The National Revenues." (Edited by Shaw.)
2. Hart : "The Biography of a River and Harbor Bill," in the "Papers of Am. Hist. Assoc." Vol. III.
3. Pres. Arthur : Am. Cyclopædia Annual. 1882. P. 148.

History of River and Harbor Bills :

1. Johnston : "Internal Improvements," in Lälör's Cyclopædia.
2. Text of Bill of 1890.
3. Messages of the Presidents, especially those of Jackson and Polk.
4. Johnston's American Politics—consult index.
5. For a statement of Appropriations, and for all legislation, relating to rivers and harbors consult "Laws of the U. S. Relating to the Improvement of Rivers and Harbors, from August 11, 1790, to March 3, 1887." Sen. Mis. 91. 1887.
6. For Statistics of Tonnage of the rivers and harbors of the U. S. in 1890, consult "Outline Map," prepared by Major H. M. Adams, Engineer Corps, U. S. A.

The English and French Methods :

1. "The Industrial Rivers of the United Kingdom."
2. Sir John Rennie on : "The Theory, Formation and Construction of British and Foreign Harbors."
3. "Local Government and Taxation in the United Kingdom." Pp. 231-5.
4. H. D. Traill : "Central Government ;" the chapter on "Board of Trade."
5. Report of the Fourth International Congress on Inland Navigation, held in Manchester, England, 1890."
6. Block : "Dictionnaire de l'Administration Française," the article on "Travaux Publics."
7. Blanche and Ymbert : "Dictionnaire General d'Administration," the article on "Travaux Publics."

For Statistics of English and French Appropriations consult the "Almanach de Gotha."

EMORY R. JOHNSON.

INDIAN EDUCATION.

Indian education may be classed among the important questions of the day, whether considered from the sociological stand-point of race development, or as a phase of the race problem, or simply viewed from its politico-economic side. We have always had with us the Indian problem since our forefathers first landed upon this continent. We have experimented with this Indian for centuries and still find him a problem. We have fought him and fed him by turns; we have removed him from one place to another; we have made fitful and impulsive attempts to educate and civilize him; we have given him blankets, arms, ammunition, money, food, Bibles, whisky, missionaries, teachers, soldiers, land agents, treaty-commissioners, lawyers and Indian agents. For all of these gifts he has returned true Indian gratitude. Under such a variety of indulgences he has acted the spoiled child, and has broken treaties, scalped the brethren, attacked the missionaries with the tomahawk, joined the ghost dance, and even has dared to contend for both real and imaginary rights. He has frequently taken on the worse forms of our civilization while he has neglected the better. Even now there is no commonly accepted opinion of what is best to be done under the general management. It may be said, however, that within recent years great progress has been made, not only in regard to what may be done, but by actually doing something practical and systematic for the welfare of the Indian. The Government has at last shaped something like a definite policy for his permanent treatment. The greatest step that has been made is in education, and this is of quite recent date. Thorough and efficient education is the only means to help the Indian permanently. To feed him, clothe him and give him land, farming implements or stock, and tell

him to engage in industrial pursuits is of little use. To educate him in the way of industry under wise supervision, to show him how to begin and carry on industrial and self-supporting life, is the prime object. In order to accomplish this it is necessary to give the greatest painstaking attention to the education of the Indian. The older Indians of the tribe may be past systematic education, past a decided reform, but there can be aroused in them a sentiment for something better and higher for their children.

The great difficulty now is to give the Indian the proper kind of treatment during the process of education and to insure the usefulness of educated powers. The great problem is to take members of a savage or barbarous race, little acquainted with the arts and industries of modern life, and less inclined to follow them, and to familiarize them with these, at the same time planting within them a desire for improvement. It has been stated by one acquainted with Indian affairs, that "an Indian will do just what a white person would do under similar circumstances." This may convey a wrong impression, unless we examine carefully into what constitutes similar circumstances.

In the first place there is a wide gulf between the civilization of the Indian and that of the white race. On no occasion does this become more apparent than when we attempt to educate the Indian and turn him to the practical affairs of modern life. When he first came into contact with the Anglo-Saxon he was still in a state of savagery, or in some cases had entered the first stages of barbarism. He came in contact with a race which had not only passed through all these stages, but had entered that of commerce, beyond which it has since advanced and reached the height of the industrial stage, having developed at the same time a high degree of learning and culture. Moreover the cultured race had a compact and stable political organization, while the Indian race had a half formed tribal existence. All this was strange and new to the uncultured mind of the native of the forest, and he who attempts to solve

the problem of Indian education, either theoretically or practically, must recognize that the circumstances surrounding the Indians are so different from those surrounding our own race that the two races may not be placed in the same category. The social, political and industrial conditions of the two races are so widely different as to demand for the Indian special and separate treatment.

The fundamental processes of education of any race may be carried on in one or more of the following three modes of development :

1. That of self-development and self-determination.
2. The process of imitation.
3. Compulsory activity.

The first process is necessary in all true education ; without it the best quality of human development is lacking. If we examine the Indians of the west who still retain their tribal relations we shall find that in the tribes of pure blood the self-determining principle is almost wanting. In no recorded instance has such a tribe shown a desire to rise higher in civilization, accompanied by a set determination to accomplish anything single-handed. And it is still this lack of self-determination and self-development that makes the disposition of the Indian different from that of the sturdy Anglo-Saxons, who have had this from the beginning of history and have developed it during two thousand years of positive progress, yielding, as a result, some of the best types of culture of both hemispheres.

If we turn our attention to the second phase of education, that of imitation, we shall find on this score that the Indians have made some progress in adopting the manners and customs of the people with whom they have for a long period come in contact. We shall find they have made progress in civilized life, and it may be stated here, that just in proportion as their own blood has become mixed with that of the white race they have shown this tendency to imitation. The third, or compulsory process,

has not yet been applied directly to tribes and races, although in some cases to individuals. Certain expedients have been tried by the government, from time to time, to force Indians out of their natural gait; but these have been usually incidental and unsystematic. Not until of late years has any well developed plan been adopted for the purpose of forcing the Indian into the ranks of modern civilized life. This is an artificial process, but it is the last resort to save the race. Properly pursued it may lead to self-development. If compulsory education is accompanied with an earnest attempt to arouse the latent energies of his nature, he may take pleasure in his own salvation if not pride in his higher development.

The last two phases of education must of necessity be more or less artificial, for imitative education is not as permanent as the self-determined, but is largely brought about by the development of inferior powers of the mind. We shall find that the imitative education, though valuable, has failed to prepare a nation or tribe for sturdy, independent existence. We can never be sure that a nation or tribe has become educated in a way that will make it independent and strong until the self-determining principles arouse it to a sense of its needs, with the desire to satisfy them regardless of what others are doing or have done. The Indian is not, then, in a condition at present for the self-determining principles to develop unaided by outside influences. In imitation he has not made rapid progress. There are those tribes and fragments of tribes that have lived in the presence of civilization these hundred years without reaping any permanent results from the same. Left to compete unaided, with the modern industrial system, they perish. And, indeed, they have lived in this condition without any desire to take on anything beyond the worst forms of our own system of civilization. Other tribes have suffered their tribal relations to be broken and losing their barbarous spirit have turned to our civilization. They have been isolated within the heart of civilized

society and have been forced by circumstances to adopt modern modes of life. The education which is forced can in no way be as beneficial as that which springs spontaneously within the pupil, but it is the best we have to give the Indian, with the hope that there may spring up within him what may lead him in due time to higher development.

The recent law passed for the compulsory education of Indians is a step in the right direction. In time it may be made of more permanent value by development and extension. Although we may urge that these people might ultimately be persuaded to adopt voluntarily the means of a higher culture, yet there is no time to wait for such developments in the case of the Indians of to-day. Their immediate education is their only salvation. They must be forced as far as possible to transform their mode of living in accordance with the customs of modern industrial and civil life.

It is not to be supposed that parents of Indian children are capable of determining whether education is good for their children or not. Indeed, it is hardly conceivable that those who have reached advanced years would willingly turn away from their savage life, when we consider the past relations of the United States Government to its Indian wards, as they may be called. The Government may stand in *in loco parentis*, and may feel great responsibility for the Indians, but what is to be done must be done at once, and thoroughly, or the good which has already been gained will be lost.

The compulsory education act passed by Congress and approved March, 1891, provides as follows :

" * * * the Commission of Indian Affairs, subject to the direction of the Secretary of the Interior, is hereby authorized and directed to make and enforce by proper means such rules and regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit."

In the following October Commissioner Morgan drew up a list of rules and regulations to be observed by all Indian workers. The law applies to all Indians subject to absolute control and under the especial protection of the United States, but the law does not apply to the Indians residing in the State of New York, the Pueblo Indians of New Mexico, the five civilized tribes, and the Indians residing in States and who have become citizens of the United States. The commissioner held that so far as practicable the preferences of Indian parents or guardians of Indian youth of sufficient maturity and judgment should be regarded, but children of a suitable age must attend school, either public or private. All those between five and eighteen years of age who are found by a special medical examination to be in good health, are compelled to attend school. As a rule, Indian children will attend the schools established for their benefit on their respective reservations, but in case such schools are already filled they may be required to attend non-reservation schools. Should any refuse they are referred to the Indian office for treatment under this act. The aim and object of this law, as explained by Commissioner Morgan, is to insure education to all Indians of the rising generation and their preparation to enter modern civilized life. The duties of agents, supervisors, and superintendents are explicitly defined. The chief duty of the agent, however, is to keep the Government schools filled with children. The supervisors of education have the care of certain districts; they inspect the same and report upon different schools within their district. They have the power to transfer the children from one school to another and from reservation to non-reservation schools. The superintendents of non-reservation industrial training schools and of reservation government boarding schools shall, on or about the first of April of each year, send to the office a report stating, as far as possible, the condition of the schools and the number of pupils enrolled for the fiscal year.

This law, with its regulations, is calculated to cover the

entire field of education and to compel the attendance of all students of a suitable age, and thus take from the Indian parents the care and responsibility of educating their own children. It is thought that the rising generation will be strong enough on completing the requirements and training of modern industrial life to withstand the downward tendency of the ignorant and barbarous tribes.

It seems a sad thing to force children to attend school away from home and against the wishes of their parents, but it is the only hope of salvation for the Indian race. The tribal inspiration and the tribal influence must be broken up, and the Indians must be taught to take their stand among the people of their country, to toil for their bread and to engage in the industries of common life. They must be prepared for intelligent citizenship; they must know how to gain and hold property; they must understand their rights and be content with what belongs to them and ask for no more. With such education the Indian problem gives fair promise of solution.

To the Indian teacher or worker this means a great deal, for he knows too well the influences that are brought to bear upon the Indian children who desire to return to school after having once been there. If the present and coming generations be forced to obtain an education and to prepare for some one of the arts or industries of civilized life the great work has been well begun. If the government can go far enough to insure the results of this education to these students, a sure foundation for the great work will have been laid. In the education of our own youth we have been changing very much of late years. In the first place we realize that students must not only respect general culture, but must be fitted for something useful and specific. Every year witnesses the development of our educational system towards bringing about a direct contact of the school with practical life. We take pains not only to develop and cultivate the mind and train it for usefulness in any good pursuit, but we try to find for students positions of useful-

ness in the common occupations after they have completed their educational work. It may be proper, in theory, to prepare the Anglo-Saxon youth for his life work, to develop what we call the powers of the mind, and then let him go forth into the world to make a place for himself. This is the old theory, and in some respects it is a good one; but the lines of competition are drawn so closely, and the places of business so well filled, that we feel disposed to give even our bold and hardy English youth all the assistance possible to prepare him for the activities of life. He may know something of many things, but we must assure him that, at the point of contact of his life with the world, he must know some one thing well and know how to take hold, and if necessary he must be shown how.

The Indian youth finds it even more difficult on the completion of his education to enter any chosen profession. The civilization on most of the reservations is developing slowly, and the number of industries which are practiced are comparatively few. There can be but few positions of trust or usefulness, until they are made, for the Indians who have already been educated. The greatest difficulty of Indian education is the relation of the educated individual to general society. What is the social, industrial and political status of the educated Indian? An answer to this question will bring vividly before us the true Indian problem. As has been stated, we cannot expect the average Indian to go among white people and compete, unaided, with the Anglo-Saxon in the business enterprises of the world. It is not a question of personal ability, but of personal relations. A youth brought up in the tribe, or on the reservation, finds it exceedingly difficult to make the connection between school life and the practical life of the world. The Indian youth, educated at one of the best schools, returns to his home in the native tribe, where he finds himself surrounded with all the influences of camp life; he finds but little to do—knows not how to get a living. He may be ridiculed for having adopted citizen's clothes and manners, and because

of his education ; he may be importuned to turn aside from the course he has adopted, and to return to the old habits of camp life. If he succumb to this temptation, of what use is his education to him ? It is literally thrown away. This cannot be blamed upon the work of the schools. Since there are thorough and efficient schools the students are prepared by practical training for the pursuits of life, as well as given a general education in the elements of science and literature. No fault can be found with the reservation schools, or with the denominational schools in their earnest endeavor to give the Indians a thorough and efficient education. The great question at stake is the utility of education after once it has been gained, and in this we must see that the outlook is indeed gloomy, unless the government extend its work of educational reform into the very heart of society.

A plan has been developed, through the influence of Captain Pratt, of Carlisle Institute, which is termed the "Outing System." When an Indian youth has completed his education and is prepared to render useful service he is placed in some good family upon certain terms, and is to be protected from the baneful influences of uncivilized life. We can conceive of no better method for the development of Indian character. In close relationship to the family he becomes more and more accustomed to the civilized life and habits, with the thoughts and the best principles of the American home. He is enabled to ply his trade or calling from day to day, from year to year, until he becomes proficient. He is self-sustaining ; his character has become strong under the influence of home surroundings ; he has gradually, through home influence, developed character and independence, and is enabled, if necessary, to take his part in the struggle for existence.

It is found that the different classes of industrial reformatories have worked upon his plan for many years and it is found to be the one salvation, not only for Indian children, but for white as well. It is impossible to train a pauper or a criminal, or a child of any kind, which has existed under

evil influences, and then return him to the same low surroundings without his being drawn back to the old status of life. It is even more true of the educated Indian youth. He must struggle against the habits of the tribe acquired during centuries of life without civilization. He must meet all difficulties of race prejudice from above and below. A careful examination of the results of education in our best schools has shown us the dangers of the present system of Indian education. To those who are not conversant with the present Indian school system it may be stated that there are what are known as reservation schools, where pupils are taught the elements of learning. These schools are provided by the government agency or under similar circumstances by religious denominations. Here children are trained in the simple elements of education and prepared for higher work. After they complete the course they are allowed to enter one of the great training schools for higher education. There are at present no Indian colleges. Those who have been prepared for college work have entered some one of the universities or colleges of America. Haskell and Carlisle are the principal high schools of the Indian educational system. When the students have completed a term at a training school they are allowed to return to their homes. They should be placed in town or on farms to work.

The school work is now quite well systematized under the management of the Federal government. Besides the ninety-one government day schools with a capacity of 3,295, there are sixty-seven reservation boarding schools with an attendance of 5,290. There are also twelve non-reservation training schools of which Carlisle and Haskell are the two largest and most important. The attendance in 1890 was 2,788. Since then one school has been finished and five others have been projected, which will give, with those already in operation, a capacity for 4,660 students. In addition to these strictly government schools, something over 5,000 Indians are taught in contract schools. The

whole Indian field is divided into four districts, and each district is provided with a supervisor of schools. Over the entire school system a superintendent of Indian education is placed. The Indian agents at each of the reservations attend to keeping the children in school. The non-reservation schools report directly to the United States Commissioner of Indian Affairs. There is, then, room in all of the schools for the coming year for about 20,000 Indians. This instruction is carried on at a great expense by the government. The appropriation for 1892 was \$2,291,650. Comparing this with the fact that only \$20,000 was appropriated for this purpose in 1870, it shows in a measure the growth of the work in Indian education. It is hoped that the good work will go on until it is even better systematized and more thoroughly supported; then every Indian youth will be forced through a course of training and the way will be opened for industrial work and self-support.

The work of unification should continue until all of the contract schools are absorbed into the general system. Of the appropriations for 1892, \$604,240 was for the purpose of the support of contract schools. Nearly all of these schools are managed by religious denominations. The appropriations are doubtless unconstitutional as a general policy. The Commissioner so regards them, and his position seems well supported by the facts in the case. Benevolent institutions have been helped from time to time, when in distress, by both State and Federal governments, but a continual practice of annually voting aid to religious denominations, even in missionary work, is against the settled policy of the country. A movement toward the final nationalization of all Indian education, except that which is purely missionary, carried on by religious societies, has been recently inaugurated. All contract schools now receiving aid from the government by annual appropriations are under the same supervision as the government schools, in so far as such supervision does not seriously interfere with the organization and discipline of the church schools. This is a move in the

right direction. It ought to be said, however, that nothing should be done which would ignore the faithful services of religious denominations and missionary societies in their efforts to civilize the Indians. They should be encouraged and assisted in many ways by the government, but schools supported by regular appropriations of the government should be *government* schools. As the government has undertaken systematically to educate the Indian, it should complete the system and prepare all for citizenship, or else abandon the whole matter to religious denominations and let them carry on the work single handed. But it would be highly inexpedient for the government to abandon what it has so definitely undertaken. There is only one way for it to do, namely, go on extending the system, until the whole Indian race is absorbed into general citizenship.

Let us consider for a few moments the work at Haskell, and we shall see that it is thorough and competent, and that all has been done that the means of the school will allow. There is to be found there a body of thorough and efficient workers who have done all that could be done with the means placed in their hands. We must remember that the Institute has not been in existence for many years; there have been as yet but about eight years of school life at Haskell, scarcely enough to develop the original plans for the education of the Indian youth. Yet, in this time wonders have been accomplished in the training of the mind, in imparting the common elements of learning, and in the preparing for industrial pursuits. All who are interested in the future of the Indian race should visit Haskell and inspect the methods and system of the Institute. It is apparent that the students have ability to learn and to attain a fair grade of education.

Haskell Institute was founded chiefly through the earnest labors of Hon. Dudley C. Haskell, whose memory every Kansan delights to honor. An appropriation of \$50,000 by Congress in 1882, and a subsequent gift of 280 acres of land donated by the people of Lawrence for a site, were the substantial foundations of this noted institution. The school

was opened in September, 1884, under the direction of Dr. James Marvin, well known in the educational circles of Kansas. The school opened with seventeen pupils; the enrolment is now over five hundred, and it is second in size and importance among training schools, Carlisle leading in these respects. But the proximity of Haskell to the field of Indian work insures for it a more important place in the future.

At Haskell there are three large dormitories, one for girls and two for boys, one of which is for the small boys and one for the large. There are three workshops, one school building, a boiler-house and laundry, and a general superintendent's office. The present management is under the wise direction of Superintendent Chas. F. Meserve, and the educational work is carried on efficiently and thoroughly by Principal H. B. Peairs. These are highly cultured, practical and far-seeing men who throw the enthusiasm of their strong natures into the service. The result is thoroughness and efficiency in the entire work of the Institute.

Besides the usual grammar and high school education, the common industries are taught. Regular instruction is given in carpentering, blacksmithing, painting, tailoring, baking, shoemaking, farming, gardening, and all kinds of house work. There are eight grades in the grammar department, and discipline, instruction and courses of study are carried on after the most improved methods of the best public schools. In looking over the work done by these pupils, one not acquainted with the fact would scarcely suspect that it was done by any other than the white children of the common public schools.

It is interesting to note that the Indian students are enthusiasts on the subject of base ball. They have a well-trained nine which has won more games than any other nine in Kansas. In this they take much pride. A brass band is one of the features of Haskell and a source of much interest and pleasure. It appears in most public demonstrations in and around Lawrence, and gives open-air concerts

in the centre of the circle of the Institute grounds. In this connection it may be stated that an Indian quartette discourses sweet music at public exercises, and the writer has heard an Indian girl sing a solo with good grace and effect.

The only criticism that can be made is that sufficient opportunity is not given to the Indian to use his education. If he return to the reservation he is in danger of taking up the old life and allowing the real results of his education to lapse. The best way to understand what is meant is to examine the results of Indian education. For this purpose let us take up a few of the examples of students who have attended Haskell or Carlisle for some years : *

Example 1. An Indian of New York attended Haskell about five years. He completed the common school course, mastered the carpenter's trade successfully, and filled the position of assistant school carpenter during the last two years of his stay. Since going home he has been engaged in building houses for the Indians, working for contractors and constantly making good use of the knowledge gained at school.

Example 2. An Indian girl, of the Pottowatomie Tribe, attended Haskell three years, completed the common school course, and took some special training for teaching. After finishing her course she was appointed to teach a primary grade at the Otoe Boarding School, and all who saw her work in the school room can recommend her as a very successful teacher. In the fall of 1891 she married a former Haskell student, and they are now living in Wichita, Kansas.

Example 3. An Indian youth of the Kaw Tribe was at Haskell about three years and proved to be a very thorough student as far as he advanced. He learned the carpenter's trade and has been employed as agency carpenter at the Kaw Agency since he went home.

Example 4. Another young man, of the Pawnee Tribe, stayed at Haskell about three and one-half years. He was an average student, and learned tailoring and blacksmithing. Since returning home he has been employed as assistant blacksmith.

Example 5. A young man of the Cherokees attended Haskell three years. He completed the common school course and took one year of the high school work, and then learned the carpenter's trade. He has been working at the trade since going home and his employers speak well of him.

* The writer is indebted to Supt. Chas. F. Meserve and Prin. H. B. Peairs for the greater part of the following data.

Example 6. A young Indian of the Kickapoo Tribe was at Haskell three years. He completed the work in the primary grades and learned the carpenter's trade. Since leaving school he has supported himself and mother by working at his trade.

These examples show the capacity of the Indian youth for education and for its practical use when opportunity is given for its application. Other examples might be given of those who have become more proficient in learning at Carlisle, Haskell and elsewhere. One Indian, having studied medicine, has gone back to the Sioux reservation to practice among his people. The results of Indian education are best observed in manual training. Here their capacity is shown to best advantage, and from industrial education we may expect to obtain the best improvement of the race. Industrial education is so essential that it should be made compulsory, and every Indian should, beside his general education, be taught to do one thing well. He should be taught a trade or given a means of earning his own living. At Haskell all students are required to employ half their time in manual labor; but not all learn trades, although all must pass through a systematic course. During the first quarter a boy is engaged in learning how to farm; if he does well at this he is then given something else to do. The students are changed about from one thing to another in order to give them a variety of occupation and thus educate them in the common affairs of life. About three-fourths of those who graduate have learned one thing well, or have a means of earning a living. It may be said that this does not go far enough. The authorities should insist that every graduate and every pupil be compelled to devote himself to a trade or to practical and theoretical farming, so that he may have a certain means of earning his living. As it is, only those who desire learn trades. It should not be a matter of choice. Up to the present time there has not been shop room enough to give more than a limited number instruction in trades. The United States Government should see to it that nothing is wanting in

this respect. At present new buildings are being constructed for industrial purposes, and I presume that it is the plan of the superintendent to make the industrial features of the school more prominent and to insure to every boy and girl a means of earning a living. With faculties trained in the school room, in the shop and on the farm, with opportunity for their exercise in the affairs of life, and with the necessity of utilizing this opportunity, the Indian youth is prepared to solve the problem of his own destiny.

The most unfavorable phase of Indian education is seen in the attempt of the educated Indian to harmonize with his surroundings. Much of the good effect of education is lost on account of the lack of opportunity for the Indian to use his education and the lack of knowing just how to make a successful entrance into industrial and civil life. In this respect the government should exercise more care and see to it that the efficient work of the schools be not lost. The following examples will illustrate this point :

Example 7. An Osage Indian was at Haskell three years, during which term he became proficient in farming and gardening. In his school work he had advanced to the fourth grade. He went home with the expectation of returning soon to complete his education. He was persuaded by his relatives and friends to marry. He settled down to the life of a camp Indian and the force of his education is lost.

Example 8. An Osage Indian who was at Haskell three years learned to speak English fluently. He went home determined to become a farmer and stock raiser ; but he soon yielded to the influence of the old life that surrounded him and is now living the life of a camp Indian. He married a squaw and is living in a tent eight feet square.

Example 9. An Osage Indian girl. She was at Haskell Institute three years. While there she learned to do all kinds of housework, sewing and fancy work. In fact she became a most complete house-keeper. After returning home she wished to again return to Haskell and complete her education. Her parents refused to grant her permission, and to avoid further complication sold her to a blanket Indian for a number of ponies. After being compelled to live a life of degradation and misery for about two years she died, and thus passed to a world where, we trust, her education will be of some use to her, as it was doubtless of little benefit here.

Example 10. A Pawnee Indian boy who made a good record for three years at Haskell. While there he learned the blacksmith's trade. He learned to speak English fluently, and did fairly well at his books. After returning home he was influenced by the surroundings and became a blanket Indian. He married a school girl and they both relapsed into the common camp life, entirely under the influence of the camp Indians, whose ways they imitated.

Example 11. A Pawnee Indian girl who made a splendid record at Haskell during a period of three years. During this time she obtained a fair common school education and had become proficient in all kinds of housework. Two months after having returned to the home of her parents she was observed to be in full Indian dress, having abandoned the style of dress used at school, and was cooking meat in Indian style over a bed of coals in the centre of the wigwam. It is needless to say that dust and ashes were the principal seasoning. She kneaded the bread on the same blanket that was used to sleep in at night. An observer asked her if she liked this kind of life; she replied, "No; but he (pointing to her father) won't let me come back to school." Education had fitted her for a better life, but the parent forced her to comply with the conditions of degrading service. Soon after she was married to a common blanket Indian, which means that she is lost in the common herd and that her education will not save her from ruin.

Example 12. A Ponca Indian girl who spent five years in school at Haskell. Was considered very bright and intelligent. She was adjutant of the girls' battalion for some time. She was a good cook, a good seamstress and an excellent housekeeper. She married a young man who held to the old regime. She now carries the water, chops the wood, builds the fires and gets the breakfast while her Indian helpmeet is lying in bed. She even has the pleasure of applying her quickened intellect to the pleasant task of harnessing the horses while her so-called better half seeks repose.

Example 13. A Cheyenne boy went to the Arapaho boarding-school for a number of years, then he went to Carlisle for a short time. From Carlisle he was sent to Fort Wayne, Indiana, to attend college, and, he says, to study for the ministry. After leaving Fort Wayne he returned home for a time and then came to Haskell. He finally secured a permit to enter the State University. He did not succeed very well at the University, and subsequently returned to Haskell. At Haskell he went to work in the tailor's shop. He finally gave up school and returned to the reservation to engage in the Y. M. C. A. work at home. This in turn was given up and his time is now spent in roaming over the Cheyenne reservation, apparently without thought of rendering service to himself or anybody else. He has resumed the

habits and customs of his tribe and draws his rations with the other worthless wards of the nation.

Example 14. A young man who went to Carlisle for three years. After taking a vacation for a short time he entered Haskell for three and one-half years. After this he returned to Carlisle for two years. During the summer of 1891, he was observed in a state of nature under the care of an Indian doctor. He had an excellent character in every way. But he said, that "he must either get away from the tribe or go back to the old habits."

Example 15. A Cheyenne Indian boy who spent either three or five years at Carlisle. After a short vacation he entered Haskell, where he remained three years. At the latter place he thoroughly mastered the tailor's trade. He was made superintendent of the tailor shop at Haskell, and after returning to the reservation he performed a similar office. While in charge of the tailoring establishment at the Cheyenne reservation the camp Indians would continually ask him for money and presents. Being of a generous nature he found at the end of the month that he had invariably overdrawn his salary, or in other words, had spent more than he had earned. He finally became discouraged and went to camp and married a squaw, and now lives like his fellows on the rations of the government. He was a good workman in every respect, but the surroundings of the reservation were against his success and he failed. The begging propensity of the average Indian on the reservation is unlimited. The various traders understand this, and of a necessity feel compelled to charge a high price for goods in order to make up for the many presents which it is policy to give. I am told by one acquainted with the Osage agency that the Indians expect to receive all of their tobacco gratis. This last example illustrates very clearly what chance a young man may have for success if turned back to the tribe. All are interested in retarding his progress and in bringing him back to the level of camp life. While, if he is capable of earning anything, the old tribal spirit comes in to claim its share.

Example 16 records the results of education in the case of another young Cheyenne. He spent a term at Haskell, during which time he was president of the battalion, president of the Y. M. C. A., and in fact a leader in all school work. After returning to the agency he was corresponding secretary of the Y. M. C. A. He, too, finally became discouraged and succumbed to the influences of camp life. He married an Indian woman with three children and now the government generously supports him and his family. Yet who can doubt that had this young man had a fair chance under favorable influences that he might have been a success. It is true that the Indian youth prob-

ably has not the character nor the opportunity to compete with the average white boy who is well educated. There are not as yet, nor can we expect for many years to come to find, the necessary qualities in the Indian youth which incite him to *make* a place where there is none. In this he cannot compare to the average white American. Yet it is the duty of the government to give him the best opportunities possible; and while he is taught self-reliance in the schools, opportunities should be given him for its exercise under circumstances not wholly against him.

Example 17. Another young Cheyenne who spent four years at Haskell and stayed in other institutions for a considerable length of time has gone the way of the useless and the do-less. While in Haskell he was adjutant of the battalion and was noted as a superior officer. He was a good farmer and could read and write English well. He owns 160 acres of land and his squaw owns another tract of the same size. But in practice he is a veritable camp Indian. He receives his rations from the government and does nothing towards his own support. He lives with his family in a tepee about six by eight feet, and just high enough to receive him standing. He is now living with his second woman since leaving school.

Example 18. The sister of the preceding example had been in Haskell for a period of six years and had advanced to the sixth grade. She had practically forgotten her own language. When she reached the agency she cried to be brought back to school, but her mother refused to allow her to come back. She said that her daughter had forgotten her native language and that she did not want her daughter to adopt "white man's ways." She lived sixty miles from the agency in order to keep the child from running away. Her brother was asked to use his influence to have the girl returned to school, but he responded, "No; mother would kill me if I did." This is a clear case in which the government should take its own course and bring the girl back to school. The only hope in Indian education is with the younger generations. There is no hope for the average adult who has not already been educated. It is the duty of the government to see to it that the younger generation is not ruined by the older.

These may seem isolated examples. It ought, therefore, to be stated that of sixty-seven boys whose career has been followed with the view of learning the results of their education after their attendance at Haskell, it was found that only three were pursuing anything beyond the life of an ordinary camp Indian. They were living in blankets and attending ghost dances. Without a single exception, when

asked "Why are you doing this way?" the answer was, "Because I have nothing else to do." These sixty-seven were from the Cheyenne and Arapahoe tribes.

Many of the evils enumerated above will disappear as the schools grow older and leave their impress upon the Indian pupils. The rapid education of all the children will tend to popularize the work and carry such momentum with it that the uneducated will be the exceptions, who will have little force in shaping the affairs of the tribe. The tribal spirit and influence will gradually die out and lose its retarding influence. In the meantime the Federal government should see to it that the educated youth is sent out of the school under its special care, until such time as he can care for himself by the utilization of his education.

The conditions of tribes vary much in respect to their susceptibility for improvement, and their disposition toward education. Some tribes possess and exhibit a progressive spirit, while in others there is a strong tendency downward. The foregoing examples are taken from a variety of tribes, and the results obtained are general in their nature. The true way to study the capacity and nature of the Indian is by tribes, and much care should be given to the different characteristics of these. While it would be a good plan to break up tribal relations as rapidly as possible, close observance of existing conditions must be made by those who deal with the Indian in a moral, religious, educative, or political way.

But the great difficulty still remains with all tribes, whether semi-civilized, barbarous or wild. It is the problem of contact with the white race and the adjustment of their lives to the conditions of modern civilization. Wherever an inferior and a superior race have come in contact there has always been more or less difficulty. This difficulty cannot be avoided, but must be met and solved on right principles. The race problem is as old as history itself, but we observe it more closely and distinctly in relation to the Indians of the west than in any other

place. Formal treaties and agreements may be made between the inferior and superior races; they may be able to get along peaceably with one another, or there may be constant discord and disagreement. The superior race may dominate over the inferior, or stand in the parental position towards it, and still there may be for a time unity and peace. But the moment the attempt is made to force the inferior race into competition with the superior, to educate it, and turn it out in the common struggle for existence, unprotected and unassisted by any power, the inferior race will be overcome by the superior in this struggle. One of the most striking illustrations of this is found in the contact of the Americans with the Spanish neophytes of the southwest. The Franciscan fathers, who came into California at an early date gathered the savages into villages, instructed them in the elements of learning and in the practice of the work shop and the industrial arts. Over thirty thousand Indians were thus instructed in the elements of civilized life. Through one hundred years this civilization of the Indian went on. Property was accumulated, fields cultivated, harvests were reaped. Great herds of stock roamed over the pastures, fruit and flowers developed in the gardens, and one would say, to look upon the picture, that, indeed, a method had at last been discovered by which the savage of the forest could be forced to adopt our modern civilization. Yet all of this was merely appearance, the whole education was accomplished by imitation—the self-determining principle in religion or industry had not yet developed.

The missionaries were to the Indians as parents. They watched over them as children, and called them such. The Indians knew nothing of independent action or self-government. So long as the missionaries were with them and over them they could carry on the imitative process of education, but once left alone there was nothing left for them but to be crushed out of existence. The difficulties which arose after the conquest of California by Mexico need not be

recounted, sufficient to say that the Indians were left unprotected in their contact with the white race, and soon went down before it. Of the thirty thousand in 1834 which were apparently living so happily in their crude villages and missions, only four thousand remained ten years after. The rest were scattered up and down the coast, knowing not where to go or what to do. Thousands returned to their wild life, and in a short time but few effects could be traced of the great civilization wrought by the *padres*.

Here, then, lies the great Indian problem of to-day. No one need criticise the progress that has been made in our best schools. They are thorough, earnest, and efficient; they make the Indian self-supporting, and dismiss him in a condition to compete with the Anglo-Saxon in the industries of life. They attempt to keep him from the reservation where the overwhelming influences of the tribe, the *tepee* and the camp shall not reach him. This, indeed, is the true problem of Indian education. The schools should not stop, but go on with more vigor and more spirit than ever; they should receive all that is necessary to make them thorough and efficient and painstaking. But some attempt, at least, should be made to carry the results of this education beyond the walls of the school room. The government must see to it that this education is not lost; that the tribal life of the Indian, with its baneful influences, be broken up; that those who are prepared with practical trades shall have an opportunity for their exercise; that they shall be given a chance to till the soil; that they shall be given an undisputed title to the land; that all government support be withdrawn from the tribes, and they be put in the way of earning a living. If they fail to earn a living through sloth or idleness, let them receive the punishment which nature has appointed. The government must deal with the Indian problem as a matter of business, and not as a matter of sentiment. It should see that the tribes are broken up as soon as possible; that lands are rapidly apportioned; that education is pushed as rapidly as possible; that justice is

given to all, and that the system of begging and ration support is abolished at once in every case where unaided subsistence is possible to the Indian.

When the national system of education is completed and the lands have all been allotted in severalty a new problem of education will doubtless arise, that of how to turn the educational work over to the States. The lands and property of the Indians will eventually be taxed by the States in which they are located. It will be noted that the only national educational system that we have outside of the naval and military schools is that of the Indians. While the government has assisted various educational enterprises from time to time by appropriations and land grants, it has studiously avoided the control of education coming within the jurisdiction of the various States. It will doubtless be so with the Indians when the tribes are incorporated within the bounds of their respective States. If Oklahoma is admitted as a State, including the five civilized tribes, the property of the latter will become the taxable property of the State, and their schools a part of the State system. It will eventually be so with all tribes, and national Indian education will be a thing of the past, except perhaps, in case of a few special training schools like Haskell and Carlisle.

The system of allotment of lands is largely dependent upon education for its final success. There are many difficulties in the way of its final attainment. The Dawes Indian Bill, which provided for the re-allotment of lands to Indians in private ownership, was a step in the right direction, for in no other way can the Indian problem be solved. The lands are divided among the Indians and each one is given his proper proportion upon which he may live to till the soil. But the moment an attempt is made to carry out this law many difficulties arise. Some of the lands in the reservation which are to be divided are poor and not suitable for agriculture; they can only be used for grazing lands; others are fertile. Many

Indians do not know the difference between good and poor lands. Moreover it will be seen by an examination of the tribal relations that the tribe is supposed to own the lands in common, and in theory each member of the tribe is to have his share. Practically we find that the richer members of the tribe own and control the land and the poor have nothing to do with it. We also find another difficulty arising: to tell an Indian that he is entitled to 160 acres of land and place him upon it without tools, without money, without knowledge of agriculture, and what is worse, with no desire to become independent and self-supporting, you have told him that the beneficent law allows him to go out on the plains and die at his leisure. These and other difficulties make it quite impossible to execute the law rapidly. However, it may be said that it is gaining slowly and the allotment of lands has been pushed as rapidly as was practicable.

The first lands were allotted to the Indians in severalty at the beginning of 1839 in Wisconsin. In the provisions of the bill providing for this there were no restrictions on alienation. The Indians could sell their lands at will, and there were plenty of persons ready to take them at their own terms of dictation. The lands were soon squandered and the Indians left homeless. The Dawes Act provided that the lands should be inalienable for the period of twenty-five years, and this period may be indefinitely extended by the President of the United States. At the end of this time the occupant is given a deed (in fee simple) for the property. By this measure the occupant is secured in his right and property for the term of twenty-five years. It is thought that within this time the Indian, through education and his acquaintance with civilized life, may become self-sustaining and desire to hold the lands. Nothing else but toil will preserve his race from utter destruction. It is hoped in this manner that he will conform to circumstances and at least learn enough of our civilization to understand how to hold what land he has and get more, if possible, after the

manner of the white man. This can only be accomplished by arousing the Indian through education to a sense of his condition and needs.

To give a wild Indian, accustomed to the chase or to a roaming life, land and tell him to live upon it without breaking up his preconceived notions of life, will be of little service. He must be taught how to build homes, how to live in homes and to support himself and to provide for the extreme necessities, at least, of modern life. These things can only be taught in schools established and carried on for that purpose, and by teaching the Indian the practice of agriculture and of local government.

One of the methods by which the Indian youth may make himself useful is service in the Federal army. It was a view of Aristotle and other great writers that the army was the best training school for citizenship. There can be no doubt of this in respect to some barbarous tribes. The discipline, or rather the learning to obey, is indeed, among the first principles of citizenship. It would be the first and best road to self-government. Those who have observed the results of military discipline in our training schools will observe, too, that the Indians take very kindly to army drill and become very proficient as soldiers. There is no reason why that large number of young men who find it difficult to enter modern industrial and commercial life should not find here an opening for distinguished faithful service. Up to this time quite a number of Indians have been enlisted in the service of the army. Yet this work has not been carried far enough to show what can be done. It promises well at least. But it well illustrates a principle in Indian education. The Indian must be drilled, trained and placed in an occupation which offers protection on the one hand and restraint on the other. Otherwise he will not be able to compete with the white race in the economic struggle for land or the political struggle for power.

F. W. BLACKMAR.

University of Kansas.

DISCUSSION.

THE ECONOMIC THEORY OF MACHINES.

(*Reply to Mr. Stuart Wood.*)

I would ask the courteous hospitality of the Editors of the ANNALS for a response to some observations of Mr. Stuart Wood, in the January number of this journal, in his examination of my work, "Teoria economica delle macchine." In this brief reply I shall endeavor to be animated by the calm scientific spirit of which this journal is so conspicuous an example. It constitutes the principal element of fruitfulness in polemical writing, which instead of becoming mere personal strife, may make notable contributions to the discovery of the truth.

I regret in the first place that Mr. Stuart Wood should have incorrectly interpreted my criticisms of his work, in thinking that my book contains a charge of plagiarism against him. In no place have I said that he copied the doctrine of v. Thünen, without citing his sources, and have merely affirmed on p. 57 of the work aboved named, that this theory in its most concise form was *held* by Stuart Wood, without any great novelty of demonstration. Now to *hold* is not to *reproduce*, but signifies to advocate a doctrine on one's own authority, understanding its nature and its actual importance. So true is this that on p. 58 I attempt to discover the causes, which in my opinion had led Mr. Stuart Wood astray. This I certainly would not have done if it had seemed to me that the essays of the distinguished economist were no more than a reproduction of the ideas of v. Thünen. I have no difficulty in believing that the remarkable studies of the profound German thinker were not known to my esteemed opponent, and it is a pleasure to me to think that my modest book has led him

to procure the admirable works of v. Thünen. They should be considered a classic among the exact and original researches of economic science in late years, and one may well recall upon this occasion the motto which Quintilian applied to Cicero, and McCulloch to Ricardo, "*Ille se profecisse sciat cui Thünen valde placebit.*"

I trust that on longer consideration Mr. Wood will understand why I call v. Thünen profound, although I have shown that in one analysis the German economist has fallen into error. One ambiguity, however, in an argument, even though grave, could not detract from the merit of a great author. I go further and admit that even when an entire theory is considered erroneous, one may recognize the eminence of the author, if, even though he may not have done justice to the most obvious interpretation of the phenomena, still, in considering the subject from a particular point of view, he proceeds with a rigorous analysis. But this is certainly not the case with v. Thünen, through whom more than through any other, the consideration of the effects exercised by the distance from markets on the different methods of cultivation, have been made permanent acquisitions of our science.

Leaving this preliminary ambiguity we come to the critique which I made of doctrines held by Stuart Wood and his reply. I said that in Wood's analysis of the substitution of machinery-capital for wages-capital, he overlooks completely the wear and tear, which is the most important element in the comparison made by the *entrepreneur* between the advantages of the two systems, and that he confuses the rate of interest with the rate of profits. Stuart Wood maintains in the first instance that the wear and tear are not ignored, and advances as proof a passage from one of his articles on wages. He ironically encourages the belief that I thought I had made a discovery in emphasizing this factor, which had escaped the researches of previous economists. But the passage cited by Stuart Wood shows clearly that he does not understand the effective importance of wear and

tear, for he believes that he has solved the grave questions to which it gives rise by affirming the possibility of insurance against loss from it, and neglecting it entirely in the comparison of the conditions of mechanical and manual labor. With my slight competence in scientific matters, I leave to others the honor of discoveries, and am not naïve enough to believe that I have made any. It was my modest purpose, instead, to examine the special influence which wear and tear exercise on the price of products, and until my conclusions be refuted—which Stuart Wood has not done—I must persist in considering my investigations of some utility as tending to demonstrate that the effect of the introduction of machines is different, according as the wear and tear are partial or total, and that there is an effective relation between the wear and tear and the rate of profit.

As to the difference between interest and profit I accept the classic English theory, whereby profit is a single return, which may abstractly be attributed to various sources, but concretely is indivisible, and which constitutes the measure that regulates the activity of production.

Finally, Mr. Wood accuses me of unjustly asserting that he does not distinguish between the rate and amount of interest, although I do not say this at all, but assert that I supposed the cause of his error to lie in such a defect of reasoning. Since he often speaks of the rate of interest and the price of labor as homogeneous factors, the hypothesis expressed by me on p. 58 in a tentative form was evidently legitimate.

On the other hand it is not true that I attributed to Wood ideas which he had not expressed, and that I had fallen into deplorable errors of this nature by a wild desire for polemics. I may not at times understand correctly the thought of an author, but it is always my effort, so far as my powers permit, to enter into the conceptions of others, and to study with special attention those which seem to me fallacious. Thus I applied myself to the theories of Stuart Wood, and I do not repent of it, because though differing with him in the

groundwork of theory, I have found much to admire in his method and recognize the worth of some of his views.

With this statement which accords with my inmost convictions, I close this brief reply.

AUGUSTO GRAZIANI.

University of Siena.

PERSONAL NOTES.

AMERICA.

Andover Seminary.—Mr. Robert A. Woods, Alumni Lecturer at Andover Seminary, who is at the head of Andover House,* Boston, was born at Pittsburg, Pa., December 9, 1865. He graduated at Amherst in 1886, and then for four years pursued a course of study in Andover Seminary, giving a considerable share of his time to the study of history and sociology. In 1890 he went abroad for the especial purpose of studying the social conditions of England, residing six months at Toynbee Hall.

As lecturer he deals with "English Social Movements" and "The Analysis of Social Conditions and Social Resources."

Besides numerous shorter articles Mr. Woods has published :

The Attitude of Labor Organizations toward Socialism. *The Andover Seminary Bulletin*, 1888.

The Religious Motive in Mediæval Society. *Ibid*, 1889.

Life in the Massachusetts's Reformatory. *Andover Review*, Jan., 1890.

General Booth's Social Plans. *Ibid*, Nov., 1890.

University Extension in England. *Ibid*, March, 1891.

The University Settlement Idea. *Ibid*, Jan., 1892.

The Social Awakening in London. *Scribner's Magazine*, April, 1892.

A work entitled "English Social Movements," (1891) embodies Mr. Woods' investigations of the prevailing condition in England.

College of Social Economics.—Arthur B. Woodford, Ph. D.,† who has held the position of Instructor in Political Science in the Wharton School of Finance and Economy

* See ANNALS for Jan., 1892, p. 138.

† See ANNALS for July, 1890.

(University of Pennsylvania) during the past year, has accepted a call to the College of Social Economics (34 Union Square, New York,) as Professor of Economics and Politics.

Cornell University.—Dr. Edward A. Ross* has resigned his position at the University of Indiana in order to accept a call to Cornell University as Associate Professor of Political Economy and Finance.

Indiana State University.—George E. Fellows, who was last June appointed Professor of European History in the Indiana State University, is a native of Wisconsin. He was born in 1858, and in 1879 was graduated from Lawrence University. With the exception of two years passed in European Universities, the interval between 1879 and 1891 was spent in teaching in the High School of Appleton, Wis., in that of New Orleans, La., and in acting, first, as Principal of Eau Claire Wesleyan Seminary (Wis.), and, later, as Principal of the High School of Aurora, Ill. During the years 1888–90 he studied in the Universities of Munich and Berne, receiving the degree of Ph. D. from the latter University in 1890. His thesis was on the "Anglo-Saxon Town Polity."

A portion of his time in Munich was devoted to the study of Anthropology, under Dr. Johannes Ranke. Dr. Fellows has in course of preparation a work for American colleges based on Ranke's "Der Mensch."

Dr. Fellows has published beside his thesis, a prize essay on "A System of Public Education," written for the Louisiana Educational Society in 1885.

Johns Hopkins University.—Dr. Sidney Sherwood,† who has during the past year been Instructor in Finance in the Wharton School of Finance and Economy (University of Pennsylvania), has accepted the position of Associate in Political Economy in Johns Hopkins University.

Middlebury College.—Dr. Carl Copping Plehn has been appointed Professor of History and Political Science at Mid-

* See ANNALS for November, 1891, p. 76.

† See ANNALS for November, 1891, p. 80.

dlebury College, Middlebury, Vermont. Dr. Plehn is a native of Providence, R. I., having been born in that city in 1867. He graduated with honors in political economy at Brown University in 1889. He then went to Europe and studied political economy and allied subjects at Göttingen with Professors Cohn and Lexis, taking the degree of Ph. D. at Göttingen, July, 1891. After some months study in Paris, he returned to Providence with the intention of joining in the University Extension work being carried on there, but abandoned this object to accept the call to Middlebury. He has published—

“Das Kreditwesen der Staaten und Städten der nordamerikanischen Union.” Jena, 1891.

“The Census Enumeration in Prussia.” Amer. Statistical Ass's'n., Dec., 1891.

Missouri State University.—Frederick Charles Hicks, who accepted last February (1892) the position of Professor of History and Economics in the Missouri State University, was born January 1, 1863, in St. Clair county, Michigan. He received his early education in the Public Schools of his native State, and in 1886 was graduated as Bachelor of Arts by the University of Michigan. The two years following Dr. Hicks held the position of Principal of the High School at La Porte, Indiana. He then spent two years, 1888–90, at the University of Michigan as a graduate student in Economics, Finance and Political Philosophy. He was appointed (1889) Fellow in Cornell University, a position which he resigned to accept that of Assistant in Political Economy in the University of Michigan. Here he received the degree of Ph. D. in 1890, and in February, 1891, was appointed Instructor in Political Economy. As Special Agent of the Census (Department of Water Transportation) he was in the previous year assigned duty in Maine.

Professor Hicks expects soon to publish his doctor's thesis, “Foreign Commerce of the United States,” in book form.

University of Chicago.—Professor J. Laurence Laughlin,* who was last December elected to the position of head of the Department of Political Economy and Finance in the University of Chicago, has accepted the call. He has since the autumn of 1890 filled the Chair of Political Economy and Finance at Cornell University.

University of the South.—William Henry Graham, who has recently been appointed Professor of Finance and Economy at the University of the South, Suwanee, Tenn., was born in the City of Hamilton, Canada, in 1855, and was educated at the Oakville Union Grammar School, and the Hamilton Collegiate Institute. About 1874 he entered the service of the Great Western (now Grand Trunk) Railway of Canada (Treasurer's Department) and was, later, transferred to the Auditing Department, and from there to the General Passenger Department. In November, 1879, Mr. Graham left Canada for Richmond, Va., to accept a position as private secretary to the General Freight Agent of the Chesapeake and Ohio Railway. Resigning this position he went to New York City to accept a similar one with Mr. C. W. Smith, Traffic Manager of the Erie Railway.

In 1880 Mr. Graham moved to Richmond and accepted the position of secretary to the Traffic Manager of the Associated Roads of Virginia and the Carolinas, which he exchanged later for that of chief clerk in the office of the Traffic Manager of the Chesapeake and Ohio Railroad. In October, 1885, Mr. Graham was elected Professor of Commercial Science at the Virginia Agricultural and Mechanical College, which department was then organized. A change, however, in the administration of the affairs of the college caused the abolition last year of all courses of study save those of agriculture and mechanics.

The University of the South, pursuant of the suggestion made by the American Banker's Association, and recognizing the necessity for the higher education of business men, deter-

* An account of Professor Laughlin's career previous to his accepting the position at Cornell is to be found in the ANNALS for October, 1890.

mined upon the organization of a School of Finance and Economy and elected Mr. Graham as the practical director of the same, with assistants from the other schools of the university.

University of Wisconsin.—William A. Scott has been appointed Assistant Professor of Political Economy in the University of Wisconsin and will enter on his duties with the opening of the academic year 1892-93. Mr. Scott was born at Clarkson, Monroe Co., N. Y., in 1862. He was educated at the district school of his native place, the State Normal School at Brockport, and at the University of Rochester, where, in 1889, he received the degree of B. A., and in 1889 that of M. A. During his college course he filled temporarily an instructorship in the State Normal School at Oswego, and took at graduation the Sherman Scholarship in Political Science, in a competitive examination on the works of Bluntschli and certain selected French writers on political economy. The year following his graduation he spent in post-graduate study, occupying at the same time the post of librarian of the Reynolds Library of Rochester.

In the spring of 1887 he was appointed Professor of History and Political Economy at the University of South Dakota, and filled the chair for three years. In 1890 Professor Scott entered Johns Hopkins University for advanced economic study, was appointed instructor at that institution in January, 1891, and is a candidate for the degree of Doctor of Philosophy in June, 1892.

Professor Scott is soon to publish a monograph on the "Repudiation of State Debts."

AUSTRIA.

Cracow.—Dr. Julius Leo has been appointed Extraordinary Professor of Finance in the University of Cracow. He was born in 1861, studied law at the University of Cracow in the years 1879-83 and took the degree of Doctor of Jurisprudence in 1884. He then devoted himself to the study of economics

in Berlin, under Wagner, Schmoller, Böckh and Meitzen. In July, 1888, he became Privatdocent in Finance and Austrian Financial Law at Cracow. Since October, 1891, he has also had charge of the lectures on economics. In December, 1891, he was appointed extraordinary professor. He is the author of the following essays and works :

Ueber die Reform der Brantweinsteuer in Oesterreich.

Die Finanzen Galiziens.

Das Jahr 1892, und die Zollpolitik Oesterreich-Ungarns.

Der Grossgrundbesitz in Galizien.

Ueber die Propinationsablösung in Galizien.

Die Erbschaftssteuer und ihre Reform.

Die Finanzpolitik des letzten polnischen Reichstags (1788-1792.).

Vienna.—Dr. Hermann v. Schullern-Schrattenhofen has been admitted to the Law Faculty of the University of Vienna as Privatdocent in Political Economy. Dr. Schullern was born in Innsbruck in 1861, studied at the Gymnasium and University of his native town, and took the degree of Doctor of Laws in 1884. He practiced law and in 1889 was admitted to the Law Faculty of Innsbruck as Privatdocent in Political Economy. He was also a member of the Examining Committee in Political Science, and Docent in Political Economy and Commercial Law at the Commercial Academy at Innsbruck. Called to Vienna in 1890 to assist in the work of the Statistical Commission, he was made Librarian of the Commission in 1891, and in the same year took temporary charge of the Instruction in Political Economy at the Commercial Academy of Vienna. Dr. Schullern is Secretary of the Editing Committee of the new Austrian *Zeitschrift für Volkswirtschaft, Socialpolitik und Verwaltung*. He has published :

Die Lehre von den Produktionselementen und der Sozialismus. Conrad's *Jahrbücher* 1884.

Untersuchungen über Begriff und Wesen der Grundrente, Leipzig, 1889.

Die theoretische Nationalökonomie Italiens in neuester Zeit. Leipzig, 1891.

GREAT BRITAIN.

The Rt. Hon. Sir James Caird died February 10th, 1892, in his seventy-fifth year. Shortly after the repeal of the corn laws (1850-51) he wrote a remarkable series of letters to the *Times*, in which he gave what was considered to be "the only general account of the state of agriculture throughout England since Arthur Young's tours, made upwards of eighty years before." These letters were collected into a volume called "English Agriculture." Between 1857-65 he occupied a seat in Parliament. He held for a long time the office of Inclosure Commissioner and has been a prominent member of various commissions affecting agriculture, such as the Land Commission for England, the India Famine Commission of 1876-7, and the Commission on the State of Irish Agriculture, 1886. He was the author of the method of collecting agricultural statistics now in vogue, and to his efforts was largely due the creation of the Board of Agriculture in 1889. He was appointed a member of the Board with the rank of Privy Councillor, but resigned in December last. Among his writings may be mentioned:

High Farming as the Best Substitute for Protection. 1849.
India; The Land and the People.
The Landed Interest. 1878.

BOOK REVIEWS.

STUDIES IN GENERAL HISTORY. BY MARY D. SHELDON, formerly Professor of History in Wellesley College. Student's Edition. Pp. 556. Boston, D. C. Heath & Co., 1890.

STUDIES IN AMERICAN HISTORY. BY MARY SHELDON BARNES, A. B., and EARL BARNES, M. S., Professor of the History and Art of Education in the Leland Stanford, Jr., University. Pp. 431. Boston, D. C. Heath & Co., 1891.

Those who have had occasion to note the woeful inefficiency of the usual methods of teaching history, and the great difficulty of the problem presenting itself to the teacher who strives to give the study of history a real educational value, will be thankful to Mrs. Barnes, for conscientiously working out a new solution. It is probable that a more careful analysis of the intent of historical study than has hitherto been made will show that the effects upon the mind are so various and so complex as to preclude the possibility of attaining any one system which will produce every desirable effect. In judging the plan followed in the books before us, those inclined to question its value ought always to keep in mind the great weakness, from an educational standpoint, of the ordinary system of presenting the facts of general history.

Mrs. Barnes is not one, as Voltaire says, *qui ne veut mettre que des faits dans sa memoire*. Dissatisfied with the old vague conceptions of history as a means of education, she bases her new method upon the belief that the aim of the study of history is "to train the pupil to think for himself and enter into living sympathy with others." (American Hist. iii.) In order to realize these ends, she begins in the schools where our universities leave off, by giving the pupil as material for his study the *historical sources*. "It is," the writer claims, "only by dealing with the sources of past history, that our pupils can be rightly trained to deal with

the historic sources of their own time, and to form independent and unprejudiced judgments concerning the mass of opinions, actions, institutions, and social products of all sorts in which he finds himself involved. In other words, whatever else our young people will become, citizens they must be; and the citizen must constantly form judgments of the historical sort, which can only be based upon contemporary sources. To enable him to do this should, perhaps, be the primary aim of the study of history."

The "sources" themselves as a subject of study have incontestably four great advantages over the mere second-hand statement based upon them: (1) They exercise the judgment of the student; (2) they enlist his sympathy in the actors; (3) they stimulate the pupil's curiosity; and lastly, (4) they furnish the dramatic element which makes distant events vivid and produces a lasting impression upon the mind. Nothing will make all this so clear as a comparison, let us say between what Prof. Fisher says in an excellent work of its kind* on the religion and morality of the Egyptians and the quotations given by Mrs. Barnes to illustrate the same subject.

Those who are familiar with the merits of the "Studies in General History" will be disappointed, however, in the way some important epochs in the history of our own country are treated in the more recent book. The Studies in American History, are to the extent of half the volume, devoted to the period preceding the formation of the Federal Constitution. The War of 1812 is treated in a way which leaves a very false impression upon the student's mind as does the account of our war with Mexico. These defects are by no means inherent in the system, and they could easily be corrected by shifting the point of view.

J. H. R.

SPANISH INSTITUTIONS OF THE SOUTHWEST. By Frank W. Blackmar, Ph. D., Professor of History and Sociology in the Kansas State University. Pp. xxvi., 353. Baltimore, The Johns Hopkins Press, 1891.

Under the designation of studies in institutions, an assumed new school of historical students has for some years,

* Outlines of Universal History, p. 38.

together with the issuance of some works of superior excellence, been imposing upon the world a succession of superficial, crude, or arid publications. The critics, when not absolutely laudatory, have been, as a rule, at least more than tolerant. Honest and steady-minded students of history soon recognized the shallowness and evil tendency of too much of this work. They were ready to admit the utility of such investigations, if done wholly as a matter of university class-work, and if not there allowed to lead the inquirer prematurely into too narrow a line of research. But they deprecated the discredit into which they saw that the publication of crude productions must bring our better scholarship; and they deplored the pernicious extension of university methods into colleges destitute of libraries and to classes of boys destitute of scholarship or even of scholarly habits.

Although no decided protest has been raised against the "school," nor any marked public dissent from the judgment of the reviews, there are signs in many directions that a reaction has sensibly begun. Demurrings, received a few years ago with astonishment, are to-day recognized as valid. The educational institutions that have encouraged this fever for publishing have suffered in estimation as promoters of earnest, honest and modest endeavor; and the journals that have allowed themselves to laud publications so pretentious, and yet so immature, have become discredited as sagacious, discriminating and impartial critical authorities. It is profoundly to be regretted that many a class of boys is yet going to be indoctrinated with the notion that they are versed in "institutions," while they possess no foundation of scholarship in a knowledge of the narrative and data of history.

The purpose of the book before us is to describe the origins, development and survivals of Spanish civilization in that portion of the United States which once formed part of Mexican territory. In the pursuit of this object, the author first traces the connection between Spanish institutions and Roman civilization. His proposition is that the Roman system of law, government and administration, both imperial and

municipal, has determined the character of the Spanish polity. The chapter in which he elaborates this proposition is the best in the book. Perhaps this may be partly accounted for by the fact that the field has been either directly or incidentally worked by great historical scholars, that the second-hand material for its study is the sifted product of fine judicial minds. But, it must also be said, the author's own extensions and applications of these researches are useful and interesting. Municipal vigor and popular representation in Spain, with their influences and their limitations, are properly described. The Moors, however, receive but little attention, and their residence in Spain is treated as a mere vanishing episode in Spanish civilization. In truth, however, their presence in Europe had an effect on Spanish institutions similar to that impression of Spanish institutions on America, which is described in this book.

This discussion is followed by brief chapters on the condition of Spain during her conquest of America, and on her system of colonization. The limitations which come from exclusive dependence on second-hand authorities begin to show themselves here.

In coming to the main theme of the book, chief attention is given to the Spanish in California. The discussion includes the first settlements in California, the mission system, municipalities and *presidios*. California, too, engages most attention in the chapters that describe the social condition of the Indians, the social and political life of the colonists, political and judicial powers, trade and commerce, and the question of land tenure. Most of this discussion has, however, general application, and relates in principle to New Mexico and Arizona as fully as to California. Throughout these chapters, the main reliance seems to be that historico-commercial monstrosity that goes by the name of Bancroft's *History of the Pacific States*. If the materials in this latter work had been recovered from their environment, rehabilitated, sorted by a discerning and judicial mind, and put into some elegance of literary dress, their source could have been excused.

But the treatment in the book before us is not much more discriminating than that of Bancroft's itself. The chief faults of the book seem to lie in an insufficient assimilation of materials, an insufficient attention to logical and literary form, and too great dependence on second-hand authorities. Excellent and indispensable works, such as those of Palou, De Mofras, Dana, Robinson, Dwinelle, Halleck, Rockwell, Schmidt and others, are referred to, but, it would seem, rather in following Bancroft than in an independent examination and comparison of them. There is slight evidence of acquaintance with Spanish archives. Even the best second-hand source of information on the history and institutions of California, in a sense similar to that in which Mommsen may be called a second-hand source of information on the Roman provinces, Hittell's *History of California* receives nowhere any acknowledgment. Hittell's work, which is a painstaking production of high historical merit, surely deserves to be included in a list of authorities on the subject of this book.

A study of Spanish institutions in English America and their influence on American civilization would lead us from what proved to be the evanescent matters of ecclesiastical, political and social life to the more enduring matters of municipal organization, legal principles, judicial methods and land titles. The student of American history gains his first interest in these Spanish institutions when he notes the conflict brought on between forces of Roman origin and those of Teutonic origin by the arrival of the American on Spanish territory. Having studied these institutions at the time when they were attacked by the American, he has to observe how far they were able to withstand the assault, and maintain a place among the supplanting institutions, either modifying the latter or complicating their working. He will find that the social features of this old life and the ecclesiastical features, as represented in the mission system, have no enduring influence, except in a sentimental and æsthetic way. Their service to us and to coming generations is in furnish-

ing a romantic background to our seemingly more prosaic life. As institutions, they are extinct. The student will then find that political features have been obliterated entirely, and that questions of municipal organization, and land tenures, questions of *pueblos*, *presidios* and grants, have an enduring influence only in the entanglement and embarrassment which they cause in judicial and legislative proceedings. Only in private law will he find any permanent modification. Here the principles of the Roman law by their descent through the Spanish have permanently affected the legal system of the Southwest.

But all these institutions survive in varying modes and degrees on other soil than that of the United States. They are of deep interest to the student, and they still await an historian.

WM. CAREY JONES.

University of California.

LABOUR AND LIFE OF THE PEOPLE OF LONDON. By CHARLES BOOTH. Vol. II, pp. 607, with maps, etc. London, Williams & Norgate, 1891.

No one who shared the general enthusiasm for the first volume of Mr. Charles Booth's compilation upon the "Labour and Life of East London" can be surprised at the welcome accorded this second volume, which extends the inquiry along substantially the same lines to all London.

Indeed, the advent of the first volume marked an epoch in the methods of private philanthropic study, presenting a mass of orderly detail which transformed the attitude of the intelligent public towards the increasingly pressing problem of the city slums. Previously East London had been to the outside world a synonym for hopeless degradation: the infinite patience of appreciative study and observation transformed this limbo into a struggling community, with very human needs and aspirations, and above all with unsuspected claims for sympathy and aid from those whose prosperity seems in some mysterious way bound up with the great

vicarious suffering of the other half. There is, therefore, something peculiarly fitting in this sequence, which supplements the minute examination of a single poor quarter with a broader picture of the ramifications of poverty and vice throughout the great city. Respectability too easily forgets that the other half of which it glibly talks is not an isolated mass.

The second volume is divided into four parts. The first part, "London, Street by Street," embraces, besides the editor's explanatory notes upon the methods of the inquiry, a statistical summary of poverty in various parts of London, a chapter devoted to the classification and description of streets according to the seven shades of color (ranging from black to yellow) which indicate the condition of the inhabitants upon the great map; and finally an extended treatise upon blocks of model dwellings, composed of separate studies by Mr. George E. Arkell, Miss Octavia Hill, and a "Lady Resident," with sketches of the life in sample blocks by rent collectors and clergymen.

Under the general heading of "Central London," Part II contains:—first, a chapter of general description; second, a study of tailoring and boot-making trades, in which the editor's account of the differences that exist between East and Central London is supplemented by an interesting account of men's work in the West End Tailoring by Mr. James Macdonald, a working tailor, and by a brief sketch of women's work in the same trade, by Miss Clara E. Collet. The remaining papers in Part II are on Covent Garden Market, by Mr. E. C. Gray: Common Lodging Houses, by Mr. R. A. Valpy; a chapter on Homeless Men, in which the editor is assisted by Miss Margaret A. Tillard; and finally a statistical comparison of Central London, East London, and Battersea.

Part III is devoted to South and Outlying London. Here also the work of the editor is followed by a chapter on the condition of Battersea, by Mr. Graham Balfour; Mr. Jesse Argyle's description of Outlying London, north of the

Thames ; and by Mr. H. L. Smith's valuable discussion of the Influx of Population, continued from vol. I.

Part IV consists of a Classification of London Children ; a discussion of Elementary Education by Mary C. Tabor ; and two papers upon Secondary Education, of boys and of girls, by Mr. H. L. Smith, and by Miss Clara E. Collet, respectively.

The method of collaboration represented by this summary is obviously the same which characterized the earlier volume : and several of the principal writers reappear. It was inevitable, however, that this transition from the study of East London to a review of the metropolis as a whole should be marked by the substitution of a correspondingly larger unit of observation ; and as a matter of fact the street is substituted for the family in this second volume. The statistics of school attendance, etc., are thus given by streets instead of households ; with the result that while the old division of the population according to the conditions under which they live has been maintained, that according to employment has of necessity been dropped, or rather the industrial side of the problem is intentionally reserved for a later inquiry. It is to be remembered, however, that the calculations in this volume "are based as before, on the general assumption that as is the condition of families with school children, so on the whole will be that of the entire population, or, so far as there is any difference, better rather than worse." And at the same time the unit of area accepted is the School Board "block ;" though it is to be regretted that for purposes of comparative statistics these "blocks" bear no exact relation either to the registration sub-districts or to the ecclesiastical parishes. In fact, the extensive maps in the appendix are relied upon to exhibit the general results, and confidence in the maps is stimulated by sample pages from the note-books used in shading the streets, and by an enumeration of the precautions against error ; revision of first results by personal inspection of the whole ground on the part of the editor's

secretaries, aided by School Board visitors, by relieving officers for each Union, by agents of the Charity Organization Society throughout London, by the police, the clergy, and the district visitors to the poorer parts. Still it is one of the charms of the book that there is everywhere a frank recognition of the difficulties of the task, of the personal equation of the observer, by virtue of which "thousands of families may be placed one or the other side of the doubtful line of demarkation between class and class among the poor;" and the comforting assurance is given that in all such cases of doubt the expedient adopted is to over-estimate the poverty rather than err on the other side.

In conclusion Mr. Booth indicates the subjects to which succeeding volumes are to be dedicated:—first, "a description of the people according to their trades, as was partially done for East London," based upon the census figures of 1891; second, a comprehensive scheme for "taking stock of all that is being done now," with a view to estimating the value of existing religious and philanthropic agencies; and finally in the light of all this experience and study Mr. Booth contemplates a return to his original proposal for a revision of the Poor Law, when he "is better equipped for its practical discussion."

Surely in a time when social reforms and sweeping generalizations are novelties of a day the remarkably comprehensive character of this plan, the scholarly conscientiousness with which the problems are approached, and the success with which it has thus far been pushed forward cannot fail to excite liveliest anticipations and the most profound respect.

Apart from the topical treatment of the social problems already indicated, the most remarkable feature of this second volume is the fascinating set of colored maps by which the crime and poverty of London are depicted, street by street. Seven shades—black, dark blue, light blue, purple, pink, red and yellow—correspond to various combinations of the social alphabet from A to H. It is but

characteristic of the frankness and thoroughness of the work that some seventy sample streets are minutely described, house by house and family by family, that the reader may learn the full significance of the colors for himself. It is vicarious slumming to the fullest possible extent. Hour by hour the reader wanders through dreary streets and houses, sharing the labor and life of the people.

The reader who is tempted to criticise the repetitions and undigested details of London, street by street, should reflect upon the incalculable educational value of just this repetition and detail to the practical philanthropist. To the charity visitor the facts do not present themselves with the dramatic effect of general conclusions, but in precisely this dull, gray monotone of commonplace, reiterated observation of sights and sounds and smells. Even if there were no colored maps to interpret, no one who thinks himself interested in his fellows could afford to neglect these monotonously graphic details. No one who reads them aright can fail to find a new wealth of significance in the trivial externalities of the most dismal street. The bread strewn about, "which is the surest sign of extreme poverty all over London;" the sweet-shops, cat-meat shops, the stunted window plants; the door-knobs and the numbers even; and the very degrees of dirtiness, of ugliness, of pretentiousness in gutter, shutter or notices of rooms to let;—all are clothed with a new psychological significance. What was a "slum" becomes a book—a new volume in the palpitating book of human life: and he that hath eyes to see may read as he runs—weeping or smiling, or moralizing as he may, on to the end of the chapter. Moreover, there is another circumstance which adds to the value of all this observation,—the cosmopolitan character of poverty. Human nature, it is true, differs widely: but ignorant, hungry, wicked city-natures are much alike the world over. And, even if we deny Mr. Booth's assumption that what is true of London is largely true of New York, there yet remains the interesting task of making such comparisons as show the local

peculiarities. The tables at the end of the chapter give excellent summaries of these sample streets, for by this time the colored alphabet is well in the reader's head; and there is a sad significance in the fact that the "black" streets are omitted from the tabulation on the ground that they are "beyond arithmetical treatment."

To those who are familiar with the first volume, the alphabetical classification presents no difficulties. It is the system used in describing East London, somewhat simplified. For the novice it must frankly be admitted there are great difficulties in fixing a definite meaning to these alphabetical classes. To say that A B C and D are "in poverty," while E F G and H are "in comfort," gives scarcely any help. Even the description of A as "lowest," B as "very poor," C and D as "poor," E and F as working class comfort, G and H as "middle class and above," are only approximate definitions. We gain some help, however, from incidental remarks to the effect that "it would not be unreasonable to include the 5,833 inmates of the prisons with class A, the 45,963 indoor paupers with class B, the 38,714 inmates of hospitals and asylums with classes C and D, and the 9,320 troops in barracks with classes E and F. Moreover no pains are spared to make the reader see these classes as they are. Numerically, each class would be a city by itself. Even omitting the 99,830 inmates of institutions, London is divided among the classes as follows:—

		Per Cent.	
A (lowest),	37,610 or	.9	} In poverty, 30.7 per cent.
B (very poor),	316,834 or	7.5	
C and D (poor),	938,293 or	22.3	
E and F (working class, comfortable),	2,166,503 or	51.5	} In comfort, 69.3 per cent.
G and H (middle class and above), . .	749,930 or	17.8	
	<u>4,209,170</u>	100	
Inmates of institutions,	99,830		
	<u>4,309,000</u>		

And when the hundred thousand inmates of institutions

just mentioned are distributed among their proper classes the percentages are readjusted as follows:—A, 1.0 per cent.; B, 8.4 per cent.; C and D, 22.7 per cent.; E and F, 50.5 per cent.; G and H, 17.4 per cent. The aggregate of A and B will doubtless suggest the "submerged tenth" estimate given by the author of "Darkest England and the Way Out."

In addition to the colored maps and the numerous statistical tables the proportions of the classes to one another are graphically depicted by means of diagrams in the second chapter of the first part.

The same human elements already noted characterize these statistics and essays throughout the volume. Still the method is photographic rather than synthetic. True, there are composite photographs, and at times the hand of the artist is in the sketches; but for the most part the facts are presented in a very human way, and the reader is left to think for himself, or to wait till the series of volumes shall be completed and the editor "better equipped" to think for him. The Philistine thought sometimes intrudes itself that actual photography will have to come next, with composite photographs of the "A" man and the "A" house, the "black" street and the "pink" street, and so on through the alphabet and chromatic spectrum of respectability. As it is, however, the reader wanders through the more difficult problems with a student or philanthropist to guide and help him. It is in this fashion that he is introduced to the comforts and discomforts of blocks of model dwellings. He visits the blocks, hears the quarrelling of the women in the common wash-houses, smells the demoralization of the common sinks and closets as he climbs from floor to floor; he joins in the condemnation of the part which "the professedly philanthropic" sometimes play in the spectacles of demoralizing environment; he feels the seductiveness of the "own little house" theory and finally concludes that there is still a slight flavor of Indian warfare about the life of the ordinary block house. The truth is, extremes meet. The overgrown social aggregates we call

great cities present phases of solitude and inhuman isolation to which the hermit is a stranger ; and at the same time the gregarious and socializing instincts break down under the strain of such suffocating intimacy as the crowded tenements and involuntary promiscuity of city poverty enforce. Men, women and children are in the world, jostling and struggling against it but not of it. To be decent we must have room—the best of us feel that at times. There is a certain cubic concomitant of moral as well as of physical hygiene. Practically that is what the “ ticketed houses ” in Glasgow mean, with their cubic and their human content accurately measured and officially posted on the door. And unfortunately the lower grades of moral excellence require most room, if we are to look for improvement. Doubtless the convent life of the tenement house and hotel presupposes a certain training, if people are to be civilized to one another, let alone the higher art of being civil. Nevertheless, these block houses have come to all classes, rich and poor alike ; for the present they have come to stay ; and they have brought with them opportunities for social service on the part of those who can control the environment and furnish the necessary discipline and training. Fortunately, moreover, there are those who believe that tenement-house philanthropy will “ pay.”

To those who have supposed nothing could be worse than East London or Whitechapel, the comparative statistics, both as to intensity and extent of poverty in different parts of London, are of unexpected interest. Not only is the percentage of classes “ in poverty ” [A B C D] in excess of what was anticipated by nearly six per cent., but East London itself loses its unenviable pre-eminence. In 1888 an estimate based upon the facts as to East London, placed the percentage of poverty for all London at 25 per cent. ; but the result of actual inquiry is to include in the first four classes about 31 per cent. Moreover the highest percentage of poverty is in South London, where there is “ an area with about 33,000 inhabitants lying between Black Friars

and London Bridge, having close upon 68 per cent. of the poor."

East London, on the other hand, stands fourth on the list, with 59 per cent. in a part of Bethnal Green. Sometimes the laws of social deterioration seem to show certain tendencies to compensation in a strangely delusive impression of "ease in life" found in many of the lowest quarters of London; but not in South London. At every point—industrial or social—this unhappy district appears to lead in the miserable competition.

These districts are, as we have observed, all described in detail farther on in Parts II. and III. Here the philanthropist takes the reader in hand and shows him the infinite and unconscious pathos of the streets of Central London by day and night;—the poorest coming "last to make their purchases," late at night, when costers and their smoky lamps are abandoning the deserted streets and the best food is already sold. Yet the street scenes of Central London nowhere rival the "evident utter poverty" of South and East London. Occasionally in these excursions there is a pardonable use of technical language well calculated to impress the reader with his own ignorance and with the genuineness of the writer's knowledge at first hand, though the unsophisticated might be disposed to recommend a foot-note glossary of such terms as "cab-touts," "bullying tout," "doss," "dossier," "cadgers," and the like. It is in Central London where all the bewildering contrasts of the most highly and the least differentiated society clash, —where the extremes of life and labor meet and pass and jostle one another. Here in the poorest districts, even religious competition comes in for a share of blame:—"nor is the struggle of different sects over these poor souls conducive to anything but evil," we are told, since it tends to degrade the profession of piety to a mere "qualification for charitable assistance."

So many phases of this teeming life are touched upon that an exhaustive summary is far beyond our present purpose.

Those who would contrast the industrial phases of West and East London must read the chapters for themselves if they would understand the social and moral bearing of the opposing tendencies towards the systems of factories and that of home industries.

Every one knows the part which "casual" labor plays in city complications. The curse of irregular employment confronts the student on every hand,—in the demoralization of workshops, the hangers-on of great markets at day-break, the throngs at the dock gates, the nomads who swarm to the lodging houses at night, the "homeless" men and women who brave the terrors of work and water at the casual wards, when the police or the inclement weather make camping in the squares or parks intolerable.

Black spots on the map, and registered common lodging houses naturally go together. The facts given concern four groups of these houses,—about 80 in Central London, 150 in Whitechapel, 65 in Southwark, and some 80 in the West. It is difficult to separate the voluntary from the involuntary degradation; and yet the chapter devoted to these houses is an interesting attempt to present the facts with some approximate indications of causes, of results and of remedies. The elements of pathos and bathos are not forgotten; and these "doss"-house caricatures of fashion show how deeply rooted are the instincts that control society. Not only is there honor among thieves and beggars, but there is caste and rank.

Apart from the special local significance of industrial and social contrasts, these studies of Central London, East London, South and Outlying London embrace many matters of more general interest for the student of city life:—the constant gravitation of weakness and depravity towards the lowest centres, the centrifugal tendency of the "better off;" the possibilities suggested by that "most perfect specimen of a working class residential district in the Shaftesbury Estate," Battersea. South London, too, is rich in those appalling contrasts suggested by surviving names of historic streets,

localities or inns. Perhaps, indeed, the purlieus of Southwark are worthy descendants of the region of debtors' prisons, ducking-stools, bear baiting and similar refined sports which flourished in the days of good Queen Bess : but alas for Mr. Pickwick and Sam Weller and the famous hotel "whence started the pilgrimage to Canterbury!" On the other hand, West London, north of the Thames, with its six centres of poverty, teaches lessons of another sort of contrast,—poverty in all the discomfort of "the cast off clothes of the rich."

Of the chapter on Influx of Population, by Mr. H. Llewellyn Smith, too much cannot be said in praise. It is the sequel to a study of migration from the country to East London, in the first volume ; and in some respects it represents the best model of special research in the book. Mr. Smith gives a typical immigrant biography and supplements his work with statistical tables and a map, showing the proportion of the inhabitants of each registration sub-district in 1881, born in other parts of the United Kingdom. His conclusions as to the economic significance of the migration from the country to London are of first importance to the student of this vexed problem of the relation of town and country. The physical and moral deterioration consequent upon morbid conditions of city-living, accounts both for the great moral precipitate of London life and the insatiable thirst of the metropolis for the best and freshest blood of the land.

That portion of the volume devoted to London children is a treatise in itself. Indeed, as we saw in the basis of calculation at the very outset, the emphasis placed upon the condition of the child is deeply significant. Externally, the indices of crime and squalor are said to be least conspicuous in men, more obvious in women, and startlingly distinct in the faces and demeanor of children. Not only are the numbers of children in some degree a measure of social conditions, but their very "looks" tell the story of parental sin. In any event, the preëminent importance attaching

to juvenile education and environment lends all its weight to this study of the poorly born and poorly fed. The imagination sickens at the pathetic tales of child woe concentrated in the twenty-three "Special Difficulty" schools with their roll of some 21,000 children, and at the thought of the more than 30,000 whose drink-sodden, lazy parents "will not be at the trouble to rise, give the children a meal, and send them off, willing or unwilling, until past the hour when the school doors are closed." Yet the dangers of the "free meal" and of other proposed remedies seem to be surpassed only by the dangers of no remedy at all.

Finally, as of flattery so it may be said of praise, the sincerest form is imitation. It is interesting, therefore, to observe the stimulus which the advent of these volumes has given to philanthropic research. The latest instance is to be found in the forthcoming study of the tenement houses of Boston by the Massachusetts Bureau of the Statistics of Labor. The report is based upon a house to house canvass of all tenement property in the city; and it is hoped in some measure to follow Mr. Booth's plan of illustration by colored maps. Such action by public bureaus is hopeful in the extreme; and there is reason to expect that official statistics may be supplemented by an organized effort to combine the energies and sympathetic observations of voluntary workers in charity organizations.

EDWARD CUMMINGS.

Harvard University.

STATE RAILROAD COMMISSIONS AND HOW THEY MAY BE MADE EFFECTIVE. By FREDERIC C. CLARK, Ph. D., Instructor in History and Political Economy, Ann Arbor High School. Publications of the American Economic Association, Vol. VI., No. 6. Baltimore: 1891. Pp. 110.

To the casual observer it might seem that the movement for State regulation of railways in the United States had come to a standstill. The Interstate Commerce Commission fails to make head against the opposition of the roads, the statutory limitations of its powers, and the recent adverse decisions of the Supreme Court. The State Boards are

hampered by the limited area over which they can severally exercise authority. While the State Commission system is known to be extending itself, yet there is on the part of many of the commissions a feeling of impotence and almost of despair.

It is, therefore, satisfactory to have the situation thoroughly reviewed, and the actual state of things more fully described than had been done until recently. Dr. Clark's monograph and a later article by Henry C. Adams in the *Century* afford substantial grounds for the belief that the "commission system" is not only susceptible of indefinite improvement, but that it is actually being improved, and that the present, instead of being a period of inactivity or retrogression is one of definite advance.

The descriptive portion of the monograph is summarized in five tables and a map. The tables give in a systematic way the salient facts regarding the regulation of railways in all the States and Territories in the Union, and the map indicates by variously colored areas the varying pressure of State laws upon the same railroad system. These tabular and graphic summaries make easily available the results of what must have been a very arduous and extended investigation. Dr. Clark's conclusion is that while there still prevails a great and mischievous amount of diversity among the various State systems of regulation, yet that there is a tendency towards uniformity and coöperation on the part of the several commissions. This is brought about by the mimetic instincts of the States which lead them to draft new legislation after some type already extensively adopted, and further from the conscious efforts of the commissioners, State and inter-state, to bring about greater uniformity in aims and methods.

Three conferences of railway commissioners have convened in Washington at which representatives of the Association of American Railway Accounting Officers were also present. Among the positive results brought about by these conferences is the increased number of States (29) that

now have a railroad fiscal year corresponding with that of the federal government, and the increased number (22) that now use the statistical blanks prepared for them by the inter-state commerce commission. The conferences have also stimulated the States in the tendency to copy the provisions of the federal law in their own statutes. In the opinion of Dr. Clark, the way to make State Railway Commissions effective is to encourage this tendency towards uniformity and towards coöperation on the part of the various commissions. He also believes in general in good salaries and long terms for the individual commissioners, and suggests a method of insuring a higher standard of individual efficiency by statutory provisions, prescribing certain essential qualifications for holding the office, and the insertion in the oath of office of a statement that such provisions have been complied with.

Much of the first fifty pages of monograph seems to have been put in for the sake of symmetry, and as it recounts matters that have been dwelt upon by previous writers it could have been abbreviated to advantage. In the only State with whose railroad legislation the present reviewer is thoroughly familiar, Dr. Clark makes a definite mistake in describing the constitution of the commission. He says that three State officials appoint three secretaries and the latter constitute the commission. As a matter of fact five State officials constitute the Board of Transportation, and this *ex-officio* board then chooses three salaried secretaries who do the routine work but have no authority.

A. G. WARNER.

Washington, D. C.

SIXTH ANNUAL REPORT OF THE COMMISSIONER OF LABOR. 1890.
Cost of Production: Iron, Steel, Coal, etc. Pp. x and 1404. Wash-
ington: Government Printing Office, 1891.

This portly volume, of tables almost exclusively, is a veritable storehouse of information, authentic and detailed.

Authentic, because taken by reliable agents directly from the sources of information—the books of manufacturing establishments and the household accounts of families. Of details there is a great abundance.

Statistics are given in Part I for 618 establishments which manufacture iron and steel or produce the material used in the manufacture of them. The facts given relate to the amount produced within a defined period, to the appliances of production, the quantity, quality and cost of materials, the cost of labor, and more beside. Each fact is given separately for every establishment. "It is our opinion," says the Report (p. 7), ". . . that the number and distribution of establishments is adequate to establish the representative character of the Report." "A statement of the names of such concerns would alone emphasize" (p. 5) its truthfulness. Further, the pay rolls of ninety-nine establishments have been copied, and each one is reproduced in the tables in Part II. These pay rolls are "without doubt" representative "of all the existent conditions as to wages and duration of employment." "No necessity seemed to exist for collecting these details from all the 618 establishments," (p. 287). Finally, in Part III, we have the identical budgets for one year of 3,260 families. We know the size of each family; the age, sex and condition of each member; the location (by states); the nationality and employment of its head; its income, its total expense; its expense for several important items of food, for rent, for clothing, and so forth. "The department has aimed to secure accounts from a representative number of the establishments covered in Parts I and II, and also from those families whose surroundings and conditions made them representative of the whole body of employes in any particular establishment," (p. 610).

Some matters, however, upon which information is often wanted, are not comprised in the tables. We learn, for instance, nothing of the location of the plant or family by towns or counties; we do not learn whether they are

within or near a city, near or far from a large market. Doubtless these facts could not have been given without divulging the identity of many of the establishments described. Nevertheless, data of this kind usually form a prominent feature of statistical reports on the cost of production, of labor (wages), and of living; and a relation has been established between cost and the geographical position of plant or family. We might thus suspect with good reason that the neglect of this factor would impair the results of the investigation. But the limitation on the usefulness of the tables in this direction is offset by an extension in another and a new direction. The tables disclose a variation in the items cited which is independent of geographical location, which appears whenever factory and factory, family and family, even of the same district, are compared.

If we look at the census reports, in which geographical location is indicated as fully, probably, as in any reports we find that the exact location is seldom given in connection with cost of production and associated items if, within the unit of classification, be it city, county or State, the number of works is so small that the facts for individual works would be disclosed. In not unfrequent instances the geographical unit of classification is abandoned towards the end of a table "in order that the business of individual establishments may not be disclosed to the public." (Census Bulletins, Nos. 78, 97, 1891.) In general, and especially in the centres of production, where many works are collected within a small area, the accessible tables only give the average cost of materials, labor, living, etc. They, too, neglect something. They neglect variations for individual cases. It is doubtless true that the range of variations will be less in a small than in a large area; much less for some items even than for others. But that there is an appreciable variation within even small areas Commissioner Wright's statistics authorize us to conclude. If we cannot have local and individual variations exhibited together, in one set of tables,

as yet, let us congratulate ourselves that we have them exhibited at all.

The worth of the statistics must be judged first, and very largely, by the representative character of the establishments and families for which such full data are given in the primary tables; and, secondly, to some degree, by the character of the secondary tables, which are recapitulations, summaries and averages derived from the former. In general, the number of the secondary tables had to be very limited; so the fact of exclusion cannot be held to work prejudice to those combinations of facts whose omission is noticed.

In twenty-six establishments in the northern district of the United States the cost of producing "run of furnace" pig iron is \$13.938 per long ton; in twenty-four mills in the southern district of the United States, \$10.755. The cost of Bessemer pig iron in twenty-four establishments in the northern district of the United States is \$15.366 per long ton; in four mills in Great Britain, \$10.326; in three in continental Europe, \$11.739. (Pp. 71, 74, 75). The averages for the United States are made up from seventy-four establishments, including ninety-one furnaces. Altogether there are ninety-eight plants, with 117 furnaces, representing the United States in the tables. From the Annual Statistical Report of the American Iron and Steel Association (presented May, 1890) we learn that there were 332 pig iron furnaces in blast at the close of 1888 and 344 at the close of 1889. Current Census Bulletin No. 9 adds that 338 were in blast at the close of the census year; and that 562 were active or "likely some day to be active." Thus the Report includes about 34 per cent. of the number of furnaces active, and 21 per cent. of those now in existence. Further, 70 per cent. of the furnaces reported on are in the northern and 30 per cent. in the southern district; whereas, of the product for the census year 1890, 81 per cent. was made in the North and 19 per cent. in the South. Can these parts be accepted as representative of the respective wholes? It would manifestly be difficult to specify what percentages of number and distribution would first constitute

gross unreliability. But I do not think the facts as shown in this instance furnish basis for criticism of Commissioner Wright's judgment that the establishments reported represent the whole American industry fairly. But the American averages and percentages must be compared with the foreign cautiously.

The average cost per ton of producing 208,824 tons of muck bar iron* in twenty-six establishments in the United States was \$26.843. In Europe the average cost per ton of producing 52,642 tons in five concerns was \$17.073; in Great Britain, for a total product of 30,080 tons in four concerns, the average cost was \$16.145. (Pp. 118-119.) But the cost of production per ton in the twenty-six establishments in the United States ranged (pp. 114-115) from \$23.914 in a large mill working nearly full time to \$32.083 in a small mill working a little over half-time (a range of \$8.17). The cost of production in Europe, averaging for the data given \$9.77 less, actually ranges in the five mills from \$19.55 to \$16.008 per ton. In comparison with Great Britain the excess of cost of production in the United States is, for the average, \$10.698; but the four British works produce at costs varying from \$17.442 to \$14.301 per ton. The point of the criticism here intended is directed toward those remarks and secondary tables (pp. 118-119) which suggest a comparison between the average cost of production in different countries. The average cost is not a safe criterion of the maximum cost at which it is economically possible to produce. Yet it is the maximum cost of economic production which has a recognizable relation to the competitive selling price and which, to the extent it exhibits that relation, is the criterion of the competitive power of different countries in a given market. These maxima for the production of muck bar iron can be ascertained in Table II. A-H, pp. 110-117.

The twenty-six muck bar iron establishments are it is claimed fairly representative of the whole muck bar iron

* Muck bar iron is in the form of elongated slabs from four to eighteen inches wide, and half an inch to two inches thick. It is puddled iron which, after being forged, has been passed through a set of rollers once. Enc. Brit., Art. Iron.

industry in the United States. No late reliable estimates of the number and distribution of the establishments in this industry are at hand. But representative as touching what conditions? Doubtless as regards suitability of location, financial success and economy in production—one or all together. But again, were those establishments selected which enjoyed conditions apparently about the average, or were those also selected, purposely, which, according to outward appearance, exhibited the extremes of favorableness and unfavorableness? In the latter case the range of the cost of production of one ton of product in the muck bar iron mills of the United States would remain approximately \$8.169, *i. e.*, from \$23.914 to \$32.083. In the former the range must be a great deal more. However, if we arrange the twenty-six mills in the order of the cost of production, beginning with the highest, and if we omit the first one and the last two, we find among the rest no consecutive two between which the difference in cost of production is more than thirty cents (in costs ranging from \$26.091 to \$28.118). The twenty-three are well distributed. This internal evidence certainly contributes to strengthen our confidence in the representative character of all.

But there is a variation in the cost of production, comparing one mill with others. The variation is relatively greater if we consider the cost of material (\$21.455 — \$13.553 = \$7.902) or cost of labor (\$8.299 — \$4.397 = \$3.902) used in production. Moreover it is in some cases difficult and in others impossible to see any connection between variations in total cost of production, cost of material and cost of labor. What causes all this irregularity? Difference in locality might explain it in part. The Report calls attention (p. 109) to the tables "relating to the kind and cost of materials . . . for they furnish the explanations for differences in the cost of materials per ton of product, and also and especially for differences between labor costs in the same locality." It takes more labor to work up some material than to work up other. Considerable variety of

choice seems still economically possible in the combination of materials and amount of labor for the production of muck bar iron. The Report after analyzing the cost of production of pig iron (pp. 87-88) comments: "The most apparent thing in the preceding tables is the complete lack of agreement between the facts for the different establishments. Yet it must be borne in mind that the figures . . . are worked out from the actual accounts of the concerns for a definite period. . . If we turn to the general tables . . . where hundreds of establishments are treated, nothing is more marked than the fact that there is not, as yet, a scientific determination of the necessary expenditure in labor, in administration, or in the different classes of supplies in the production of these materials. In spite of the natural differences in cost [upon which the several tables and notes give ample data] arising from the variable qualities of the materials, the inference seems conclusive that from a commercial point of view the production of iron is still carried on, to some extent at least, in a crude, experimental and unequal way." So variation in the cost of production is influenced by other things besides variation in locality.

Part III relates to cost of living. Budgets have been obtained from 3,260 families distributed through ten states (Alabama, Georgia, Illinois, Indiana, New York, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia) and four foreign countries (Belgium, France, Great Britain and Germany) and engaged in six lines of industry (pig iron, bar iron, steel, bituminous coal, coke and iron ore). In the latter industry 183 budgets are given. They represent five states—New York, Ohio, Pennsylvania, Tennessee and Virginia—which together have less mining employes than the 12,900 that, according to the census, Michigan has alone. Yet this latter state is not represented in the tables; neither is Alabama, which has 3,000 employes and a product in tons equal to that of Pennsylvania and second only to that of Michigan. Is it certain that in the small producing states, Ohio and Tennessee, the conditions are like those in Michi-

gan and Alabama? Even if the conditions are the same the fact of the substitution ought to have been explained.

Though the steel industry is the superior one abroad, to judge by earnings of employes, in the United States the bar iron industry holds that distinction. It would seem that the use of machinery in the manufacture of steel here had reduced the amount of skilled labor necessary below the amount necessary in the manufacture of bar iron (pp. 615, 1361-2). The families connected with the production of bar iron have the largest incomes, then, and those connected with the iron ore industry the smallest; the average being in the former \$784.11 per family; in the latter \$401.65 per family.

The general tables deal with the budgets as they run. Certain other tables include only normal families, those consisting of husband and wife alone, or of these and one to five children under fifteen years of age. Further, to each member a consuming power is assigned: to the husband, 100 units; to the wife, ninety; to the children from eleven to fourteen, ninety; to the children from seven to ten, seventy-five; to the children from four to six, forty; to children from one to three, fifteen. Then the amount of each item of food, for each family and in the summaries, is given in ratio of 100 units of consumption. Particularly instructive should prove table j, (p. 649) "Summary of quantity and cost of certain articles of food," viz., potatoes, sugar, butter, lard, meat, eggs, flour, coffee and tea; and tables k-q (pp. 651-6) "Summary of quantity of food used in certain selected occupations" arranged by industries. Table r (pp. 656 ff.) shows with almost ideal perfection that a decreasing cost of food *per capita* accompanies increase in the size of the family. The tendency of cost of food *per capita* to decrease under these conditions may be accepted as established. But the rate of decrease is undoubtedly magnified by the mode of presentation. For "it seems to be a fair conclusion from an examination of the table on the contrasted expenditure and income of the normal family, that . . . the amounts paid for clothing and

food increase generally in a very steady manner in proportion to the size of the family ;" while "the size of the family has apparently no influence, or, at the highest, a very limited influence, on the amounts paid for rent, fuel, lighting and sundries" (p. 680).

There is opportunity for further study of the facts on some of these points. It is worth while to know, if we can find out, what number of families seek to maintain their wonted standard of comfort by moving into larger tenements at a proportionally greater rent as they increase in numbers ; and what proportion of them submit to a lowering of the standard of comfort in this respect by crowding the enlarged family into the space occupied before the additions, or by seeking a larger tenement at no increase of rent, that is, a tenement of poorer quality or location.

Though the average total expense of normal families increases with substantial regularity with the number of persons in it ; in few, if any cases, even taking the same families, can we venture to say that the size of the family bears any steady relation to the income (pp. 665, 668).

But average items of expense and average income are valuable only within certain limits, and for certain purposes. There is not a family of them all which does not differ from the normal. How? To what degree? A partial answer is to be found in the examination of the accompanying table.

First let it be stated that the average income of these 277 families was \$728.00, and that 183 families had a surplus, one budget just balancing ; and that the average expenditure was \$658.02. On consulting the table we see that 161 families had an income less than \$726.00, and 116 an income greater ; and that of 184 who did not run in debt, exactly half had an income below the average. As to expenditures, 163 spent less than \$651.00 and 114 more. Of the former, 106 incurred no debt and also 78 of the latter.

It is observable that the column registering the number of families distributed according to size of income has two maxima between \$401 and \$500 and two more between \$701

Of a number of families distributed according to income and expense, and indicating the number having surplus and the number in debt. [This total of 277 families engaged in the bar iron industry in Pennsylvania is distributed through eleven establishments. The Table is based on information gleaned from Table XIX Bar Iron A—G, pp. 818-936 of the Report.]

	INCOME.			EXPENSE.		
	Total No. Families.	No. with Surplus.	No. in Debt.	Total No. Families.	No. with Surplus.	No. in Debt.
\$301- 325,	1	0	0	1	0	0
326- 350,	1	0	1	1	0	1
351- 375,	2	2	0	3	3	0
376- 400,	13	2	11	6	5	1
401- 425,	10	2	8	13	10	3
426- 450,	23	11	12	14	9	5
451- 475,	10	4	6	31	16	15
476- 500,	22	13	9	16	6	10
501- 525,	12	8	4	20	9	11
526- 550,	6	4	2	12	10	2
551- 575,	10	9	1	14	10	4
576- 600,	5	4	1	9	7	2
601- 625,	10	6	4	11	11	0
626- 650,	10	7	3	11	8	3
651- 675,	6	5	1	9	6	3
676- 700,	7	5	2	13	11	2
701- 725,	14	10	4	9	7	2
726- 750,	14	10	4	9	3	6
751- 775,	3	2	1	7	7	0
776- 800,	19	14	5	5	2	3
801- 825,	9	4	5	6	3	3
826- 850,	8	5	3	6	3	3
851- 875,	7	7	0	8	5	3
876- 900,	2	2	0	5	4	1
901- 925,	5	4	1	8	5	3
926- 950,	1	1	0	5	5	0
951- 975,	0	0	0	0	0	0
976-1000,	6	6	0	3	2	1
1001-1025,	4	4	0	1	1	0
1026-1050,	5	4	1	1	0	1
1051-1075,	0	0	0	1	1	0
1076-1100,	3	2	1	0	0	0
1101-1125,	2	1	1	1	0	1
1126-1150,	2	2	0	4	3	1
1151-1175,	2	1	1	5	4	1
1176-1200,	2	2	0	2	1	1
1201-1225,	1	1	0	0	0	0
1226-1250,	2	2	0	2	2	0
1251-1275,	2	2	0	0	0	0
1276-1300,	2	2	0	0	0	0
1301-	14	13	1	5	4	1
	277	183	93	277	183	93

and \$800. The figures in the third column—number of families living within their income—follow in general the course of those in the second ; yet, diverging rather widely at first, they gradually approach and coincide with them.

The fifth column, showing the grouping of families according to expenditures, has one maximum, very marked, between \$401 and \$500 ; between \$701 and \$900, the numbers move within narrow limits, and finally there is a small maximum between \$1101 and \$1200. If similar tables for other States and for several industries should show like or comparable groups of maxima, the fact would give importance to their actual as well as to their relative location.

From a further study of the table, it would appear that there is a tendency for those earning less than \$476 and for those spending from \$451 to \$525 to live beyond their incomes ; while for those earning more than \$476 and those spending more than \$526 (or less than \$426) the tendency is to live within the income. Hence we may attach considerable importance to the figures ranging from \$451 to \$525 as representing the cost of living typical of quite a group of families in this industry. The greater part of them having a small income, (of columns 1 and 4) run in debt rather than live on less by practicing greater economy ; the smaller number, having a larger income, save out of it. Yet all the way up, even from an expense account of \$351, there are families living within their incomes. These small incomes are not below the minimum amount on which a family can live, and will consent to live for the sake of making both ends meet or of saving something. While some families, as the table shows, will spend all or more than they earn, be it little or much, and while others will undertake very little sacrifice for the sake of saving ; a few will save in any normal circumstances except the most straitened. In their simple book keeping, saving is as certain to be a credit item as clothing is, or at least, literature. The rates of income in this table are not below the minimum on which some families will live and save.

But of those who, on a small income, just keep out of debt, how many are there who are obliged to do so because they cannot get credit? There is nothing in the report to answer this question satisfactorily.

Again consider the increase in expense, which bears a discernible but irregular ratio to the increase in income. That it was not absolutely necessary to keep up the physical strength of the members of the family is clear, since so many families live and even save on smaller incomes. The increased expense was not made necessary by increased size in the family. The total expense per family for some 928 normal families in the United States, grouped by size of families, ranges from \$443.59 for a family of two persons to \$572 for a family of seven, a range of \$129. But the increase of income under consideration ranges from \$400 and \$500 to \$800, \$900 and upwards. Moreover, as they stand side by side in the tables, the larger family spends much or little; but the small one often more. In fact an increased standard of living alone can account for the greater part of the increase in expenditure. As income increases, the standard of living is raised to correspond. The several items of expense, food, clothing, rent, etc., increase; but rarely does the item of savings.

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ENGLISH SOCIAL MOVEMENTS. By ROBERT ARCHY WOODS, Lecturer at Andover Seminary and Head of the Andover House in Boston. New York: Scribner's Sons, 1891.

This little work on English social movements is full of suggestion to all who are interested in building up the people. Its method is descriptive and comprehensive, showing with much clearness what a great nation is doing with regard to the labor movement, socialism, university settlements and university extension, church work among the degraded, and general charitable and educational work.

Its easy style is due in part to the fact that a large portion

of the book is in the form of lectures recently delivered at Andover Seminary.

Mr. Woods is head of the Andover House in Boston, having previously spent six months in residence at Toynbee Hall in East London.

The leading characteristics of the work are these: It is written with deep sympathy for the "fourth estate" and a high regard for all who are spending time, strength and money for the elevation of the race; it holds that laborers should have shorter hours and better houses; that charities should be more intelligently administered both by the State and by private societies; that higher education should be extended; that the Christian church should awaken to a larger sense of its social responsibility.

A number of interesting experiments are described, showing the personality of the workers through their work, as, for instance, the following: A prize boxing ring in the basement of a ritualistic church, with crowded attendance, over which the rector in his cassock presides; the peculiarly successful series of social receptions and lectures, instituted in the Ancoates district, Manchester, by Mr. Rowley; the Charity Organization and its Secretary Mr. Lock, the most thoroughly informed gentlemen on charitable subjects in England; Toynbee Hall, established by the coöperation of University students who were appealed to by Mr. and Mrs. Barnett; improved dwellings and the methods of Miss Octavia Hill. It would be interesting to speak at length of each of these, and others, but the limits of this notice permit but one, which is chosen from the first chapter and concerns the great dock laborers' strike of 1889 with its interesting leaders John Burns and Tom Mann.

Mr. Woods states that the trades unions in England, including the skilled mechanics, are slow to take up the fight for emancipating the casual laborers. Burns and Mann, however, both highly skilled mechanics, are exceptions, and have taken an intelligent interest in leading various strikes since boyhood.

"A visitor at Burns' home finds him at work at his desk, surrounded by books. They are the fruit of long self-denial. For the sake of some of them he has even gone hungry. The result is that he is a man of no little culture. He is always tasteful in his personal appearance and in his surroundings. He is fond of tracing the progress the dockers have made, by pointing out some touch of refinement in their conduct, or of beauty and comfort in their homes. On the other hand, he well deserves the title often given him, 'Honest John Burns,' as he exemplifies most fully the rugged virtues of temperance and straightforwardness, which are maintained by all the leaders of the new unionism. None of the officers of the central executive of the Dockers' Union use either intoxicating drinks or tobacco. Burns and Mann have incomes from their work of not more than \$15 a week, an amount which they could easily earn at their trade.

"Tom Mann is no less interesting a character than John Burns. As a boy he worked in a coal mine. He came up to London at the age of twenty-one, and entered upon the trade of a machinist. Before the dock strike he had been engaged as secretary to a committee of leading London citizens, with Sir John Lubbock for its chairman, which undertook to have the hours of work for shop assistants materially reduced—a movement which resulted in the Shop Hours Regulation Act. Mann's work in the directing of the dock strike displayed a high order of courage and administrative ability; while only such high ideals as his are could have sustained him in his arduous task of organizing the Dockers' Union.

"It is doubtful whether any other two men in England of their years have such a wide-spread and hopeful influence. John Burns is thirty-two, though his recent work has made him look a dozen years older. Tom Mann is thirty-five. Their associates are of like age or younger. Much is justly said nowadays in admiration of young men's movements at the universities, in the church and in

politics; but, rightly considered, there is a still deeper meaning in this movement of the young men from the mines, the workshops and docks."

It is significant that the directors of Andover Seminary have established the Andover House in Boston, and have placed a lecturer upon social topics in the teaching force, thus calling prominently to the attention of religious leaders elsewhere and of Christian people generally the fact that a knowledge of modern social conditions is regarded as essential to the minister of the Gospel who is to cope with the evils of these times. How far—how very far are the rich and kindly up-town churches in all our cities, with their noble sermons and fine music and cushioned (mostly rented) pews, from any contact, even through a hired missionary, with the highways and hedges! How ignorant—how sinfully ignorant in many instances are pastors and people of the ways of the very poor, to whom the Saviour especially directed His work!

Let the modern Protestant church carefully ponder these words from Cardinal Manning:

"The outcast population—which is our rebuke, sin, shame, scandal, and will be our scourge, for our unchristian selfishness and neglect has created it."

P. W. AYRES.

Cincinnati.

NOTES.

UNDER the modest title "History Leaflets" * Professors Hart and Channing, of Harvard University, are issuing in a convenient and inexpensive form a series of documents illustrative of American Colonial and Constitutional History. These are designed to encourage the method of studying and teaching history by means of the original sources. The following will be published this year :

(1) The Letter of Columbus to Santangel announcing his Discovery ; (2) The Ostend Manifesto, 1854 ; (3) Extracts from the Sagas describing the Voyages of Biarni, Leif Ericsson, Thorvald Ericsson and Thorfinn Karlsefni ; (4) Extracts from Official Declarations of the United States embodying the Monroe Doctrine, 1789-1891 ; (5) The King's Proclamation and other Documents relating to the Treaty of 1763 ; (6) Extracts from papers relating to the Bering Sea Controversy, 1824-1891.

Of these the first two have already appeared. Each leaflet is to contain a brief historical introduction and bibliography to aid further investigation by the student.

MR. HASTIE, the translator of Kant's Philosophy of Law, has rendered English readers another service by putting within their reach some of the lesser political writings of the same author.† The little volume contains four readable essays, viz. (1) Idea of a Universal History from a Cosmopolitical Point of View ; (2) Principles of Political Right ; (3) The Principles of Progress and, (4) Perpetual Peace. The last is a unique contribution to the theory of

* American History Leaflets, Colonial and Constitutional. Edited by ALBERT BUSHNELL HART and EDWARD CHANNING. New York, A. Lovell & Co.

† Kant's Principles of Politics including his Essay on Perpetual Peace. Edited and translated by W. HASTIE, B. D. T. & T. Clark, Edinburgh.

politics in the disguise of a treaty of peace drawn up with the due formalities of diplomacy. This, written as it was after the conclusion of the Treaty of Basle in 1795, may well contain, as Mr. Hastie suggests, an element of irony.

These essays have a manifold importance. So far as they reveal the personality of the author they show how "he entered," as Rosenkranz says, "with his deep, priest-like thought wholly into the great spirit of history, into its future and into the progress of the liberty of the peoples." Secondly, they prove that Kant could lay aside completely the repellent technical form in which he has left his most famous works and write in a clear and simple fashion. Mr. Hastie has supplemented his excellent translation by a judiciously written introduction.

THE historical atlas, although one of the most indispensable aids in the teaching and study of history, has until recently been so inaccessible as to forbid a general reliance upon it. Henceforth there is fortunately nothing to prevent its finding its way into the hands of every high school and college student. With the assistance of Putzger's *Historischer Schul-Atlas*, revised by Dr. Baldamus,* and of Professor Hart's recently published *Atlas of American History*,† the student can obtain clear ideas of location. He will gain thereby not only a truer and more vivid, but a more lasting impression from what he reads than would otherwise be possible. In the case of the German atlas, the foreign language will hardly form a real hindrance to its use. It is nevertheless a pity that we have no historical atlas in English which at any price can be compared with this, which sells for the nominal sum of two marks. It contains over one hundred maps, large and small, drawn in

* F. W. Putzger's *Historischer Schul-Atlas zur alten, mittleren und neueren Geschichte* in 59 Haupt- und 57 Nebenkarten, neu bearbeitet von Dr. A. Baldamus, Siebzehnte Auf. Bielefeld u. Leipzig, Velhagen u. Klasing, 1891.

† *Epoch Maps illustrating American History*, by ALBERT BUSHNELL HART, PH. D., Assistant Professor of History in Harvard University. New York, Longmans, Green & Co., 1891.

the most careful manner and comparing favorably with those in Droysen's well known atlas, published by the same firm.

In spite of the generally simple territorial development of our own land, there are several knotty points in our geographical history which are by no means easy of elucidation. The most obvious examples of these are, of course, the disputes in regard to the boundaries of Maine and Oregon. These are carefully depicted, together with the various Texan boundaries in Professor Hart's Map No. 11. An interesting map (No. 6) illustrates the grotesque claims of the original States in 1783 to the territory lying between them and the Mississippi River. The status of slavery from 1775-1865 is excellently shown on a single sheet (No. 8). The atlas is of a convenient size, (7x9½ in.) and the engraving is carefully done.

DR. CHARLES GROSS, of Harvard University, has made a scholarly contribution to historical bibliography in the form of "a classified list of books relating to British Municipal History" (Bibliographical Contributions, Library of Harvard University, edited by Justin Winsor, No. 43). This is a selection from a more complete bibliography to appear later. Dr. Gross is peculiarly well prepared for this work, and every student of history may felicitate himself upon the well directed efforts made by the Harvard Library to render its valuable collection of historical works accessible to the investigator.

INDEX OF NAMES.

ABBREVIATIONS.—In the Index the following abbreviations have been used : Art., article by person named ; B., review of book of which the person named is the author ; P. N., personal note on the person named ; R., review by the person named ; Trans., translation by the person named.

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Since Publication of Handbook of the Academy, April 15, 1891.
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which were accidentally omitted from the Handbook.

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